

Secretary Albright

# The Future of America's Engagement In Asia and With Japan

April 28, 1998

*Remarks to students and faculty at Sophia University, Tokyo, Japan.*

Thank you very much, President Otani. Thank you very much for what you said about the relationships. Thank you very much for the symbol. Chancellor Yamamoto, Professor Matsuo, faculty, staff, and students of Sophia University, guests and friends: Good afternoon. I really am delighted to be here.

I want to begin by saying a special word of thanks to America's ambassador to your country, Tom Foley. When President Clinton asked Ambassador Foley to come here to Tokyo, he didn't just make a good choice; he chose the single person best qualified to represent the United States in Japan, and I hope that you will agree that he is doing an outstanding job.

My trip to Japan to meet with you and with your leaders is just the latest in a steady stream of high-level exchanges. President Clinton was here in 1996; Prime Minister Hashimoto visited America last spring; I stopped here on my first foreign trip as Secretary of State.

But perhaps the most high-level visit of all will occur in just two weeks. According to our friends at Sony Pictures, Godzilla will come to New York, but I hope you'll excuse me if I don't attend that dinner.

I am also very happy to be able to visit Sophia University because for many years I was a professor at Georgetown in Washington which, like this great university, was founded in the Jesuit tradition. And just a few minutes ago I had a chance to visit with some of the Georgetown students studying here, so I feel very much at home. When I was teaching, I would always enjoy the students who had come here and who then became my students and would talk about their experiences so warmly. And I must say, as much as I love the job I have—and I do think it is a pretty good one—I do miss the classrooms; so, I am very glad to be here.

This afternoon, I would like to speak with you about the future of America's engagement in Asia and with Japan. I know that for people here and throughout the region, this is a time of uncertainty, but that should not obscure a larger sense of pride. From the perspective of future generations, the final decades of the 20th century will be seen as an era of great accomplishment. During this period, the nations of Asia lifted more people out of poverty than any comparable group of nations at any time in history. From Tokyo and Seoul to Manila and Bangkok, we have seen new democracies born, modern cities rise, and old adversaries become friends.

But especially gratifying has been the development of a unique and lasting partnership between the United States and Japan. Through the years, we have become more than just treaty allies, though, as allies, we are united by the most solemn security commitments two nations can make. We have become more than just the world's two largest industrial economies, though our size and wealth give our partnership unique potential and scope. We have become more than just two democracies that believe in freedom and the rule of law, though our common ideals translate into common interests and a common purpose.

Today, the real definition of our partnership lies not in who we are, but in what we do, for there are few issues vital to the region or globe on which we do not work together. For example, the United States and Japan stood shoulder to shoulder, with principle and purpose, during the most recent crisis in Iraq. We both have contributed much to the reconstruction of Bosnia and have both participated in peacekeeping operations as far away as Rwanda.

Our cooperation under the U.S.-Japan Common Agenda is broad and growing, taking us from the preservation of coral reefs in the Pacific, to the development of disease-resistant

crops in Indonesia, to the fight against Guinea worm disease in Africa. And, of course, there is our diplomatic cooperation in Asia. Here, we rely on you, and you rely on us, each to do our share as military allies and economic partners to maintain stability, expand trade and investment, and lend a hand to those struggling to promote democracy and peace.

An example is Korea. Since the end of the Cold War, the Korean Peninsula has been perhaps the most dangerous place on earth.

But now representatives from the North and South have begun again to talk to each other, and through the framework agreement we have made progress in dismantling the North's nuclear program. There is at least a chance that lasting peace and reconciliation can be obtained. Given what is at stake, it is essential that we do all we can together—not reluctantly but with energy and vision—to ease the food shortages in the North, fund KEDO, and ensure nuclear stability.

There is another opportunity we have

that lends hope to the closing years of this century, and that is to encourage a rapidly changing China to accept the benefits and responsibilities of full membership in the international system. Both our nations have an interest in this goal, and our alliance gives us the confidence to seek it together. We both wish to see China integrated into the global trading system. We are both working hard, and with growing success, to enlist China in the effort to stop the spread of deadly weapons and technologies. We both wish to see China reconcile the human right to development with the human need to breathe clean air, and we both wish to see a China where the authorities do not fear freedom of expression but, rather, see it as essential to the development of a stable society.

On this issue, especially, we must continue to speak with clarity, for while some Chinese dissidents have been released to exile in recent months, the Chinese Government's repression

of dissent and religious freedom has not ceased. But we must also recognize the ways in which China is changing. The Chinese Government is less involved in the lives of its citizens than at any time in the last 50 years, and this year has seen hopeful stirrings of a dialogue among China's students, scholars, and officials about the need for political and economic change to go together.

In short, there are many good reasons to feel good about the future. The partnership between our two nations is strong. We have made progress in building an Asia-Pacific community that is more open, peaceful, and free than ever before.

But even as we focus on what is right today, we cannot forget what is not right. The economic crisis in Asia has hurt millions of families on this side of the Pacific, and it has hurt America, too, and we are in this together. And, together, we have been working with the IMF to restore confidence to the troubled economies of the region. Japan's contribution to the IMF package for Indonesia, Thailand, and Korea has been more generous than that of any other country.

At the same time, I believe that the most important contribution the United States is making is often taken for granted. We are continuing policies at home that keep our economy growing. We are selling to the world, but we are also buying the exports that will lead this region back to prosperity and growth.

That is what we ask of Japan, and that is why we welcomed the positive steps included in the stimulus package announced last Friday. And that is why we hope Japan will continue to move in the direction of encouraging domestic demand and reducing regulation of the economy.

This is a win-win-win proposition. It will strengthen the relationship between our two countries. It will help the entire region recover and grow, and it will enable Japan to compete even more successfully in the global economy.

I understand that Japan sometimes feels it is being pushed too hard and too fast to take steps that would be difficult even in the best of times. But I hope you understand that the concerns Americans have expressed are those of a good friend and staunch ally who wishes you well.

A few years ago, my country was under pressure from our G-7 partners, including Japan, to show stronger leadership in managing our economy. President Clinton was elected to do that—just that. It was not easy, but we are glad we did it.

Over the last half century, no country has demonstrated more dramatically the capacity for change than Japan, and I am confident that

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you will rise to that challenge now. After all, the edifice Japan has built does not need a new foundation. What is needed, if I can borrow the words of Yoshida Shoin, whose teachings helped inspire the Meiji reformers in Japan 140 years ago, is to "discard the worn-out rafters, and add new wood."

The same need for fresh thinking is changing the way our partnership relates to the world. Our alliance has endured for 50 years; it has contributed to prosperity and security throughout the region, but it is now being redefined to meet a host of new challenges.

For example, the financial crisis has focused our attention on the need for transparency in economic decision-making in all countries and, to this end, we should begin a regional dialogue in Asia on the best ways to combat corruption. There is also a growing recognition that sound economic policies are far more likely when governments are accountable, the press is free, and courts are independent.

We do not fully understand the causes of the financial crisis. Not every country that was hit hard is authoritarian, and not every country that escaped is a democracy. And, yet, in democracies like Thailand and South Korea, newly elected governments have been able to start work with a clean slate, in a climate of openness, and with the legitimacy to call for shared sacrifice. Indonesia has had a harder time, at least in part because it lacks similar public participation in decision-making.

Another challenge that calls for new thinking and new resolve is that posed to the health of our planet by global climate change. Here, our choice is clear. We can continue pumping more and more greenhouse gases into the atmosphere and let future generations deal with the consequences, or we can act now to control emissions and limit the environmental harm.

In Kyoto last December, we took an essential step in the right direction. There, for the first time, industrialized nations agreed to mandatory emission targets. This is appropriate because if we are to slow global warming, the wealthiest nations must show the way. But we must also understand that we will not find a solution unless developing countries participate, for their emissions will begin to surpass those of the developed world within the next 30 years. It is vital, therefore, that we get across the message that sound environmental practices and economic growth are not incompatible but, rather, two sides of the same coin.

As President Clinton has said about the American experience:

For decades, every time we sought to improve the environment, someone has stood up and said, if you take this step to clean the air, to clean the water, to improve the health of the food supply, you will cost jobs and hurt the economy. And for decades, every single step we have taken to improve the environment has helped the American economy.

So we need to work together to persuade the developing countries that it is in their interest, and the world's interest, that they participate in appropriate and meaningful ways to combat global climate change.

This, like other challenges I have mentioned, will require us to talk at times about matters that have historically been seen as the internal affairs of other nations. Understandably, there is much sensitivity about this. Certainly, Americans would resent others trying to interfere in our affairs. But the question we must ask is what we mean by "interference" in this age of interdependence.

Clearly, when one country imposes its will on another, that is intervention. But when Japan and the United States work together to help a nation overcome civil war and find the path to true democracy, as we are trying to do in Cambodia, we are not imposing—we are helping a long-suffering people to realize its hopes. When we give assistance and candid advice to a neighbor experiencing an environmental crisis, we are not intervening in an internal matter, but dealing with a regional threat. When we deny aid and investment to a government such as Burma's that stifles democracy and brutally represses human rights, that is not interference—that is recognizing and standing up for the clearly expressed will of the Burmese people.

In these and other areas, we are trying to accomplish as much as we can multilaterally by establishing common standards of international behavior and by building institutions to advance and enforce those standards. We have made a strong start in Asia through organizations such as APEC, ASEAN, and the ASEAN Regional Forum. And the United States believes we should strengthen the United Nations by adding Japan and Germany as permanent members of the Security Council.

In every part of the world, our two countries have encouraged the growth of institutions that bring nations closer together around basic principles of democracy, free markets, respect for law, and a commitment to peace. This effort has brought us closer together as well.

When I visited Tokyo last year, I had the chance to reunite briefly with three former exchange students of mine at Georgetown who had returned to their homes in Japan. Two are now members of the Diet; one is a government official here in Tokyo. That experience could have made me feel old. Instead, it made me reflect on how closely linked our countries are, not only through student exchanges, but through our shared commitment to human rights, free enterprise, and the rule of law.

Much is made of our cultural cross-pollination, as Americans eat sushi and sing karaoke, while Japanese flock to *Titanic* and cheer the NBA. But there is, beneath the surface, an understanding that is far deeper.

From Europe to Africa to Asia, we are leaders with a common purpose. We share an awesome responsibility to help guide with wisdom the rushing currents of political and technological change. And I hope that you—the young people of Japan; you who are Japan's 21st century—will see to it that your country builds on this tradition of leadership and of partnership with your friends across the Pacific.

I pledge that the United States will do the same. And, together, let us not be satisfied with what we have accomplished but, rather, let us make our friendship an ever-building force for freedom and peace and dignity and prosperity for our people and for all people.

Thank you very much. ■

Secretary Albright

# Earth Day 1998: Global Problems And Global Solutions

April 21, 1998

*Remarks at the National Museum of Natural History, Washington, DC.*

Thank you very much. Thank you, Director Fri, for introducing me, and thanks to the Museum of Natural History for sponsoring this event. From the Hope Diamond to the blue whale to the multi-legged attractions of your Insect Zoo, the wonders of the world are on display here, and I can think of no better place than this to recommit ourselves to our planet's environmental health.

Before I start, I want to recognize, especially, Chairman Ben Gilman of the House Committee on International Relations, Congressman Farr, and some members of the diplomatic corps: Ambassador Flecha de Lima of Brazil, Ambassador Chandra of India, Ambassador Tuerk of Austria, and Ambassador Hannibalsson of Iceland. I'm very glad that you all were able to make it.

Dr. Baker, I also want to thank you for your fine, clear, and objective presentation, and to congratulate you on the wonderful job you are doing at NOAA—especially during this, the Year of the Ocean.

