

*Secretary Albright*

# NATO Expansion: Beginning The Process of Advice and Consent

October 7, 1997

*Statement before the Senate Foreign Relations Committee,  
Washington, DC.*

Chairman Helms, Senator Biden, members of the committee: It is with a sense of appreciation and anticipation that I come before you to urge support for the admission of the Czech Republic, Hungary, and Poland to NATO.

Each of us today is playing our part in the long, unfolding story of America's modern partnership with Europe. That story began not in Madrid, when the President and his fellow NATO leaders invited these three new democracies to join our alliance, nor eight years ago when the Berlin Wall fell, but a half-century ago, when your predecessors and mine dedicated our nation to the goal of a secure, united Europe.

It was then that we broke with the American aversion to European entanglements—an aversion which served us well in our early days, but poorly when we became a global power. It was then that we sealed a peacetime alliance open not only to the nations which had shared our victory in World War II, but to our former adversaries. It was then that this committee unanimously recommended that the Senate approve the original North Atlantic Treaty.

The history books will long record that day as among the Senate's finest. On that day, the leaders of this body rose above partisanship, and they rose to the challenge of a pivotal moment in the history of the world.

Mr. Chairman, I believe you are continuing that tradition today. I thank you for your decision to hold these hearings early, for the bipartisan manner in which you and Senator Biden are conducting them, and for the serious and substantive way in which you have framed our discussion.

I am honored to be part of what you have rightly called the beginning of the process of advice and consent. And I am hopeful that with your support, and after the full national debate to which these hearings will contribute, the Senate will embrace the addition of new

members to NATO. It would be fitting if this renewal of our commitment to security in Europe could come early next year, as Congress celebrates the 50th anniversary of its approval of the Marshall Plan.

As I said, and as you can see, I am very conscious of history today. I hope that you and your colleagues will look back as I have on the deliberations of 1949, for they address so many of the questions I know you have now: How much will a new alliance cost, and what are its benefits? Will it bind us to go to war? Will it entangle us in faraway quarrels?

We should take a moment to remember what was said then about the alliance we are striving to renew and expand today.

Senator Vandenberg, Chairman Helms' extraordinary predecessor, predicted that NATO would become "the greatest war deterrent in history." He was right. American forces have never had to fire a shot to defend a NATO ally.

This committee, in its report to the Senate on the NATO Treaty, predicted that it would

free the minds of men in many nations from a haunting sense of insecurity, and enable them to work and plan with that confidence in the future which is essential to economic recovery and progress.

Your predecessors were right. NATO gave our allies time to rebuild their economies. It helped reconcile their ancient animosities. And it made possible an unprecedented era of unity in Western Europe.

President Truman said that the NATO pact

will be a positive, not a negative, influence for peace, and its influence will be felt not only in the area it specifically covers but throughout the world.

And he was right, too. NATO gave hope to democratic forces in West Germany that their country would be welcome and secure in our community if they kept making the right

choices. Ultimately, it helped bring the former fascist countries into a prosperous and democratic Europe. And it helped free the entire planet from the icy grip of the Cold War.

Thanks in no small part to NATO, we live in a different world. Our Soviet adversary has vanished. Freedom's flag has been unfurled from the Baltics to Bulgaria. The threat of nuclear war has sharply diminished. As I speak to you today, our immediate survival is not at risk.

Indeed, you may ask if the principle of collective defense at NATO's heart is relevant to the challenges of a wider and freer Europe. You may ask why, in this time of relative peace, are we so focused on security? The answer is, we want the peace to last. We want freedom to endure. And we believe there are still potential threats to our security emanating from European soil.

You have asked me, Mr. Chairman, what these threats are. I want to answer as plainly as I can.

**First**, there are the dangers of Europe's past. It is easy to forget this, but for centuries virtually every European nation treated virtually every other as a military threat. That pattern was broken only when NATO was born and only in the half of Europe NATO covered. With NATO, Europe's armies prepared to fight beside their neighbors, not against them; each member's security came to depend on cooperation with others, not competition.

That is one reason why NATO remains essential, even though the Cold War is over. It is also one reason why we need a larger NATO, so that the other half of Europe is finally embedded in the same cooperative structure of military planning and preparation.

A **second** set of dangers lies in Europe's present. Because of conflict in the Balkans and the former Soviet Union, Europe has already buried more victims of war since the Berlin Wall fell than in all the years of the Cold War. It is sobering to recall that this violence has its roots in the same problems of shattered states and hatred among ethnic groups that tyrants exploited to start this century's great wars.

**Finally**, Mr. Chairman, and most important, we must consider the dangers of Europe's future. By this I mean direct threats against the soil of NATO members that a collective defense pact is designed to meet. Some are visible on Europe's horizon, such as the threat posed by rogue states with dangerous weapons that might have Europe within their range and in their sights. Others may not seem apparent today in part because the existence of NATO has helped to deter them. But they are not unthinkable.

Within this category lie questions about the future of Russia. We have an interest in seeing Russian democracy endure. We are doing all we can with our Russian partners to see that it does. And we have many reasons to be optimistic. At the same time, one should not dismiss the possibility that Russia could return to the patterns of its past. By engaging Russia and enlarging NATO, we give Russia every incentive to deepen its commitment to democracy and peaceful relations with neighbors, while closing the avenue to more destructive alternatives.

We do not know what other dangers may arise 10, 20, or even 50 years from now. We do know enough from history and human experience to believe that a grave threat, if allowed to arise, would arise. We know that whatever the future may hold, it will be in our interest to have a vigorous and larger alliance with those European democracies that share our values and our determination to defend them.

We recognize NATO expansion involves a solemn expansion of American responsibilities in Europe. It does not bind us to respond to every violent incident by going to war, but it does oblige us to consider an armed attack against one ally an attack against all and to respond with such action as we deem necessary, including the use of force, to restore the security of the North Atlantic area.

As Americans, we take our commitments seriously and we do not extend them lightly. Mr. Chairman, you and I do not agree on everything, but we certainly agree that any major extension of American commitments must serve America's strategic interests.

Let me explain why welcoming the Czech Republic, Hungary, and Poland into NATO meets that test.

**First**, a larger NATO will make us safer by expanding the area in Europe where wars simply do not happen. This is the productive paradox at NATO's heart: By imposing a price on aggression, it deters aggression. By making clear that we will fight, if necessary, to defend our allies, it makes it less likely our troops will ever be called upon to do so.

Now, you may say that no part of Europe faces any immediate threat of armed attack today. That is true. And I would say that the purpose of NATO enlargement is to keep it that way. Senator Vandenberg said it in 1949:

[NATO] is not built to stop a war after it starts, although its potentialities in this regard are infinite. It is built to stop wars before they start.

It is also fair to ask if it is in our vital interest to prevent conflict in central Europe. There are those who imply it is not. I'm sure

you have even heard a few people trot out what I call the "consonant cluster clause," the myth that in times of crisis Americans will make no sacrifice to defend a distant city with an unpronounceable name, that we will protect the freedom of Strasbourg but not Szczecin, Barcelona, but not Brno.

Let us not deceive ourselves. The United States is a European power. We have an interest not only in the lands west of the Oder River, but in the fate of the 200 million people who live in the nations between the Baltic and Black Seas. We waged the Cold War in part because these nations were held captive. We fought World War II in part because these nations had been invaded.

Now that these nations are free, we want them to succeed, and we want them to be safe, whether they are large or small. For if there were a major threat to the security of their region, if we were to wake up one morning to the sight of cities being shelled and borders being overrun, I am certain that we would choose to act, enlargement or no enlargement. Expanding NATO now is simply the surest way to prevent that kind of threat from arising and, thus, the need to make that kind of choice.

Mr. Chairman, the **second** reason why enlargement passes the test of national interest is that it will make NATO stronger and more cohesive. The Poles, Hungarians, and Czechs are passionately committed to NATO and its principles of shared responsibility. Experience has taught them to believe in a strong American leadership role in Europe. Their forces have risked their lives alongside ours from the Gulf War to Bosnia. Just last month, Czech soldiers joined our British allies in securing a police station from heavily armed Bosnian Serb extremists.

I know you have expressed concern that enlargement could dilute NATO by adding too many members and by involving the alliance in too many missions. Let me assure you that we invited only the strongest candidates to join the alliance. And nothing about enlargement will change NATO's core mission, which is and will remain the collective defense of NATO soil.

At the same time, it is important to remember that NATO has always served a political function as well. It binds our allies to us just as it binds us to our allies. So when you consider the candidacy of the Czech Republic, Hungary, and Poland, Mr. Chairman, I ask you to consider this: When peace is threatened somewhere in the world, and we decide it is in our interest to act, here are three nations we have been able to count on to be with us. In the fight against terror and nuclear proliferation, here are three nations we have been able to

count on. In our effort to reform the UN, here are three nations we have been able to count on. When we speak out for human rights around the world, here are three nations we will always be able to count on.

Here are three nations that know what it means to lose their freedom and that will do what it takes to defend it. Here are three democracies that are ready to do their dependable part in the common enterprise of our alliance of democracies.

Mr. Chairman, the **third** reason why a larger NATO serves our interests is that the very promise of it gives the nations of central and eastern Europe an incentive to solve their own problems. To align themselves with NATO, aspiring countries have strengthened their democratic institutions. They have made sure that soldiers serve civilians, not the other way around. They have signed 10 major accords that taken together resolve virtually every old ethnic and border dispute in the region, exactly the kind of disputes that might have led to future Bosnias. In fact, the three states we have invited to join NATO have resolved every outstanding dispute of this type.

I have been a student of central European history, and I have lived some of it myself. When I see Romanians and Hungarians building a genuine friendship after centuries of enmity; when I see Poles, Ukrainians, and Lithuanians forming joint military units after years of suspicion; when I see Czechs and Germans overcoming decades of mistrust; when I see central Europeans confident enough to improve their political and economic ties with Russia; I know something remarkable is happening.

NATO is doing for Europe's east precisely what it did—precisely what this committee predicted it would do—for Europe's west after World War II. It is helping to vanquish old hatreds, to promote integration, and to create a secure environment for economic prosperity. This is another reminder that the contingencies we do not want our troops to face—such as ethnic conflict, border skirmishes, and social unrest—are far more easily avoided with NATO enlargement than without it.

In short, a larger NATO will make America safer, NATO stronger, and Europe more peaceful and united. That is the strategic rationale. But I would be disingenuous if I did not tell you that I see a moral imperative as

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NATO defines a community of interest among the free nations of North America and Europe that both preceded and outlasted the Cold War. America has long stood for the proposition that this Atlantic community should not be artificially divided and that its nations should be free to shape their destiny. We have long argued that the nations of central and eastern Europe belong to the same demo-

cratic family as our allies in Western Europe.

We often call them "former communist countries," and that is true in the same sense that America is a "former British colony." Yes, the Czechs, Poles, and Hungarians were on the other side of the Iron Curtain during the Cold War. But we were surely on the same side in the ways that truly count.

As Americans, we should be heartened today that so many of Europe's new democracies wish to join the institutions Americans did so much to build. They are our friends, and we should be proud to welcome them home.

We should also think about what would

happen if we were to turn them away. That would mean freezing NATO at its Cold War membership and preserving the old Iron Curtain as its eastern frontier. It would mean locking out a whole group of otherwise qualified democracies simply because they were once, against their will, members of the Warsaw Pact.

Why would America choose to be allied with Europe's old democracies forever but its new democracies never? There is no acceptable, objective answer to that question. Instead, it would probably be said that we blocked the aspirations of our would-be allies because Russia objected. And that, in turn, could cause confidence to crumble in central Europe, leading to a search for security by other means, including costly arms buildups and competition among neighbors.

We have chosen a better way. We have chosen to look at the landscape of the new Europe and to ask a simple question: Which of these nations that are so clearly important to our security are ready and able to contribute to our security? The answer to that question is before you today, awaiting your affirmation.

