

**IMPLEMENTATION OF THE HELSINKI ACCORDS**

# **THE OSCE AT TWENTY: ITS RELEVANCE TO OTHER REGIONS**



November 13-14, 1995

A Seminar Presented by the  
Commission on Security and Cooperation in Europe  
Washington, DC

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## FOREWORD

*The FY 1996 legislation appropriating funds for the Commission on Security and Cooperation in Europe (Helsinki Commission) instructed the Commission to “prepare an analysis of the strengths and weaknesses of the structure of the Organization on Security and Cooperation in Europe and ascertain the feasibility of that structure in other geographic regions, including the Asia/Pacific region.”*

*Responding in part to this request, the Helsinki Commission, on November 13–14, 1995, convened a seminar to examine whether the Organization on Security and Cooperation in Europe (OSCE) holds lessons for other parts of the world. The day-and-a-half long seminar featured six moderated panels, comprised of OSCE and regional experts, academics, and non-governmental organization (NGO) representatives who examined potential relevancy of the OSCE in Asia, Africa, the Middle East and Latin America.*

*The following document is a compilation of seminar transcripts and supporting documentation. An executive summary provides a brief synopsis of some salient points raised during each panel. Appendices include written statements submitted by some participants and biographies of participants.*

## EXECUTIVE SUMMARY

### **Panel One: OSCE at 20: Strengths, Weaknesses—Promises and Peril**

Helsinki Commission Chairman Chris Smith's (R-NJ) opening remarks pointed out that the OSCE has already served to impact upon multilateral processes in the Middle East and in Africa. He posed the question of whether the model could be applied in regions which did not share a similar Western Judeo-Christian heritage and which did not face the geopolitical alignments of the Cold War.

Moderator Samuel Wise of the Helsinki Commission, and panelists Jean-Claude Joseph from the Embassy of Switzerland, Ambassador Jonathan Dean of the Union of Concerned Scientists, and Neil Kritz of the U.S. Institute of Peace, discussed possible changes in the OSCE structure, including a higher profile and more political secretariat, a change in the consensus rule, and establishment of a management council similar to the UN Security Council. Most panelists believed such changes, even if desirable, would be difficult to achieve due to the lack of political will by many member nations. Panelists pointed to a large gap between what the OSCE could do and what its members would allow it to do, especially in areas related to security. They felt procedural mechanisms were vital to the OSCE to maintain equal footing among nations through a process of rotating chairpersons and other means.

Explicit "linkage" between human rights, security, economic and other issues was considered an important OSCE achievement and an element with universal relevance. Panelists believed advances of the OSCE process partly reflected the dynamic of Cold War tensions which yielded self-enforcing agreements between states. In this regard, it was pointed out that similar models with legally non-binding provisions, might be hard to develop in regions lacking such dynamic tension.

### **Panel Two: Asia**

The Asia panel, entitled "Market Driven Reform or Repression?" was introduced by Congressman Jim Lightfoot (R-IA). Mr. Lightfoot believed an OSCE-like process should be considered in Asia and that an organization like the Helsinki Commission be created to monitor such a process. The panel was moderated by Professor James Clad of Georgetown University, a former foreign service officer and journalist in Asia. Panelists generally agreed that while the OSCE model held some insights for Asia, including an enhanced role for NGOs, it would be difficult to envision its effectiveness in the vast and varied Asia-Pacific region. They each emphasized Asia's distaste for Western interference and imposition, as well as an unwillingness to turn to Western models for solutions to regional problems.

Mr. T. Kumar, Asia-Pacific Government Program Officer at Amnesty International USA, believed Asia's colonial experience made it distinct from Europe. He challenged, however, the notion that "Asian values" were different from accepted human rights norms. He believed NGOs could do a great deal to combat abuses arising from cultural differences, as in the area of women's rights. He stated that international NGOs need to play a larger role in securing political and civil rights due to the fact that national and regional NGOs often become victims themselves when confronting rights abuses.

Dr. Stanley Weeks, a security model analyst, discussed existing Asia-Pacific structures including the ASEAN Regional Forum (ARF), its "unofficial" outgrowth, the Council for Security Cooperation in the Asia Pacific (CSCAP), and the Asia Pacific Economic Cooperation (APEC) forum. Dr. Weeks believed regional security in Asia could be enhanced by further development of the ASEAN process, subregional and bilateral relationships and maintenance of traditional U.S. bilateral ties. He thought Asian governments would be more reluctant than European ones to adopt formal regional institutions, but would rather move towards such structures informally. Dr. Weeks stated that while some links between existing regional structures are needed, a rigid OSCE-like organization would not be effective in Asia where bi-lateral or sub-regional dialogue has been the most widely accepted and effective method of multilateral cooperation. He pointed to the Asian Regional Forum (ARF), which is a process as opposed to an organization, as a possible model for comprehensive regional cooperation. Dr. Weeks stressed that NGOs could play an important role in this regard, reemphasizing the potential of unofficial "track two" activities in the region.

Mr. John Kamm, Chairman of Market Access, Ltd. and longtime China businessman, discussed NGO and business involvement in human rights monitoring activities. He stated that his experience demonstrated that promoting respect for human rights in the workplace is good for the productivity of the workforce and creativity of management. Thus, business people, he argued, have an interest in promoting human rights and should be encouraged to do so. Mr. Kamm urged business people to establish and enforce codes of conduct for their foreign enterprises and to lobby foreign governments for the release of political prisoners using resources and connections uniquely available to them.

### **Panel Three: Africa**

Entitled "Conflict, Compromise and Managing Chaos," panel moderator Ambassador Chester Crocker, a former Assistant Secretary of State for Africa, contended that the U.S. had no concrete Africa policy. He believed outside powers, except France, had disengaged themselves from Africa just at a time when Africans were becoming more self-assertive and when limited donor funds were proving very useful. He believed NGOs should play a prominent role in African development and that Africa has experienced "mixed results" with democracy, with some governments and individual politicians viewing elected office as an opportunity to loot. He pointed to a reemergence of ethnic conflict and increasing differentiation between winners and losers in Africa. While multilateral initiatives, such as the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), were still "embryonic," Ambassador Crocker cited more developed conflict management efforts and the formation of African multilateral peacekeeping groups, such as in Liberia.

Ambassador Ola Otunla, acting director of the African Leadership Forum (AFL), noted that AFL's founder, General Olesugun Obasanjo, was currently imprisoned in Nigeria. AFL had been the primary organizer of the CSSDCA, a process borrowing much from the CSCE model. While regretting that the process emerging from the 1991 CSSDCA conference in Kampala had been stalled due to "big brother" government in much of Africa and a "one-on-one" style typical of African diplomacy, Ambassador Otunla believed that an "among the people" emphasis could revive the process. He indicated that AFL planned to hold conferences in Africa in 1996 to continue the CSSDCA process. He believed that an OSCE-like process could help build political will and responsive leadership in Africa.

He emphasized the need to encourage Africans to deal with African problems, citing often poor responses to Western initiatives.

Janet Fleischman, Washington Director of Human Rights Watch/Africa, observed that the end of the Cold War meant that Africa had ceased to be a puppet in the U.S.- Soviet rivalry. She believed comparisons could be made between Eastern Europe at the inception of the Conference on Security and Cooperation in Europe (CSCE) and present-day Africa. She believed a window presently existed for NGOs to ensure that human rights components were included in peacekeeping mandates. She acknowledged that few observers foresaw the excesses—and even genocide—that developed so quickly in Liberia, Nigeria, and Rwanda. Ms. Fleischman urged foreign governments to publicly chastise autocratic leaders, because many African governments ignore quiet diplomacy. Moreover, she asserted that officials should be held accountable for past abuses and expressed her concern over very tedious legal action in this regard.

Gabriel Negatu, Director of the Federation of African Voluntary Development Organizations, stressed that African governments have to strike a balance between human rights concerns, economic development and stability. He believed there was no clear delineation regarding the timing of economic or political development, but suggested that the U.S. and other outsiders could and should support “civil society,” increased trade, and development of the private sector. He decried the fact that, despite the wave of elections in Africa, many pursued political power only to enrich themselves as “economic gatekeepers.” The emergence of “predatory states” could not be forestalled until people believed they had a stake in their nation’s future. Mr. Negatu argued, despite consistently upholding OAU founding principles, NGOs have been largely shut out from the multilateral problem solving process. The African Leadership Council, prominent among 600 active African NGOs, waited years to obtain OAU observer status. He believed the West should aid human rights and labor groups in support of civil society and suggested that companies doing business in Africa develop a code of conduct in conjunction with such organizations as the African Business Council.