Now, saving a planet is a pretty big job, even for the Smithsonian and NOAA. But for those of you who may be daunted by the challenge, let me remind you of the Gary Larsen cartoon some time back in which a dinosaur, after prolonged study, says to his comrades: "Friends, the outlook is bleak: The world's climate is changing, humans are taking over, and we each have a brain the size of a walnut." So take heart; things could be worse.

Earth Day was first celebrated in 1970, which was not a quiet time. The Vietnam war was at its peak; Middle East tensions were high; the entire world was split between red, white, and blue on the one hand and just plain red on the other. And there were deep divisions here at home over the economy and the plight of our cities. But still, environmental concerns broke through. How could they not? Americans could see, smell, and feel the difference pollution was

making in our lives. Smog was everywhere, rivers and lakes were unfit for swimming, and there had been a major oil spill in Santa Barbara.

The next few years were a remarkable period. I know, because I was working then for Senator Ed Muskie of Maine, who taught me, really for the first time, to think green. Senator Muskie and his colleagues in a Democratic Congress joined forces with a Republican President, and together, they enacted laws that would do much to clean our waters, improve air quality, protect endangered species, and safeguard the transportation of oil and other hazardous materials.

Some opposed these steps, saying they were not needed and would threaten prosperity. Some questioned the science, arguing that fish grow well in polluted waters, which they do: They grow extra heads. And some argued that we would become uncompetitive if we insisted on having air we could breathe, while other nations did not.

Today we may be thankful that the decisionmakers of the 1970s didn't listen—if I may borrow a phrase from that era—to the "nattering nabobs of negativism." Instead, they took the steps that would make our country healthier, cleaner, and more competitive. We owe them a debt of gratitude, and, today, we should commit ourselves to following their example.

The threats we face from environmental harm are not as spectacular as those of a terrorist's bomb or missile. But we know that the health of our families will be affected by the health of the global environment. The prosperity of our families will be affected by whether other nations develop in sustainable ways. The safety of our families will be affected by whether we cut back on the use of toxic chemicals. And the security of our nation will be affected by whether we are able to prevent conflicts from arising over scarce resources.



*"A major contributor to the stress we place on the global environment is the growth in the world's population. At current rates, we are increasing by an amount equal to the population of Mexico each year."*

There is much that we can do through our diplomacy to achieve these goals. Currently, to cite just three examples, we are promoting efficient management of the Nile River basin, supporting better forestry practices in Southeast Asia, and striving to negotiate a worldwide ban on the release of pollutants such as DDT and PCBs. But if we are to move ahead as rapidly as we would like, we will also need support from our friends in Congress.

For example, we need to gain approval of the President's request for funds for USAID so that we can help other countries grow in ways

that balance economic progress, social development, and environmental concerns. We need support for the Global Environment Facility—GEF, which embodies the partnerships for sustainable development that was forged in Rio. This partnership is not helped by the fact that, in each of the last 3 years, we have fallen short of our pledged share to the GEF. We need to do better than that. We need to meet our commitments, in full, this year and every year.

As the President stressed during his recent trip to

Africa, we are asking the Senate to approve the Convention Against Desertification. We are also asking the Senate to approve the Biodiversity Convention, for we cannot ensure our future if we endanger the biological base that serves the needs of every human society, no matter how rich or poor.

For example, many improvements in the production of food can be traced to crossbreeding plants, and nature has provided the key to many other secrets we very much want to know. The names may be peculiar, but the subject is serious, for in the Rosy Periwinkle researchers found a treatment for childhood leukemia; in the Pacific Yew and Australian Coral, treatments for ovarian and breast cancer; in the Poison Arrow Frog, a painkiller without the side effects of morphine; and yet another cancer treatment has been produced in the laboratory through the combined efforts and excretions of jellyfish and glow worms. Now, just today there was a study that came out. A majority of the nation's biologists are convinced that a mass extinction of plants and animals is underway that poses a major threat to humans in the next century; yet, most

Americans are only dimly aware of the problem, this poll says. The rapid disappearance of species was ranked as one of the planet's gravest environmental worries—surpassing pollution, global warming, and the thinning of the ozone layer, according to a survey of 400 scientists commissioned by New York's American Museum of Natural History. So we are involved in dealing with a very, very serious problem.

The Administration believes we can implement the Biodiversity Convention in a way that protects our commercial interests while enabling those who protect biodiversity to share in the benefits. That makes business sense, environmental sense, and scientific and medical sense. And so I hope the Senate will use common sense and approve the Biodiversity Convention as soon as possible.

A major contributor to the stress we place on the global environment is the growth in the world's population. At current rates, we are increasing by an amount equal to the population of Mexico each year. And more than 90% of this increase is in the developing world. As I have seen in visits to South Asia, Africa, Latin America, and Haiti, rapidly rising populations make it harder for societies to cope. Even when economies grow, living standards do not rise. Even when there is planning, resources of land and water are depleted. Even when overall production of food goes up, more people go hungry.

The Clinton Administration favors a comprehensive approach that takes into account the environment, development, and the rights and needs of women. This accords with the consensus created at the 1994 Cairo Conference; it is reflected in our Child Survival and Disease Programs and in our support for international family planning.

As is well known, there are those who would like to impose crippling conditions on our assistance to family planning. On this issue, there are strong feelings on all sides. I know because my own feelings are strong, and I believe international family planning needs and deserves our support. The programs we help are voluntary. They improve people's health, they save people's lives, they reduce significantly the number of abortions, and they contribute to a more liveable world.

Finally—and this is the subject I want to emphasize today—we must act with others around the world—not years from now but now; not with timidity but resolve—to combat global climate change. This problem affects us all. And as Dr. Baker made clear, and as leading scientists agree, greenhouse gases are warming

our planet. This means, to use formal diplomatic language, that we should all “get ready to get sweaty.”

A warming planet is a changing planet, and not for the better. Unless we act, sea levels will continue to rise throughout the next century, swamping some areas and putting millions of people at greater risk to coastal storms. We can expect significant and possibly sudden changes in agricultural production and forest ecosystems, leading to modified migrations of wildlife and larger migrations of people. We will also see more heat-related deaths; more serious air-quality problems; increased allergic disorders; and more widespread malaria, cholera, and other infectious diseases.

Unlike Dr. Baker, but probably like most of you, I am not a scientist. I am also something of a skeptic. We all know of times in the past when prophets of doom and gloom were proven wrong; when predictions that we would soon run out of food, water, or air did not come true. So I am no Chicken Little. But I note that the scientific backing behind the current projections is the Intergovernmental Panel on Climate Change, representing the work of more than 2,000 scientists from more than 50 countries. If you review their report, you see that it is carefully worded, factually based, and that it recognizes the uncertainties as well as the risks. But all that aside, I have been on Earth now for 60 years, and I have never witnessed weather of the kind I have seen, read about, and heard about these past few years.

As Secretary of State, I cannot count the number of times I have called foreign leaders to offer help in response to weather-related disasters. In Africa, Asia, and just across our southern border in Mexico, the effects of *El Nino* have had a devastating impact on coastal populations. Globally, 9 of the last 11 years have been among the warmest in this century. And here in the United States, heavy downpours of rain are up 20%. In recent years, we have seen floods in California, the Pacific Northwest, and along the Mississippi; drought in the Plains States; and tornadoes in Florida, Alabama and, this past week, in Tennessee, Arkansas, and Kentucky.

Freakishly bad weather brings with it far more than the need for new umbrellas and boots. The human and financial costs are enormous. Storms kill people. They destroy houses and livestock, disrupt food production, and require huge outlays for humanitarian relief.

It is true that we can't point to *El Nino* or to any individual storm or drought and say global warming made it happen. But we can point to the pattern and say it is consistent with

the trends that scientists believe global warming would create. And we can ask ourselves, is more and more of this what we want for our children?

Our choice is clear. We can keep pumping more carbon dioxide into the atmosphere every year, invite greater and more severe climate change, and simply let future generations deal with the consequences. Or we can begin to act now to protect our planet—our children's home.

The Administration has chosen the latter course. We favor a comprehensive global climate change agreement in which nations consent to binding targets on future greenhouse gas emissions. We took an essential step toward that goal this past December in Kyoto. There, for the first time, the industrialized nations agreed to mandatory targets. These vary from country to country, with the United States pledging to meet a standard 7% below 1990 levels within the next 10 to 14 years.

This is appropriate, because if we are to slow global warming, the United States must help show the way. We have less than one-twentieth of the world's people, but we generate one-fifth of all greenhouse gas emissions. This reflects the size of our economy, but it carries with it a responsibility. That is why the President has unveiled three major initiatives within the last 9 months to stimulate the development and use of clean technologies.

Our efforts can accomplish a great deal. They can set an example for others to follow. They can expand our knowledge and reduce the cost of innovative technologies and techniques. They can create more and better jobs in America's huge and highly competitive environmental manufacturing and services sector. And they can help restrain the growth in greenhouse gas emissions. But our efforts alone cannot solve the problem.

It is expected that within two decades, the largest emitter of greenhouse gases will not be the United States, but China—and that by 10 years after that, the developing world will have become the source of the majority of such emissions. Industrialized nations created the global warming problem and must take the lead in responding. But clearly we will not find a solution unless developing countries are a part of it.

And that's why President Clinton has said that he will not submit the Kyoto Protocol for the Senate's consideration until there is meaningful participation by developing countries. To make this easier, we are building partnerships with many of these countries so that they may

take advantage of the latest clean technologies. This will help them grow in ways that do not harm the environment. In this connection, I am pleased that we are joined here today by executives from U.S. utilities who are working through the USAID/U.S. Energy Association Partnership Program to promote clean energy growth in developing countries.

Of course, meaningful participation will require something far different from a poor and non-industrialized nation than from one that is densely populated and on the threshold of developed status. As Senator Robert Byrd has said: "binding commitments for developing nations should be paced according to the ability of each country to achieve limitations appropriate to its national circumstance and economic growth."

Obviously, we cannot take a cookie-cutter approach. Our goal is to establish and build a dialogue that takes into account the needs of every nation and that leads every nation to conclude that the fight against global warming is everyone's battle and in every nation's interest.

Although we still have far to go, there are grounds for optimism. Some less developed nations, particularly island nations, are among the most vulnerable to sea-level rise and weather extremes. They are also among the leading supporters of efforts to combat climate change. Second, many developing nations have constituencies who understand the dangers of global warming and who want the world, including their own governments, to respond. Third, actions that reduce greenhouse gas emissions are often not a burden but an opportunity. Many developing countries have already moved, as in China, to increase reliance on co-generation; or as in Mexico, to establish energy-efficiency standards; or, as in Brazil, to make greater use of ethanol. Such steps cut energy costs, save natural resources, reduce health care expenses, and increase competitiveness.

This is a point I heard President Clinton make repeatedly this past weekend at the Summit of the Americas in Chile. He said that, time after time, we in the United States have been warned that environmental safeguards such as emission standards would harm our economy; and time after time, we have acted anyway and found our economy did not shrink, but grow, and that we did not become less competitive, but more. In part because of the President's persistence and persuasiveness, this is a message more and more countries are beginning to accept.

Finally, the parties agreed in Kyoto to something called the Clean Development Mechanism. This provides a financial incentive

for firms from developed countries to invest, for example, in building environmentally friendly power plants in the developing world. Under this arrangement, participants would share certified emission reductions, and both the investing and host countries gain.

So when I sit down with my counterpart from a developing country, this is the argument I make. If your country agrees to participate in the effort to limit climate change, your economy will continue to grow but with greater access to new technologies that will make you more competitive. Your exports will be welcome because the world will know they were not produced by undercutting environmental standards. Your citizens will enjoy a higher quality of life because you will have found the path to greater prosperity without sacrificing breathable air, drinkable water, and liveable cities. Your nation will have earned respect by its willingness to lead on a matter of fundamental importance. And your people and their children and their children's children will all benefit from a global climate change agreement that is far more likely to be implemented by industrialized nations, including the United States, than if you did not participate.

