Lesson Plan: Should the United States Join the International Criminal Court?

THE FILM
This lesson plan is designed to be used with the film, The Reckoning: The Battle for the International Criminal Court, which tells the history of this judicial body and the struggles it has faced since it was organized in 2002. Classrooms can use this film to explore U.S. policy related to the International Criminal Court (ICC).

Note: Portions of The Reckoning: The Battle for the International Criminal Court have English subtitles. Also, the film includes some disturbing images that show death and destruction associated with war. Please be sure to preview the film prior to classroom screening or request the “broadcast version” of the film from the POV lending library.

POV documentaries can be recorded off-the-air and used for educational purposes for up to one year from the initial broadcast. In addition, POV offers a lending library of DVDs and VHS tapes that you can borrow any time during the school year — FOR FREE! Get started by joining our Community Network: www.amdoc.org/outreach/events/

Please visit our Film Library at http://www.amdoc.org/outreach_filmlibrary.php to find other films suitable for classroom use.

OBJECTIVES
By the end of this lesson, students will:
- Discuss the term, “rule of law” and its importance.
- Use viewing skills to understand and interpret video clips.
- Examine a timeline to determine if historical events warranted the creation of a global system of justice.
- Conduct research to build cases for and against the United States joining the International Criminal Court.
- Discuss research findings in small groups and agree on a U.S. policy recommendation.
- Develop a three-minute presentation to present the group’s counsel to the President of the United States.

GRADE LEVELS
6-12

SUBJECT AREAS
Civics, Current Events, World History, Geography

MATERIALS
- Method of showing the entire class online video clips and a website
- Handout: Viewing Guide (PDF file)
- Computers with Internet access for research

ESTIMATED TIME NEEDED
Two 50-minute classes (assuming that research and the development of presentations is done outside of class)

**SUGGESTED CLIPS**

Clip 1: The Establishment of the ICC (length 4:58)
The clip starts at 5:10 with some historical footage and ends at 10:08 when the narrator says the court, “. . . would take on some of the world’s most massive crimes and fight for its very survival.”

Clip 2: The Court and the U.S. (length 4:42)
The clip begins at 23:16 with the on-screen text, “The Court and the U.S.” and ends at 27:58 with the text, “By 2004, 92 countries had joined the Court.”

**BACKGROUND**

In 2002, the International Criminal Court began work as the first permanent international court in history created to investigate and prosecute individual perpetrators, no matter how powerful, for genocide, war crimes and crimes against humanity.

The Court was formally established at a 1998 conference in Rome, now known as the Rome Conference. At that meeting, 160 countries (including the United States), 33 international organizations and 236 non-governmental organizations (NGOs) discussed the terms of a draft treaty for the ICC. The resulting treaty is known as the Rome Statute. Since then, at least 108 countries have become official members of the Court.

While the United States made many important contributions to the Rome Statute, it ultimately voted not to ratify the Statute. President Bill Clinton signed the treaty in the last days of his presidency in 2000, but it was never submitted to the Senate for consent to ratification. Under President George W. Bush, the United States officially withdrew its support for the Rome Statute. Barack Obama, during his 2004 Senate race, said, “The United States should cooperate with ICC investigations in a way that reflects American sovereignty and promotes our national security interests.” Since becoming president, however, Obama has delayed taking any specific actions until his administration completes a review of U.S. policy toward the ICC.

For more details on the Court, its cases and current activities, please see the Resources section.

**ACTIVITY**

1. Ask students to name some of the rules at your school. Discuss the purpose of these rules, what might happen if they didn’t exist and how having and obeying rules and laws generally leads to a safe and orderly society.

2. Write the phrase “rule of law” on the board. Explain that it means that people agree to govern their behavior based on laws. Ask students if they can name any events from their studies or from the news that show what can happen if there is a breakdown in the rule of law (such as Ku Klux Klan attacks, urban riots and so on). In these examples, show how the absence of the rule of law led to anarchy, the denial of basic rights, disregard for fairness, insecurity and so on.
3. Next, ask students to whom the rule of law should apply. Discuss student responses and guide the class to the idea that everyone should obey laws, from those occupying the highest offices of government to private citizens.

4. Explain that there are cases around the world where people in power have committed terrible crimes, but — due to their position and influence — have never been tried or punished for their actions. This is called “impunity.” Tell students that in an effort to fight impunity and enforce the rule of law at the highest levels, a group of countries met together in 1998 and formed the International Criminal Court (ICC) so that leaders responsible for genocide, war crimes and crimes against humanity could be prosecuted.

5. Give each student a Viewing Guide and show Clip 1: The Establishment of the ICC. (Note: If students are unfamiliar with the Holocaust, please explain terms such as “Allies,” “Nazis,” “SS” and “genocide” before playing the clip.)

6. After watching the video, display the timeline on the POV website that details historical events leading up to the establishment of the ICC. Ask students to consider the events listed on the timeline and determine how cases of genocide, war crimes and crimes against humanity were addressed before the establishment of the ICC. Then, have the class respond to the last question on the handout, “Do you think there is a need for a global system of justice like the ICC? Why or why not?” Students should cite specific points from the video and timeline in their answers.

7. Next, explain that when the Court began operating in 2002, George W. Bush was president of the United States, and his administration was strongly opposed to joining the ICC. Then, show Clip 2: The Court and the U.S. To focus the viewing experience, ask students to note the opposing positions of John Bolton and David Scheffer.

