

Questions for the Record Submitted to  
Legal Adviser-Designate John Bellinger by  
Sen. Joseph Biden (#9)  
Committee on Foreign Relations  
March 11, 2005

Question:

The State Department has announced that the United States is withdrawing from the optional protocol to the Vienna Convention on Consular Relations that gives the International Court of Justice jurisdiction to hear disputes under the Convention.

- a. As Legal Adviser, what steps will you take to ensure that the U.S. complies with its Vienna Convention obligations?
- b. Do you believe the U.S. withdrawal from the optional protocol will affect U.S. practices under the Convention, or the practices of other nations in complying with the Convention in the course of arresting U.S. citizens abroad?

Answer:

The United States remains a party to the Convention and remains fully committed to complying with its obligations under the Convention. The United States expects other countries to abide by their international obligations regarding consular notification and access. Given that the large majority of parties to the Convention are not parties to the optional protocol, I do not expect the United States' withdrawal from the optional protocol will affect the practices of other countries with respect to U.S. citizens arrested or detained abroad.

I will ensure that the Office of the Legal Adviser continues to lend its full support to the Bureau of Consular Affairs (CA), which manages a robust compliance program that provides materials, training, and guidance to local, state, and federal law enforcement and criminal justice officials regarding the United States' obligations under the Convention. I will also support CA's effort to maintain all of its training materials and an

instructional video on a website dedicated to consular notification

([www.travel.state.gov/consul\\_notify.html](http://www.travel.state.gov/consul_notify.html)) and CA's initiative to update its brochure

"Consular Notification and Access," which was first published in 1998. The

International Court of Justice in its *Avena* judgment noted the United States' considerable

outreach efforts and its good faith efforts to implement the Convention's consular

notification provision.