Today, I am announcing a diplomatic full court press to encourage meaningful developing country participation in the effort to combat global climate change. We are pushing this matter hard in bilateral discussions around the world. As I said, it was on the agenda of the Summit of the Americas. I will raise it in Beijing and Seoul during my trip to East Asia next week. We will be discussing it in the United Kingdom at the G-8 meetings next month, in Manila at the ASEAN meetings in July, and at the UN General Assembly this fall.

To make these efforts as effective as possible, I will be appointing a special State Department Coordinator for Global Climate Change to make sure our diplomatic efforts on this issue are creative, constant, consistent, and coordinated. That individual will work closely with the White House and other agencies and in the State Department with senior negotiator Under Secretary Stu Eizenstat and Acting Assistant Secretary Melinda Kimble. This decision reflects the importance we attach to this issue, and the fact that we want a global climate change agreement that is truly global and that will truly work to preserve the health of the environment upon which every nation depends.

It is said that nine-tenths of wisdom is being wise in time. We are about to enter a century in which there will be far more of us, living closer together, consuming more,



expecting more, and demanding more. Inevitably, we will be participants in a race between the “using up” that results from human activity, and the ability to adapt that can result from human genius.

Policymakers must be willing to make hard decisions. We can’t simply assume that science and technology will provide the answers for us. We must work together on a bipartisan basis to design rules and nurture habits that respect the limits of our natural environment.

Whether the immediate issue is global warming or conserving fish stocks or managing forests, the fundamental issue is the same. And that issue is respect: respect for ourselves, because that’s what it takes to accept responsibility for the consequences of our actions; respect for those in other countries, because

upon their well-being depends our own; respect for future generations, because we have an obligation not only to educate and prepare our children for the world, but also to protect that world for our children; and respect for nature itself, because we, of all creatures, have been given both the power to destroy our planet’s capacity to sustain life and the ability to appreciate and enjoy all of its wonders.

It is said that the meek shall inherit the Earth, but it will take boldness and action to save it. On Earth Day 1998, let us each pledge to treat our shared environment with respect and to act with determination to safeguard it for generation upon generation to come.

Thank you very much. ■

Secretary Albright

## Foreign Policy: Strategic Goals

April 2, 1998

*Address before the American Association of Newspaper Editors, Washington, DC.*

Thank you very, very much for that introduction, Vice President Seaton, about to be president. It is a pleasure to be here. President Rowe and members of ASNE, special guests and friends: I am delighted to be here. It is a beautiful spring day, and I hope you are all in such a good mood that you will ask me easy questions after my speech.

I want to begin by thanking you for having me back. I greatly enjoyed our discussion last year. Since then, much has happened that has put being Secretary of State into perspective for me. For example, one national magazine selected me among the 25 most intriguing people in America—alongside a cloned sheep. And last summer, in Asia, I sang in public for the first time since grade school and remembered—for the first time since grade school—why I had stopped.

And, as I travel across America, I will never forget the people in one audience who grew so excited as I talked about our foreign policy that they jumped to their feet. Of course, this was during the town meeting at Ohio State, and they never sat back down. But I do hope to try that again; perhaps, there I will sing.

For me, it was a memorable first year, with more ups than downs, but plenty of both. Month by month, the outlines of the new era, the new rules of the diplomatic game are being defined. Obvious Cold War threats have been replaced by a viper's nest of more subtle perils—from poison gas to ethnic violence to disruptions in the global economy.

If Americans are to be secure in such a world, we must seize the opportunity that history has presented to bring nations closer together around basic principles of democracy, free markets, law, and a commitment to peace. This is not an effort we undertake with a scorecard and a stopwatch in hand. But every time a conflict is settled or a nuclear weapon dismantled, every time a drug kingpin is arrested or a country begins to observe global rules of trade, the ties that bind the international system together are strengthened.

America's place is at the center of this system. And our challenge is to see that the connections around the center, between the regions, and among the most prominent nations, are strong and sure.

We must also help other nations become full partners by lending a hand to those trying to build democracy, emerge from poverty, or make peace with their neighbors. That is why we are working so hard to build a Europe whole and free, to prepare for the second Summit of the Americas in Chile later this month, and to maintain productive relations with a newly democratic Russia and a rapidly changing China. And that is why we are doing all we can to get the Middle East peace process back on track; to aid the development of democratic institutions in central and eastern Europe; and as the President's dramatic trip demonstrates, to recognize and support the new promise of Africa.

All this requires a lot of heavy lifting. To succeed, we must—and we will—insist that others do their fair share. We will have to build new institutions and adapt old ones. And we must summon the will to isolate, and the strength to defeat, those who run roughshod over the rights of others.

Today, I would like to focus especially on five challenges that will help determine whether we continue to move ahead toward our strategic goal.

The first is Iraq. Although it has been out of the headlines for the past few weeks, the test that Iraq poses for the world community has not changed.

Under its recent agreement with the United Nations, Iraq must provide UN weapons inspectors—for the first time ever—with unrestricted access to all sites, including those from which they were previously barred. So far, inspections have gone well, but the process of testing Iraq's commitments has only begun. The UN Special Commission, or UNSCOM, has a mandate to scour Iraq for evidence of nuclear, chemical, biological, and other prohibited

weapons activities. Of course, this process would go much faster if Iraq would stop playing hide and seek, and simply come clean about what it is doing and what it has done.

Meanwhile, in order to keep a lid on Saddam's military options, we will continue to enforce the no-fly and no-drive zones. We will continue to support efforts, through the UN, to ease the suffering of the Iraqi people, without undermining the sanctions' regime directed at the government. We will explore ways to work more effectively with the Iraqi democratic opposition. Finally, as President Clinton has said: "Our soldiers, ships, [and] planes will stay [in the Gulf] in force until we are satisfied Iraq is complying with its commitments." Let us remember that it took the threat of force to persuade Saddam to let the UN inspectors back in; we must maintain that threat if the inspectors are to do their jobs.

Looking back over the events of the past couple of months, we can say that if Iraq does live up to its agreements, we will have achieved our goal of maintaining an effective inspection and monitoring regime. But if Iraq begins again to block and harass UN inspectors, we will have greater support—both at home and overseas—if a military response is required. Either way, the forces of law and stability have been strengthened.

The international community also faces an ongoing test in the Balkans, and here, our challenge is two-fold. First, in Bosnia, we want to see the psychology of peace deepen and the reality of peace become irreversible. To this end, we will continue efforts to strengthen democratic institutions, build the economy, bring indicted war criminals to justice, help refugees to return, and foster a spirit of reconciliation among all segments of the Bosnian people. Second, we want to prevent new outbreaks of violence in Kosovo. Many people, if they are aware of Kosovo at all, see it as the victim of an ancient Balkan feud, the roots of which are deep and about which the world can do little. But, that conventional wisdom is not only unwise but dangerous.

Prior to the breakup of the former Yugoslavia, Kosovo was an autonomous province. But since the breakup, it has been treated by the Serb leaders in Belgrade more as a colony—its autonomy stolen, its people repressed, and its territory essentially occupied by a hostile power.

Almost 90% of the population of Kosovo is ethnic Albanian. And as they have suffered, their resentment has grown. The majority are demanding no more than their basic rights—to education, public services, and full citizenship. But the longer those rights are diluted or

denied, the greater the risk that Kosovars will see no alternative but to embrace the small but growing number of violent secessionists in their midst.

Today, Kosovo is caught up in a vicious cycle. First, there is Serb repression. Then, extremists wage hit-and-run attacks against Serb authorities. Then, Serb special police strike back with summary executions, house demolitions, and helicopter gun ship attacks.

For the Balkans, this escalating violence is the road back to hell. Unless stopped, tensions will flow out of control. The result could be a full-fledged civil war, putting at risk the peace in Bosnia and spreading conflict like an infectious disease to neighboring states.

The solution resides in political dialogue and respect for international norms. Backed by an arms embargo approved by the UN Security Council, the United States and other leading nations are insisting that the authorities in Belgrade respect the rights of the people of Kosovo.

Under the Council Resolution, the government must withdraw special police units from Kosovo, allow access for international humanitarian organizations, and begin substantive discussions with the leaders of the Kosovar Albanian community. For their part, the Kosovars must remain willing to enter such a dialogue, in good faith, while maintaining their opposition to the use of violence.

If the people of Kosovo—whether of Serb or Albanian extraction—are ever to know security and prosperity, it is essential now that cooler heads prevail. Neighbors must begin to live as neighbors. Governmental abuses must cease. The autonomy of Kosovo must be restored—and enhanced. The parties should acknowledge and accept outside help in resolving their differences. And, the world community must meet its responsibility to insist that international standards are observed.

The effort to build peace in Bosnia, and thereby restore stability to the Balkans, could not have occurred without the leadership of NATO. This brings to mind a third test for 1998, which is to gain the Senate's agreement to the proposed enlargement of the alliance.

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Of course, the idea of enlarging NATO is not new. In the past, our allies have opened the door to new membership on four occasions—to Greece, Turkey, Germany, and Spain. Each time, the alliance became stronger. The plan now to include Poland, Hungary, and the Czech Republic will have the same invigorating effect. A larger NATO will make America safer by expanding the area of Europe where wars simply do not happen. And it will enlist in the cause of peace three new allies who are dedicated to NATO principles, and ready to contribute to the security of the continent.

Now, there are some who say that we are moving too fast, and that the Senate is rushing to judgment on NATO enlargement. That is—to use a good, old-fashioned, diplomatic term—balderdash. This debate began not 1 or 2, but 4 years ago. It has been the subject of a dozen Senate hearings, countless speeches, and more than 1,000 articles—many of which I suspect have appeared in your newspapers. The questions of cost, risk, effect on Russia, and impact on NATO effectiveness have been asked and answered time and time again. As a result, the debate over whether or not to enlarge NATO has now taken more time than did the debate to create the alliance almost half a century ago.

Already, four of our NATO allies have voted to approve enlargement. The time has come for us to do so, as well. The choice the Senate is being asked to make is whether to reject NATO enlargement and leave Europe divided—as if the Iron Curtain were still in place—or to validate America's leadership in a new NATO, strengthened by new members, and dedicated to deterring and defeating new threats. I hope, and I believe, that the Senate will make the right choice and allow NATO enlargement to proceed—without conditions and without delay.

Another historic choice for the Senate this year will be whether to approve the Comprehensive Nuclear Test Ban Treaty—the CTBT. The Administration strongly supports this agreement, which would ban nuclear test explosions of any size, for any purpose, for all time.

In the past, trillions of dollars have been spent developing ever more powerful nuclear weapons. The CTBT will reduce the likelihood and the ability of nations to begin a new and ever more dangerous nuclear arms race in the future.

And, without testing, rogue states will find it harder to develop the kinds of weapons that worry us the most—compact and efficient weapons that could be delivered not only by

missile, but by a small plane entering our airspace or a speedboat entering one of our ports.

Over the years, the United States has conducted hundreds more nuclear tests than any other country. We are at the high end—the flattened far slope—of the nuclear weapons learning curve. By cutting power to the main escalator up this curve, we will make ourselves and the entire world more secure.

Some Senators may seek to delay the treaty's ratification, arguing that because of a handful of holdout nations, it will not enter into force any time soon. But, it is precisely because some nations are resisting the treaty that our leadership, in approving it, is so important. We don't want to give the naysayers another excuse not to act; we want to turn up the heat. And the way to do that is for the United States to lead the way in ratifying the CTBT, just as we did last year in approving the Chemical Weapons Convention—which led, in turn, to ratification of that agreement by Russia, China, Iran, and Pakistan. There could be no greater gift to the future, and no better start to a new century, than a world in which the Comprehensive Test Ban is law around the Equator and from pole to pole.