8. After the clip, tell students that President Barack Obama’s administration has not yet developed a formal position on U.S. policy toward the ICC. Explain that students will act as his presidential advisors by reviewing the related issues and making a policy recommendation.

9. Divide students into “policy teams” of four or five. Half of each team should conduct research and build a case for why the United States should join the ICC, and the other half should research and build a case for why it should not. As part of their investigation, teams should watch an extended interview clip with John Bolton and read a roundtable discussion on the ICC at the POV website, as well as exploring the websites recommended in the Resources section below. This research can be conducted outside of class.

10. After a research period that is appropriate for your students, team members should come to class prepared to discuss their findings with each other and reach agreement on what their team’s recommendation to the president will be. The team should then prepare a three-minute presentation for the president that states their U.S. policy counsel and provides supporting evidence.

11. Allow time for each policy team to present its recommendation, with you or maybe even the school principal playing the role of president.
ASSESSMENT SUGGESTIONS
Students can be assessed on:

- Completion of the Viewing Guide handout.
- Contributions to class discussion and group work.
- Clarity of ideas and supporting detail expressed in the group presentations.

EXTENSIONS AND ADAPTATIONS

- Evaluate what role the ICC should play in Uganda’s search for peace. The film describes the conflict between the Ugandan government and the Lord’s Resistance Army (LRA). Ugandans have suffered greatly from this conflict, prompting an ICC investigation that resulted in arrest warrants for a number of LRA leaders. The LRA and the government have since started to negotiate a peace agreement, but the LRA says that peace will only come if the ICC warrants are dropped. Students can explore this peace-versus-justice issue by debating the arguments for and against the following statement: “The ICC’s warrants for leaders of the LRA are impeding the peace process and should be withdrawn.” Set up the debate by showing two brief sections of the film. One clip begins at 54:31 with a map of Africa and ends at 56:57 when the narrator says, “. . . in exchange for peace was not an option.” The other begins at 100:08 when a large gathering of people is shown and ends at 102:44 when the ICC rep says, “It’s a threat.”

- Watch and discuss other POV films that relate to human rights or international justice, such as *Inheritance* and *The Judge and the General*. Each film has companion website resources and educator activities to support its use in the classroom.

- Examine how U.S. foreign policy is developed. Ask students to conduct research and create a chart that outlines the roles and influence of congressional committees on foreign relations/affairs, the National Security Council, corporate interests and other relevant groups.

- Determine how U.S. respect for the rule of law has changed over time. Review U.S. Supreme Court cases Cherokee Nation v. Georgia (1831), Brown v. Board of Education (1958) and the related Cooper v. Aaron decision and Bush v. Gore (2000). How did both citizens and government officials respond after each court decision? Have students write essays comparing and contrasting how the rule of law was treated in each case.

- Extend student understanding of the rule of law by studying George Washington. The *Rediscovering George Washington* website provides a lesson plan (http://www.pbs.org/georgewashington/classroom/rule_of_law.html) with readings that detail Washington’s unwavering commitment to the rule of law, even amidst intense suffering and in regard to those holding the highest positions of power.

RESOURCES

Establishment of an International Criminal Court
http://untreaty.un.org/cod/icc/general/overview.htm
The United Nations outlines the specific reasons it pursued the establishment of an International Criminal Court.

**International Criminal Court**
http://www.icc-cpi.int/Menus/ICC?lan=en-GB
This is the official website of the ICC. It outlines the structure of the court, describes cases addressed, reports on the court’s activities and more.

**Judging the ICC**
This Los Angeles Times editorial lays out the arguments for and against the United States participating in the ICC.

**Rome Statute of the International Criminal Court**
Read the document that determines how the court should operate, be funded and more.

**U.S. Policy Regarding the International Criminal Court (PDF file)**
http://fpc.state.gov/documents/organization/73990.pdf
This report outlines the main objections the United States has to the ICC.

**STANDARDS**
These standards are drawn from “Content Knowledge,” a compilation of content standards and benchmarks for K-12 curriculum by McRel (Mid-continent Research for Education and Learning) at http://www.mcrel.org/standards-benchmarks/.

**Civics**
**Standard 3:** Understands the sources, purposes and functions of law and the importance of the rule of law in the protection of individual rights and the common good.

**Standard 18:** Understands the role and importance of law in the American constitutional system and issues regarding the judicial protection of individual rights.

**Standard 22:** Understands how the world is organized politically into nation-states, how nation-states interact with one another and issues surrounding U.S. foreign policy.

**Geography**
**Standard 13:** Understands the forces of cooperation and conflict that shape the divisions of the Earth’s surface.

**Language Arts**
**Standard 4:** Gathers and uses information for research purposes.

**Standard 7:** Uses reading skills and strategies to understand and interpret a variety of informational texts.

**Standard 9:** Uses viewing skills and strategies to understand and interpret visual media.

**World History**
**Standard 44:** Understands the search for community, stability, and peace in an interdependent world.
ABOUT THE AUTHOR
Cari Ladd, M.Ed., is an educational writer with a background in secondary education and media development. Previously, she served as PBS Interactive’s Director of Education, overseeing the development of curricular resources tied to PBS programs, the PBS TeacherSource website (now PBS Teachers), and online teacher professional development services. She has also taught in Maryland and northern Virginia.

Background Sources
"International Criminal Court"
http://www.icc-cpi.int/Menus/ICCMenus?lang=en-GB; "United States and the International Criminal Court"
http://en.wikipedia.org/wiki/United_States_and_the_International_Criminal_Court