I said at the outset, Mr. Chairman, that there are weighty voices on both sides of this debate. There are legitimate concerns with which we have grappled along the way, and that I expect you to consider fully as well. Let me address a few.

First, we all want to make sure that the costs of a larger NATO are distributed fairly. Last February, at the behest of Congress and before the alliance had decided which nations to invite to membership, the Administration made a preliminary estimate of America's share. Now that we have settled on three candidates, we are working with our allies to produce a common estimate by the December meeting of the North Atlantic Council. At this point, the numbers we agree upon as 16 allies are needed prior to any further calculations made in Washington.

I know you are holding separate hearings in which my Pentagon colleagues will go into this question in detail. But I will say this: I am convinced that the cost of expansion is real but affordable. I am certain our prospective allies are willing and able to pay their share, because in the long run, it will be cheaper for them to upgrade their forces within the alliance than outside it. As Secretary of State, I will insist that our old allies share this burden fairly. That is what NATO is all about.

I know there are serious people who estimate that a larger NATO will cost far more than we have anticipated. The key fact about our estimate is that it is premised on the current, favorable security environment in Europe. Obviously, if a grave threat were to arise, the cost of enlargement would rise. But then so would the cost of our entire defense budget.

In any case, there are budgetary constraints in all 16 NATO democracies that will prevent costs from ballooning. That is why the main focus of our discussion, Mr. Chairman, and in our consultations with our allies, needs to be on defining the level of military capability we want our old and new allies to have in this favorable environment and then making sure that they commit to that level. We should spend no more than we must but no less than we need to keep NATO strong.

Another common concern about NATO enlargement is that it might damage our cooperation with a democratic Russia. Russian opposition to NATO enlargement is real. But

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we should see it for what it is: a product of old misperceptions about NATO and old ways of thinking about its former satellites in central Europe. Instead of changing our policies to accommodate Russia's outdated fears, we need to encourage Russia's more modern aspirations.

This means that we should remain Russia's most steadfast champion whenever it seeks to define its greatness by joining rule-based international institutions, opening its markets, and participating constructively in world affairs. It means we should welcome Russia's decision to build a close partnership with NATO, as we did in the NATO-Russia Founding Act.

But when some Russian leaders suggest that a larger NATO is a threat, we owe it candor to say that is false—and to base our policies on what we know to be true. When they imply that central Europe is special, that its nations still are not free to choose their security arrangements, we owe it candor to say that times have changed and that no nation can assert its greatness at the expense of its neighbors. We do no favor to Russian democrats and modernizers to suggest otherwise.

I believe our approach is sound and producing results. Over the past year, against the backdrop of NATO enlargement, reformers have made remarkable gains in the Russian Government. We have agreed to pursue deeper arms reductions. Our troops have built a solid working relationship on the ground in Bosnia. Russia was our partner at the Summit of the Eight in Denver, and it has joined the Paris Club of major international lenders.

What is more, last week in New York we signed documents that should pave the way for the Russian Duma to ratify the START II Treaty. While this prospect is still by no means certain, it would become far less so if we gave the Duma any reason to think it could hold up NATO enlargement by holding up START II.

As you know Mr. Chairman, last week, NATO and Russia held the first ministerial meeting of their Permanent Joint Council. This council gives us an invaluable mechanism for building trust between NATO and Russia through dialogue and transparency.

I know that some are concerned NATO's new relationship with Russia will actually go too far. You have asked me for an affirmation, Mr. Chairman, that the North Atlantic Council remains NATO's supreme decisionmaking body. Let me say it clearly: It does, and it will. The NATO-Russia Founding Act gives Russia no opportunity to dilute, delay, or block NATO decisions. NATO's allies will always meet to agree on every item on their agenda before meeting with Russia. And the relationship

between NATO and Russia will grow in importance only to the extent Russia uses it constructively.

The Founding Act also does not limit NATO's ultimate authority to deploy troops or nuclear weapons in order to meet its commitments to new and old members. All it does is to restate unilaterally existing NATO policy: that in the current and foreseeable security environment, we have no plan, no need, and no intention to station nuclear weapons in the new member countries, nor do we contemplate permanently stationing substantial combat forces. The only binding limits on conventional forces in Europe will be set as we adapt the CFE treaty, with central European countries and all the other signatories at the table, and we will proceed on the principle of reciprocity.

Another important concern is that enlargement may create a new dividing line in Europe between a larger NATO and the countries that will not join in the first round. We have taken a range of steps to ensure this does not happen.

President Clinton has pledged that the first new members will not be the last. NATO leaders will consider the next steps in the process of enlargement before the end of the decade. We have strengthened NATO's Partnership for Peace program. We have created a new Euro-Atlantic Partnership Council, through which NATO and its democratic partners throughout Europe will shape the missions we undertake together. We have made it clear that the distinction between the nations NATO invited to join in Madrid and those it did not is based purely on objective factors—unlike the arbitrary line that would divide Europe if NATO stood still.

Among the countries that still aspire to membership, there is enthusiastic support for the process NATO has begun. Had you seen the crowds that cheered the President in Romania in July, had you been with me when I spoke to the leaders of Lithuania and Slovenia, you would have sensed how eager these nations are to redouble their efforts.

They understand a simple fact: With enlargement, no new democracy is permanently excluded; without enlargement, every new democracy would be permanently excluded. The most important thing the Senate can do to reassure them now is to get the ball rolling by ratifying the admission of the first three candidates.

Mr. Chairman, a final concern I wish to address has to do with Bosnia. Some have suggested that our debate on NATO enlargement simply cannot be separated from our actions and decisions in that troubled country. I

agree with them. Both enlargement and our mission in Bosnia are aimed at building a stable undivided Europe. Both involve NATO and its new partners to the east.

It was our experience in Bosnia that proved the fundamental premise of our enlargement strategy: There are still threats to peace and security in Europe that only NATO can meet. It was in Bosnia that our prospective allies proved they are ready to take responsibility for the security of others. It was in Bosnia that we proved NATO and Russian troops can work together.

We cannot know today if our mission in Bosnia will achieve all its goals, for that ultimately depends on the choices the Bosnian people will make. But we can say that whatever may happen, NATO's part in achieving the military goals of our mission has been a resounding success. Whatever may happen, our interest in a larger, stronger NATO will endure long after the last foreign soldier has left Bosnia.

We can also say that NATO will remain the most powerful instrument we have for building effective military coalitions such as SFOR. At the same time, Bosnia does not by itself define the future of a larger NATO. NATO's fundamental purpose is collective defense against aggression. Its most important aim, if I can paraphrase Arthur Vandenberg, is to prevent wars before they start so it does not have to keep the peace after they stop.

These are some of the principal concerns I wanted to address today; I know you have many more questions, and I look forward to answering them all.

This discussion is just beginning. I am glad that it will also involve other committees of the Senate, the NATO Observers' Group, and the House of Representatives. Most important, I am glad it will involve the people of the United

States, for the commitment a larger NATO entails will only be meaningful if the American people understand and accept it.

When these three new democracies join NATO in 1999, as I trust they will, it will be a victory for us all, Mr. Chairman. And on that day, we will be standing on the shoulders of many.

We will be thankful to all those who waged the Cold War on behalf of freedom, to all those on both sides of the Iron Curtain who believed that the goal of containment was to bring about the day when the enlargement of our democratic community would be possible.

We will be grateful to all those who championed the idea of a larger NATO—not just President Clinton or President Havel or President Walesa, but Members of Congress from both parties who voted for resolutions urging the admission of these three nations. We will owe a debt to the Republican members who made NATO enlargement part of their contract with America.

Today, all of our allies and future allies are watching you for one simple reason. The American Constitution is unique in the power it grants to the legislative branch over foreign policy, especially over treaties. In this matter, Mr. Chairman, members of the committee, you and the American people you represent are truly in the driver's seat.

That is as it should be. In fact, I enjoy going to Europe and telling our allies: "This is what we want to do, but ultimately, it will be up to our Senate and our people to decide." I say that with pride because it tells them something about America's faith in the democratic process.

But I have to tell you that I say it with confidence as well. I believe that when the time comes for the Senate to decide, Mr. Chairman, you and I and the American people will stand together. For I know that the policy we ask you to embrace is a policy that the Administration and Congress shaped together, and I am certain that it advances the fundamental interests of the United States.

Thank you very much. ■

Secretary Albright

# Enduring Principles in an Era Of Constant Change

September 30, 1997

*Statement before the Council on Foreign Relations, New York City (introductory remarks deleted).*

President Gelb, Chairman Peterson, Mr. Rockefeller, Editor Jim Hoge, Managing Editor Fareed Zakaria, and to all of you: Let me say that it is wonderful to be here in such distinguished company and with so many friends to celebrate the 75th birthday of everyone's favorite magazine.

In 1922, when *Foreign Affairs* first left the printers, George Kennan was a Princeton sophomore; the State Department's annual budget was \$2 million; the Secretary of State had a beard; and hopes were high that in the aftermath of the Great War, future conflicts could be made unthinkable by rendering them illegal. As one contemporary enthusiast said, "Humanity is not helpless. This is God's world. We can outlaw the war system, just as we outlawed the saloon."

But as striking as the differences are between that time and ours, so are the similarities. For then, too, the world had witnessed the end of one historical era and begun shaping the next. Then, too, a revolution in Russia had sent ripples of change circling the globe. The violence in the Balkans and Caucasus had taken an immense human toll. Then, too, American leaders were challenged to create a framework for international engagement at a time when there appeared no clear and present danger to the American people. And then, too, the United States had the Council on Foreign Relations reminding us of our responsibilities.

Those early issues of *Foreign Affairs* included such compelling essays as "Political Rights in the Arctic," "Stabilizing the Lira," and "Fertilizers: The World's Supply." But in the years following, council members were eloquent in condemning isolationist trends, warning of the dangers of Versailles' punitive peace, opposing protectionist economic policies, and urging preparedness in response to fascism's rise.

These arguments were right; their warnings on target; the analysis sound; but the council's prescriptions went unheeded. And like too many other nations, America turned inward. The result was global depression, the flower of a generation sacrificed in a second devastating war, and the soul-deadening horror of the Holocaust.

In their wake, it was not enough to say the enemy had been vanquished—that what we had fought against had failed. Strong American leaders such as Truman, Marshall, Acheson, and Vandenberg were determined to build a lasting peace. And the message their generation conveyed from the White House and from both parties on Capitol Hill was that this time America would not turn inward; this time America would lead.

The courage of that generation did much to shape our world. Five decades later, because of the institutions they built, the alliances they forged, and the principles they upheld, we are prosperous. Our armed forces are the best; the Iron Curtain has ascended; and democracy has made gains from Manila to Moscow and from Cape Horn to the Cape of Good Hope. Alongside the march of history these past 75 years has been the march of technology, and that, too, has shaped our world.

As President Clinton has said, the global economy could open up the greatest age of possibility our people have ever known. Instant communications, technology that increases productivity, and the widespread availability of knowledge are pushing back the limits of what can be imagined and achieved. But adapting to change is never easy. Today, both within and among nations, those skilled in the new technologies are doing well, while others are falling behind.

Globalization is also contributing to the fact that internationally, as well as nationally, the era of big government is over. More and more, as knowledge spreads, the future is being shaped from many directions, by many actors.

Trade and investment, not aid, drive development. The market is the only viable engine of growth. Dictators can no longer control the flow of information to their citizens, prompting what one columnist has called revolution not from above or below, but from beyond.

As we prepare for the new century, the dangers we face—many of which emanate from globalization's dark side—are as mobile as a renegade virus and as unpredictable as a terrorist's bomb. These are dangers no nation can defeat alone. So the old debate about unilateralism versus multilateralism has lost

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much of its relevance, for it is clear that we must be both—and bilateralists, even trilateralists, too.