Finally, a fifth test for 1998 is whether we will pay what we owe to international organizations. This matters because the United States cannot solve every problem that affects us on our own. Nor would we want to try. For example, we should support the International Monetary Fund in its effort to restore financial stability to the troubled economies of East Asia. This is a necessary investment in our own prosperity and security. Moreover, because the IMF acts as a sort of international credit union, during its 50 years of operation, it has not cost the American taxpayer a single dime. Let me repeat that. It has not cost the American taxpayer a single dime.

We must also pay our long overdue United Nations bills. We use the UN as one tool to address challenges that extend far beyond our borders, and to ensure that other nations bear a fair share of the costs. And do not doubt, we have serious business to conduct there. As we speak, UN inspectors are in Iraq, helping us to learn more about Saddam Hussein's weapons of mass destruction and his poison gas and biological programs.

And around the world, UN agencies are working to promote nuclear safeguards, punish genocide, prevent disease, protect children, provide early warning of hurricanes, and preserve the rights of those who do business overseas. All this for a cost to the average American that is about equal to the price of a movie ticket, and that is truly "as good as it gets."

Accordingly, last year, we were pleased to get bipartisan support for a plan that would have encouraged UN reform while going a long way toward paying the roughly \$1 billion we owe. Unfortunately, some members of Congress have so far succeeded in tying that proposal to an unrelated change in U.S. policy toward international population programs. That is legislative blackmail. And it is hurting America.

Whether the issue is human rights or proliferation or trade, U.S. diplomats argue every day in meetings around the world that nations must live up to their obligations. And every day, our diplomats are asked in response: Well, if that's true, when is America going to pay its UN bills? And by this fall, if we don't pay those bills, under UN rules, we may even lose the right to vote in the UN General Assembly.

Now, I know there are some who believe the UN is a sinister organization. They suspect that it operates a fleet of black helicopters, which may, at any moment, swoop down into our backyards and steal our lawn furniture. They say it is bent on world domination, which is absurd, and that we cannot trust it because it is full of foreigners—which, frankly, we can't help.

The truth is that the UN is not an alien presence on U.S. soil. It was made in America—invented by people with names such as Truman, Acheson, and Eleanor Roosevelt. Our predecessors brought it together, helped write its Charter, and approved its rules. Paying our UN bills is not just a question of dollars and cents, it is a matter of honor, of keeping our word. It is in our interests and a litmus test of our willingness to practice what we preach. So I ask your support. Congress should act now—without regard to any unrelated issue—to pay our UN bills. That's the right vote for the UN reform, the right vote for the United States and our leadership, and the right vote for America.

About 50 years ago, Secretary of State George Marshall wrote that, "Never before have the broad objectives and even the day-to-day operations of our foreign policy been more widely and fully discussed." It is little wonder this was so. America had just emerged from the cauldron of global war. By 1948, a weary and wary nation had found itself confronted by the rise in Europe of a great evil. The Iron Curtain had descended, the city of Berlin was surrounded, and nations along the fault line between East and West were under siege.

As Marshall said, Americans followed these events closely, for they knew from their own experience that problems abroad, if left unattended, would all too often come home to America. Of this, they were reminded every day by the disabled veterans they passed in the street, by the new plaque on the statue in the center of town, or—perhaps—by the picture in the living room on the little table next to the empty chair.

Today, there are those who fear that Americans have forgotten that lesson; that we have turned inward, grown complacent, and lost our sense of purpose. There is always this risk, for there will always be those drawn to the false security promised by protection, isolation, and retreat. Moreover, today, there is no Stalin and no looming confrontation between East and West. The threats we face are less visible. So, it may well be that the daily operations of our foreign policy are less discussed now than when George Marshall was Secretary of State.

But as I travel around this country, I don't sense a turning away from the world. On the contrary, I find that most Americans understand that whether one is a storekeeper, a stockbroker, a factory worker, or a homemaker, we each have a stake in the health and growth of the world economy. Whether our frame of reference is the Battle of the Bulge, Inchon, Khe Sanh, or Desert Storm, we know that American foreign policy can spell the difference between war and peace, victory and defeat.

And, whether one is a student, a religious leader, an editor, or a secretary of state, we want a U.S. foreign policy of which we can be proud—a policy that reflects the values of freedom and respect for human dignity that we cherish.

That is not the result of some foreign policy theory; it is a reflection of American character. We Americans have a big advantage because we know who we are and what we believe. We have a purpose. And, like the faith of a farmer that seeds and rain will cause crops to grow, it is our faith that if we are true to our principles, we will succeed.

Let us, then, do honor to that faith. In this year of decision, let us reject the temptation of complacency and assume, not with complaint, but welcome, the leader's role established by our forebearers.

And by living up to the heritage of our past, let us fulfill the promise of our future—so that we may enter the new century free and respected, prosperous, and at peace.

Thank you very much. ■



*Deputy Secretary Talbott*

# The New Ukraine in the New Europe

April 8, 1998

*Address at the Workshop on Ukraine-NATO Relations sponsored by the Harvard University Project on Ukrainian Security and the Stanford-Harvard Preventive Defense Project, Brookings Institute, Washington, DC.*

Thank you, Ash [Carter], for that introduction and for the invitation to be with you at the start of this timely and important conference. Thanks also for the privilege of serving with you during the first term. You were a terrific colleague and traveling companion, including some memorable visits to Kiev.

Let me also acknowledge a number of friends here, especially on the Ukrainian side. It's always good to see Ambassador [Yuriy] Shcherbak, who frequently comes to my office at the State Department to set me in the right direction. I listen to him with respect and admiration, and I try to do what he tells me to. I'm not sure I always succeed.

I also particularly want to single out my counterpart in the Ministry of Foreign Affairs, Anton Buteyko, and Ambassador Boris Tarasyuk, who has so ably represented Ukraine in Brussels. Anton, Boris, and I have logged many hours together, especially back in 1993, when, in earlier jobs, we worked together on what became the Trilateral Accord. Ukraine is lucky to have diplomats of their intellect, skill, and, I might add, tenacity. The United States is lucky, too, because it's in our interest that Ukraine itself be tenacious in the consolidation of its independence and its security.

Before going any further, let me convey to all of you greetings from Secretary Albright. She is today briefly back in Washington between trips, and she asked me this morning to stress the significance that she attaches to the issues you'll be discussing over the next 2 days. It was almost exactly a month ago that the Secretary was in Kiev for what she regarded as a highly productive visit. She believes that the partnership between NATO and Ukraine is vitally important to our effort to help build a Europe that is whole and free, prosperous, and at peace for the first time in its history.

The means for achieving that goal, as we see it, are largely institutional—or, as is often said, architectural. The task of constructing a new Europe requires us to adapt existing structures where possible and to build new

ones where necessary. The size, scope, job descriptions, and membership lists of these institutions are different, but their missions and their compositions are often overlapping. In some key respects, they are mutually reinforcing. Together, they make up the superstructure of the new Europe.

NATO has a unique role to play in this overall scheme because it alone has military muscle. As we've seen, that particular form of strength is still necessary in post-Cold War Europe. From Bosnia, Croatia, Albania, and Kosovo in the Balkans to Chechnya, Nagorno-Karabakh, Abkhazia, and South Ossetia in the Caucasus, more Europeans have died violently in the last 5 years than in the previous 45.

Had it not been for NATO's exertion of force in 1995, Bosnia today would still be at war. And, of course, NATO has not acted alone. The Implementation and Stabilization Forces in Bosnia have drawn on the military manpower and resources of partner countries that were, only a decade ago, part of the Warsaw Pact. Ukraine was among the earliest contributors to the peace efforts in Bosnia and Croatia, and it has paid a sad price in the loss of some of its finest young men.

But NATO is not just a military organization; it is also a political one. It is a catalyst for strengthening and extending the values, the institutions, and the ideas that the member-states have in common: democracy, rule of law, respect for human and civil rights, tolerance of ethnic and religious differences, and civilian control of the military.

NATO always has had that political function and responsibility, including its old, Cold War incarnation. In the 1950s, the alliance provided the security umbrella under which Germany and France could achieve their historic reconciliation.

Today, NATO fosters integration and cooperation between what we used to think of as East and West. The expansion of NATO already has been a powerful factor in cementing the reconciliation between Germany and Poland.

And the very prospect of NATO membership has encouraged positive, peaceful trends in Central and Eastern Europe. Partly in pursuit of their goal to join NATO, a number of central European states have intensified their internal reforms and improved their relations with each other. The recent accords between Romania and Hungary are one example. Another is the improvement in relations between Romania and Moldova. And still another is the beginning of negotiations between Romania and Ukraine on the complex issue of exploitation rights on the Black Sea shelf. In fact, all Ukraine's western neighbors have resolved disputes and improved relations with Ukraine and with each other. In that respect, NATO enlargement has already contributed substantially to Ukraine's security.

But for this salutary dynamic to continue, the door that the alliance leadership opened last July in Madrid must remain open. Were it to be otherwise—were the door to swing shut behind Hungary, Poland, and the Czech Republic, or were it to swing shut behind the second tranche of new members—the alliance and its enlargement would not only fail to be a force for integration, it would become the opposite—it would create a new dividing line, a new Iron Curtain, a new gray zone, a new strategic limbo, only further to the east. It would foment among the nations that were excluded mutual suspicion, military competitiveness, insecurity, instability, and perhaps even disintegration and violence. Hence the principle of the open door. The NATO Summit in Madrid last year affirmed that principle, and the NATO Summit here in Washington a year from now will reaffirm it.

A corollary to the open door is the principle that every sovereign state has the right to decide on how it wishes to provide for its own security. That includes the right to decide on its relationship to NATO. Some countries aspire to full membership; others prefer to remain non-aligned but to cooperate with NATO.

Either way, NATO will respect their decision. The alliance, of course, has its own say in what sort of relationship it develops with non-member states. But defining that relationship is exclusively a transaction between NATO and the country in question. No third party has a veto. That principle is enshrined in several bedrock OSCE documents: the Helsinki Final Act of 1975, the Charter of Paris of 1990, and the Budapest Summit Declaration of 1994. And, not incidentally, it was reaffirmed in the NATO-Russia Founding Act signed in Paris last May.

Russia and Ukraine have both said that they do not seek entry into the alliance at this time. Whatever their future position on this issue, we hope that both governments will see that, in practice as well as in theory, enlargement is not a threat to any nonmember of the alliance; rather, the process reinforces security and stability across the whole of central Europe. It was aggression and conflict in that region, after all, that drew the Ukrainian and Russian people into two world wars in this century.

Let me be very clear: We respect and accept Ukraine's position that NATO membership is not on its agenda at this time, just as we respect and accept similar positions on the part of Sweden, Finland, and other countries. But we also believe that should Ukraine one day decide to seek entry into the alliance, the door will remain open.

Meanwhile, Ukraine has decided that it wants a "distinctive partnership" with NATO, and NATO has agreed. As several people here know, a lot of work went into the selection of that word "distinctive." Some of us literally thumbed through the thesaurus to make sure we ended up with exactly the right adjective. Part of the task—strategic as well as semantic—was to ensure that the NATO-Ukraine relationship had independent, indeed, distinctive significance, while taking into account the importance—to the U.S., to Ukraine, to NATO—of Russia's own evolving relationship with the alliance.

This was simply the latest manifestation of a now-familiar challenge—managing the trilateral, or triangular, relationship among the U.S., Ukraine, and Russia. Minister Buteyko, Ambassador Tarasyuk, Ash Carter, Bill Miller, Bob Hunter, and I have been working together on that exercise in complex geometry since early in 1993—and to good effect, I think.

Under both Presidents Kravchuk and Kuchma, Ukraine has been generally supportive of NATO's effort to reach out to Russia—and rightly so. After all, it is very much in Ukraine's interest that Russian reform and integration with the West remain on course.

