



PRESS RELEASE

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Needed: New U.S.-EU Consensus on International Law

For immediate release – *Washington DC, March 2007* — The United States and the European Union must re-engage to develop a new consensus on the future of the international legal system, according to a report issued today by the Atlantic Council and co-authored by a former legal advisor for the U.S. Department of State. If current transatlantic disagreements continue unabated, they could pose a serious challenge to the legitimacy and stability of the international legal order, according to William H. Taft IV and Frances G. Burwell, in *Law and the Lone Superpower: Rebuilding a Transatlantic Consensus on International Law*.

In recent years, the United States and the EU have disagreed over a series of international legal issues, from the treatment of enemy combatants at Guantanamo to the U.S. refusal to join multilateral treaties on anti-personnel mines, climate change, and the International Criminal Court (ICC). These differences predate the George W. Bush administration, and are likely to persist after the 2008 election, according to the report. “Disputes over international legal matters have been among the most poisonous issues affecting transatlantic relations,” commented Frederick Kempe, president and CEO of the Atlantic Council. “This report, under the guidance of Will Taft, helps us understand the roots of these differences and see a way forward.”

In the report, the authors identify the U.S. role as the lone superpower — with special responsibilities and interests — as a major factor contributing to transatlantic differences. European policymakers are more willing to cede sovereignty to institutions such as the ICC, while many in the U.S. legal community are concerned about the impact of such an institution on the interests and personnel of a global superpower, especially if the institution’s role can expand beyond that agreed by the member states.

So that these divisions do not become even stronger, the United States and the EU should commit to developing a new consensus on the future of the international legal system. The U.S.-EU Summit on April 30th presents a critical opportunity to declare that commitment and initiate an effective dialogue aimed at rebuilding transatlantic leadership in this area. In addition, the United States and the EU should:

- Work to complete effective UN reform;
- Launch a program of extensive legal assistance to bolster the rule of law around the world;
- Seek to reduce areas of discord between members and non-members of the ICC.

In addition, the United States should:

- Demonstrate its commitment to the international legal system by ratifying a major treaty compatible with its interests, such as the UN Convention on the Law of the Sea; and
- Take steps to show its willingness to work with the ICC, including reviewing the U.S. legal code for compatibility with the Rome Statute, promising U.S. jurisdiction rather than immunity for U.S. citizens in Article 98 agreements; and providing evidence and other assistance to ICC cases.

William H. Taft IV is a former deputy secretary and acting secretary of Defense and also served as the legal advisor to the U.S. secretary of state, 2001-2005. Frances G. Burwell is director of the transatlantic relations program at the Atlantic Council. The report was published with the financial support of LexisNexis, the Washington Delegation of the European Commission, and the German Marshall Fund of the United States. Copies are available on-line at <http://www.acus.org> or by contacting Jan Neutze at 202-778-4990, jneutze@acus.org.