#### **Panel Four: Latin America**

The Latin America panel, entitled “Trade + Democracy = Security & Human Rights?” was introduced by Senator Bob Graham (D-FL). Mr. Graham cited three aspects of the Helsinki process with particular relevance in Latin America: the role of NGOs in building civil society; linkage between security, economics and human rights; and multilateralization of issues. He believed an OSCE-like process could help counter threats to democratic governments, including: growing disparities between rich and poor individuals and nations; unchecked population growth; drug trafficking and corruption; environmental degradation; civilian control of the military; and government suppression of human rights.

Senator Graham introduced Professor Thomas Buergenthal, George Washington University Law Center, and President of the Inter-American Institute of Human Rights. Professor Buergenthal believed that much greater reform of the Organization of American States (OAS) system would be necessary before member states would be willing to use the OAS to deal with issues as the OSCE does in Europe. He pointed out that the OAS was lacking a built-in “institutional rights lobby” such as the Council of Europe.

Panelists discussed on current structures in the Inter-American system and expressed a desire to see member countries give the Inter-American Court and the Inter-American Commission more economic and political support and greater authority to implement decisions. Each panelist stressed the importance of NGO participation in the region. Pointing to extensive NGO participation in the OSCE, panelists believed that a similar level of participation would be advisable in Latin America as well. Some believed the OAS needed grant NGOs observer status.

Ambassador Sonia Picado of Costa Rica believed that many states remain unwilling to join multilateral processes with human rights elements because of implied diminishment of sovereignty. She believed poverty and the role of the military were significant obstacles and that while governments were willing to talk about human rights, they were less willing to comply with the system that protects those rights.

Ms. Kelly McBride, special advisor on human rights to the OAS Secretary General, stated that the Organization of American States (OAS) is trying to foster the growth of civil society through outreach to NGOs and indigenous groups. She outlined recent initiatives culminating in the December 1994 Summit of the Americas which have strengthened the OAS role in promoting human rights, democracy, *economic integration and the environment*. She indicated that further measures were being considered to strengthen existing inter-American institutions and open the OAS process to "civil society actors."

Ms. Vivianna Kristicevic, Director of the Center for Justice and International Law, stated that the strengthening of NGOs within the OAS process was central to progress in human rights. She argued for greater transparency in the inter-American human rights system and called for stricter enforcement of judgements of the Court and recommendations of the Commission. Ms. Kristicevic outlined numerous human rights problems in Latin America.

General John Ellerson, Chairman of the Inter-American Defense Board, compared the inter-American security system with the European model. He indicated that military leaders around the region were realizing that national defense issues extended beyond national borders. He believed Latin American militaries were slowly subordinating themselves to civilian leadership. General Ellerson pointed out that there was no formal link between the Inter-American Defense Board and the OAS and opined that such a link should be considered.

#### **Panel Five: Middle East**

Helsinki Commission member Representative Ben Cardin (D-MD) opened the session, citing the positive impact of CSCE in bringing peaceful change to Europe. He cited his efforts and personal contacts with Middle Eastern leaders to promote creation of a Conference on Security and Cooperation in the Middle East (CSCME). Calling Prime Minister Rabin's assassination the "loss of a giant in the peace process," Mr. Cardin pointed out that Israel had finally "arrived on the international scene as a full partner." He underscored the presence of numerous Palestinian and other Arab officials at Rabin's funeral. He suggested that the United States, Russia and other European powers would have to play an active role to ensure the success of multilateral diplomacy in the region.

Alan Makovsky stressed that the proximity of the Middle East to Europe tied Mediterranean security closely to European security. He noted several promising developments concerning multilateral frameworks, including the 1991 Madrid Peace Conference, which

drew the participation of Lebanon, Libya and Syria; multinational meetings since January 1992 including Israel, Palestine, and 13 Arab nations (10 of which do not have relations with Israel); proposals by Jordan in 1993 to have CSCE-like meetings of resident countries of the Middle East; and the specific mention in the October 1994 Israel-Jordan Treaty to tie security to cooperation in a CSCE-type framework for the Middle East. He pointed out that Turkey has promoted a CSCE-like process in the Middle East. Turkey could be a key player in some proposed multilateral solutions, including those related to water, arms control and refugees. Makovsky concluded, however, that Turkey would not be eager to address human rights concerns as it has well-known human rights problems of its own. Mr. Makovsky suggested that NGOs could campaign for human rights improvements but might not be appropriate participants in current multilateral meetings.

Ms. Fatima Ziai of Human Rights Watch/Middle East, read a statement prepared by Helena Cobban, a journalist and researcher, which noted the failure of the present Arab-Israeli peace process to include a human rights dimension. She addressed the relationship between "universal" human rights principles, as agreed upon by all regional signatories (except for Saudi Arabia) to the U.N. Charter, and the tenets of traditional religions in the area. She regretted that neither the government of Israel nor Egypt had pushed for human rights concerns to be included in the Madrid negotiations, and that neither the Bush nor the Clinton administrations had pushed either. She argued that the lesson of the OSCE process, in so far as it could be applied to the Middle East, was that a stress on human rights is a necessary concomitant to, rather than a possible afterthought of, the "traditional" agenda of diplomacy. And even if the model could not be used easily in the Middle East—and she admitted it would be harder to implement than in Europe—she claimed that "the atmosphere within every one of the region's countries except Saddam Hussein's Iraq is considerably more fertile to the growth of NGOs, including in many instances human rights organizations, than were the countries of Soviet-dominated Eastern Europe at the time of the CSCE negotiation."

Ambassador Basheer noted major differences between the situation in the Middle East and in Europe, especially on territorial issues. NGOs, he said, have a positive role to play in the region, particularly in instances where parties would not talk on a government-to-government basis (he noted that, for example, Israel does not accept talking about nuclear issues, but that it would have to follow the rest of the region if it wants to have a nuclear-free zone.) He argued that parties both within and outside the region would have to accept that gradualism is not a "give-away", that issuing public decrees often poisons the atmosphere, and that gradual and non-public approaches can and do work. He suggested that human rights standards could be invoked when territorial issues were not involved but that some human rights issues should continue to be avoided, such as equality of women in the Middle East. All countries in the region would have to be included to make the multilateral process work. Arms sales, he declared, have had a serious destabilizing effect in the area.

#### **Panel Six: OSCE and the Future of Multilateralism**

Mike Hathaway, Deputy Chief of Staff of the Helsinki Commission, representing Senator Alphonse D'Amato, opined that the OSCE's biggest test was going to be defining its role in Bosnia-Herzegovina. Moderator Bob Hand, echoing a theme heard throughout the seminar, stressed the importance of political will as a factor determining the success or failure of peacekeeping and conflict prevention.

Dr. William Korey reflected on OSCE's high point during 1990-91 after the collapse of totalitarian governments yet pointed to the recent warning of philosopher, Sir Isaiah Berlin that "nationalism and racism are the most powerful movements in the world today, cutting across many social systems." Describing the linkage and trade-off between security and human rights at CSCE's founding, Korey questioned the applicability of the process to other regions, stating that there was no "rich culture" of the respect for human rights outside of Europe. He credited CSCE success to American leadership, the activities of Ambassadors Goldberg and Kampelman, the Solidarity movement, President Havel, Yuri Orlov, and to the effectiveness of the Helsinki Commission in Washington. Likewise, he cited activities by NGOs as a key to CSCE success, but maintained that very few governments in Asia, Africa, or Latin America would permit such extensive activities in support of human rights.

Professor Thomas Buergenthal touted linkage between security, human rights and economics and suggested it extend to include development, and pointed out that more than 140 countries have ratified the UN Covenant on Human Rights. He believed that regional organizations, such as the Council of Europe, whose Parliamentary Assembly has been important in promoting human rights, and the Organization of American States, could profit from greater NGO roles. Dr. Buergenthal felt that consensus decision making was helpful to smaller countries sometimes disappointed with the role of the UN Security Council. He saw international law as being more relevant as small states view it as a form of protection. He believed the "genius" of the CSCE process lay in its reliance on politically binding decisions, as opposed to legally binding ones, which take years to ratify. He also spoke of the need to define the roles between regional and universal institutions that are involved in peacekeeping and conflict resolution. Professor Buergenthal was not so skeptical about increasing institutionalization in OSCE and suggested that the OSCE could introduce more specific procedures related to decision making, the progressive handling of issues, and linkage.

Professor William Zartman stressed that the CSCE model could not be a template imposed on other regions without consideration for regional mores and traditions. He suggested that membership should be universal in whatever regions choose such a regional multilateral framework and that members should decide among themselves whether to temporarily exclude disruptive members. He also believed that each region would have to determine whether to make decisions by consensus or by majority vote, and whether to make decisions politically or legally binding. Professor Zartman acknowledged the importance of U.S. leadership to the success of the OSCE, and indicated that while regional leaders might hold new CSCME and CSSDCA conferences in 1996, that it was up to those leaders, not the United States, to determine the timing for such meetings.