Since the days of Thomas Jefferson, the challenge of American foreign policy has been to protect our citizens, our territory, and our vital economic interests. That required one approach when ours was predominately a nation of yeoman farmers.

But today, our citizens travel all over the world; our

borders are porous; and we have significant interests on every continent. When important events occur, wherever they occur, we will always be interested, although not always directly involved. Our obligation remains to our citizens, but that obligation comes with the understanding that, more and more, what happens anywhere will matter everywhere. Accordingly, it is in our interest to build a global environment in which our values are widely shared, economies are open, military clashes are constrained, and those who run roughshod over the rights of others are brought to heel. Today, it is our strategic objective to seize the opportunity that history and technology have presented to bring the world closer together around basic principles of democracy, free markets, respect for the law, and a commitment to peace.

Obviously, this is not a game one plays with a scoreboard and clock, for it has no endpoint. But every time a conflict is settled or

a nuclear weapon dismantled and accounted for, every time a country begins to observe global rules of commerce and trade, every time a drug kingpin is arrested or a war crime prosecuted, the process of constructive integration moves ahead, and the ties that bind the international system are strengthened.

America's place is at the center of this system. And our primary interest is to see that the connections in and around the center—the alliances and relationships between regions and among the most prominent nations—are strong and dynamic, flexible and sure.

This evening, I would like to cite three timely examples of our effort to maintain anchors of stability in this era of change.

First, in Europe the challenge with which we and our allies have been wrestling is how to design a security structure, taking advantage of the disappearance of old divisions without creating new ones. One option would have been to disband NATO and start from scratch. But NATO is a proven protector of freedom and a deterrent against new threats that is far too valuable to discard. We could have flung NATO's doors wide open, but NATO is an alliance based on mutual interests and responsibilities whose standards must be upheld. We could have continued with business as usual, while padlocking NATO's front gate, but that would have made immortal the line drawn in Europe by Stalin's boot—and begged the question to which no one has offered a satisfactory answer: Why would we choose to be allied with Europe's old democracies forever but its new democracies never?

Instead, the alliance has chosen to adapt to new missions and to invite as new members three central European democracies that have met NATO standards—and to leave the door ajar for others who may meet those standards.

The Senate hearings on NATO enlargement begin next week. I will be making the case—backed by President Clinton and the Joint Chiefs, by every living Secretary of State, and by my own firm conviction—that we are making the right choice for Europe's future and the right choice for America.

NATO guarantees make the threat of force more credible and, therefore, the use of force less likely. It is no accident that our armed forces have never had to fire a shot to defend a NATO ally. Enlarging NATO will extend its stabilizing presence. Moreover, the possibility of joining NATO has motivated nations in the region to settle old disputes, recognize minority rights, and strengthen democratic reforms. This, too, bodes well for Europe's future and our own.



Critics of NATO enlargement fear that expanding the alliance will open a dangerous new divide. Thus far, the opposite is true. Nations not included in the first round but who still aspire to join are working even harder to strengthen their democracies. Nor is a second fear—that expanding the alliance will poison ties with Russia—being borne out. Our relations with Moscow are healthy, not because we see eye to eye on NATO enlargement—we don't—but because, at President Clinton's direction, we have developed a broad-based and pragmatic relationship that encourages Russia's modern aspirations, rather than accommodate its outdated fears.

Both our governments know that Russia can only prosper and that we can only achieve our goal of an integrated and democratic Europe if Russia is a partner in that Europe. And despite severe problems, Russia is moving in the right direction.

Since late last year, a reelected and reinvigorated President Yeltsin has initiated a new round of reforms at home, ended the war in Chechnya, signed a landmark agreement with Ukraine, taken his seat at the Summit of the Eight, and joined in a historic Founding Act creating a partnership between the new Russia and the new NATO. This past week, here in New York, I was pleased to attend the first meeting of that partnership and delighted to join in the signing of agreements that updated the ABM Treaty and a Start II Protocol that should pave the way for that treaty's ratification by the Russian Duma.

These pacts show we can make progress on vital issues despite differences on NATO enlargement. And they provide grounds for hope that START III cuts in nuclear arsenals to a level 80% below Cold War peaks may be within our reach. If we are to build the kind of international system we want, Russia must be part of it. And the relationship we have forged with Russia will do much to ensure that participation—not because of the personalities involved now, but because of the mutual interests that will be at stake for many years to come.

In Asia, the work we are putting into our key relationships is also evident. Last Tuesday, Defense Secretary Cohen and I joined our Japanese counterparts in signing new defense cooperation guidelines. Those guidelines illustrate the strength of U.S.-Japan ties and the reality that those ties remain vital to stability and a boon to the security of all nations in the region. I also met last week with Chinese Foreign Minister Qian Qichen to prepare for the upcoming summit in Washington.

Any discussion of integration and the future must include China; for China will do much to shape the 21st century. Some see this as very bad news. They point to China's rising military budget, its trade and arms export policies, and its poor record on human rights and argue that we should oppose China and seek single-handedly to isolate it from the world community. They suggest that confrontation is our only principled option.

The Clinton Administration does not agree. Effective diplomacy results not from the recitation of principle alone, but from backing principle with realistic policies; from seeing that what is worth achieving is achieved. And with respect to China and the United States, there is much that is worth achieving—and preventing.

Accordingly, we are engaged with China in a strategic dialogue that has preceded and will continue long after the summit. Our purpose is to achieve practical outcomes such as continued cooperation on Korea and nuclear nonproliferation, avoiding miscalculation over Taiwan, encouraging China's entry into the World Trade Organization on commercially viable terms, and improving the prospect that China will respond positively to our concerns about internationally recognized human rights.

Engagement is not the same as endorsement. Our approach includes frank talk about differences. When warranted, it includes targeted sanctions or other appropriate measures to make tangible our disapproval. But it also includes an active search for areas where we can work with China for our own benefit and that of the region and the world.

We do not base our China policy on any sweeping assumption—pessimistic or optimistic—about the future. But we will not make an undesirable outcome more likely by treating it as inevitable. Nor are we disregarding the powerful currents of change that are working to keep China on a cooperative rather than a confrontational track.

Regardless of the choices we make, China will continue to be a rising force. The history of this century teaches us the wisdom of inviting such a power into the mainstream as a responsible participant in the international system, rather than consigning it prematurely to a divergent path. America's relations with Europe and Asia are two important contributors to the strength of the international system; our economic leadership is another.

Since President Clinton took office, we have negotiated more than 200 trade agreements, including the NAFTA and the Uruguay Round. For America, these agreements have opened new markets and created good new jobs. They have helped to sustain a remarkable

period of economic growth at home while contributing to an expanding global market in which more and more countries have a stake.

We want to continue down the road of opening markets; expanding investment and trade; and ensuring a level playing field for our farmers, factory workers, and business people. We want to open whole new sectors of the global economy in areas where our nation is highly competitive.

We want to pursue free trade with Chile, a Free Trade Area for the Americas, and new market access agreements in the Asia-Pacific.

*“Those of us who believe that fast track is needed to create better jobs, open new markets, grow our economy, and preserve American leadership must realize that we are in for a fight, and we must respond seriously to the serious concerns of our critics; and we, too, must go all out to win.”*

These agreements would work to our advantage, not only because they would make the international system more cohesive, but also because our tariffs are currently lower than those of other countries.

But if we are to take these steps, Congress must say yes to renewing traditional fast-track negotiating authority for the President.

There are many opposed to this step. They argue that free trade creates a bidding war in which foreign countries compete by lowering

labor and environmental standards, thereby luring U.S. factories and jobs offshore. One problem with that analysis is that it views movement toward a more integrated global economy as a choice or an option rather than a fact of life. The truth is that integration is driven less by trade than by technology, and technology is fueled by knowledge, which has no reverse gear.

The best course for our nation is not to curse globalization, but to shape it. And the truth is that we are better positioned than any other nation, for we have the world's most competitive economy and its most productive workforce.

Fast track is an essential and proven tool of diplomatic leadership. Until it lapsed three years ago, it was an instrument every President for the past two decades has had and has used

to our economic benefit. But fast track is about more than dollars and cents; it is a foreign policy imperative. It is indispensable to U.S. economic leadership, and that leadership is indispensable to U.S. influence around the globe.

There are some who believe that the fight over fast track is already won; that our interests are so clear and the alternative so barren that Congress will inevitably come around. I am not so optimistic. I see a determined opposition inspired by high-minded goals, going all out to make their case.

Those of us who believe that fast track is needed to create better jobs, open new markets, grow our economy, and preserve American leadership must realize that we are in for a fight, and we must respond seriously to the serious concerns of our critics; and we, too, must go all out to win.

This evening, I have cited three examples of Administration efforts to shape an international system that breathes in the exhilarating oxygen of globalization and breathes out the enduring verities of freedom, growth, stability, and law. We are, of course, active in many other arenas, on every continent:

- Striving to heal the crisis of confidence that has arisen in the Middle East peace process;
- Preventing a new war in Bosnia;
- Offering our help in mending long-standing disputes in the Caucasus, the Aegean, and South Asia;
- Preparing with our partners for the second Summit of the Americas;
- Recognizing and supporting the new promise of Africa; and
- Combating the horror of terror, the plague of illegal drugs, the peril of international crime, and the national security threat posed by environmental degradation, including global climate change.

Our purpose is to see that, in the hurly-burly of globalization, the forces of integration prevail over those of disintegration; that we move from the bipolar world of the Cold War to a world with many different centers of wealth, culture, and power but where the inevitable tensions among them do not lead to destructive conflict.

We proceed from the view that in an increasingly integrated world, diplomacy is no longer a zero-sum game. Whether the issue is stopping the spread of nuclear arms or nurturing the seeds of economic growth, our message to others is that common interests, leading to joint efforts based on mutual responsibilities, will yield shared benefits.

You may say that many of these efforts are not dramatic; the payoffs are cumulative; this is not earth-shattering stuff. In reply, I would ask, isn't that the whole point of foreign policy—not to shatter the Earth?

Some decades ago, in the depth of the Cold War, during the tensions, Walter Lippman wrote about the realities of his time in words that may serve as a warning to ours.

With all the danger and worry it causes,  
wrote Lippman,

the Soviet challenge may yet prove a blessing. For if our influence were undisputed, we would, I feel sure, slowly deteriorate. Having lost our great energies because we did not exercise them, having lost our daring because everything was so comfortable, we would enter into the decline which has marked so many societies when they have come to think there is no great work to be done, and that the purpose of life is to hold on and stay put. For then the night has come and they doze off and they begin to die.

Although Mr. Lippman was often right during his career, I am convinced that on this point he was wrong. For almost as many years as I have been alive, the United States has played the leading role within the international system, not as sole arbiter of right and wrong, for that is a responsibility widely shared, but as pathfinder—as the nation able to show the way when others cannot.

Today, we have reached a point in history when no nation need be left out of the global system, and every nation that seeks to participate and is willing to do all it can to help itself will have our help in finding the right path.

The era of covered wagons and the blazing of trails through the wilderness is long past. The Cold War has ended. We face no Hitlers, no Stalins, and Saddam Hussein remains in a strategic box. But it is as great a gift to the future to create, if we can, the conditions in which great evil does not again threaten us, than it will be to oppose that evil if and when it does.

For America, there are no final frontiers. We cannot be defined by what or who we are against. America can only be defined by what we are for. And after more than 200 years, no new technology, invention, or idea has supplanted human liberty as the world's most powerful force for progress and change. That force has made all the difference in my life and in the lives of millions who have been liberated or sheltered by American soldiers, empowered by American assistance, or inspired by American ideals.

Although tempted at times to rest, we cannot stand still. We are doers. Like the great explorers of half a millennium ago, we must raise our sails high and catch the propelling winds of change at their fullest. And with freedom as the North Star by which we navigate, we must chart a course to the far horizon so that we may disembark in the new century free and respected, prosperous, and at peace.

