"[...] Challenges. While the American Servicemembers' Protection Act (ASPA) provides welcome support in our efforts to seek safeguards for our service-members from prosecution under the International Criminal Court, in my judgment, it has the unintended consequence of restricting our access to and interaction with many important partner nations. Sanctions enclosed in the ASPA statute prohibit International Military Education and Training (IMET) funds from going to certain countries that are parties to the Rome Statute of the International Criminal Court. Of the 22 nations worldwide affected by these sanctions, 11 of them are in Latin America, hampering the engagement and professional contact that is an essential element of our regional security cooperation strategy. The IMET program provides partner nation students with the opportunity to attend U.S. military training, get a first-hand view of life in the U.S., and develop long-lasting friendships with U.S. military and other partner nation classmates. Extra-hemispheric actors are filling the void left by restricted US military engagement with partner nations. We now risk losing contact and interoperability with a generation of military classmates in many nations of the region, including several leading countries. [...]"
LOCATION: WASHINGTON, D.C.

WITNESSES:
GENERAL JAMES JONES, COMMANDER, U.S. EUROPEAN COMMAND
ADMIRAL WILLIAM FALLON COMMANDER, U.S. PACIFIC COMMAND
GENERAL BANTZ CRADDOCK, COMMANDER, U.S. SOUTHERN COMMAND

BODY:


TAYLOR: My second question to you is: I, like many of the people who served in this body in 2001, voted for the American Servicemembers Protection Act because I didn't want our service people in Bosnia or any place else in the world being tried in an international court for their actions that they were ordered to perform.

It is my understanding that that has had some unintended consequences that actually limit our ability to engage, as you told me, in Latin America; my hunch is around the world. Even now, for the record, I would very much welcome your thoughts on that because again I don't want to see our American service people tried in an international court. On the flip side, we don't need to be doing anything that limits our nation's ability to engage with other nations.

CRADDOCK: The international criminal court, the American Servicemembers Protection Act, essentially has resulted in, as I understand worldwide, 22 nations who are forfeiting their foreign military financing and their international military education and training funds. For the SOUTHCOM area of responsibility, that's 11 nations that I cannot now do military education exchange training with their militaries nor provide foreign military financing for articles that they will need in their defense establishment to equip their armed forces, to fight the narcoterrorists, things like that.

The impact obviously is we're going to lose contact. And as I mentioned previously and based on your question, others will fill in the void.

And so we are concerned about that. I cannot speak for the impact on the other geographical regions. I would have to leave that to my colleagues.

But in Latin America where contact is the coin of the realm, where engagement is really where we make the progress in reinforcing these democratic institutions and ensuring that militaries understand the democratic process and the subordination to civilian leadership, it's critical we have contact across the board. [...] 

FALLON: Congressman Taylor, thanks for the question. If I could go back and piggyback on General Craddock's comment last time. Really good reminder to me to look at the specific area in the Pacific. I haven't been there long enough to figure it out.

But I know that my experience in previous assignment, I saw this exact same thing in South America, where there were several times where we really had an opportunity, I thought, to do some mil-to-mil things that would be very useful in advancing democracy and the kind of behavior that we would like, but we were stymied because of difficulties even within those governments, where their legislative bodies hadn't come to grips yet with the appropriate SOFA legislation and so forth. So it's a challenge.