# **OSCE AT TWENTY: RELEVANCE TO OTHER REGIONS**

**MONDAY, NOVEMBER 13, 1995.**

**Commission on Security and Cooperation in Europe**

**Washington, DC**

## **Panel One: OSCE at Twenty: Strengths, Weaknesses, Promises and Peril**

The commission met, pursuant to adjournment, at 1:00 p.m., in room 628, Dirksen Senate Office Building, Honorable Christopher H. Smith, Chairman of the Commission, presiding.

**Mr. Smith.** I would like to welcome everyone today, and especially thank our seminar participants who will join us on a broad yet important topic. On the 20th anniversary of the signing of the Helsinki Final Act, the Helsinki Commission has invited experts to consider the relevance of the experience of the Organization for Security and Cooperation in Europe as a model for other regions.

Over the 2 days of the seminar, we hope to identify both strengths and weaknesses, successes and failures of the OSCE and determine which, if any, aspects of that process might be applicable to other regions of the world.

Six panels will examine the potential relevancy of the OSCE in Africa, Asia, the Middle East, and Latin America. Several of my colleagues who have worked in these areas will introduce each of those panels.

For 15 years, from roughly 1975 to 1990, the Helsinki process managed to bring to the negotiating table representatives from two opposing blocs of countries, each of which was armed with enough nuclear weapons to annihilate not only each other, but the world. Moreover, these blocks represented political, economic, and philosophical perspectives that were fundamentally irreconcilable.

The Helsinki process is portrayed today as a potential model for other regions of the world. The process could serve as a model because it is rightly credited, not merely with sustaining a multilateral dialog among these profoundly antagonistic countries, but also with contributing to the European human rights revolution that bridged their differences and continues to this day.

In fact, the OSCE has already influenced the Middle East peace process and has been the subject of proposals by political leaders and the NGO community in Africa. This seminar will reexamine regional cooperative frameworks which address human rights, security, and economic issues. Reflecting the basic characteristic of the OSCE process, we have asked panelists to synthesize the relationship between human rights and the rule of law

issues, military and economic security issues, and conflict prevention and resolution efforts, as well as the role of existing regional structures.

In addition, we have asked some panelists to look at the increasingly complex and important role that NGOs play within multilateral diplomacy today. Because individual and collective experiences of OSCE participants are not replicated in other countries or regions, direct comparisons are often difficult. I would, however, pose two questions which can perhaps provide a context for our examination.

First, in spite of the political differences which defined Europe during the cold war, the countries participating in the Helsinki process shared, generally speaking, a Western Judeo-Christian heritage. Some have wondered whether, in regions of the world which have been marked by more pronounced religious, cultural and other differences, a Helsinki-type process can work.

Second, some have suggested that the prominence given by Western countries to human rights in the Helsinki process was a by-product of the confrontational relationship created by the cold war itself. Without the confrontational setting in Europe or elsewhere, will there be a political role to raise and address human rights problems?

The Helsinki Commission has used this seminar as an opportunity to invite many individuals and groups who are not on our traditional mailing list. We are delighted, therefore, to have so many new faces in the audience. After our panelists have completed their remarks, moderators will invite members of the audience to ask questions, and again, we want to thank our distinguished panelists and guests for joining us today and hope that they will find this seminar beneficial.

Ambassador Sam Wise, who is director for our international policy at the Helsinki Commission, will be the moderator for this afternoon's presentation. I'd like to ask Sam if he would take the chair and I look forward to hearing our panelists. Again, I want to thank them for joining us here today.

Let me point out that this record will be widely disseminated and hopefully will be a starting point or continuing point, in some cases, to this important work of trying to expand Helsinki-type mechanisms throughout the world. Sam?

**Mr. Wise.** Thank you very much, Mr. Chairman. I appreciate your being able to come over and begin this series of seminars today and stay as long as you can. I know you have some other business, and we'll look forward to seeing you as long as you can stay.

This series of seminars comes at an interesting time in the history of the CSCE, now the OSCE, from conference to organization. This year in many places, there have been commemorations of the 20th anniversary of the CSCE. Such commemorations have taken place in Helsinki, where some of the original signers of the Helsinki Final Act returned, including President Gerald Ford; and in Geneva, where the Swiss government recently held a commemoration of 1 day of old-timers and new-timers in the CSCE process; and most recently, in Prague, where the Open Media Research Institute, the successor to the Radio Free Europe Research Institute, organized a meeting on the 20th anniversary of the CSCE as well.

Generally, the views of the people who have attended these commemorations—I've attended the latter two myself—was that the CSCE in the Communist days, the Communist phase of the CSCE's existence, made a positive contribution to the changes that have taken place in Europe and the disappearance of the Communist system.

On the new CSCE or the OSCE as it's now called, there are different judgments, mixed judgments. There's a feeling that some new political impulse, some new impetus needs to be given to the OSCE, and various suggestions have come up such as the installation of a more high profile political secretary-general. We're just moving from our first secretary-general now, who is a career civil servant, to a second one who will be chosen to take office next spring.

At least those who were formerly active in the CSCE and others have suggested that a high political profile would be useful to give the CSCE a greater push. There have been other suggestions, such as changing the consensus rule, which was one of the great strengths of the CSCE in the past. Another one is to create a management counsel, something similar to the U.N.'s Security Council, to concentrate certain power in fewer hands.

Now, none of these ideas seem close to adoption at this point, but they do give some flavor of the thoughts that people are having for the OSCE of the future. In the past, CSCE had no institutions. It was a process, a series of meetings.

Nevertheless, with the creation of permanent institutions, it has lost some of its political drive, and there's a tendency by participating states to pass on some of what should be their responsibility to the bureaucracy to handle. In this way, the political force of the OSCE, in my view, has diminished.

I think we're very fortunate today to have a panel that is in a good position to discuss some of these questions and other things that will come to their minds. I think we'll have an interesting and stimulating discussion and examination of what the OSCE has to offer to the rest of the world, given the background that I have just explained, that it's really a different organization now than it was in the past.

I would point out, that of the four of us that are sitting up here today, two, Ambassador Dean on my left and Mr. Kritz at the end of the table, bring an informed outside perspective to the discussion, while the other two, Mr. Joseph and myself, have participated directly in the CSCE process.

With that, let me introduce our first panelist, Ambassador Jonathan Dean. Ambassador Dean is currently arms control advisor for the Union of Concerned Scientists. Previously he served as the deputy director of the Office of the United Nations Political Affairs, Department of State, where he worked on peacekeeping and economic sanctions. He also acted as deputy U.S. negotiator of the 1971 Quadripartite Agreement on Berlin and served as deputy U.S. representative and then U.S. representative to the NATO Warsaw Pact Mutual Balance Force Reduction negotiations in Vienna at the time, the famous MBFR. After leaving the foreign service, Ambassador Dean joined the Carnegie Endowment for International Peace as resident associate for arms control and European security issues.

Ambassador Dean.

Mr. Dean. Thanks very much, Sam. I wanted to thank you and the commission for putting on this program. The thing that struck me most about the 20th anniversary celebrations was what 20 years had done to the views of President Gerald Ford, who was brought to Helsinki with considerable reluctance at the time of the original Helsinki accords, 1975, and now was—justifiably, in my view—full of praise for the achievements of this organization over the past 20 years. That is an attitude change which I think others have followed.

Looking at the OSCE after a history of 20 years, I think two conclusions may strike most observers. The first one is something that Sam Wise has alluded to in part. It's the wide gap between the potential of the OSCE, what it could do, and what its member governments permit the OSCE to do.

This gap is especially prominent in the security field, the focus of my remarks today. The second conclusion is that, despite this gap, the OSCE has managed to achieve a great deal and many things it has achieved can be applied elsewhere. Before discussing these conclusions further, I want to comment more generally on today's international situation, which provides the framework for the work of the OSCE and other regional security organizations.

I think most of us might agree that the end of the cold war and the peaceful way it ended created uniquely favorable conditions for moving toward a more peaceful world. As we know, neither the cold war itself nor its end has meant a stop to organized killing. Nevertheless, the statement remains true. Never in recorded history has there been a better opportunity to reduce armed violence by cooperative action.

Part of this has been the fact that epochal political change in Europe has taken place virtually without bloodshed, thanks to gifted leadership and cooperation between the West and the then-Soviet Union. There has been revolutionary change in the entire area once covered by the Warsaw Treaty Organization, the liberation of Eastern Europe from Soviet domination, German unification with membership in NATO, and the peaceful collapse of the Soviet Union itself.

All of this encourages us to believe that even further major political change can take place without conflict. These developments also made possible other positive events. One of them was the liberation of the United Nations from its long cold war paralysis, and the emergence of a widespread, although still rudimentary, network of regional security organizations.

Another positive circumstance is that for the first time in centuries, no conflict is brewing among the world's major powers. To the contrary, the United States, Russia, India, China, the countries of the European Union, and Japan all support the concept of global peacekeeping and are cooperating to resolve conflicts. The extent of their cooperation is insufficient, but it is cooperation.