Thank you members of the Council on Foreign Relations. And happy birthday *Foreign Affairs!* ■

*Deputy Secretary Talbott*

# Democracy and the International Interest

October 1, 1997

*Remarks to the Denver Summit of the Eight Initiative on Democracy and Human Rights.*

Thank you, John [Shattuck]. I'd like to welcome all of you to the Benjamin Franklin Room. Old Ben, who is an observer of these proceedings from the end of the room there, is honored on these premises because, as Messieurs Causeret and LeFort surely know, he was the first American Minister to France; in fact, the first American Minister to serve overseas in any country. On a personal note, I identify with him because he was a balding journalist who, in mid-career, successfully impersonated a diplomat for several years.

Secretary Albright sends her greetings to all of you. She's in New York at the United Nations, so she could not be here herself, but she has asked me to convey to you her personal commitment to the enterprise in which you've been involved for the past two days.

When our leaders launched the Denver Initiative on Democracy and Human Rights, they were adding a missing—and I would add, sorely missed—piece to the mission that they had originally assigned themselves 27 years ago, when six of their predecessors met in Rambouillet for the first of what became annual summits of the world's major industrialized democracies—and I emphasize the word democracies. Before the Denver Summit, the eight countries represented here did not have a mechanism for dialogue and cooperation on the cluster of issues that you have been discussing. Over these 27 years, our colleagues from the finance ministries have been in the habit of meeting with some regularity to discuss trade and currency. Our political directors have years of experience planning the diplomatic work of summits.

More generally, the advocacy and promotion of human rights and democracy have too often been the orphans—or, at least, the poor cousins—of our common agenda. I suspect that many of you have encountered—perhaps even within your own ministries—the perception that those issues are, at best, second-order

objectives—luxuries in which practitioners of realpolitik can ill afford to indulge; a distraction of attention and a diversion of resources from the serious work of foreign policy; or, worse, that they represent a misguided, naïve attempt to impose “our” peculiar standards and models of governance on other political cultures, sometimes with disruptive or even disastrous results.

John Shattuck and others of us who work in this building have from time to time heard variations on these themes. Our answer to the skeptics, the critics, and the self-styled realists is straightforward: Look at history, and look at the world around us. Democracy contributes to safety and prosperity—both in national life and in international life; it's that simple. The ability of a people to hold their leaders accountable at the ballot box is good not just for a citizenry so enfranchised—it is also good for that country's neighbors and, therefore, for the community of states.

The world has now had enough experience with democracy—and with the absence of it—to have established a track record, a body of evidence. That record shows that democracies are less likely than non-democracies to go to war with each other, to persecute their citizens, to unleash tidal waves of refugees, to create environmental catastrophes, or to engage in terrorism. And democracies are more likely to be reliable partners in trade and diplomacy.

That proposition holds with particular force in the increasingly interdependent world in which we now live. With trade, travel, and telecommunications linking our countries more closely together than ever, each of us has a growing stake in how other nations govern, or misgovern, themselves.

All of which means that there is a hard-headed, national-interest-based rationale for weaving the promotion of human rights and

democracy into the fabric of our diplomacy as a whole. It is, precisely, an imperative of realpolitik, not just of idealpolitik.

It is also an imperative of sound economics. That indispensable companion of democracy—rule of law—helps enable a country to attract foreign investment and develop a market economy. Secretary Albright's commitment to this principle is personified by the appointment of John's and my friend Paul Gewirtz as her special counsel for rule of law.

Overall, the past two decades have seen extraordinary progress. For the first time in history, the global community of democracies now encompasses over half of the world's population. The wave that swept away dictatorships in Portugal, Spain, and Greece in the mid-1970s spread during the 1980s to countries that many of us never imagined we would live to see hold real elections. The end of the Cold War and the democratic revolution in what used to be the Soviet world have removed the last half-century's one antidemocratic ideology with global pretensions.

Yet despite all these auspicious developments, there's a great deal of pessimism and cynicism in the conventional wisdom these days. The notion persists that some peoples are unsuited to democracy: that Asians are predisposed to live under Confucian authoritarians; Latin Americans under caudillos or comandantes; Africans under tribal chiefs; Arabs and Persians under repressive theocrats; Russians under czars or commissars or General Secretaries.

Such stereotypes of national character are not just simpleminded and demeaning; they are downright damaging in their effect on the countries in question and dangerous to the international common good. Especially in an interdependent world, our attitude toward other peoples has a considerable effect on their attitudes toward themselves—on their aspirations and their apprehensions.

Ethnocentric prejudices, like prophecies of doom, can be self-fulfilling. Too much talk about—and too much belief in—a clash of cultures can bring about just such a clash. Again, for the most hardheaded of reasons, we should grant to other countries both the entitlement to, and the capacity for, political freedom if they are to have any chance of attaining it. By the same token, it would be perverse in the extreme if we were to consign whole nations to despotism on the theory that it is the fate they deserve or that it is somehow encoded in their genes.

Another theme of pessimism holds that it is the morning after for democracy; that a hang-over has set in; that the wave of good news from the 1980s is giving way to a counterwave of bad news in the 1990s.

Certainly there have been plenty of reminders in the last few years that the transition is long and hard, especially for countries where political progress is hostage to economic disadvantage. Poverty, underdevelopment, and stagnation are by no means alibis for tyranny, but they are, without doubt, obstacles to freedom and openness. In many countries, the gap between the poor and the wealthy is widening as the state undergoes a double transition—from authoritarian to democratic politics and from centralized to market economies. Some regions have the added burden of unsustainable population growth. Even with freely elected and well-intentioned leaders, a country where a rising birthrate outpaces economic growth and exhausts natural resources is unlikely to sustain democratic rule.

In the post-communist world especially, a sense of relief and good riddance over the dismantlement of the old, inefficient top-heavy command system has, to one degree or another, given way to widespread resentment at what often seems to be the cruelty and inequity of the market, insecurity over the absence of a safety net and disillusionment, not to mention dread, in the face of burgeoning criminality.

Another problem is that newly enfranchised citizens tend to have unrealistically high expectations of what their elected leaders can accomplish, how long it will take, and with what degree of attendant hardship and pain. When those expectations are unmet, voters become vulnerable to demagogues, to purveyors of foolish, even sinister nostrums based on the deadly combination of nostalgia for the past and fear of the future.

To believe in democracy and the rightness of what our leaders have asked us to do is not to deny any of these difficulties. Nor is it to assert that there is anything foreordained about the triumph of democracy on a global scale. In fact, it is precisely because the future of democracy is not assured in much of the world that the countries represented here must work hard to help nascent democracies through their phase of greatest fragility. In many instances, our support is absolutely indispensable.

And that support must be, to the greatest extent possible, collective and coordinated. If we work together in the promotion of human rights and democracy, there is reason to hope that the principle of synergy will kick in—that the whole will be more than the sum of its parts. The influence of each of our countries—and of the EU and the EC—will be greatly magnified.

That is partly because, when we speak and act in concert, we are not merely individual nations pursuing individual and, therefore, presumably selfish goals; rather, we are a chorus of voices that can claim, with credibility and efficacy, to speak for an important part of the international community as a whole.

Another point: When we work together, we reflect not only values and objectives we have in common; we also take into account the differences among us. Let me elaborate. We have a lot in common. We are united in our belief that people everywhere deserve the right

to choose their leaders. In your proceedings here at this meeting, you have been hammering out a common approach to some of the key elements of democratization: from promoting good governance and the rule of law; to reinforcing civil society; to increasing the participation of women in political life—something of which my boss, Secretary Albright, certainly approves—and strengthening

support for democracy-building in the business and labor sectors.

At the same time, each of our states practices democracy in different ways, in ways that are appropriate to its own national experiences. There are differences in the forms, the institutions, and the practices by which we govern ourselves. We accommodate those differences in the way we interact with each other. That is an important part of the message we should convey to other states: just as we respect our own diversity, we respect theirs as well.

Let me here raise a related issue that I realize is beyond the scope of this conference or this initiative, but it's an issue that could benefit greatly from the kind of honest and open discussion you've been conducting here. I'll pose it as a question: Can we develop a common approach toward the breakdown of democracy—and toward states that systematically defy the democratic values that we believe must undergird the international order?

*"No society can transform the way it governs itself overnight or in a year or even in a decade. Democratization is the work of a generation or more. That is in part because establishing a real democracy means more than simply drafting a constitution and having a single election."*

My own sense is that eventually the answer can and should be yes. In this respect, too, global interdependence is a key factor. It gives us powerful leverage against those forces that are resisting democracy or seeking to rip it up by the roots. Just as interdependence increases the incentives for states to participate fully in the international community and the global economy, so it also raises the costs to be borne by any state excluded to one degree or another from the benefits of belonging to that community. The fact or even the threat of such exclusion translates into potentially decisive pressure against would-be dictators or putschists. When the family of democratic nations responds in concert to the overthrow of democracy, the chances of democracy surviving or being restored are much higher.

Let me cite an example from this hemisphere. Last week, less than half a mile from here, at the headquarters of the Organization of American States, the Foreign Minister of Venezuela deposited his country's instrument of ratification, thereby bringing into force an amendment to the OAS's charter called the Protocol of Washington. That agreement gives the OAS the authority to suspend the membership of any country in which a freely elected government is in jeopardy. It is nothing less than a collective defense of democracy—and a collective deterrent against the enemies of democracy.

Even before the formal addition of this amendment to its charter, the OAS successfully defended democracy against actual or threatened coups in Peru, Guatemala, and Paraguay. And in Haiti, the OAS and the United Nations together reinstated a democratically elected president. UNSC Resolution 940 was a landmark: For the first time the UN galvanized international action to restore democracy and authorized the use of "all necessary means" in pursuit of that goal.

Another example of multinational cooperation in support of democracy is more recent. About three weeks ago in Bosnia, the international community supervised surprisingly successful municipal elections that are a critical element of our collaborative strategy to help the people of that shattered land continue the slow, troubled, uneven but crucial task of constructing a stable, unified state.

Just the mention of Bosnia provides a potent reminder of how difficult this whole subject is. I gather from John that in your own discussions yesterday and today, you have spoken more about democratization than about democracy. That is, I think, the right terminology. "Democracy" sounds like an absolute, a state of grace, a destination at which one has

arrived. "Democratization," by contrast, sounds more like a process—a long and painful journey that requires patience and persistence, fortitude and resilience—first from the democratizers themselves but also from those of us who support them. No society can transform the way it governs itself overnight or in a year or even in a decade. Democratization is the work of a generation or more. That is in part because establishing a real democracy means more than simply drafting a constitution and having a single election.

In this regard, and in conclusion, I would like to strike a note of self-reflection on behalf of your American hosts. I know that we Yanks sometimes talk and act as though we invented democracy—that the concept of a ballot box has a made-in-the-USA label on it, like a pair of Levis or a can of Coke. That's not the way we really think about it, or, at least, it's not the way we should. Rather than seeing democracy as an American idea that we Americans have vigorously exported to the rest of the world, we should properly think of it as a universal ideal—an inalienable right and aspiration of men and women everywhere—that was largely in abeyance for more than two millennia since the Age of Pericles, that then found a home on these shores, and that has gone on to make much of the rest of the world its home as well.

Certainly that is the way Ben Franklin saw it—along with his colleagues Jefferson and Madison, who were also alumni of this Department. And, certainly, our national experience here in the United States bolsters the case for taking the long view even as we face the difficulties of the moment. When we look at the many new democracies in the world today, our determination to help is rooted in admiration, not condescension. We look at how far they have come in a few short years, and we think about how long it has taken us to get it even approximately right here in the United States.

We became a "new independent state" 221 years ago, in 1776. It took another 11 years after independence to draft a constitution, 89 years to abolish slavery, 144 to give women the vote, and 188 to extend full constitutional protections to all citizens. Even, today, we Americans are still engaged in debates—often quite rancorous—about the writ of the state, about the rights of the individual, and about the role of community in a mass culture.