Despite this general and very welcome Ukrainian support for NATO's expanding partnership with Russia, there has been a tendency among some of our Ukrainian friends to compare the particulars of that partnership too directly and too competitively with Ukraine's own growing cooperation with the alliance. President Clinton and his fellow leaders of the alliance see NATO-Ukraine and NATO-Russia as separate initiatives that are both of vital importance to the alliance and to the future of Europe. They are committed to letting each relationship take its own shape at its own pace in the months and years ahead.

They are also committed to supporting and encouraging close ties between Ukraine and the Russian Federation. We salute both governments for the impressive progress they have made toward that goal, particularly in the treaty on cooperation and friendship that they signed in May of last year. That breakthrough will help buttress the architecture of the new Europe.

It was not coincidental that Ukraine and Russia signed their treaty the same month that NATO and Russia signed the Founding Act. The Ukraine-Russia treaty helped establish a

solid underpinning for the Madrid Summit in July, at which President Kuchma joined President Clinton and the other 15 alliance leaders in signing the NATO-Ukraine charter. In other words, together—in their sequencing and in their interlocking contents—the treaty, the Founding Act, and the charter were a classic example of structurally sound diplomatic and security architecture.

Since Madrid, we've been making good on the promise of the charter. In December, we held

the first ministerial-level meeting in Brussels of the new consultative forum—the NATO-Ukraine Commission. Boris Tarasyuk and Bob Hunter were instrumental in getting the commission up and running. Building on their good work, we've continued to broaden the dialogue between our senior governmental leaders, our ambassadors, our experts, and our military officers. We've also expanded NATO's contact with the Ukrainian people through the alliance's information office in Kiev, the first such facility in any country inside or outside the alliance. During her visit to Kiev last month, Secretary Albright discussed the growing relationship between NATO and Ukraine in her meetings with President Kuchma and other Ukrainian leaders.

So all in all, we're off to a good start. But we've got to intensify our efforts to translate dialogue—which, by definition, is mostly talk—

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into practical, tangible programs and initiatives that will bring the alliance and Ukraine closer together in meaningful and mutually beneficial ways. We must move from blueprints to masonry and carpentry.

That's the sort of activity that goes on in a workshop—and that, appropriately, is what you're calling this conference. I notice from your agenda that the next session is on “making the NATO-Ukraine charter real,” and that the one after that is on Ukraine's role in the Partnership for Peace—PfP. I'd suggest that those two topics are closely related, if not identical, because the most immediate and useful thing we can do to make the NATO-Ukraine charter real is to ensure that Ukraine—the first former Soviet republic to join PfP, in 1994—intensifies its participation. I realize that Ukraine wants to move beyond PfP to a new, genuinely “distinctive” level of cooperation, but before that can happen, Ukraine must take full advantage of the opportunities it already has before it.

Just as one example, we hope Ukraine will accept the alliance's invitation to station a second Ukrainian officer at the Partnership Coordination Cell at SHAPE. That would allow Ukraine to step up its involvement in joint planning between the alliance and the Partners on projects such as SFOR in Bosnia and NATO-sponsored PfP exercises. There are numerous additional ways in which we can do more and do it faster, which I'm sure Frank Miller, General Krawciw, and Jeff Starr will want to discuss during your workshops.

In the remaining minutes of these remarks, I would like to turn from the purely military dimension of Ukraine's security to the political and economic dimensions, which are no less important and, I'm sorry to say, considerably more difficult.

Walking toward the open door of NATO—or, for that matter, the EU, the OECD, the WTO, or any other of the core institutions that bind together the successful democracies of today's world—is a daunting challenge for a country as disadvantaged by history as Ukraine. It requires changing the entire shape and direction of society. That means courageous, forward-looking leadership from the top; it means making hard, often painful choices; and it means earning and maintaining the support of citizens who only recently—for the first time in their lives—have been empowered with the right to vote in real elections.

One of those elections took place 10 days ago, on Sunday, March 29. Nearly 70% of the electorate voted for parliamentary, municipal, and local officeholders. The polling was far

from flawless, but international observers have pronounced the preliminary results generally free and fair.

Thus, for the second time since independence, Ukraine has peacefully chosen its political representatives by democratic means. That is a milestone for any young democracy. It's not just the first election but the second and the third and the fourth that begin to make voting a habit—the breathing in and breathing out of the body politic.

These latest elections also suggest that Ukrainians are dealing with their ethnic and cultural differences through peaceful, democratic means. Exit polls indicate that members of the Russian- and Polish-speaking minorities tended to vote for candidates on the basis of their stand on issues, not on the basis of their ethnicity. This, too, is good news. It helps rebut the prophets of doom who, not long ago, predicted that it would be on the rocks of ethnic separatism that the Ukrainian ship of state would founder. And so the elections a week-and-a-half ago were a step forward—albeit a rather wobbly one—in the process of Ukrainian democratization.

The actual results of the elections, however, are more problematic. Let me offer a few carefully chosen words about those results, mindful that the choices the Ukrainian people made on March 29 were theirs and no one else's to make.

Overall, close to 60% of the total vote went to centrist or reformist candidates. But the Communist Party led the balloting in a majority of localities and won the largest bloc of seats in the Verkhovna Rada. Quite clearly, the communists and a number of other anti-reform parties were successful in tapping into widespread popular discontent with declining living standards and rising corruption and crime.

We in the U.S. Government are continuing to observe and assess the results of the election and its aftermath. As we do that, we are keeping in mind a number of factors. Let me touch upon several.

First, the ability of the Communist Party—or anyone else—to turn back the clock is severely limited. Ukraine's continuing need for access to international investment capital and development assistance is stronger than the siren song of a certifiably bankrupt ideology. The GDP has declined by 60% since 1991, and recent risky ventures into international financial markets have further burdened the country with massive short-term debt at high interest rates. Both the International Monetary Fund and the World Bank have made clear that they will withhold further support until Ukraine

makes progress on a number of long-postponed economic reforms, particularly the restructuring of the energy and agricultural sectors and the imposition of greater discipline in government spending.

There is another point we should all keep in mind as we assess the election. It is not unheard of for a party, even though it calls itself communist, to adjust to the realities of the present rather than falling back on the failed policies of the past. For example, in both Lithuania and Poland, the Communist Parties' experience with the responsibilities of governance has transformed them into something like mainstream social democratic parties. And in Hungary, the Socialists—the successors of the Communist Party—have implemented the most far-reaching privatization program in the former COMECON space. Moreover, it was the Socialists in Hungary and their confreres—I'll resist saying comrades—in Poland who negotiated their countries' terms of accession for entry into NATO and who paved the way for accession negotiations with the European Union.

Of course, the Ukrainian Communist Party is by no means a clone of those other parties. It exists in different circumstances, and it has its own track record and platform. And those are none too encouraging. The Ukrainian communists have worked with other so-called leftist parties in the Rada to block many of the reforms that Ukraine needs most. What's more, the communists' stated policy goals include the reversal of some key elements of Ukraine's privatization program, the partial renationalization of industry and the banking system, and the reconstitution of something that sounds ominously like the Soviet Union.

This doesn't mean that the Communist Party now rules Ukraine—far from it. It does mean, however, that President Kuchma is faced with the daunting challenge of trying to reunite the fractured political center, even as he works with the left to get economic reform moving again.

We will do everything we can to help, but we need Ukraine's leaders to help us help them. A particularly important area of concern is the country's openness to foreign investment and international business.

As many of you are aware, our Congress has mandated that unless Secretary Albright can certify by the end of this month that there has been "significant progress" on a number of specific disputes involving the entry of U.S. firms into the Ukrainian market, American assistance to Ukraine will be drastically reduced. We currently have a team in Kiev reviewing the facts and the trends. I will be



honest: Last week, Ukraine's senior economic team—led by Deputy Prime Minister for Economic Reform Tyhypko—was in Washington, and what we heard from them was not very encouraging.

Let me stress a key point that everyone should keep in mind as the U.S. and Ukraine work together on this issue over the next several weeks. Our goal is not only to ensure a level playing field for American business in Ukraine, equally important is the need to encourage reforms that will allow Ukraine to attract the foreign investment it so desperately needs.

We are well aware that the Ukrainian economy will not evolve—or, for that matter, deteriorate—in a political vacuum. Quite the contrary, Ukrainian democracy faces its next test in 18 months, in the October 1999 presidential election. Politicians from across the political spectrum, in both the legislative and executive branches, may be tempted to defer difficult decisions so that they can say and do things

that they believe will earn favor with the voters. To put it bluntly, that is time that Ukraine simply does not have to waste. And we can only hope that elected officials will see that wasting time is bad politics, since a year-and-a-half of finger-pointing, demagoguery, empty promises, and inaction on economic reform will only make things worse in October 1999, not better.

So the choice that Ukraine faces today is not really between reform on the one hand and on the other a return to what the communists may have advertised as the “good old days” of the Soviet system. Rather, it is a choice between forward movement and stagnation, between developing traction and remaining stuck in a deepening rut.

That brings me back to the principal topic of this conference: Ukraine's security. The interplay between the workings of Ukrainian politics and the Ukrainian economy is very much a security issue, and right now, it is a security vulnerability.

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In its foreign policy, Ukraine has moved forward. Many in this room have helped to make that progress possible by steadily improving Ukraine's relations with its neighbors and with the Euro-Atlantic community as a whole. But as a result of what it has done—and, more to the point, not done—within its own borders, Ukraine has inhibited its ability to do two things which are, quite simply, vital for its own long-term viability: to provide a prospect of prosperity for its own now-enfranchised citizens and to integrate with the outside world. These twin disabilities put Ukrainian security itself in jeopardy. That's because Ukraine is not just a new state; it is in certain respects a fragile one. And the biggest source of its fragility today is an economy that is failing to produce the kind of benefits that people in other post-communist societies have begun to take for granted and that repels rather than attracts foreign investment.

All this is a very real cause for concern about what lies ahead for Ukraine. But there are reasons for optimism as well. On more than one occasion, the Ukrainian Government, with the support of the Ukrainian people, has made courageous, far-reaching choices that have contributed in fundamental ways to their own well-being, to regional stability, and to the good of the international community at large. That was true of the peaceful way in which Ukraine gained its independence in 1991. It was true of Ukraine's decision in 1994 to join the Non-Proliferation Treaty as a non-nuclear-weapons state, and, more recently, it has been true of Ukraine's principled decision to cease all cooperation with Iran's nuclear program. Another cause for gratification and congratulation is the way in which Ukraine has resolved ethnic differences within its borders and reached out across divides of history and geography to its neighbors, particularly Russia.

These achievements—these examples of national and international good citizenship—are reasons for what might be called strategic optimism with regard to Ukraine's future. They are also tangible incentives for the major industrialized democracies to persist in their supportive engagement with Ukraine.

As for the United States, as long as Ukraine moves forward with economic and political reform, we will maintain the wide array of programs and initiatives that have made Ukraine the fourth-largest recipient of American assistance in the world—and the number one recipient in the former Soviet Union. We also will continue to provide expertise and ideas through the U.S.-Ukraine Binational Commission led by President Kuchma and Vice President Gore, which has already proved itself



a valuable mechanism for cooperation on a broad range of important issues since it was created just under a year ago.

By the way, the Vice President and President Kuchma had an extremely good telephone conversation earlier today. It was clear that Mr. Kuchma is anything but discouraged. Quite the contrary, he conveyed to the Vice President a determination to meet all the difficulties Ukraine faces—political and economic—and to continue leading the country in the right direction.

We will be at Ukraine's side as he does so. We will sustain our effort to help integrate Ukraine more fully into international institutions and structures. That means further collaboration in the Euro-Atlantic Partnership Council and in the OSCE. It means continuing

to work with Ukraine toward eventual membership in the World Trade Organization, the Central European Free Trade Area, the European Union, and the OECD. And, of course, we will continue our joint construction project to build a distinctive partnership between Ukraine and NATO.