Another favorable development is that because our time has been the bloodiest in history and because it threatens to become infinitely more lethal through a nuclear Armageddon, our century has broken with the tradition of accepting war as an incurable human affliction. A broad range of measures has been developed to prevent conflict, to reduce the effects of conflict when it occurs, and to end it more rapidly.

This antiwar armory—much of it developed by the OSCE itself—includes confidence building and transparency measures, restrictions on the deployment and activities of armed forces, negotiated force reductions and limitations, controls over weapons production and proliferation, conflict prevention, mediation, and resolution, and multilateral peacekeeping in various forms.

Even if these measures are applied more systematically, we cannot hope to end armed conflict everywhere for all time. Total world peace remains a distant goal. However, it has become feasible—I think this is the important product of the way the cold war ended—to think in a hardheaded way about using these measures more widely and

more systematically to prevent specific disputes from erupting into war or to shorten wars when they do occur.

Consequently, the incidence of organized armed violence throughout the world can be gradually reduced, and existing zones of no-conflict can be expanded, like those in North America and Western Europe. This should be our aim. In their own areas, regional security organizations can be major agents of this process. Regional security organizations are closer to the problem, they get better early warning, and they can often act more rapidly than the United Nations.

An effective network of regional security organizations, coordinated by a United Nations whose own peacekeeping capabilities have been improved, a network of regional organizations equipped with good communications, early warning measures, and experience in applying the devices of peacekeeping I described, could greatly contribute to lowering the level of organized armed violence in the world and to expanding the zones of no-conflict.

This is full justification for interest in what the OSCE has achieved in this field. First, we must ask how far has the OSCE come in becoming a fully fledged regional security organization? Throughout most of the history of the CSCE, now the OSCE, the United States' relationship with the organization has been constructive and supportive, although the United States has never given the OSCE top priority in its European policy.

Moreover, this assignment of low priority for the OSCE is not restricted to the United States. Other large members of the OSCE have followed a similar course and have given other multilateral organizations higher priority, a circumstance which accounts for the organization's relative weakness today and for the gap between potentiality and current capability to which I referred at the outset. We all know it. NATO remains Washington's favorite vehicle for American policy in Europe.

Nevertheless, despite this enduring priority, the United States has made an essential contribution to the OSCE's three main areas of strength: human rights, military security, and confidence-building, and conflict prevention and mediation.

While top American political leaders and senior government officials have sometimes shown disinterest, talented working-level American officials have understood the OSCE's potential and have played a key role in building it up. This is a picture which I think we see repeated in other major countries.

Washington's preference for NATO over OSCE is likely to continue as long as there is a possibility at some future point of serious trouble with a resurgent Russia. The United States is not alone in placing greater reliance on NATO than on the OSCE. Most of the European countries take the same position.

That position is disappointing for those of us who wish to develop the OSCE more rapidly toward its long-term potential. However, viewed objectively, until the existence of a dependable democracy in Russia has eliminated the possibility of re-emergence of Russian imperialism and the related needs for cohesive Western security cooperation to ensure against that possibility, it is common sense for Western countries to give priority to a functioning NATO over a manifestly weaker OSCE.

For example, Germany gives clear priority to the expansion of the European Union and of NATO over building up OSCE. France gives preference to the European Union and to the Western European Union. For their part, although they often referred to the need to increase the authority of the OSCE, many smaller member states are erratic in their

support. They consistently reject the strengthening of its decisionmaking, something which the OSCE very much needs in the interests of all members.

Russia has repeatedly provided the most extensive proposals to buildup the OSCE, but as soon as it became evident that implementation of these proposals would bring some increase in OSCE authority to Russia's near abroad, Russia backed away and argued that the possible Commonwealth of Independent States' peacekeeping operations would have to take priority over OSCE action.

It is evident that this Russian argument—that the Commonwealth of Independent States organization must come first—closely parallels the United States' argument that strengthening the OSCE must not interfere with NATO.

In a moment, I will review the evidence for arguing that, as it enters its third decade, the OSCE definitely has the potential to become the primary security organization in Europe. Nevertheless, we can also conclude from what I've been saying that this potential is likely to remain unrealized for a considerable time because of the conflicting motivation of all its major members, and indeed, most of its small ones.

Essentially, the problem is that the OSCE's main mission, which I believe to be the integration of Russia into the stable European security system with all its risks and its difficulties, is too large a task for the OSCE in its present form to accomplish and requires the help of stronger organizations, including the European Union and NATO as well as bilateral relationships.

For these reasons and others, OSCE is not yet a full-fledged regional security organization. As it someday will be written: these big power priorities fade. However—and this is its most important achievement—OSCE has served as a busy and highly creative laboratory for devising procedures and mechanisms for preventing conflict.

The products of the OSCE laboratory include a very impressive battery of confidence-building measures, providing for broad reciprocal authorized access to military information in order to head off exaggerated apprehensions and competitive arming—what's often called transparency.

Some striking examples are the provisions for detailed exchange of information on size and deployment of forces, for pre-notification of military activities and their observation, and for pre-notification and discussion of military budgets as well as for pre-notification of deployment of new weapon types.

The Open Skies Treaty, with the right to observe military activities anywhere in the member countries, and the CFE treaty, with drastic cuts of conventional arms, are also a product of this OSCE laboratory of security and peacemaking measures. As we know, the OSCE has also produced well-developed conflict prevention measures, ranging from the reports and recommendations of the high commissioner for national minorities, procedures for discussing and observing potential violations of human rights, and extensive procedures for mediation and arbitration, to a series of mediation missions in the field in areas of tension like the Baltic states, former Yugoslavia, Moldavia, Georgia, Tajikistan, as well as a possible peacekeeping operation in Nagorno-Karabakh.

In the last decade, OSCE measures have covered, in one way or another, every area of human activity that could lead to possible conflict. These measure seek to deal with basic problems of human motivation—group antagonisms, historic suspicions, the effects of excessive military secrecy, and nurturing apprehension, and the sometimes baseless

counteraction. These motives and feelings are, I believe, universal to all humanity. For that reason, most of the OSCE measures also have broad geographic applicability.

This is what makes the OSCE conflict-prevention laboratory of such interest for the whole world and such a valuable resource in contributing to the building of a network of regional security organizations that with the United Nations can, some not too distant day, develop into a global security system capable of lowering the incidence of conflict all over the world and expanding the zones of non-conflict.

I find it very encouraging that the Helsinki Commission has taken the initiative to convene this forum which I know can increase understanding of the wide usefulness of these OSCE measures and of OSCE's many other achievements. Thank you very much.

**Mr. Wise.** Thank you very much, Ambassador Dean. That was a nice upbeat beginning to our panel today.

Now I'd like to turn to our next panelist, Jean-Claude Joseph, of the Swiss embassy in Washington. He is the No. 2 man at the embassy, the so-called chief of mission. He previously held positions in the Federal Department for Foreign Affairs in Bern, Switzerland, and was Swiss delegate to the European Space Agency before taking a position as Swiss delegate to the Conference on Security and Cooperation in Europe, which took place in Vienna beginning in 1986 and ending in 1989. That's where Mr. Joseph and I first became acquainted and, in fact, became working colleagues. At the time, he occupied the exalted position in the old CSCE of gridmaster. The gridmaster was the delegate chosen from one neutral country to prepare the schedule for the meeting, and that sounds like a simple technical task, but in fact, it was a highly political task which the Swiss had for a number of years, and when Mr. Joseph arrived in Vienna, he was assigned this work. He had to work with the East side and the West side to try to get agreement on how we would pursue our schedule. I think he will remember that procedure in those days was substance as well as the procedure itself.

**Mr. Joseph.**

**Mr. Joseph.** Thank you very much, Sam. By the way, thank you for inviting me to this panel. I would also like to thank very much Ambassador Dean for his introduction. This introduction was particularly interesting for me because it covered, I would say, almost all the political aspects of the institution, of an organization like OSCE, they can expect what from the organization, and more or less why it is not in effect today.

Now, my intention, as introductory remarks, was to speak about the two phases of the CSCE, ending now in the OSCE, and to show how it is impossible to begin in a politically complex region a process which can evolve with time. Having said that, I should also be precise from the beginning on that, even if I have an official function at the embassy and if I were the Swiss delegate to the CSCE during 7 years, I here speak purely personally.

By the way, it is to your advantage because if I were only representing the interests of my government, I would certainly be boring and I hope not to be.

Well, as you said, Sam, there were the two CSCEs: one during Communism and one after, and, in fact, the first phase of the CSCE ended in 1990 and the new one began in November 1990 with the Paris Charter, but was looking for itself during many years and is always looking for itself now. One doesn't know exactly how to work or how to improve procedures to be more efficient, what will be the weight of a secretary-general, et cetera.