In short, democracy—sorry: democratization—is a work in progress, for old independent states as well as new ones. And it's work that we Americans are proud to be doing with all of you.

Thank you very much. ■

Timothy E. Wirth

# Our Global Future: Climate Change

September 15, 1997

*Remarks by the Under Secretary for Global Affairs at the Royal Botanical Gardens, Kew, Surrey, United Kingdom.*

Thank you for that kind introduction and for the opportunity to be here today. It's an honor and a privilege to address this audience in this forum, and I have to admit that I'm more than a bit awed by the fact that my predecessors in this lecture series include a prince and three presidents, as well as several leaders of major international environmental organizations. Maurice Strong, who gave the Kew Lecture two years ago, is a neighbor of mine in Colorado, and I can't think of anyone in the world I admire more.

Let me take this opportunity to convey once again my country's and my own deepest sympathies during Great Britain's period of national mourning. Along with millions of other Americans, I woke up early in the morning a week ago Saturday to watch the broadcast of Princess Diana's funeral. Seeing Prince William and Prince Harry walking bravely into Westminster Abbey reminded me vividly of John F. Kennedy's two children, who went through a similar ordeal 34 years ago. You have our heartfelt condolences.

My central topic today is climate change. I want to explain in detail the United States' negotiating position on this vital issue as we head toward December's international conference in Kyoto. But, let me start by putting this issue in context because, in several respects, it is typical of the kinds of threats and opportunities that we will face together in the 21st century.

All over the globe, nations are beginning to recognize their opportunity and their responsibility to look beyond the crises of the moment toward the underlying causes that are making the world ever more complex and redefining the priorities for long-term national security and global stability. You only need to contrast the experience of me and my generation with that of my children and theirs.

In August 1961, I was an army private watching the Berlin Wall rise, and I remember thinking that we might be shipped off to war in central Europe. Thirty years later, my kids sat on that same wall with some 750,000 other young people to hear a Pink Floyd concert.

For my generation, the East-West confrontation was certainly the formative experience. It defined who we were as a country, what we thought was valuable, what we thought was important. For my children, the Cold War is ever more a distant reflection in the rear-view mirror.

The void left by the end of the East-West conflict has evoked various suggestions about our national purposes. There are those who would suggest that the U.S. mission is domestic only; that since our interests and responsibilities around the world are greatly diminished, we should simply maintain a strong defense to guard against military threats and traditional security concerns. This view ignores much more than the increasingly interdependent nature of our planet. It ignores the tremendous suffering and lost opportunities that exist in today's world, and it ignores our responsibility to ensure progress and hope for the future.

We are accustomed to searching for international purpose and the causes of international instability in such factors as ideology; geopolitic; economic inequity; or intense hatreds spawned by nationalism, race, and religious fanaticism. To these we must now add the enormous global factors of rapidly growing population, climate change, and the loss of biodiversity—and the threatening results: soil erosion, air pollution, overgrazing, diminishing freshwater supply, infectious disease, ozone depletion, and many others.

Compared even with the complex considerations that determined our national security policies during the Cold War, the new global threats to international stability are almost bewildering in their interplay of man-made and natural phenomena. All of these factors are linked through complex chains of cause and effect, resulting in issues that can make even the arcane calculus of nuclear deterrence seem like a simple proposition. Climate change calculations, as just one example, challenge even the most sophisticated and powerful computers designed for our Cold War weapons programs.



But complexity need not be the enemy of a coherent concept for policy related to global issues. For all of us, the incorporation of global threats into the post-Cold War definition of global and national security requires breaking down barriers and—in the words of Abraham Lincoln—“disenthraling ourselves” from old ideas and yesterday’s paradigms.

Appealing as it might be to some in our Congress, passive isolation will not enable us to fulfill these responsibilities. Instead, we have to recognize and adapt to new responsibilities and new challenges—issues that will define the 21st century. And one of the most important of these is sustainable development, the central concept agreed to at the Earth Summit in 1992.

As Maurice Strong so clearly discussed here two years ago, sustainable development fundamentally means that the economies of the world should attempt to meet the needs of today’s generation without compromising or stealing from future generations. It is a concept rooted in a recognition of the mutually reinforcing nature of economic, social, and environmental progress.

Unhappily, the biggest obstacle to the pursuit of sustainable development is the misguided belief that protecting the environment is antithetical to economic interests. Far too many will nod their head, saying “Yes, I’m for the environment as long as it doesn’t cost jobs.” And it is within this terribly mistaken analysis that we encounter the fundamental intellectual challenge to sustainable development, and to the imperative of concerted action. The truth is that the environment is fundamental to the economy.

Ecological systems are the very foundation of our society—in science, in agriculture, in social and economic planning. Five essential biological systems—croplands, forests, grasslands, oceans, and fresh waterways—support the world economy. Except for fossil fuels and minerals, they supply all the raw materials for industry and provide all our food.

- Croplands supply food, feed, and an endless array of raw materials for industry such as fiber and vegetable oils.
- Forests are the source of fuel, lumber, paper and countless other products, and house valuable watersheds that provide drinking water for growing urban areas.
- Grasslands provide meat, milk, leather and wool.
- And oceans and freshwater produce food for individuals and resources for industry.

Stated in the jargon of the business world, you could say the economy is a wholly owned subsidiary of the environment. But when we

pollute, degrade, and irretrievably compromise that ecological capital, we begin to do serious damage to the economy.

Is this just a theoretical concept? It is not. It happened in central and eastern Europe, whose profound environmental destruction we are only now uncovering and comprehending. It is, in fact, happening all over the world, even in many of today’s headlined trouble spots. For example:

In **Rwanda**, the unspeakably brutal massacres of 1994 occurred against a backdrop of soaring population growth, environmental degradation, and unequal distribution of resources. Rwanda’s fertility rate is among the highest in the world—more than eight children per woman. The nation’s once rich agricultural land is so severely depleted and degraded that between 1980 and 1990, during a time of unprecedented population growth, food production fell dramatically.

In **Chiapas State, Mexico**, decades of resource conflicts underlie the rebellion in Mexico’s most troubled region. Unequal distribution of land and rapid population growth have forced poor peasants, mostly indigenous people, to eke out a meager living by farming environmentally fragile uplands. But these lands are quickly degraded, plunging the increasing population even more deeply into poverty. A similar cycle has been observed in places as diverse as the Philippines, the Himalayas, the Sahel, Indonesia, Brazil, and El Salvador.

In **Haiti**, dwindling resources are even more central to the social collapse that has overtaken an island nation that was once the crown jewel of the French Empire. Almost totally deforested, its poor croplands divided into smaller and less-productive parcels with each generation, these problems were compounded by a predatory government that drained the nation’s scant resources and failed to invest in its people. Looming ominously over this environmental, economic, and political collapse is the fact that Haiti’s population of 7 million—already unsustainable by every measure—is expected to double in the next 18 years.

And in **China**, home to one in five of the earth’s people, severe water shortages and soil erosion threaten that nation’s ability to feed its population. Between 1987 and 1990, China’s arable land decreased by some 50 million acres—an area the size of all the farms in France, Germany, Denmark, and Netherlands combined. This depletion is prompting an exodus from the impoverished interior to the booming coastal cities. China, and the demands which accompany its rapid industrialization, is moving headlong toward an environmental wall which its economy will soon hit full speed.

*"Of special concern  
to us in the  
United States are  
the big three:  
population, biodiversity,  
and climate change."*

Some of these dangerous trends are the product of poverty; 1.8 billion people around the world live in wretched poverty. More than 2 billion live without access to adequate sanitation facilities.

Poor people in Asia, Africa, and Latin America are in desperate need of fuel and land to work. Their needs and their number make them unwitting, but powerful, agents of destruction whether in tropical rainforests or on fragile hillsides, a tragedy for the environment, and their own futures.

But poverty is not the only, or even the worst, toxic force at work on the global environment. The appetite of the affluent for timber products is just as much of a menace to forests in Malaysia, Indonesia, the Philippines, Brazil, and the United States. The bulk of the underground water being drained away from our future flows into the shining cities of the "haves," not the parched lands of the "have-nots." Those same cities, and we who live in them and the way we live in them, are, of course, the furnaces of global warming.

We are also learning that environmental capital cannot be measured simply by counting trees, stocks of fish, or ears of corn. It also encompasses complex ecological systems that filter wastes, regenerate soils, determine weather patterns and climatic conditions, and replenish fresh-water supplies. Those systems, now called ecosystem services in a new, exciting, and compelling field of ecological economics, allow us to live on this earth. Ozone depletion, species loss, and the increasing carbon content of our atmosphere are all reflections of the fact that the planet's ecological systems are under enormous strain. We are destroying our own systems of survival.

The rapid degradation of our life-support systems illustrate our interdependence with nature and our changing relationship with the planet. Our security is inextricably linked to these trends. The security of our world hinges upon whether we can strike a sustainable, equitable balance between human numbers and the planet's capacity to support life.

Why have these new aspects of security only recently been recognized? Two trends tell the tale. First is the exponential growth of the human population. World population has doubled since 1950, and now stands at nearly 6 billion. Every year, the world gains another 91 million inhabitants—the equivalent of another New York City every month, another

Mexico every year, another China every decade. Ninety-five percent of that growth is taking place in the impoverished countries of the developing world, which are already struggling to provide jobs and sustenance for their people.

At the same time, the industrialized world has developed the capability and consumptive capacity to utilize resources and produce wastes at a rate that is unprecedented in human history. Although we comprise only one-fifth of the world's population, the industrialized countries use two-thirds of all resources consumed and generate four-fifths of all pollutants and wastes.

So we're getting ourselves into a terrible fix—the globe's population is growing at a rate that is matched or exceeded only by our growing capacity to consume resources and produce wastes. The course we are presently on is unsustainable.

Of special concern to us in the United States are the big three: population, biodiversity, and climate change. We believe that there is an urgency in all three.

While it is true that the rate of population growth is declining, the base against which that rate applies is bigger than ever in world history. Nearly half of today's population is 15 or younger. They are just entering their child-bearing years. Much of the future of the globe will be determined by whether these new young parents have two, three, four, or more children. I hope we can talk more about this issue in the question period. From the Cairo Program of Action we know what to do. Now we must do it.

The second of the big three is biodiversity—the central focus of Kew Gardens and your wonderful work around the world. We need to realize the opportunity of the need to move beyond the abstract words of preserving and utilizing our biological inheritance. I am increasingly convinced that the biodiversity issue may dwarf all others in the not-too-distant future.

The 21st century will certainly be the century of biology; already more than 50% of today's top-selling pharmaceuticals come directly from plant biochemicals, and compounds of undiscovered promise await us:

- A periwinkle plant from Madagascar provides a treatment for forms of leukemia, breast cancer, and cancers that afflict children;
- Fox glove—a plant in the snapdragon family, also known as digitalis—is the source of a key medicine used in the treatment of chronic heart failure;

- Quinine, extracted from the bark of a plant in the coffee family, was for a century the main treatment for malaria; and

- Penicillin, the first and most famous antibiotic, was developed from common mold.

The list goes on and on, providing immeasurable assistance and comfort to mankind, and creating multibillion-dollar markets.

Similarly, our food base comes from the reservoir of nature. For example, just three species of grass—rice, wheat, and corn—represent humanity's principal foods; yet, the abundance of the natural world is much larger.

We can measure the distance to the moon to an accuracy of centimeters but haven't explored the wonder of our own world's species. Are there 10 million, 50 million, or 100 million, and what genetic wonders do they hold? Certainly, this is the overwhelmingly important frontier of the future in which we can prospect for food, fuel, pharmaceuticals, or fiber, as we once prospected for gold in South Africa or silver in the American West. Unfortunately, this is not at all well understood in the United States. There are forces afoot in our country, bent upon crippling our nation's biological survey, repealing the Endangered Species Act, and ignoring the International Biodiversity Treaty. One of the major challenges we face is to change the terms of the biological debate, so it is understood as a phenomenal future, where we can prove that economic prosperity and environmental preservation can be linked with enormous promise for posterity.