We will do all that because so much depends on our success in helping Ukraine achieve its own best aspirations for itself. That brings me, in conclusion, back to what, for us, is a first principle: an independent, unitary, secure, democratic, prosperous, self-confident, integrated Ukraine is a keystone in the architecture of this new Europe. I borrow that metaphor from Sherm Garnett advisedly, knowing full well—as he does—that the keystone keeps in place the arch in architecture; if the keystone crumbles, the structure collapses. We cannot let that happen—for Ukraine's sake or for our own.

Thank you very much. ■

David J. Scheffer

# Responding to Genocide And Crimes Against Humanity

April 22, 1998

*Address by the Ambassador at Large for War Crimes Issues before the Committee of Conscience, Holocaust Museum, Washington, DC.*

It is a great honor for me this afternoon to address members of the Executive Board and of the Committee of Conscience of the Holocaust Museum. I want to thank Professor Thomas Buerghenthal for inviting me to discuss contemporary responses to genocide and crimes against humanity. In addition to his distinguished academic and judicial career, Professor Buerghenthal is the U.S. Representative to the UN Committee on Human Rights, where he has been a major influence in protecting universal norms enshrined in the International Covenant on Civil and Political Rights. He is an inspiration for those of us who must carry into the 21st century the same duty he has performed in this century; namely, to remember the evil of genocide and to enforce the law that seeks to prevent and punish genocide.

Twenty-five years ago, as a college student, I scarcely fathomed how relevant genocide would be for the future. The Holocaust of World War II characterized genocide, inspired the drafting of the Genocide Convention, and rendered unimaginable similar acts of sheer brutality. Genocide seemed, at that time, a historical phenomenon that resonated powerfully in the conscience of this nation and of much of the international community. This museum is an extraordinary messenger of history and research center of an event that truly frames the issue. But that issue—genocide and its companion in evil, crimes against humanity—has been a common, contemporary phenomenon in the last quarter of the 20th century. There are not only more museums to build to record shameful episodes in our immediate past, but we carry a heavy responsibility to defeat the demons of genocide and crimes against humanity.

Since the early 1970s, genocide or widespread crimes against humanity have engulfed Rwanda, Cambodia, Iraq, the former Yugoslavia, and Burundi. A few weeks ago, in Kigali, Rwanda, President Clinton pledged “to increase our vigilance and strengthen our stand

against those who would commit such atrocities in the future,” in Rwanda or elsewhere. He called for preventive efforts and for quick actions to minimize the horror when it is unleashed.

A few months earlier, in her December 1997 address to the Organization of African States in Addis Ababa, Secretary of State Madeleine Albright also addressed the Rwandan genocide. She said,

We, the international community, should have been more active in the early stages of the atrocities in Rwanda in 1994 and called them what they were—genocide.

She said that the United States will carefully control future funding

to ensure that humanitarian aid is not used to sustain armed camps or to support genocidal killers, to find more effective ways of preventing conflict and reconciling former adversaries, to achieve justice and accountability in the aftermath of large-scale human rights violations and to resist the emergence of new tyrannies.

Our Great Lakes Justice Initiative, which the President and Secretary Albright have advanced in recent months, is the most ambitious effort to address justice priorities at the domestic level in the history of Central Africa. We hope this \$30 million effort will help shore up the capabilities of local authorities to advance the rule of law in the Great Lakes region and deter future acts of genocide or other violations of international humanitarian law. A significant portion of the Great Lakes Justice Initiative will be directed toward processing the genocide cases of the 130,000 suspects detained in Rwandan jails. The initiative also will address the needs of the International Criminal Tribunal for Rwanda. We are formulating specific programs now to implement the Initiative. We will be reaching out to the private sector in the United States to seek partners in this endeavor.

It has, indeed, taken some time for the U.S. Government to come to grips with the essential need to react quickly to the Commission of Genocide and Crimes Against Humanity, as, indeed, they continue to challenge the political will of the international community far beyond our own shores. Determining whether genocide or widespread or systematic crimes against humanity have occurred requires us first to try to find out what the facts are. Identifying genocide as it unfolds is no simple endeavor despite its obvious character when viewed in retrospect. Media accounts must be weighed with diplomatic observations and intelligence reports. Nor is it possible, usually, to ascertain easily—in real time—the necessary intent required by the Genocide Convention to establish the crime of genocide.

In order to achieve the prosecution of the crime of genocide and crimes against humanity, the United States has strongly supported the creation of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda, each of which includes these crimes as part of its jurisdiction. The definition of genocide for each tribunal is drawn from the Genocide Convention. The judges have not hesitated to confirm indictments for the crime of genocide. Seven individuals have been indicted for genocide before the Yugoslav Tribunal. Two of those indicted for genocide who were at large a year ago are now in custody; a third died resisting arrest. It is significant to note that the total number of indictees taken into custody by the Yugoslav Tribunal has almost quadrupled in the last year—from 8 to 31. For the Rwanda Tribunal, a year ago, 11 were in custody. Today, that number has more than doubled to 23. Of the 32 indicted by the Rwanda Tribunal, most are charged with genocide.

In Kigali, President Clinton said that the United States

will continue to pursue justice through our strong backing for the International Criminal Tribunal for Rwanda. The United States is the largest contributor to this tribunal. We are frustrated, as are the Rwandan people, by the delays in the tribunal's work, and we know we must do better. Now that administrative improvements have begun, however, the tribunal should expedite cases through group trials and fulfill its historic mission.

We have encouraged officials of the Rwanda Tribunal to examine carefully the merits of group trials and to do everything possible to better manage the conduct of the trials and the workloads of the judges so that defendants are tried in a timely manner. The needlessly slow trial work, despite all of the handicaps and hardships endured by the

Rwanda Tribunal, has tarnished the credibility of the Rwanda Tribunal and has created significant difficulties for the Rwandan Government as it seeks to promote reconciliation and to dispose of its own colossal caseload of approximately 130,000 suspects of genocide.

The Prosecutor, indeed, has lodged an indictment request grouping 29 individuals into one conspiracy to commit genocide in Rwanda in 1994. This request is now on appeal. If it can be shown that the genocide of 1994 was orchestrated by a group of leaders from a cross-section of society acting as conspirators, and they can be prosecuted as a group, not only would the efficiency of the Rwanda Tribunal be significantly improved and defendants tried more quickly, but there would be a powerful, Nuremberg-like signal sent to the people of Rwanda. They would see the way in which men and women conspired, at the highest levels of Rwandan society, to unleash a genocidal assault.

Allow me to address, at this juncture, the genocide and crimes against humanity that occurred in Cambodia from 1975 to 1979 under the rule of Pol Pot.

Accountability for crimes committed on such a huge scale has been delayed far too long. The complex challenge of gaining custody of the top Khmer Rouge leaders who perpetrated these crimes has been a primary obstacle to justice.

But the Clinton Administration has consistently sought to bring Khmer Rouge leaders to international justice. During the last year, we have undertaken many concentrated efforts as opportunities began to develop to bring these individuals to justice. The recent fate of Pol Pot followed the precipitous collapse of the Khmer Rouge who defected in large numbers to the Cambodian army and thus exposed the Khmer Rouge leaders to possible capture. We are disappointed that Pol Pot did not face a court of law. But a number of top Khmer Rouge leaders remain at large. The President and Secretary Albright are determined that they be brought to justice. We will continue to vigorously pursue that objective, including efforts in the region as well as in the Security Council to establish the judicial mechanism to investigate and prosecute senior Khmer Rouge leaders.

*“...the total number of indictees taken into custody by the Yugoslav Tribunal has almost quadrupled in the last year—from 8 to 31. For the Rwanda Tribunal, a year ago, 11 were in custody. Today, that number has more than doubled to 23. Of the 32 indicted by the Rwanda Tribunal, most are charged with genocide.”*

Another current development in the area of war crimes issues brings us back to echoes of the Holocaust. Just this month, we learned of the case of Dinko Sakic, who admitted on Argentine television on April 6 that he was the commander of the Jasenovac death camp in World War II Croatia. Some consider Sakic to be the most notorious World War II-era war criminal still at large today. At least tens of thousands, and perhaps hundreds of thousands, were killed at Jasenovac. According to a captured German document, in December 1943, Nazis in the Balkans were reporting to Berlin midway through the war that 120,000 people had already been killed at Jasenovac. The camp obviously continued to operate almost through the end of the war. By any account, whoever commanded the camp must be put on trial.

At present, the Government of Argentina has expressed a willingness to extradite Sakic so that he can be tried. The United States Government is committed to seeing that Dinko Sakic is vigorously prosecuted and that he receives a fair trial. Both Croatia and Serbia have expressed publicly their interest in seeking his extradition. Croatia's Ambassador Zuzul has given the U.S. Government assurances that Sakic will receive a fair and serious trial in Croatia, and that any and all international observers will be welcome to attend the proceedings. When we look at the efforts other European countries have made, and are still making, to confront the Holocaust, we expect nothing less from a Croatia that looks to be part of Europe in the 21st century.

The United States expects that the Sakic case will be prosecuted vigorously, that the trial will be open to international observers and the media, and that everyone with evidence to give—no matter from what country they may come—will be welcomed and heard by the Croatian judicial system. The Sakic case shows, as Secretary Albright has said, that there is no statute of limitations for genocide. The American people and their government will be paying close attention to the Sakic case to see that, in the end, justice is done in Croatia just as it has been done elsewhere in Europe.

Our ongoing efforts to see genocide punished have also given rise to a renewed public debate over how genocide can best be prevented. I know this is a central concern of the Committee of Conscience. Your mission will be to deliberate upon what are some of the most solemn questions anyone can be called upon to address. Recognizing I am in the presence of giants such as Tom Buerghenthal, I would like to address two modest points to consider in your deliberations.

First, I would like to address the legal question of what genocide is. The Genocide Convention condemned conduct that everyone

agreed deserved to be condemned, but that very act means we have to address important questions before actual prosecutions for genocide can begin. For example, there will continue to be factual controversy and theoretical debate over whether specific acts constitute genocide. As the President has said, we need to be willing to identify genocide as soon as we can. But we also need to ensure that any such description of heinous crimes does not trivialize the crime of genocide or ignore the severity of crimes against humanity, both which should be regarded with outrage by civilized peoples. One of the most important issues that would come before the Committee of Conscience in making a statement that genocide has occurred is the requirement that there must be "intent" to commit genocide. The question of intent is necessarily difficult to prove without clear documentation—e.g., written policies, orders, or express statements—and is, ultimately, a question of the intent of particular individuals. Intention may, however, be inferred from the circumstances.

Another important issue is that the specific intent must be one to destroy in whole or in substantial part a national, ethnical, racial, or religious group as such. The U.S. Senate described "substantial" in this context as meaning a sufficient number to "cause the destruction of the group as a viable entity." For example, if an individual was involved in the killing of a substantial number of members of a protected group, as part of an overall policy of "ethnic cleansing," one might reasonably conclude that he had the requisite intent to commit genocide.

The U.S. Government has been of the opinion since 1993 that genocide occurred in Bosnia. For Rwanda, we reached this conclusion in May 1994. We are today supporting the work of the Yugoslavia and Rwanda War Crimes Tribunals to determine which individuals should bear the responsibility for the genocide that occurred, as well as responsibility for crimes against humanity and war crimes.

Let me now mention a second point of interest to the deliberations of the Committee of Conscience. There needs to be a better understanding of Article II of the Genocide Convention. Under Article II, states parties confirm that genocide, whether committed in time of peace or war, is a crime under international law that they undertake to prevent and punish. The U.S. Senate, in ratifying the Genocide Convention, understood this to express the general purpose and intent of the states parties, without adding any independent or specific obligation to the Genocide Convention. A state party may choose from among a range of measures—diplomatic pressure, economic sanctions,

judicial initiatives, or the use of military force—to “undertake” to prevent or punish genocide. But the state party’s choice is necessarily discretionary. No government should be intimidated into doing nothing by the requirements of Article II; rather, every government should view it as an opportunity to react responsibly if and as genocide occurs.