Nevertheless, to understand the way in which a CSCE-type of organization could be useful in other regions of the world, I think it is very important to see what basics of CSCE were between 1972 and 1990, because these basics are, in my view, fundamental before going further and before imagining something a bit different like a real security organization. The basic CSCE rule was based on several fundamental elements—I will not make a long speech on that—but there are some fundamental elements.

The first element, I think, which was very important was to take a global approach. That means not only security, not only human rights, not only economies, not only exchanges of personnel and ideas, et cetera, but trying to make progress in all areas together. By the way, as for negotiation, making progress is much easier if you have to deal with several areas because some bargaining is possible from one area to another. So having the global approach was both necessary and useful.

The second element which was very important was that each meeting decided on the next one, a bit farther, 2 or 3 years later, and during that time, it was expected from each participant that it would improve the situation inside the country, and that he would fulfill the commitments it had taken. If it were not the case, the next meeting was very useful to say, "You didn't do what you took the commitment to do." At the beginning, it was not very successful, but at the end, it was rather successful.

The third very important element was that the decision was taken by consensus, and here I have to develop the idea of consensus. Of course, if one asked everybody around the table to agree with one commitment, with one idea, and those countries are not in agreement with each other, it is very difficult to get consensus, and the result is often disappointing. One can say we should have done better. So it is going against the ambition of the more ambitious to have decision by consensus.

But—there is a great "but"—once you have a decision by consensus, even if it is a modest decision, a modest commitment, each has taken the commitment to fulfill what was decided, and if he doesn't, you have the right to say some years later, at the next meeting, "You have not done what we expected from you and what you took the commitment to do. So you are guilty." And that is very important.

The process of creating and improving the commitment, the fact that the decision is taken by consensus is very important. Why? Because it gives rights to the others to—yes, why not to say it—to make some interference in the internal affairs of the others, but not from outside, not artificially, but just because the commitment was not fulfilled.

Now I come rather quickly to the question of procedure. I think when you begin to think of the CSCE for the new regions, procedure is very important. The rules of procedure established in 1972 were fundamental for the success of the CSCE. These rules of procedure were based mainly on the equality and on the sovereignty of the states. That had some impacts on the way of doing.

For example, we had one chairman per meeting and the chairmanship was rotating, so no one had the feeling that some country is leading. Each had the same weight. Other aspects of the sovereignty were, of course, that the CSCE was not always clearly explicitly meeting outside the blocs, outside the military alliances, so each one was an individual country in face of others. I will not go more into detail, but that is very important.

Now, with the collapse of Communism, some had the feeling that the CSCE had finished its work. By the way, if I can speak personally, it was my feeling and in my view, the best thing CSCE could do in 1990 was to kill itself, but not before giving a legacy

to a new organization which would have another name which would deal with security in Europe in a new framework.

OK, that was not possible. It was perhaps too ambitious, and the fact is that the new CSCE, by the Charter of Paris, evolved slightly in the direction of a new organization. Probably this evolution is not over, but where I am a bit critical with the new CSCE, which became only last year OSCE, by the way, is that it adopted a method of work and a system whose model was mainly the European Union—at the time European Community—function. There were some exceptions, of course. It was for example out of the question to have a powerful secretariat like the European Commission in Brussels.

However, for the rest, the evolution went in the direction of the European Community institutions with more or less permanent presidency, at the beginning 6 months but now 1 year, and with a permanent committee. At the beginning, it was not totally permanent, but quickly it became permanent like the COREPER (Permanent Representatives Committee) in Brussels. Well, I would say that were the main elements.

What was maintained or kept from the old CSCE? Two important things. The first one was the consensus and the second one was the fact that the commitments taken in the framework of CSCE are politically binding and not legally binding. Here I must explain what the difference is, because this difference could seem a bit awkward, but it is a great, great difference.

When you sign, or negotiate and sign, and ratify a treaty, it is understood that from the date a country has ratified the treaty, its legal system inside the country must comply with the treaty. From the day of the ratification, it must comply. That is the effect of a legally binding treaty or document.

If a document is only politically binding, it is a sort of clause or best effort. The effect is so to say, "Yes, I will go in that direction. I will try my best to arrive to that and that result. I cannot tell you that it will be done from 1 day to another, but at least I will try honestly to go in that direction." That gives a bit more flexibility to the country to adopt their own legislation to the commitment taken.

Now, this new CSCE was shocked after some months of existence, exactly 6 months of existence, by the events in former Yugoslavia, and I must say that has probably not killed, but put the CSCE in great danger and great difficulty, because the task of trying to avoid war between the different parties in the Yugoslav conflict, which was an impossible task given the situation on the ground, had probably suppressed the hope that some government has put into the CSCE.

It was not the right organization, and it was taken coldly with an impossible task. Therefore, the idea came that instead of managing crises, because CSCE in its actual form is not able to manage crises, it would be better to try to prevent crises, and therefore came the idea of prevention of crises, which is, by the way, a purely diplomatic exercise.

The task of preventing or of restoring democratic values after conflict is mainly a task of persuasion. You have to persuade parties not to fight each other. You have to convince them that it would be useful to adopt laws, internal laws, which are respectful of the right of minorities, et cetera, et cetera. It is always a problem of persuasion beginning by bringing the parties together around the table, and that is also typically a diplomatic effort.

This role can be fulfilled anywhere, but why not in Vienna covered by and helped by all the delegations? It can be in the field. Therefore, with that idea in mind, CSCE

sent several missions all around Europe where they were needed, and with the help of the high commissioner for national minorities working very closely with the different missions. I hope that today we hear about the effectiveness of such missions since we have a good witness in the room of one of these missions.

I do not think—here I speak personally—I do not think that in the future it would be easy, at least, to conceive a CSCE with enforcement capabilities for two reasons. The first one is that we have in Europe all necessary enforcement troops which would be needed. I don't know how they would be engaged, and that could be an interesting point to discuss, but anyway, there are such forces.

If we maintained the rule of consensus, and I believe it is essential for the reason I described before, I do not see how CSCE could engage in enforcement efforts. I think that CSCE should continue, persevere, and improve its capability in preventing crises and in bringing some help when the crisis is over. It should try to bring parties around the table to discuss with its mediator. That would be a possibility to restore peace after the crisis.

In conclusion, I would have a question regarding the rule of consensus. What do you think can be done against a country which is part of the organization if this country is, first, not willing to accept something and, second, has the necessary means to combat victoriously for its ideas as wrong as those could be? Are we to remain modest in our scope inside the OSCE, modest but efficient, or ambitious and disappointing?

Thank you, Sam.

**Mr. Wise.** Thank you very much, Mr. Joseph. That was, I think, a very helpful run-down of the main features of the CSCE, which I think helps put the discussion into a good perspective. Now I'd like to turn to our other panelist, Mr. Neil Kritz. Mr. Kritz directs the rule of law initiative at the U.S. Institution of Peace. He specializes in advancing peace through the development of democratic legal and governmental systems.

He organized and coordinated a review of the draft Russian constitution at the request of the Russian Constitutional Commission, and has prepared curricula on international law and the promotion of democracy for the Department of Defense. He also focuses on the advancement of the rule of law to the OSCE and other regional organizations.

Last but not least, Mr. Kritz is one of those alumni of the commission who have gone on to more interesting—I don't know about more interesting, but anyway—different and more diversified work in other organizations. We are very happy he was with us for a while. Mr. Kritz?

**Mr. Kritz.** Thank you, Sam. My affiliation with the commission in its early years was, at least from my perspective, one of my most noteworthy accomplishments. I'll apologize in advance: I just returned last night from Rwanda, and if my comments are a little bit garbled, I'll at least use that as an excuse.

I will also use it to note that, in conversations I've had the last couple of weeks on this trip, there has repeatedly been a recognition that existing international institutions have been inadequate for purposes of conflict prevention, or for the advancement of human rights and the rule of law. Rwanda is obviously a particularly powerful example of this, and there is a very keen interest in searching for new institutions—new frameworks—that can be more effective in pursuing these objectives. I think our present discussions regarding what OSCE has to offer is particularly important.

In my comments, I'll focus particularly on the human dimension aspects of OSCE and begin, at least briefly, with an evaluation of the use of linkage, which is one issue that panelists were asked to consider in preparation for today. Linkage has not merely been a positive incidental element of CSCE and then OSCE. It's been the very key to the success and effectiveness of the Helsinki process. The combining of human rights, the rule of law, security aspects, and trade created the momentum which has enabled the organization to accomplish what it has. It's integrally related, of course, to a second issue that we've been asked to address, namely the possible relevance and transferability of OSCE to other regions.

Some suggest that the homogeneity of most OSCE states and peoples are the basis for the organization's success. They argue that differences between peoples and political systems render other regions less viable candidates for an OSCE-type of framework. I would suggest that the premise is particularly flawed because, as has been implied by previous speakers, it's not the sameness of the 35 original members of CSCE which produced the remarkable results of the organization. It was their very differences that were perhaps the most important.