And now to the third of the big three—climate change. Global warming, caused by our dumping billions of tons of carbon dioxide and other greenhouse gases into the atmosphere every year, is likely to have a tremendous impact on every aspect of the natural order. We need to think about climate both as a sustainable development issue and as a global issue.

We believe that the science is compelling: The chemical composition of the atmosphere is being altered by anthropogenic emissions of greenhouse gases; the continued buildup of these gases will enhance the natural greenhouse effect and cause the global climate to change. Based on these facts and additional underlying science, the second global assessment by the Intergovernmental Panel on Climate Change reported that "the balance of evidence suggests that there is a discernible human influence on global climate."

This last finding represents the first time that a consensus has emerged among leading climate scientists that the world's changing climatic conditions are more than the natural variability of weather. In short, the IPCC's

results have further underscored the compelling nature of scientific understanding of this issue.

Nonetheless, uncertainty remains. The scientific community cannot yet tell us precisely how much, when, or at what rate the Earth's climate will respond to greenhouse gas buildup. However, making the best possible estimate based on what is known about the complex climate system, the scientific community believes that current emissions trends—resulting over the next several decades in the effective doubling from preindustrial concentrations of carbon dioxide in the atmosphere—will lead to global temperatures which, on average, are 2° to 6.5° warmer than today, increasing at a rate greater than any known for the past 10,000 years.

Based on these estimates, the best scientific evidence indicates that human-induced climate change, if allowed to continue unabated, could have profound consequences for the economy and the quality of life of future generations.

**Human health** is at risk from projected increases in heat-related mortalities and the spread of diseases like malaria, yellow fever, and cholera. In fact, the World Health Organization sees the effect of climate change as one of the biggest public health challenges for the 21st century.

**Food security** may be threatened under a number of global warming outcomes as croplands move northward, leaving some regions of the world at serious risk of food scarcity.

**Water resources** are expected to be increasingly stressed, with substantial economic, social, and environmental costs in regions that are already water-limited and, perhaps, even political costs where there is already conflict over limited resources.

**Coastal areas**—where a large percentage of the global population lives—are at risk from sea-level rise. In the U.S. alone, our planners estimate costs in the range of \$100-\$300 billion to protect coastal property from a 1-meter rise.

In our opinion, the IPCC has clearly demonstrated to policymakers that further action must be taken to address this challenge. U.S. policy on climate change flows from this science; the risk is too great to ignore, and we must act now.

Our proposals have three central components:

- We propose that all developed countries have realistic and achievable targets and timetables for significantly reducing their greenhouse gas emissions;

- We propose that developing nations advance their commitment undertaken as part of the original Climate Change Treaty and, further, agree to a process that will ensure that they will have binding emissions limitation commitments of their own; and

- Finally, we propose to establish a system of emissions trading and other market mechanisms that will reduce the costs of limiting emissions in both developed and developing countries.

Let me address each of these three aspects of our proposal in turn.

I want to start with our ideas for emissions trading and market mechanisms, because we see them as essential to our whole proposal, both environmentally and economically. We believe that these market mechanisms can reduce the costs of implementation significantly, thus enabling us to achieve much greater reductions in emissions in both developed and developing nations.

In the United States, the concept of emissions trading has been successfully used to reduce costs as much as tenfold in meeting the standards set for power plant emissions of sulfur dioxide. In the climate context, we envision that participating nations, and their private sector companies, would be allowed to trade greenhouse gas emission permits, thus creating the opportunity to reduce emissions where it is cheapest to do so. Such a program could cut the cost of reducing emissions by as much as 50%.

An international emissions trading regime must be designed and implemented. We will need to establish a reliable system of monitoring and verification to ensure that everyone plays by the rules, but that's the case with almost all international agreements—from arms control to intellectual property rights.

Another key piece of our climate strategy is joint implementation. We propose that private-sector companies in developed countries be allowed to undertake emissions reductions projects in developing countries and count these reductions against their own emissions. We believe that joint implementation can harness the expertise and capital of the private sector to reduce global greenhouse gas emissions in a cost-effective manner.

The U.S. already has launched many successful demonstration projects of activities jointly implemented—from forestry to energy conservation, from Costa Rica to the Czech Republic, from Belize to Bolivia to Russia.

As these projects have demonstrated, joint implementation can do much more than just reduce costs. Developing countries reap substantial, long-term benefits from such a system, through the transfer of cutting-edge

technologies and business practices. Moreover, as we have seen in Central America, joint implementation projects can provide an invaluable mechanism to protect forests and other critical habitat around the world.

We see the combination of emissions trading and joint implementation as a more comprehensive, "greener" alternative to the idea of a European "bubble," and to other purely regional schemes. Climate change is a global issue, not a regional one, and the mechanisms that we put in place to reduce costs should be as inclusive as possible. To be sure, we should encourage European governments and companies to work together to reduce emissions, but Great Britain and its neighbors should also be encouraged to cooperate with the United States and Australia, Russia and Japan, China and India. The guiding principle should be to maximize the environmental benefit at the least cost. We should reduce emissions wherever and whenever we can, even when that means crossing national or regional boundaries. Lower costs will, in turn, enable us to aim for and then to achieve much more significant reductions in greenhouse gas emissions.

At the same time, we think all developed nations should have to take significant emissions reductions measures. This is a problem which affects every nation, and every nation must be part of the solution. But unlike emissions trading, the EU bubble would create a system in which countries such as Spain, Portugal, and Greece had little or no incentive to limit their emissions; indeed, the current EU proposal would encourage these countries to increase their emissions by as much as 40% over 1990 levels. That's not the best way to reduce overall emissions, and it's not the right signal we want to send to newly developed countries such as Mexico and Korea. That brings me to the subject of targets and timetables for reducing emissions in developed countries.

President Clinton recognizes that the United States, as the world's leading emitter of greenhouse gases, must set a strong example for other nations around the world. That is why the President and his Cabinet members are now engaged in an intensive education campaign "to convince the American people and the Congress that the climate change problem is real and imminent." And that is why President Clinton has promised that

We will bring to the Kyoto conference a strong American commitment to realistic and binding limits that will significantly reduce our emissions of greenhouse gases.

We believe that market mechanisms, such as the ones I have discussed, will make it possible to achieve meaningful emissions reductions in a cost-effective manner.

But even with such mechanisms, there are limits as to what we can or should agree to in Kyoto. It is one thing to say that each of our countries will reduce emissions by 15% or 20% below 1990 levels over the next two decades, but we need to be honest about what is realistically achievable—and we need to be able to deliver what we promise. Otherwise, the entire international negotiating process on climate will degenerate into political posturing, and with no agreement in sight, emissions will continue to rise rapidly.

Over the past decade, the United Kingdom has made difficult and admirable decisions to reduce energy subsidies. In doing so, you set a fine example for other nations around the world that will need to make similar choices in the years to come. We commend Prime Minister Blair for his enthusiastic and public commitment to further emissions reductions.

By the year 2000, it is likely that the only developed countries to hold their emissions to 1990 levels will be the U.K., Germany, and the nations of the former Soviet Union and eastern Europe. Germany will reach its emissions target by shutting down the factories of the former German Democratic Republic; while Russia and its east European neighbors will reach their targets only because of massive, and extremely painful, economic restructuring.

Looking at the larger picture, we also need to recognize that action by the United States, Great Britain, and the other industrialized nations will not, by itself, put the world on the road to stable greenhouse gas concentrations. As I've said, climate change is a global issue, requiring a worldwide response. It's all one atmosphere, whether it's polluted by American power plants, Brazilian steel mills, or Korean traffic jams.

At present, developed country emissions account for approximately 60% of the global total. But developing country emissions are growing rapidly, and by 2020, will account for more than half of the world's emissions. China, which is already the world's second-largest emitter, will surpass the U.S. within 15 years. So it is imperative that any next step we take include action from both developed and developing countries.

I should add that the United States Congress shares our sense of the importance of developing country participation. Indeed, the Senate, by a vote of 95-0, recently indicated that it will approve a climate change agreement only if it contains specific provisions to address this issue. Many of my former colleagues in the

Senate see this as a competitiveness problem. A large and growing percentage of U.S. exports go to developing countries; we compete worldwide with China, the world's largest exporter of consumer goods. So many Americans are worried that a Kyoto agreement could result in their jobs being shipped overseas.

We regard the participation of developing countries as an essential part of a comprehensive Kyoto agreement, along with the legally binding commitments for developed countries and the creation of cost-effective implementation mechanisms. There are more than 100 developing nations, and they vary greatly in size and level of economic development. But each of those nations can and should take actions commensurate with its capabilities and responsibilities.

The U.S. proposal for developing country participation has three elements:

**First**, we call on all nations, developed and developing, to advance the implementation of their existing commitments to undertake climate-friendly policies and measures;

**Second**, we ask that advanced developing countries, particularly those which have graduated to OECD status, voluntarily undertake quantified emission limitations; and

**Third**, we call for a new series of negotiations to develop quantified obligations for all countries and to establish a "trigger" for the automatic application of these obligations, based upon agreed criteria.

Let me say a few more words about our developing country strategy.

- To begin with, there is the issue of advancing the implementation of existing commitments under the Climate Convention. We believe that all nations should increase their energy efficiency, eliminate subsidies, and emphasize market-oriented pricing; increase the use of renewable energies; facilitate investment in climate-friendly technologies; and promote the development and sustainable management of forests and other carbon "sinks" and "reservoirs." These are all measures that are justified economically in their own right and can also help in solving other environmental problems.

- Next, how should we categorize developing countries? They are not all the same. Some, because of their large economies, are responsible for a significant share of global emissions. Others have higher capita incomes, thus making them more capable of taking on greater responsibilities. Distinctions among developing countries are justified, and we believe this merits the creation of a special class

of nations that would be asked to take on voluntarily emissions targets. These nations would then be permitted to trade their emissions rights.

- Third, we need to address the urgent need for a regime in which all nations, particularly the bigger and richer ones, become full partners in responding to the threat of climate change. This means Kyoto becomes a first step in a process that must be sustained over many more years. Our work will not finish in Kyoto, but it is important that it begin with a serious and committed first step.

I've gone into quite a bit of detail about the rationale for our proposal for Kyoto, because the United States and the European Union will need to agree on a common position, preferably sooner rather than later, so that we can work together during the upcoming negotiations. The alliance, which has served our common interests so well during World War I, World War II, and the Cold War, will be essential here as well. That's why I'm here, today, to talk with you and to engage in consultations with your government.

This is an ambitious, exciting, consuming agenda, not costless, not barrier-free, but doable. In fact, the question is no longer what to do, the question is how to facilitate what so clearly needs to be done. Success will send benefits rippling across both our nations, both our economies, and, most important, the lives of present and future generations. I believe that our legacy depends in large measure on our ability to understand and react to these new challenges. The future habitability and stability of the world is in the balance. In this way,

protecting the globe is a metaphor for the degree to which we recognize the interdependent nature of the new world order unfolding before us.

In 1948, when the notion of space exploration was still science fiction, the Astronomer Fred Hoyle said:

Once a photograph of the Earth, taken from the outside, is available. . . new ideas as powerful as any in history will be let loose.

Twenty years later, when space travel became a reality, the travelers themselves provided powerful testimony to Hoyle's sense of the unity of the world. Let me read to you from our own astronaut, James Irwin:

That beautiful, warm, living object looked so fragile, so delicate that if you touched it with a finger it would crumble and fall apart.