Our experience with genocide points to some important lessons.

- We need to heed the warning signs of genocide.
- Officially directed massacres of civilians of whatever numbers cannot be tolerated, for the organizers of genocide must not believe that more widespread killing will be ignored.
- “Neutrality” in the face of genocide is unacceptable and must never be used to cripple or delay our collective response to genocide.
- The international community must respond quickly to confront genocidal actions.
- The consequences of genocide are not only the horrific killings themselves but the massive refugee flows, economic collapse, and political divisions that tear asunder the societies that fall victim to genocide. The international community can pay a far higher price coping with the aftermath of genocide than if it were prepared to defeat genocide in its earliest stages.

Before I change subjects, I want to say something briefly about the role of the Committee of Conscience in deliberating upon crimes against humanity apart from the crime of genocide. History teaches us that we have to be prepared to respond to situations of widespread and systematic killing, rape, or other abuses—and that those deserve the same moral condemnation, criminal prosecution, and efforts to prevent and to punish that we give to the crime of genocide. Crimes against humanity can occur—and have occurred—in situations where the specific requirements of genocide have not been met. How we should deal with crimes against humanity is a subject that deserves another speech, but I’m going to leave it open for now. After all, I want to encourage Tom to invite me back. I would like to turn, instead, to the subject of the permanent international criminal court.

President Clinton and Secretary Albright have long called for the establishment of a properly constituted permanent international court, and they want it done by the end of this century. In Kigali, the President pledged that “the United States will work to see that it is created.”

The last Preparatory Committee session ended in New York recently. While good progress was made by experts from more than 100 countries, the draft statute of the court

remains heavily bracketed, and major issues remain unresolved. As head of the U.S. delegation negotiating the permanent court, I am keenly aware that the road to Rome—where a diplomatic conference will be convened this summer to conclude the statute of the court—remains steep. But the critical need for a permanent court, and the vital role the United States can play in its establishment and operation, compels our best efforts.

The Clinton Administration believes that a core purpose of an international criminal court [ICC] must be to advance a simple norm: Countries should bring to justice those who commit genocide, widespread or systematic crimes against humanity, and large-scale commission of war crimes, or turn suspects over to someone who will, such as an impartial and effective international court.

Allow me to emphasize a particular point about the treatment of war crimes

by the proposed court. The United States is deeply concerned that at this late stage in the negotiations, certain fundamental tenets of international humanitarian law applicable to non-international armed conflict are still being questioned. We believe that contemporary international law makes it clear that no armed conflict nexus for crimes against humanity is required. The United States believes that crimes against humanity must be deterred in times of peace, as well as in times of war, and that the ICC statute should reflect this principle. In our view, it is essential that serious violations of the elementary customary norms reflected in common Article 3 of the Geneva conventions of 1949 should be the centerpiece of the ICC’s subject matter jurisdiction with regard to non-international armed conflicts.

In addition to the common Article 3 crimes, we believe it is good international law, and good policy, to make serious violations of at least some fundamental rules pertaining to the conduct of hostilities in non-international armed conflicts a part of the ICC’s jurisdiction.

The permanent court must ensure that national legal systems, with the will and ability to prosecute persons who commit these crimes, are permitted to do so, while guaranteeing that perpetrators of these crimes acting in countries without competent, functioning legal systems, nonetheless, will be held accountable. Where

*“The United States believes that crimes against humanity must be deterred in times of peace, as well as in times of war, and that the ICC statute should reflect this principle.”*



national legal systems can assume their responsibilities, then the permanent court is not required.

In that spirit, on March 25, the U.S. delegation to the Preparatory Committee session submitted a proposal to strengthen the principle of "complementarity" in the draft statute. It has never been clear in that draft how deferral to national jurisdictions, in fact, would be effected at the outset, when matters are first referred to the court. It has become evident in recent months that many governments support a procedure whereby overall matters are referred to the court following which the prosecutor would investigate and seek indictments against individual suspects. If that becomes the adopted procedure, then we believe that the principle of complementarity should be recognized at the outset of any referral of a matter to the court in addition to any later stage of investigation of individual cases by the prosecutor.

The U.S. proposal states that when a matter has been referred to the court, the prosecutor would make such referral known by public announcement and by notification to all states parties. Public acknowledgment of a referral of large-scale "matters," as opposed to the filing of a complaint against an individual suspect, should not be objectionable. Investigations by the prosecutor of individual suspects can, of course, remain confidential and need not be publicized. When the referral is made known, a state may step forward and inform the prosecutor that it is undertaking the responsibility to investigate its own citizens or others within its jurisdiction who may have committed crimes in the referred matter.

Alternatively, the prosecutor can determine at the outset that the states are unwilling or unable genuinely to carry out the investigation and prosecutions; in other words, the criteria for admissibility appear to apply. In that event, the prosecutor would seek confirmation from the pre-trial chamber and, if the judges concur, the prosecutor would launch the investigation.

We have provided that the pre-trial chamber's preliminary ruling could be appealed to the appeals chamber, where a super-majority of the judges of the appeals chamber would need to approve the prosecutor's commencement of investigation.

The prosecutor will need the cooperation of states and the support of the international community in order to be effective. We believe that our proposal reflects reality; namely, that a state that is capable and willing to investigate such crimes should not be burdened with and, indeed, may resist cooperation with an ICC investigation not merited under the principles of complementarity. On the other hand, states that have no intention of investigating the

crimes or cooperating with the prosecutor will proceed with their own agenda regardless of the court's orders for access to witnesses and evidence.

This proposal is extremely important to the United States Government. In our view, it takes account of our interest in protecting against unwarranted investigation and prosecution of persons who are being investigated by their own national authorities, while ensuring the prosecution of those who should be brought before an international court. Our proposal also seeks to honor a fundamental tenet of the principle of complementarity; namely, that at the outset of a referral of an overall matter, a state can assert its responsibility to enforce the law itself provided it is capable and willing to do so.

We also submitted a proposal at the Preparatory Committee session that illustrates how a set of criminal elements, annexed to the Statute, might appear. We believe there is a clear need to define crimes with the clarity, precision, and specificity many jurisdictions require for criminal law, and that criminal elements are a fundamental requirement for a successful criminal statute. We understand that different criminal justice systems function with different levels of specificity, but if the international criminal court is to enjoy the widespread acceptance, recognition, and respect that it must have to function appropriately, it must not have standards of criminal justice that are less rigorous than those of its member states. Considering the seriousness of the crimes and penalties in these cases, specificity becomes an issue of fundamental fairness.

The essence of this entire effort is the preeminence of the rule of law. This law binds alleged perpetrators as well as the prosecutors and judges that make them accountable. The elements must be a part of the statute; they carry with them the rigor that gives a criminal tribunal its authority as an institution under the law. How can we ask the global community to accept the jurisdiction of a court, when we cannot even agree on the nature of the activity that would be considered a crime?

We do not believe the court should become operational before the elements are adopted. And this, of course, is also true about the need to adopt rules of evidence and procedure before the court becomes operational. Our proposal is designed to create a truly viable and effective permanent court that deserves the authority and responsibility we give it.

Because of the UN Security Council's responsibilities for international peace and security, and also because the Council alone among international institutions exercises police powers, the design of the court must take into account the proper role of the Council. The

jurisdiction of the court will involve many conflicts that are properly being addressed by the Security Council. The court cannot be used to undermine the Council's critical work. Governments need to agree on how to preserve this vital role for the Council while pursuing justice.

The Security Council also should be able to refer armed conflicts or atrocities to the court for investigation and direct all countries to cooperate with the court if necessary. The Council may need to assist the court with the enforcement of its orders.

Many governments and non-governmental organizations seek a prosecutor who can self-initiate investigations and seek indictments against anyone anywhere. However, we believe there must be reasonable procedures that will activate the prosecutor's powerful duties and the extensive—and expensive—mechanism of the court.

We have proposed that first, a state party to the treaty or the Security Council must refer an overall matter to the court. Then, provided the crimes are sufficiently grave, the prosecutor would be free to investigate the situation and prosecute alleged perpetrators. This would mirror the Yugoslav and Rwanda Tribunals and ensure that the prosecutor has the necessary backing to get the job done. If neither any state party nor the Security Council believes that a situation should be referred to the court, that speaks powerfully against the need or wisdom of court involvement.

At the recent session of the Preparatory Committee, the U.S. delegation was particularly concerned about complications in negotiating the fundamental stages of the criminal process. Under U.S. leadership, a number of delegations developed a straightforward, simplified procedure that can stand as a common vision for delegations from a variety of jurisdictions and legal traditions. Absent that, there was growing concern among responsible states, including the United States, that either we would find the procedural problems unraveling the Rome Conference, or we would have a court whose procedures at best would be confusing and at worst irrational.

For example, there needs to be a single method for arrest of a person based upon an independent judicial determination of probable cause. In lieu of two or three different concepts in the negotiations about how one confirms or formalizes charges, there needs to be a form of preliminary hearing that satisfies civil and common law jurisdictions alike. Between those two stages, procedures for arrest and surrender by national authorities needs to be controlled by provisions of the statute that require much higher levels of agreement. While such issues may not be the grist of public debate, they are

the gut of the court's statute and negotiators' most time-consuming endeavor. The outcome of this proposal remains open, but the reaction so far has been very encouraging.

What hard realities—beyond theory—must we all consider in connection with the negotiations for a permanent international criminal court? First, the permanent court must not handcuff governments that are prepared to take risks to promote peace and security and to undertake humanitarian missions. It should not be a political forum in which to challenge controversial actions of responsible governments by targeting their military personnel for criminal investigation and prosecution. Human rights groups advocating speedy military interventions to save human lives should be most sensitive to this reality. Otherwise, ironically, a permanent court would undermine efforts to confront the worst assaults on humankind.

Many countries shoulder the burden of international security. The U.S. military, in particular, is called upon to carry out mandates of the Security Council, to help defend our allies and friends, to achieve humanitarian objectives, to combat international terrorism, to rescue Americans and others in danger, to prevent the proliferation or use of weapons of mass destruction, and to defend our national security from a wide range of threats. Other governments are our partners in such efforts and in UN or other multinational peacekeeping operations. Our armed forces are deployed globally and need to be able to fulfill their legitimate responsibilities without unjustified exposure to criminal legal proceedings.

The second reality we must recognize is that an international criminal court stands a good chance of being established in the near future, indeed, by the end of this century as the President has sought. It is imperative that the United States continue to play a leading role in the negotiations. If such a court is to succeed, it will need the United States as its strongest pillar of support. It has been demonstrated time and again that when diplomatic, economic, or military clout is needed to achieve the aims of international justice, the world looks to the United States for assistance.

A few months ago, at Secretary Albright's direction, I visited a massacre site in Rwanda where hundreds of Tutsis had just been slaughtered, and hundreds more seriously wounded by insurgents whose aim is the resurgence of genocide in that tortured country. We must challenge this kind of barbarity. A properly constituted international criminal court will fortify efforts to render justice and help deter the heinous crimes that continue to mar our own era. ■

*Victor Marrero*

# The Question of Cuba's Reintegration Into the Inter-American System

April 22, 1998

*Remarks by the U.S. Permanent Representative to the Organization of American States at a meeting of the OAS Permanent Council, Washington, DC.*

I take the floor to address the comments of our colleague from Mexico regarding the reintegration of Cuba into the Inter-American System. Recently, a number of other delegations have made similar interventions here and elsewhere on this subject. I believe it is important for my delegation to reiterate the basis for the exclusion of the present Government of Cuba from participation in the Organization of American States, and the reasons why my government believes that it is imperative for the OAS to continue Cuba's suspension.