It was the dynamic tension that existed at the heart of CSCE which propelled and sustained the process. The adversarial nature of CSCE meant two things particularly pertinent to those aspects of the process which later came to be referred to as the human dimension.

First, it facilitated trading between the agendas of the West and the Communist blocs. Each side was forced to allow their counterpart's priority issues—be it human rights, security issues, technology, or trade—onto the table in order to get their own respective items on the agenda in exchange. It's this tradeoff which has enabled the OSCE to be effective and to have leverage in pressing its human dimension agenda without any legal or military enforcement mechanism.

Second, the adversarial nature of the arrangement meant that member states were willing to document and criticize their opponents' violations of the agreement, naming specific cases and demanding an accounting for all instances of non-compliance. During its first 15 years, this manifestation of the dynamic tension was essential to progress.

It also succeeded in elevating the status of human rights monitors and NGOs by giving them a ready audience. Western governments were eager to accept views and cite reports from the citizens of Communist member states—without any concern that such an arrangement might be diplomatically uncomfortable or might embarrass their counterparts at the review table. Given the opportunity, there obviously are many activists in Burma, Nigeria, China, and elsewhere who would certainly welcome the opportunity to fill such a monitoring function with the knowledge that foreign governments would use their reports and defend the monitors. That aggressive approach would be more difficult if the organization were simply a club of like-minded friends. In the context of the human dimension, other regions actually lack this dynamic tension, with all or nearly all of their countries fitting within a much narrower spectrum than was the case in the CSCE experience.

Some regions also lack member states so determined to make their neighbors' adherence to human rights and the rule of law such a priority issue that they are willing to pay the price of permitting other items onto the agenda which they view as less in their interests. Again, one success of the OSCE is this joining of issues, this powerful statement that human rights and the rule of law are essential elements of conflict prevention and

security. From the human dimension perspective, an OSCE-style framework will only be useful in another region if essential players in that region are willing to spend political capital to insist on that same equation. I suggest that Africa, with its present-day mix of emerging democracies and remaining tyrannies, may hold particular promise in terms of structuring that kind of dynamic tension.

In the case of OSCE, a regional body also embraced existing international standards with respect to human rights, integrated and then expanded upon them, ultimately reinforcing these international principles in the process. In the worst case scenario, however, regional approaches may pose the risk of serving as a vehicle for weakening these same principles. By rejecting the international quality of these principles, repudiating them as not universal but Western-oriented, and promoting a relativist regional approach—one which proclaims “we view human rights differently in our region and culture”—new regional frameworks, at least in some regions, have the potential of facilitating a reversal of the substantial progress of the past 50 years in the developments of some of these international standards. The refusal of individual governments to observe these standards certainly presents a challenge, but doesn’t do the same damage as a rejection or watering-down of the principles by a multilateral regional body. Recent tendencies in Asia manifest, for example, in the context of debates leading up to and during the World Conference on Human Rights, particularly highlight this concern. Ironically, the OSCE’s greatest success, the replacement of Communist totalitarian regimes with emerging democracies, has presented a new challenge with which the organization is still struggling. Much of that dynamic tension that I’ve focused on is, of course, gone. The OSCE is no longer divided in the same way into categories of friends and adversaries. With that new sense of unity comes an understandable reluctance to carry on the tradition of implementation through confrontation which was for so long a hallmark of the organization’s review meetings. A new message has been required and is still developing to address this need.

Two principal answers have emerged to date. The first involves one of the most significant recent contributions of the OSCE to the human dimension field. Although the Final Act obliged participating states to protect basic human rights and fundamental freedoms, the rights it articulated were not particularly novel in the context of existing international agreements. The rights mentioned were those already guaranteed in documents such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

More pertinently, the Final Act was deliberately neutral as to the kind of political or governmental system within which those rights were to be protected. In principle, so long as human rights commitments were respected, any form of domestic system was acceptable. At Copenhagen, of course, that principle was radically reversed. The nature of the governmental and political system for participating states was removed from the discretion of individual states and transformed into a condition of membership in the Helsinki club.

In making pluralist democracy and the rule of law new requirements of the system, CSCE and then OSCE both reflected and gave impetus to an emerging international trend in this field: a recognition that fundamental guarantees of human rights already provided in international law can most effectively be secured by attention to the institutions and procedures through which these rights were to be enforced.

This really marks the transition of the OSCE from a focus on human rights to a focus more broadly on democracy and the rule of law. It reflects a broader international trend demonstrated in the U.N. and in a variety of fora. It has also been demonstrated by those in the human rights community who for many years focused on individual cases and then came to the realization that if they were to be most effective in protecting individual prisoners of conscience and others, the structure of the legal and political system increasingly needed to be the focus of their attention.

On the one hand, this complicates the tradition of confrontation of non-compliance by member states. It's far more complicated and far less dramatic to sit at the review table and call to task a member state because of some aspect of their administrative law system than it was in the old days, to call them to task regarding a large number of political prisoners who would be identified by name.

By providing technical assistance, seminars, training and education in these matters, however, the Office of Democratic Institutions and Human Rights is carrying on, in a new, less-confrontational mode, the OSCE's efforts to promote adherence to the human dimension principles. This is also very much related to the shift in OSCE from standard-setting in this area to implementation of the standards that have already been developed.

The second principal response to date to the loss of the adversarial willingness to criticize the shortcomings of other member states is the recent assignment of authority to the new OSCE organs to take some initiative instead. On the down side—this relates to one of Sam's opening comments—it would be unfortunate if the result is that states completely leave what should be their responsibility to the new OSCE bureaucracy.

On the positive side, however, the charge to the Office of Democratic Institutions and Human Rights to monitor compliance with human dimension requirements, and the parallel charge to the chairmen-in-office to raise concerns of human dimension compliance in the Permanent Council, based on input from ODIHR and from the High Commissioner for National Minorities, is, in fact, a positive step. It is one helpful response to the new unity of the OSCE providing an opportunity to continue to apply pressure and scrutiny in the human dimension field.

Finally, in the context of the discussions of the next day and a half, I would suggest that in each region of the world, the trend is in the direction of expanded creation and use of multilateral regional structures. The question is not whether they will be created. The question is how they will be created and in what way OSCE will be relevant. In the context of the human dimension field, I would suggest that the OSCE experience of the last 20 years offers a number of lessons, both positive and negative. Thank you.

**Mr. Wise.** Thank you very much, Neil. I think that's an excellent overview of the human rights dimension of the OSCE, which from the beginning has been a primary or the primary focus of our own commission. To describe its transition from the old CSCE to the present day, I think, is a useful contribution for our further discussions throughout the remaining seminars.

At this point, I will turn to you in the audience and offer the opportunity to ask questions of our panelists. I ask that you identify yourself by name and organization, if appropriate, and that you indicate to whom you are directing the question. Those who ask questions, I ask to come up to the microphone in the middle of the room and speak into the microphone because we are having a recording of the proceedings here and we want to

get all the questions and names and everything correct for the final product. So at this point, I'll ask for questions.

Yes?

**Questioner.** My name is Lazlo Pasztor, and I am the president of National Organization of American Hungarians, and I'm involved with the CSCE process for the last 10 years. I'm very happy to say that as an NGO who participated at least in maybe 9 or 10 different international meetings of the CSCE and now the OSCE, there has been great progress in the area which really goes to the heart of those who care about the collective rights of national minorities.

In *Copenhagen*, big progress was started in that respect and there is still development and hope that the OSCE will be able to resolve actually the problems according to certain extent the instability and, as is happening in Yugoslavia, actually armed conflicts between the different nationalities living in a country.

My question would be, and very hard to address it to anybody in particular, because all of you touched on the importance of the organization, but my question is that how do you imagine that the OSCE could become more effective in guaranteeing the rights of the national minorities? For instance, you have what is now pending in Slovakia with the language law, including language police; the education law in Romania; the expansion of the penal code in Romania forbidding even in churches to sing the hymns if they are the same as the National anthem of Hungary; et cetera. Frankly, it's hard to name anybody, but maybe I would like to ask the Ambassador, you know, to give us his views because I know that the Carnegie Institute is also very active in trying to avert on the NGO side to have an influence, you know, on the whole process. Thank you.

**Mr. Wise.** Anybody like to comment first?

**Mr. Dean.** Well, I was singled out here unfairly, I think, but I think you pointed out, Hungary is the worse problem in this field, as we all know, because so much of its population is outside its national borders, and that creates many, many difficulties for the Hungarian government and for the government of the host country.

I think they have made progress and they will make more. I think the education law that you spoke of is being shifted or has been shifted from its original basis, has been modified, and I would see some prospect of change in Slovakia.

What you say, though, does remind me of one trend in OSCE thinking, and Minister Joseph referred to it: the idea of political binding. Many people do believe today that the OSCE and its commitments should be placed on a contractual treaty basis. That would, I suppose, be at least a partial answer to your question, but I think I will pass on to you, gentlemen, further effort to answer it.