And now from a Russian cosmonaut:

After an orange cloud—formed as a result of a dust storm over the Sahara—reached the Philippines and settled there with rain, I understood that we are all sailing in the same boat.

In this last decade of the millennium, we have the power and enormous responsibility to captain that boat carefully. We also have the ability to shape change for the benefit of the entire world. The interests and intellectual capacity reflected in this room today bears a special burden in this regard. Working together, your talents, your energy, and your power is more than the match for the challenges and the institutions involved. I know that each of you will engage in this effort and that we can harness that energy and wisdom in service of these objectives. Our future certainly depends on it. ■

David J. Scheffer

# The Future of International Criminal Justice

September 19, 1997

*Address by U.S. Ambassador at Large for War Crimes Issues at the Peace Palace, The Hague, Netherlands.*

I am very pleased to be here this afternoon to address this distinguished audience about the future of international criminal justice. My appointment by President Clinton and by Secretary of State Madeleine Albright to the new position in the U.S. Government of Ambassador at Large for War Crimes Issues reflects their strong commitment to pursue the investigation and prosecution of individuals charged with the heinous international crimes of genocide, crimes against humanity, and war crimes. The challenge is, regrettably, global in scope. In our times, these crimes are the trademark of the former Yugoslavia, of Rwanda and Central Africa, of Cambodia, of Iraq, and other regions of the world. I hold no illusions about the obstacles that lie ahead, but I know our generation must not fail to take up this challenge. Impunity and retribution are the enemies of our future; only through international justice can these scourges be overcome.

Within these walls resides the most visible source of modern public international law. Since its construction in 1913, the Peace Palace has been the forum where the precedents of international litigation have often been framed. Here, states have sought to resolve their disputes peacefully, even though unprecedented warfare among nations has often tested the purpose of this building.

Those who work in the Peace Palace know that it is a very 20th-century notion that through peaceful interstate dispute settlement, the rule of law would prevail. Yet, with the exception of the Nuremberg and Tokyo trials following World War II, there has been very little attempt to hold individuals accountable for major international crimes in any international forum. The shield of sovereignty which, after all, is the bedrock of international law, and the Cold War, prevented the best-intentioned architects of the post-war international system from extending accountability or enforcement

beyond state responsibility to those individuals who are the most egregious violators of international law.

Last week I visited a site in Rwanda called "Ntarama." There, on April 15, 1994, more than 5,000 men, women, and children were viciously murdered. I stood among the living dead, among scattered skulls and bones and blood-stained clothing on the floor of a Catholic church, where the victims thought they would find refuge from the genocidaire. Hundreds of skulls blanketed a shack nearby. What happened at Ntarama was not the simultaneous extermination of thousands; it was not genocide with the drop of a gas canister into the well of a chamber packed with humans whose terrified eyes need never haunt the executioner. At Ntarama, and throughout Rwanda in the spring of 1994, genocide was murder in the first degree—victim by victim, with machete, club, hoe, spear, automatic rifle, or gasoline-fueled fire—bonding executioner and victim to within inches of each other.

A survivor of the massacre, a 37-year-old mother who had collapsed under the weight of the slaughtered corpses and whose entire family perished in the church, guided me through the carnage of Ntarama. We walked among her dead children's skulls. She pleaded softly for those responsible to be brought to justice. But she also said that if justice could be rendered, she could live with her neighbors again. And then she breast-fed her newborn infant with a tenderness that spoke volumes. She showed me the courage of a Rwandan woman who lost everything except the miracle of the human spirit.

Our common challenge is to ensure that the enforcement of international criminal law in the 21st century fulfills the expectations of both those who codified it in this century and the survivor of Ntarama. The international criminal tribunals for the former Yugoslavia and for Rwanda are important tests of our resolve to

take up that challenge. They are novel judicial institutions which remain experiments and, hence, require our constant attention and support. No engineers would abandon a project just because their first efforts failed to achieve instant perfection. Neither should the international community abandon the first prototypes of international criminal justice in the post-Cold War era.

There is much skepticism about the future of the Yugoslav and Rwanda Tribunals. I have just returned from a two-week review of the operations of both tribunals. I want to share

with you some observations about the most troubled institution; namely, the Rwanda Tribunal. It is back on track. After a year of intensive scrutiny by the UN Inspector General, a highly critical report issued by him last February, and months of reform initiatives and staff changes, the Rwanda Tribunal is beginning to show potential for achieving its original purpose—the prosecution of the leaders of the 1994 genocide. There is much reform yet to accomplish, but

the course has been set.

The fact is that the Rwanda Tribunal has more indictees—of greater relative stature—in custody than does the Yugoslav Tribunal. I visited the UN detention facility in Arusha where 21 of 53 cells are occupied by 15 indictees and six accused awaiting indictment. I saw such former Rwandan leaders as Theoneste Bagasora, George Rutaganda, Jean Kambanda, and Pauline Nyiramashuhuko sitting in their cells surrounded by books and files in preparation for their trials. Gratien Kabiligi, a notorious young colonel in the Rwandan Army, who allegedly went on to terrorize his people in the refugee camps in East Congo, was mopping his floor. There remain eight indictees at large who must be found and apprehended. Deputy Prosecutor Muna has not forgotten them. There are many more leaders and strategists of the genocide who are suspects and likely candidates for indictment.

So, despite 32 available cells today, more cells probably will have to be built next year to accommodate new indictees. Three major trials

are underway this year. More trials are forthcoming, including Nuremberg-style joint trials where influential defendants from government and business will be joined to show how finely tuned was the orchestration of the genocide throughout Rwandan society.

The new Deputy Prosecutor of the Rwanda Tribunal, Bernard Muna from Cameroon, has shown in his first few months a determination to pursue vigorously the prosecution of the masters of genocide in Rwanda. We need to give Mr. Muna a chance to prove himself. He already has effected the arrest of seven indictees and suspects in Kenya; produced a new strategy for prosecution, namely, to group many indictees together for joint trials; and reorganized and increased the size of the Deputy Prosecutor's Office in Kigali. Chief Prosecutor Louise Arbour, who selected Mr. Muna, has been deeply engaged herself in developing the new prosecution strategy and in upgrading the entire operation of the Rwanda Tribunal.

A second courtroom at the Arusha headquarters is being constructed and should be completed soon. The hiring of a large number of investigators and prosecuting attorneys is underway. We consider it exceedingly disruptive, however, that trials are still being suspended for months at a time—a fact that, indeed, delays justice needlessly. We trust this rather unfortunate practice of the Rwanda tribunal will be ended soon.

The Yugoslav Tribunal faces a more desperate problem. It needs in custody more indictees, particularly the leaders of the genocide, war crimes, and crimes against humanity that ravaged Bosnia and Herzegovina and Croatia for so many years. All of us are impatient for this to happen. But it will. As Secretary Albright has said, there is no statute of limitations on these crimes or on our determination to see justice done. The United States Government is totally committed to strengthen the capabilities of the Yugoslav Tribunal and to pressure the regional authorities in order to accomplish the arrest and prosecution of the indictees. The NATO-led Stabilization Force, or SFOR, can assist within its agreed-upon rules of engagement and did so in Prijedor recently. The "outer wall" of sanctions surrounding Serbia-Montenegro remains standing, and economic assistance to noncooperating parties of the Dayton accords will remain unavailable.

For all of the theory and jurisprudential underpinnings of each International Tribunal, however—which make these institutions so intellectually challenging for international and criminal lawyers—there are operational issues which needlessly hamper the tribunals' efficient

*"The United States Government is totally committed to strengthen the capabilities of the Yugoslav Tribunal and to pressure the regional authorities in order to accomplish the arrest and prosecution of the indictees."*



operations. Unless these issues are resolved, the theory and precedent essential to a lasting jurisprudence risks being buried under the weight of bureaucracy.

For example, the international tribunals are unlike any UN entity ever established in the past. They require specialized, highly trained, and experienced legal talent that can join the tribunal ranks and hit the ground running. Yet the United Nations Secretariat has insisted upon deep cuts in the number of gratis personnel—namely, experts detailed to the tribunals at cost to the donor governments—and has insisted on charging so-called support costs of a flat 13% on the value of each such gratis individual as well as on any in-kind contribution. The justification offered by the Secretariat for these measures misconstrues the UN's own practice, defies common sense, and ultimately undermines the UN's ability to discharge its functions. The United Nations is simply shooting itself in the foot; so, too, are those governments which are promoting the elimination of gratis personnel on the very false premise that by doing so they will improve the chances for their own nationals being directly hired by the United Nations or, in this case, by either international tribunal.

The exceptional requirements of the international tribunals demand the services of gratis personnel of the highest caliber now, not on some drawn-out UN timeline for employment and training. Experienced prosecutors and investigators work in career government positions and will not abandon those career jobs for direct-hire positions or for one-year UN contracts that ignore their future and what is required for professional investigations and trial work. The solution for these kind of gratis personnel is secondment joined with the expectation that they will return to their governments. In short, governments should not be penalized for offering gratis personnel at their own expense with an arbitrary UN surcharge that defies sound management principles and undermines the work mandated by the United Nations itself.

Another operational issue is the UN's own understanding, or lack thereof, of the requirements for an international criminal tribunal tasked to investigate and prosecute crimes of the magnitude found in the former Yugoslavia and Rwanda. It is apparent during reviews of the budget proposals for the tribunals that adequate knowledge about what international litigation really entails and costs is sometimes lacking. In the future, there needs to be a concerted effort to ensure that decision-makers in New York properly understand the require-

ments of an international criminal tribunal and why the initial budget requests from the tribunals are trying to anticipate future caseloads.

The United States remains committed to the efficient and successful operation of both international criminal tribunals. Their work will not, however, be accomplished soon. Years of further investigation and trials are ahead, provided the support of the international community continues. The Dutch Government has been on the front line of support, both for the infrastructure needs of the Yugoslav Tribunal and staff and other voluntary assistance for both tribunals. We need to broaden voluntary support beyond the small circle of nations currently supplementing the regular budgets of the tribunals. Our attention should be directed not only to other governments, but also to private individuals and organizations whose contributions can make an enormous difference in the future. In this respect, the assistance already provided by non-governmental organizations merits our special thanks.

The establishment and work of the international criminal tribunals for the former Yugoslavia and for Rwanda have deeply influenced the UN talks on the establishment of a permanent international criminal court or "ICC." Under the able chairmanship of Adriaan Bos of Netherlands, the UN Preparatory Committee on the Establishment of an International Criminal Court is preparing a statute to govern the ICC.

President Clinton and Secretary Albright have long supported the establishment of a fair and effective international criminal court. As President Clinton has stated,

Nations all around the world who value freedom and tolerance [should] establish a permanent international court to prosecute, with the support of the United Nations Security Council, serious violations of humanitarian law.

As we approach the 21st century, individuals—of whatever rank in society—who participate in serious and widespread international crimes of genocide, crimes against humanity, or war crimes must no longer act with impunity. Throughout history the "enemy" has been the belligerent nation or rebel army threatening international peace and security. But the other reality is that war criminals and genocidaire are the common enemies of all civilized peoples. They must come to learn that while they may run, they cannot escape the long reach of international law that finally shows some promise of being enforced. There is no doubt that the Yugoslav and Rwanda Tribunals have been critical first steps. But in the 21st century,

we will need a permanent court that both deters such heinous crimes globally and stands prepared to investigate and prosecute their perpetrators.

As the head of the U.S. delegation to those talks, I can confirm that the precedents being established in The Hague and in Arusha inform the discussions and stimulate much deliberation. There is no question that the momentum of the UN talks is driven in significant part by the example of the ad hoc tribunals and the need to ensure that a similar institution of justice will be available in the future.