As a starting point, we should remind ourselves that this organization is a closely knit society brought together by a shared belief in certain fundamental principles. We are a comity of democracy. Around this table our nations work in harmony, cooperatively and constructively, bonded in friendship and purpose by the values to which we all adhere. Like members of any institution, it is incumbent upon us—if we wish that institution to continue to fulfill its purposes and thus to thrive—to establish the essential conditions that define eligibility for admission of its members and for their continuation in good standing.

In this regard, this organization has expressed itself unequivocally, in its Charter—in binding instruments and by other means—on the critical values we stand for jointly and severally. The protection and promotion of human rights, the unfettered exercise of fundamental freedoms, the vigorous practice of true representative democracy, and open market economies are all integral to each of our systems of government. The principles and purposes of this organization enumerated in its Charter enshrine these norms. Continuing progress toward our shared goals, continuing harmony within our community of democratic societies, and continuing unified support from all our governments for the work of this

organization rest essentially upon our ability to maintain consensus among us with respect to the indispensability of these tenets as preconditions for participation of members in this body.

The Government of Cuba is the only one of the 35 independent nations in this hemisphere that actively rejects rather than subscribes to or practices the basic principles to which the rest of us are unreservedly committed. Its own official doctrines with regard to real democracy, human rights, and fundamental freedoms are irreconcilably inimical to those which unite the 34 of us democratic states around this table. I do not see how we could work productively on perfecting our alliance of democracies if among us today one member remained the very embodiment of dogma and practices that are fundamentally undemocratic. How could we speak credibly about enlarging freedom for all our people if the people of one of our countries remained deprived of freedom—effectively fettered, silenced, disenfranchised? In a similar vein, how can we sustain and enhance the solid consensus we have laboriously strived to establish in the hemisphere on human rights if one of our members not only rejected our core working premises, but notoriously denied its citizens basic liberties, and constantly sought to pull us incongruously in a contrary direction? And would it not betray the vital intent of the Protocol of Washington, only recently given effect, were we to consider suspending any of our members for interruption of its democracy by force, if we gave free passage for membership in our community to a regime that has suppressed democracy and ruled its people by force uninterruptedly for almost 40 years?

I think we can all agree, Mr. Chairman, that these prospects would open profound rifts within our organization, strain our solidarity, and call the OAS' credibility into question. For these reasons, the fact is that if the current Government of Cuba had not previously been suspended from the OAS, today it would have

to be excluded, if we were to apply honestly and abide faithfully by the commitment to democratic values we now live by in the organization.

In past months—and particularly following the visit of Pope John Paul II to Cuba—some commentators have described what they believe to be signs of potential change by the Castro government in its performance in the area of democracy and human rights.

We believe that such analysis is not supported by the facts: The unfortunate truth is that the Castro regime remains fully committed to maintaining the failed and oppressive system of Marxism-Leninism which has deprived the Cuban people of the democratic freedoms we have come to take for granted in the rest of the hemisphere. The Cuban leadership still describes Cuba in the same terms as those used in its Constitution, as a Marxist-Leninist state with a Marxist-Leninist political philosophy that rejects the principle of “representative democracy” on which the OAS Charter is based. For instance, Article 62 of that Constitution states: “none of the freedoms which are recognized for citizens can be exercised contrary to . . . [the] decision of the Cuban people to build socialism and communism.” A “decision” taken for the Cuban people, of course, by an unelected government propped up by all the repressive machinery of dictatorship—secret government policies, muzzling of free expression, imprisonment for political “crimes,” stifling of non-governmental organizations, and the like.

According to the estimates of Amnesty International, there are at least 600 prisoners of conscience in Cuban jails. Other human rights organizations such as Freedom House place the figure as high as 3,000-4,000.

Much has been made in some quarters of President Castro’s promise to the Pope to release several dozen prisoners on the Vatican’s list. Yet it is unclear whether, as the Pope requested, these persons will be reintegrated into Cuban society. There is no reason to believe that any of them will be permitted to resume their fight for greater freedom for the Cuban people. Indeed, some of those released were required to leave Cuba. As Cuba’s foreign minister said, “the pardon was not done with the intention of stimulating internal dissent activities.” Meanwhile, the great majority of Cuban political prisoners remain incarcerated without real prospect of reprieve.

My government has the most profound respect for the Pope’s moving engagement on behalf of democracy during his trip to Cuba. During that visit, the Pope carried a direct, unambiguous message of hope, truth, and

freedom to the Cuban people. That is a message this organization collectively, and our countries individually, should seek to reinforce at every turn. There should never be a time to yield on our commitment to principles we hold dear. And if ever there was a time and a place and a reason to remain steadfast to basic principle, it is in regard to our commitment to democracy in Cuba now. The Cuban regime today—as it was in 1962 when it was excluded from participation in the OAS—is still based on constricting doctrines fundamentally at odds with the freedom values enshrined in the explicit language of the OAS Charter and reflected in the Pope’s message.

My country looks forward to the day when we could welcome to this body the representative of a truly democratic government of the people of Cuba. We recognize the need to prepare the way for a peaceful transition to democracy by finding ways to strengthen Cuban civil society. It is with that in mind that on March 20 President Clinton took steps aimed at providing maximum support to the Cuban people, including the strengthening of civil society, without supporting a Cuban Government marked by continued repression of human rights, intransigence toward democratic change, and refusal to reform a failed economic system which have plunged the Cuban people into unnecessary want and deprivation.

Mr. Chairman, while the Cuban people deserve representation in this body, let us ask ourselves on their behalf some vital questions: Who today would legitimately represent all of them and their yearnings for democracy, their aspirations for basic liberties, their legitimate interests in enjoying human rights and fundamental freedoms? Can anyone in this room validly claim that the Government of Cuba exercises power over its people by the same means and by the same authorized democratic

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processes that bind the rest of us in our own governments' covenants with our people? Who can document to the satisfaction of everyone else around this table that the Cuban people enjoy truly free and fair elections, unrestricted political party organization, open expression, a free press?

Until Cuba does truly fulfill the basic conditions for representative democracy, debating its return to a democratic organization from which it excludes itself by its own behavior would, in the view of my delegation, be

unproductive and divisive. It would detract substantial attention from more important matters before us. For those who wish to debate Cuba's reintegration into the Inter-American System, we would suggest a more constructive course. Propose for our consideration the necessary values, consistent with our Charter principles, that we could all agree upon that the Cuban Government must adopt and practice for its readmission to this organization, and then press the Castro regime to respond to those prerequisites in good faith.

Thank you, Mr. Chairman. ■





# TREATY ACTIONS

## MULTILATERAL

### Defense

Agreement among the United States, Germany, and Italy for the High Speed Anti-Radiation Missile (HARM) AGM-88 upgrade, with annexes. Signed at Washington, Bonn, and Rome Oct. 14, 1997, Feb. 5 and Mar. 7, 1998. Entered into force Mar. 7, 1998.

## BILATERAL

### Brazil

Supplementary agreement to the agreement of Feb. 6, 1984, as amended and extended, relating to cooperation in science and technology. Signed at Brasilia Mar. 31, 1998. Entered into force Apr. 30, 1998.

### China

Agreement extending the agreement of July 23, 1985, as amended and extended, concerning fisheries off the coasts of the United States. Effected by exchange of notes at Beijing June 6 and July 1, 1996. Entered into force Feb. 13, 1998.

### Egypt

Agreement for technology research and development projects. Signed at Cairo and Washington Feb. 24 and 27, 1998. Entered into force Feb. 27, 1998.

### Ethiopia

Agreement regarding the furnishing of commodities, services, and related training to assist Ethiopia's forces participating in the African Crisis Response Initiative, with attachment. Effected by exchange of notes at Addis Ababa Feb. 2 and 6, 1998. Entered into force Feb. 6, 1998.

### Ghana

Agreement regarding the status of U.S. military personnel and civilian employees of the U.S. Department of Defense temporarily present in Ghana in connection with the African Crisis Response Initiative and other activities. Effected by exchange of notes at Accra Nov. 24, 1997 and Feb. 24, 1998. Entered into force Feb. 24, 1998.

### Greece

Agreement extending the mutual defense cooperation agreement of July 8, 1990. Effected by exchange of notes at Athens Jan. 19 and Feb. 19, 1998. Entered into force Feb. 19, 1998; effective Nov. 6, 1998.

### India

Investment incentive agreement. Signed at New Delhi Nov. 19, 1997. Entered into force Apr. 16, 1998.

### Israel

Acquisition and cross-servicing agreement, with annexes. Signed at Stockholm Feb. 9, 1998. Entered into force Feb. 9, 1998.

### Jamaica

Agreement concerning cooperation in suppressing illicit maritime drug trafficking. Signed at Kingston May 6, 1997. Entered into force Mar. 10, 1998.

### Japan

Agreement amending the agreement of Nov. 8, 1983, as amended for the transfer of defense-related technologies. Effected by exchange of notes at Tokyo Feb. 6, 1998. Entered into force Feb. 6, 1998.

### Madagascar

Investment incentive agreement. Signed at Washington Mar. 31, 1998. Enters into force on date on which Madagascar notifies the U.S. that all legal requirements for entry into force have been fulfilled.

### Namibia

Agreement regarding grants under the Foreign Assistance Act of 1961, as amended, and the furnishing of defense articles, related training, and other defense services from the United States Government to the Republic of Namibia. Effected by exchange of notes at Windhoek May 21, 1992 and Feb. 19, 1998. Entered into force Feb. 19, 1998.

### Niger

Agreement regarding the consolidation, reduction, and rescheduling of certain debts owed to, guaranteed by, or insured by the United States Government and its agencies, with annexes. Signed at Niamey Jan. 14, 1998. Entered into force Mar. 27, 1998.

**Panama**

Memorandum of cooperation for promotion and development of civil aviation. Signed at Washington and Panama Feb. 17 and Mar. 3, 1998. Entered into force Mar. 3, 1998.

**Rwanda**

Agreement regarding grants under the Foreign Assistance Act of 1961, as amended, and the furnishing of defense articles, related training, and other defense services from the United States to Rwanda. Effected by exchange of notes at Kigali Jan. 26 and Feb. 6, 1998. Entered into force Feb. 6, 1998.

**Sweden**

Agreement for the promotion of aviation safety. Signed at Stockholm Feb. 9, 1998. Entered into force Feb. 9, 1998.

**Tanzania**

Agreement regarding the consolidation, reduction, and rescheduling of certain debts owed to, guaranteed by, or insured by the United States Government and its agency, with annexes. Signed at Dar es Salaam Jan. 16, 1998. Entered into force Mar. 27, 1998.

**Trinidad and Tobago**

Agreement concerning grants under the Foreign Assistance Act of 1961, as amended, and the furnishing of defense articles, related

training, and other defense services from the United States to Trinidad and Tobago for counternarcotics purposes. Effected by exchange of notes at Port of Spain Feb. 4 and 13, 1998. Entered into force Feb. 13, 1998.

**United Nations**

Agreement extending the cooperation service agreement of Oct. 18, 1994, as extended, for the contribution of personnel to the international criminal tribunal for the Former Yugoslavia, with annex. Effected by exchange of letters at New York Mar. 4, 1998. Entered into force Mar. 4, 1998.

**Uzbekistan**

Air transport agreement, with annexes. Signed at Washington Feb. 27, 1998. Entered into force Feb. 27, 1998.

**Venezuela**

Agreement for scientific and technological cooperation, with annexes. Signed at Caracas Oct. 12, 1997. Entered into force Feb. 17, 1998.

**Vietnam**

Agreement regarding the operations of the Overseas Private Investment Corporation in Vietnam. Signed at Washington and Hanoi Mar. 19 and 26, 1998. Entered into force Mar. 26, 1998. ■