**Mr. Wise.** Mr. Joseph, do you have a comment?

**Mr. Joseph.** Which aspect? If it is on the treaty, I could—

**Mr. Wise.** No, it's—

**Mr. Joseph.** But it is a very important question. I personally am convinced that if we try to transform CSCE and OSCE commitments in a treaty, we will have to renegotiate them and probably to attenuate them. We have a good example if you compare the U.N. Convention on Human Rights and the OSCE commitment. There is a tremendous difference in quality because the first one was negotiated between '62 and '64, when at that time the Soviet Union and all the Communist bloc were trying not to have commitments—or to have commitments which could be ignored—loopholes.

That would be my answer to that question. Now, regarding the National minorities, the fact is that the question of national minorities is probably the most difficult thing to be solved in our society, and I do not know one example where such a problem was solved in a satisfactory manner.

You have always two tendencies. You have the first tendency saying, OK, when you have foreigners living in great numbers in a certain country, the best way would be to integrate them slowly, not with force, of course, but by persuasion. At the end, after two, three, four, five generations, they will be like all others. That is, of course, in perfect contradiction with the right those minorities feel to maintain their culture, to maintain their language, to maintain their religion, et cetera.

If you maintain these as islands in a country, you will have problems all along because it is a fact that people who are not of the same culture, the same origin, the same language, et cetera, have problems inside one nation. I think, unfortunately, the recent history in Europe shows that. It is highly regrettable, but it is also highly difficult to solve.

**Mr. Wise.** Mr. Kritz, you want to comment?

**Mr. Kritz.** Only briefly. With respect to the principal question, I think I have little to add to what my two colleagues have already said, namely, I think there has been some progress. The mechanism of the high commissioner, with some of the other mechanisms and discussions with the permanent council, I think, are leading in the right direction.

With respect to this issue of legalization of the OSCE commitments, I would suggest that it is far preferable to allow these evolving principles to remain political commitments within the OSCE, while taking note of the concurrent process that is occurring outside the organization. As I mentioned earlier, through the articulation and advancement of these principles in the context of political commitments, the OSCE has contributed, and continues to provide, significant impetus to an ongoing process of the evolution of norms of international law. Particularly in the human dimension field, one can look to the work being done in any of a number of U.N. committees, or in the International Law Commission of the United Nations, to see explicit reference made to the principles developed in the OSCE. Strength is drawn from those OSCE principles in moving forward and drafting new declarations and new treaties that are legally binding. This occurs on a separate plain.

The two processes reinforce one another. The most effective approach, it seems to me, is to allow the OSCE to continue with its political process.

**Mr. Wise.** Thank you. I would just add a word from the point of view of the commission to Mr. Pasztor's request for advice on how the OSCE can better help protect minority rights. One thing that we do on a very systematic basis is to try to find instances where minorities are discriminated against or not treated in a fair manner.

We bring these cases to the attention of OSCE, to the attention of the State Department, and together we try to have these issues raised as matters of serious consideration at the OSCE meetings. Next question? Let me go to another one and then I'll come back to you, all right? Yes, sir.

**Questioner.** I try not to over-Hungarianize today's event. I'm the minister and deputy chief of mission of the Hungarian embassy, but I try to stick to broader OSCE/CSCE related problems as the distinguished panel has covered.

You touched upon several elements which, in my view, would be quintessential for the future of OSCE in Europe, in the Transatlantic region, as well as the applicability of its strength rather than weaknesses to other regions, and there is indeed enforcement and implementation.

I believe I tried to not make a statement, but come to my question, but I should sort of throw a little in which I believe would be intellectual. In '72, the CSCE was created as a political-security organization to cut across the already existing ideological, military, security, and economic blocks on the continent.

It worked pretty nicely out promoting the ideals, values which were to be shared. I think I can agree that was the first very important place. However, the military-security element on the continent at the time was left to the NATO and the Warsaw Treaty. Now, those disappeared, and I tried to make a jump in connecting to Mr. Joseph's shaving off the history of the OSCE.

I believe the next very crucial important phase we will face in the history of OSCE will be after the Bosnia peace agreement is implemented, and they'll work it out. Why? I would say it will be a dramatically new element because it will be based on a contractually, legally binding basis, which is now going on in Dayton, that will not be really politically binding, the implementation of which could be averted or be circumvented from political considerations, and it will have a very strong implementing force that is NATO and the military troops, IFOR, behind it.

So my question is, how do you imagine the applicability of this OSCE model in other regions which will be covered in this panel—Asia, Latin America and Africa? How would you imagine such an organization growing out from an already existing structure like the Organization of African Unity in Africa or ASEAN in Asia or—I'm not a learned fellow of Latin American affairs, but wouldn't it be more advisable to try to build atop from a structure which, in a way, would immediately be able to guarantee implementation and enforcement as well?

If I look at the example of Grozny, which is a historic and very much political example of OSCE's function, finally it seems to be coming to face serious problems because it was not legally binding, and because those six-man missions were facing crucial non-implementation in the enforcement problems. So to a certain extent, unfortunately, the Grozny mission is seemingly fading.

The second one, very briefly, you very eloquently covered all sorts of elements of security, and one hears more and more often that security should be looked at and observed from the widest possible interpretation. None of the distinguished panel has covered the economic element.

However, in Western European and American terminology, whether it's integration, reintegration, NATO enlargement, EU enlargement, social and economic barriers to security as related to Central and Eastern Europe (and I would just distinguish between the two regions) very eloquent—I always count it as negative counter-productive possible element.

There were phases in OSCE's history, like I think it was '80 something that Bonn—was it the Bonn economic summit which had sort of—whatever, doubtful sort of result. Now the Prague economic forum tried to add to that momentum.

And the third one, at the end of this 2-day working session and debating and asking and thinking together, would you envision that in early December we'll see a ministerial

meeting in Budapest? The concluding document should include any hints, ideas, and proposals regarding the applicability of OSCE's effort to work with other regional organizations regarding the applicability of the OSCE model, which hopefully will present a functional, tangible, practical and strong example for other regions after the post-date and implementation process. Do you think it's the time? Do we have enough experience to go into that element as well? Again, I'm sorry for being too long.

**Mr. Wise.** Well, you've thrown a good series of questions at us. If I understood the first question in the sense that you asked it, I certainly don't feel qualified to answer. We've been given a temporary answer, a tentative answer because I think that sort of question which gets to the applicability of the OSCE in whole or in part to other areas is what we'll hopefully develop during the other panels. However, you also put in the question of binding versus legal commitments as well, so let me ask if other members of the panel want to comment.

**Mr. Joseph?**

**Mr. Joseph.** Perhaps to——

**Mr. Wise.** Let's do one question at a time.

**Mr. Joseph.** OK. On the first one, I have no answer to the third question, I must tell you immediately. On the first question, if I understood you, you were wondering if it would not be better to create another CSCE elsewhere having immediately a legally binding enforcement capability.

I can answer only personally. I think no. I think it is important, when you are beginning something in a certain region, to give confidence to the participants in that region, and that, in my view, should follow a very progressive approach. If you try to create immediately something very ambitious, because what you said was something very ambitious, you will have two consequences.

The first one will be that some will be afraid to participate, and the second is that you will find on your way very quickly the question, who is going to enforce implementation, and with what sort of decisionmaking process. In my view, if you have not the habit to work together, to know each other sufficiently well, you have no chance to solve the problem.

**Mr. Wise.** Any other thoughts? Ambassador.

**Mr. Dean.** Well, I think the existing regional organizations are rather varied. Some are treaty-based and others are not. My idea of their further development is that they would themselves develop local capability in conflict prevention and confidence-building, and in peacekeeping, perhaps not in peace enforcement, but what the OSCE has done is to have developed a remarkable spectrum of measures which, in my opinion, cover the whole range of human activities.

We haven't talked so much about economics, but all of these actions, including the actions in human rights, the military confidence-building ones, mediation, and some form of peacekeeping, belong in the same spectrum of things which I call peacemaking in the largest sense of the term.

It is that which I hoped would be transmitted from OSCE to other organizations which have made their own beginnings in most of these fields, but have not always gone very far. There are some areas without any security organizations. South Asia, where many countries have attempted to urge India, Pakistan, and China to form an organization; Northeast Asia, where there's a crying need for such an organization.

But in Northeast Asia, the OSCE example is particularly well-known through Japanese participation as an observer and through the actions of the two Korean states in viewing what OSCE has done and trying to apply it to their own situation. In recent documents of the Organization of African Unity, the general approach to mediation and confidence-building measures developed by OSCE is adapted to local conditions.