We are, however, at a crossroads in the UN talks. Governments must make maximum efforts over the next eight months to reach agreement on as many as possible of the remaining issues. Otherwise, we risk going to Rome in June of next year for a diplomatic conference with a deeply flawed document, weighed down with brackets that a single session, even if it is six weeks long, simply will not overcome. The United States would prefer a diplomatic conference that begins and ends in Rome next summer. We want to arrive at the diplomatic conference with a consolidated text of the statute of the Court in which a minimum of issues are still outstanding. We will make every effort to work with others toward that end.

It is my hope that the permanent international criminal court will be established by the year of the millennium, 2001. But that target date is conceivable only if the ongoing UN talks and the Rome conference address the toughest issues head-on with both pragmatism and a common allegiance to fundamental principles of international jurisprudence.

It is appropriate that in this historic chamber I discuss the issue that particularly vexes the UN talks; namely, the independence of the ICC. There have been those governments which argue that the independence of the Court is assured only if the Prosecutor has unfettered authority to initiate cases, without any role for the Security Council or the consent of interested states. There are other governments which insist on the consent of a range of states before any case can be prosecuted before the ICC.

The United States has proposed an alternative procedure that we believe best ensures both the independence of the ICC and the practical use of the Court to prosecute crimes of genocide, humanity, and war. In our view, no case should be initiated by the Prosecutor unless the overall situation pertaining to that case has been referred to the Prosecutor. But once there has been a referral, the Prosecutor has discretion to investigate and prosecute an individual case.

Therefore, under the U.S. proposal, neither a state party nor the Security Council would lodge a complaint against a single individual with the Prosecutor. The Prosecutor, and the Prosecutor alone, would determine whom to investigate and whom to seek indictments against. He or she would have the expertise and capabilities—more so than a state party or the Security Council—to conduct investigations and make the critical determinations of which individuals should be held criminally responsible for commission of the core crimes of genocide, crimes against humanity, and war crimes.

The targeting of an individual for criminal responsibility is serious business that should be as far removed from political considerations as possible; only a highly qualified and respected Prosecutor should be entrusted with that duty for the ICC if it is not being undertaken at the national level. In this respect, the independence of the Prosecutor would be qualified only in terms of other important provisions of the Statute. The United States has reserved its position on the consent of any states to the prosecution of a case pending further review of negotiations in other key issues, including the role of the Security Council and the strength of the complementarity regime or deferral to national jurisdiction.

We believe that the Security Council and state parties to the Statute of the ICC should be empowered to refer overall situations to the Prosecutor where there has been apparent commission of one or more of the core crimes in the Court's jurisdiction. The referral would request the Prosecutor to investigate the situation for the purpose of determining whether one or more specific persons should be charged with commission of such crime. We have emphasized that the state party should have to refer a situation or matter; the state party would not lodge a complaint against one or more named individuals as contemplated by most other governments and by the International Law Commission in its draft statute. This procedure would mirror the referral procedure for the Security Council, which is acceptable to a wide range of governments.

However, if the situation referred by the state party to the ICC concerns a dispute or situation pertaining to international peace and security or an act of aggression, which is being dealt with by the Security Council, then the Security Council should approve that referral of the entire situation to the ICC. In our view, the UN Charter responsibilities of the Security Council for the maintenance and restoration of international peace and security permit no alternative to that procedure.

Therefore, our proposal would require that no prosecution may be commenced before the ICC arising from a dispute or situation pertaining to international peace and security or an act of aggression which is being dealt with by the Security Council without the prior consent of the Security Council that such dispute or situation can be adjudicated, for purposes of individual criminal responsibility, by the ICC.

The referral power of the Security Council should be established so that the Council can bring to the ICC's attention situations that span the scope of the Council's responsibilities under the Charter, including both enforcement actions and peaceful actions relating to disputes the continuance of which would likely endanger the maintenance of international peace and security. We are, after all, striving to establish a court that will serve as a deterrent for the commission of core crimes as well as the judge of them. If peace can be served, and further core crimes deterred, with the rendering of justice by the ICC without the Security Council taking the extraordinary step of using its enforcement powers under Chapter VII of the Charter, then we believe that is a worthy procedure to incorporate in the Statute of the Court.

If the Security Council were to act under Chapter VII in its referral of a situation to the ICC, then it could choose to direct the Court to exercise mandatory powers similar to those currently employed by the International Criminal Tribunals for the Former Yugoslavia and for Rwanda. Whether or not the Council acts under Chapter VII, it could choose to refer a situation for action by the Court under whatever rules are finally established for complementarity and state consent. But governments need to keep in mind the Council's potential for a mandatory referral under Chapter VII authority as further progress is made in drafting the procedural rules of the Court, and then make whatever adjustments may be necessary.

The United States views the combination of the state party referral procedure and the Security Council referral procedure as providing the ICC with a potentially wider and more significant range of cases to prosecute.

The Security Council is, indeed, a political institution, but then so, too, are governments. The argument we often hear that reference to the Security Council invites political influence into the work of the ICC continues to ignore the fact that any state party lodging a complaint against a single individual also invites political influence into the work of the Court. Our proposal seeks to minimize political considerations in deciding which individuals to bring to the bar of justice. The U.S. proposal seeks to maximize the opportunities for both state

parties and the Security Council to bring whole-scale atrocities and war crimes to the doorstep of the Prosecutor and invite him or her to bring the perpetrators of those crimes to justice.

The United States recently proposed that the Security Council be expanded up to 20 or 21 Member States so that new permanent members could be added, including nations from the developing world. When the Security Council reform process concludes, we expect that the representation of a much wider cross-section of the global society will have been accomplished. Any decision that the Security Council makes with respect to the referral of a situation to the ICC thus will reflect the considered judgment of that larger and more representative group of nations. The Security Council is a principal, but not static, organ of the United Nations. The reform process reflects the interest of Member States in making sure the Security Council remains an effective and representative institution.

The grim reality of our effort to establish an international criminal court is that it is required to hold accountable the perpetrators of atrocities that presumably will occur in the future, since the ICC will have only prospective jurisdiction. This presumption is the darker vision of the next century. Our common hope must be that the establishment of a permanent court will defeat that presumption through the power of deterrence. Working with other governments, the United States will spare no effort to create a fair and effective permanent international criminal court as soon as possible to realize that hope.

This brings me to my final and most important point for you to consider today. There remains a widening and immediate gap in international criminal justice, between the two ad hoc international tribunals established by the Security Council and the proposed ICC, which will likely have only prospective jurisdiction. With increasing frequency, the Security Council is posed with the question of accountability for realtime and serious violations of international humanitarian law. "Tribunal fatigue" by Council Members and the still-distant creation of a permanent court have combined to create a gap for mechanisms of accountability for massive crimes which have been committed in our times.

We must urgently fill this gap in our judicial institutions. The problem is complex, the solution illusive, and the political will of governments largely untested. But this is a challenge we must confront, today. The victims of too many atrocities and war crimes, which have gone untended, deserve our best efforts. Thank you. ■

## MULTILATERAL

### North Atlantic Treaty

Agreement among the states parties to the North Atlantic Treaty and other states participating in the Partnership for Peace regarding the status of their forces. Done at Brussels June 19, 1995. Entered into force Jan. 13, 1996.

Additional protocol to the agreement among the states parties to the North Atlantic Treaty and the other states participating in the Partnership for Peace regarding the status of their forces. Done at Brussels June 19, 1995. Entered into force June 1, 1996.<sup>1</sup>

*Signature:* Portugal, Sept. 8, 1997.

*Ratifications:* Finland, July 2, 1997; Netherlands, June 26, 1997.

### Terrorism

Convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents. Adopted by the UN General Assembly Dec. 14, 1973. Entered into force Feb. 20, 1977. TIAS 8532; 28 UST 1975.

*Accession:* Lebanon, June 3, 1997.

## BILATERAL

### Chile

Agreement for cooperation in the promotion and development of civil aviation, with annex. Signed at Washington and Santiago July 11, 1997. Entered into force July 11, 1997.

### Egypt

Results package grant agreement for Alexandria wastewater system expansion II. Signed at Cairo Aug. 25, 1997. Entered into force Aug. 25, 1997.

### Estonia

Agreement extending the agreement of June 1, 1992, as extended, concerning fisheries off the coasts of the United States. Effected by exchange of notes at Tallinn June 3 and 28, 1996. Entered into force July 8, 1997.

### European Community

Agreement on customs cooperation and mutual assistance in customs matters. Done at The Hague May 28, 1997. Entered into force Aug. 1, 1997.

### Greece

Agreement extending the air transport agreement of July 31, 1991, as extended. Effected by exchange of notes at Athens July 7 and Aug. 6, 1997. Entered into force Aug. 6, 1997.

### Guatemala

Memorandum of understanding concerning the imposition of import restrictions on archaeological objects and materials from the pre-Columbian cultures of Guatemala, with appendix. Signed at Washington Sept. 29, 1997. Entered into force Sept. 29, 1997.

### Indonesia

Amendment No. 1 to the Strategic Objective Grant Agreement for urban environmental management. Signed at Jakarta Aug. 1, 1997. Entered into force Aug. 1, 1997.

### International Organization for Migration

Tax reimbursement agreement, with annex. Signed at Washington Sept. 17, 1997. Entered into force Sept. 17, 1997.

### Jordan

Agreement regarding the consolidation and rescheduling of certain debts owed to, guaranteed by, or insured by the United States Government and its agencies, with annexes. Signed at Amman Aug. 25, 1997. Entered into force Sept. 25, 1997.

### Kazakhstan

Memorandum of understanding for the infectious disease control program, with annex. Signed at Almaty July 28 and Aug. 5, 1997. Entered into force Aug. 5, 1997.

### Korea

Agreement relating to participation in the U.S. Nuclear Regulatory Commission program of severe accident research, with addendum. Signed at Rockville and Taejon July 21 and Aug. 13, 1997. Entered into force Aug. 13, 1997.

### Mali

Agreement concerning the imposition of import restrictions on archaeological material from the region of the Niger River valley and the Bandiagara Escarpment (Cliff), with appendix. Signed at Washington Sept. 19, 1997. Entered into force Sept. 19, 1997.

**Mexico**

Agreement amending the agreement of Nov. 27, 1990, for the establishment of the U.S.-Mexico commission for educational and cultural exchange, as amended. Effected by exchange of notes at Mexico May 5, 1997. Entered into force May 5, 1997.

**Moldova**

Agreement concerning cooperation in the area of the prevention of proliferation of weapons of mass destruction and the promotion of defense and military relations. Signed at Chisinau June 23, 1997. Entered into force June 23, 1997.

**Mozambique**

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 Maputo Aug. 13, 1997. Entered into force Sept. 29, 1997.

**Peru**

Amendment No. II amending the project grant agreement of May 12, 1995, for the alternative development project. Signed at Lima Aug. 18, 1997. Entered into force Aug. 18, 1997.

Memorandum of understanding concerning the imposition of import restrictions on archaeological material from the pre-Hispanic cultures and certain ethnological

material from the colonial period of Peru. Signed at Washington June 9, 1997. Entered into force June 9, 1997.

**Portugal**

Basic exchange and cooperative agreement concerning mapping, charting, and geodesy cooperation, with annexes. Signed at Fairfax and Lisbon July 30, 1997. Entered into force July 30, 1997.

**South Africa**

Amendment No. II to the project grant agreement of Sept. 26, 1995, to support the South Africa Basic Education Reconstruction Project (SABER), with annex. Signed at Pretoria July 31 and Aug. 22, 1997. Entered into force Aug. 22, 1997.

**Uzbekistan**

Agreement concerning cooperation in the area of the dismantlement of weapons of mass destruction, the prevention of proliferation of weapons of mass destruction, and the promotion of defense and military relations. Entered into force June 27, 1997.

**Venezuela**

Protocol to the agreement of Nov. 9, 1991 to suppress illicit traffic in narcotic drugs and psychotropic substances by sea (TIAS 11827). Signed at Caracas July 23, 1997. Entered into force July 23, 1997.

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<sup>1</sup>Not in force for the U.S. ■