

UNIVERSITY OF OXFORD
FACULTY OF LAW
THE EU AS AN ACTOR IN INTERNATIONAL LAW
SEMINAR XI:
THE EUROPEAN UNION AND
THE INTERNATIONAL CRIMINAL COURT

Questions for Discussion:

- The EU's position on the 'unsigned' of the Rome Statute by the US
- The EU position on the conclusion of 'Article 98 Agreements' by the US
- EU Guiding Principles concerning Arrangements between a State Party to the Rome Statute of the International Criminal Court and the United States Regarding the Conditions to Surrender of Persons to the Court
- The EU reaction to the American Service Members' Protection Act
- The EU's position on Security Council resolutions 1422 (2002), 1487 (2003) and 1497 (2003)
- Ways for the EU and the US to cooperate with the International Criminal Court

Basic Reading:

- **Amnesty International, *International Criminal Court: The need for the European Union to take more effective steps to prevent members from signing US impunity agreements*, October 2002. 33 pp. [available <http://www.amnesty.org/en/library/info/IO40/030/2002>]
- **Appelquist, Barbi, The European Union v. the North Atlantic Treaty Organization: Estonia's conflicting interest as a party to the International Criminal Court, *Hastings International and Comparative Law Review* 27 (2003), 77-102 [available on HeinOnline]
- Join, Neha, A Separate Law for Peacekeepers : the Clash between the Security Council and the International Criminal Court, *European Journal of International Law* 16 (2005), 239-254
- Schabas, William A., United States Hostility to the International Criminal Court: It's All About the Security Council, *European Journal of International Law* 15 (2004), 701-720
- **van der Vyver, Johan D., *The International Criminal Court – American Responses to the Rome Conference and the Role of the European Union*, 2003, 27 pp. (available at www.irp.uni-trier.de/19_vanderVyver.pdf)

Material:

- **Europe should be more sensitive to American concerns, OpEd by Robert Kagan, *International Herald Tribune*, 1 July 2002 [text supplied]
- **Commissioner Patten on the International Criminal Court, IP/02/1023 - Brussels, 9th July 2002 [available at http://ec.europa.eu/comm/external_relations/human_rights/news/ip02_1023.htm]
- **Council of the European Union, *Council Conclusions – International Criminal Court (ICC) and Annex: EU Guiding Principles concerning Agreements between a State Party to the Rome Statute of the International Criminal Court and the United States Regarding the Conditions to Surrender of Persons to the Court*, General Affairs and External Relations Council, 2450th Council Session - External Relations - Brussels, 30 September 2002,

Council Doc. 12134/02 (Presse 279), pp. 9-10 [ILM 42 (2003), 240-241, also available at www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/72321.pdf]

Additional Reading

- Groenleer, Martijn L.P./Van Schaik, Louise G, United We Stand? The European Union's International Actorness in the Cases of the International Criminal Court and the Kyoto Protocol, *Journal of Common Market Studies* 45 (2007), 969-998
- Johansen, Robert C., The Impact of US Policy toward the International Criminal Court on the Prevention of Genocide, War Crimes, and Crimes Against Humanity, *Human Rights Quarterly* 28/2 (2006), 301-331