One sees already a lot of intellectual diffusion going on, even without treaty-based organizations. I personally see benefits in giving the OSCE a treaty base, but I accept the restrictions and costs which this would bring. These factors have led me to conclude that a move to a treaty basis will happen only in the future because of building up informal politically binding capabilities to a point where other organizations like NATO may then find that they are no longer necessary and OSCE can take over and then on a treaty basis. However, that's very far in the distant future.

**Mr. Wise.** Mr. Kritz, do you want to comment?

**Mr. Kritz.** I would just add briefly that building on existing structures obviously is advantageous, if possible. In the other regions, where there has been some progress, what that means is that each region and organization will bring its preexisting emphasis into the picture.

In the Asian context, for example, whether it's ASEAN or APEC, the emphasis is on economic aspects of relations. That's the basis on which they will build, and the question that needs to be addressed in some of those cases: is it politically feasible, within those existing frameworks, to bring in some of the other emphases of OSCE to create the kind of equation, the kind of linkage that exists within the Helsinki process?

In the case of Latin America, the OAS has certainly expanded in the sense of moving—again in the human dimension field—from simply guaranteeing human rights and creating regional structures for human rights, to the broader notion of a focus on democracy and the rule of law, encouraging the development of appropriate structures and institutions within its member states, in many ways parallel to what has been happening in OSCE in the last few years.

**Mr. Wise.** I'll just say a word on your second question about the economic dimension. The economic dimension of the CSCE and the OSCE has never had the prominence that the human dimension, human rights or the political-military dimension has had. This, I think, was true historically in the days of the Communist regimes because of the question about Afghanistan. With Afghanistan and the Soviet involvement there, Western countries, particularly the United States, had cutoff economic commerce with the Soviet Union and Eastern Europe generally, and the economic arm of the CSCE just never developed.

In more recent times, there have been efforts, particularly by the United States and a number of the less-developed countries, less-developed emerging democracies, to have a strong economic component to the OSCE, but this has not been very strongly supported, we feel, by a number of the Western European countries who place more reliance on the existing economic structures that are in place in Western Europe. So it's still something that is active in the OSCE, but I'm not sure what sort of a future we can see.

Other comments? Mr. Joseph.

**Mr. Joseph.** I have a feeling I speak all the time, but anyway, no. However, be sure that at least one European—sorry—one Western country is supporting very strongly the economic aspect in the CSCE. It is the United States of America.

Now I would add something. We have the feeling in Europe generally that OSCE is not a fantastic tool to tackle the economic issue, and I will tell you exactly why. Basically CSCE/OSCE is the framework for government to take commitments, and economic is mainly a problem of, in our word at least, and in yours also today, of private enterprises investing, going, exchanging, making joint ventures, et cetera, and governments are not able to take commitments for them.

What is possible, and in that area, I think that many countries would urge OSCE to progress, would be to create in all the countries the necessary infrastructure to facilitate exchange of economic, of investment, of joint venture, et cetera, ensuring the security of businessmen and a lot of infrastructures like telecommunications and other which would help entrepreneurs to go and to do something efficient and useful.

But this part of the story is felt in Europe as being probably better in the hands of European Union.

**Mr. Wise.** All right. If there are no further comments from the panel on that question, we'll go to the last, which I remember was whether we expect that the Budapest ministerial meeting in December would make some reference or take notice of the possible applicability of the OSCE to other areas of the world.

I'm not so vain to think that they will draw some conclusions from our particular seminar here. They have a lot of concerns, but in the high level communique of the OSCE, either at a ministerial or heads of state meeting, there is generally attention paid to other areas of the world and to the observer states that are becoming increasingly a part of the OSCE, Japan and Korea in the Far East, the non-participating Mediterranean states, and others.

So the attention of the OSCE is certainly not totally inner-focussed. It also looks out at the rest of the world. It is a dimension that I think will grow. Any other comments on that?

OK. Next question, please. Yes, sir.

**Questioner.** My name is Ur Akinci. I'm Washington bureau chief of Turkish Daily News. First, let me apologize to the panel for being late for this very important meeting, but I had another meeting. I couldn't make it in time. So if they have asked this question before, please let me know so I can just sit back. If not, I would like to pose a question on Turkey.

As you know, Turkey has been on the human rights radar screen of OSCE for quite a while, and in the last 6 months, Turkey has passed a series of laws according to which the Constitution has been amended, the infamous Article 8 has been amended, and I think about 90 prisoners have been released. They were in there for various pro-Kurdish-related sentences.

Have the OSCE made a recent reassessment of Turkey's overall score from the point of view, not only from human rights, but from the subject, topic of this meeting? There's a linkage between human rights security and economic issues, especially on the eve of Turkey's possible accession to European Customs Union or is the panel as pessimistic as the wife of a prominent U.S. congressman who, in a letter printed in Christian Science Monitor, said that she believed Turkey's membership in Customs Union would justify carrying out the Kurdish struggle in Turkey, which means beyond just mere words.

That was, I guess, clear reference to use of force as a cost of Turkey's becoming member of European Customs Union. I would like to get your assessments on the recent situation. Thank you.

**Mr. Wise.** Gentlemen, who would like to go first?

**Mr. Dean.** I don't think any of us, except you perhaps, can answer that.

**Mr. Wise.** Well, I can make a comment, but I would like my more distinguished members to say something first.

**Mr. Dean.** Well, you're asking us what the OSCE thinks today of the Turkish performance and the recent changes in human rights, and that is something that is difficult for any of us to answer. We would have to know in advance what is going to be reported on this at the December OSCE ministers' meeting, where there is going to be a report on the human rights performance of most member countries. I don't know that. Maybe you do.

**Mr. Wise.** Well, I'll say a word if I may, Mr. Joseph, and then you'll have something to add. I don't think there will be any formal report adopted by consensus on the activities of a particular country. That is generally not the way it's done, but there can be statements about the human rights and other commitments that Turkey and other countries have subscribed to and how they are actually carrying out those commitments. That sort of thing is the bread and butter of the OSCE.

We could expect some such comments, and there may be comments even in the OSCE, about whether Turkey should be permitted to join in any European Customs Union or other activities. But apart from the fact that an assessment, overall assessment or not, I think that it's mainly up to the individual countries. Our own look at the recent improvements which you described, at the Commission at least, is that they are welcome as improvements.

Frankly, they don't go far enough. We still feel that there's no reason to have this famous Article 8 because we think it denies freedom of expression, and that by trying to improve it and reduce the sentences of years in prison that people get for violations of this article is not a solution, not a real solution. It's an improvement, but not a solution.

We welcome the fact that they have released a lot of people from jail. We feel many of those people should never have been in jail. So that would be the short answer from one side. Mr. Joseph?

**Mr. Joseph.** I think I can go along with you. By the way, what you said is good because it gives the audience an idea of what can be an implementation debate in the OSCE. You say in the good old times, I don't think it is always the case.

Now, coming to your question and the way it was presented gives me opportunity to say something. You asked what were the opinion of the OSCE. There's almost never an opinion by the OSCE. You have normally 53 opinions. If former Yugoslavia is not present, 52. In a good case, 38 opinions. And in the best case, three or four. But one OSCE opinion doesn't normally exist.

**Mr. Wise.** Other questions? Mr. Pasztor, I cut you off before. Would you have your second question?

**Questioner.** I'm sorry to come back, but the second part of my question, I was waiting for a little bit because I was hoping to get some kind of illumination to the fact which was explained very well by the members of the panel that there has to be a consensus of everything, what the CSCE and now the OSCE decides.

They also pointed out that there's a big difference between political commitment and legal commitment, and if I may go back to the original question about the dealing with the nationality problems, national minority rights problems, being ideally on government used as a plus in announcing the bilateral agreement with Slovakia that the Copenhagen agreement and the European Council's Resolution 1201, if I'm correct with the number, included in the bilateral agreement.

If it is ratified by Slovakia, this would make it legal and it could be enforced or requested that it should be enforced. Mr. Laslow Kovac, when he was talking about the problems of Hungarians with the Romanian government dealing with the national minority issues, the human rights of the Hungarian minority, especially, pointed out that the Romanians are fearful in signing a similar agreement which includes this international consensus agreement, you know, whether it was the Copenhagen agreement or the agreements reached in the Council of Europe.

My question concerning this problem is, do you foresee any time in the future that maybe consensus could be reached also that what about the participating states in a consensus agree on should be ratified actually by the member countries? Is there any possibility that there would be some progress in this respect?

**Mr. Dean.** Well—

**Mr. Wise.** Ambassador Dean.

**Mr. Dean.** It's my understanding that this effort was indeed made in the context of the Baladur initiative in the treaty on cooperation which was reached as a result. An effort was made there to codify individual understandings reached on an individual basis and it was stated that that effort would continue.

Now, this is an area which represents a compromise between points of view expressed here. In other words, you first develop a certain understanding by consensus methods and then convert it into a contractual agreement, a partial agreement. That does seem to me to be a possibility in the case that you mentioned.

I have been struck by something which other members of the panel have taken for granted here: in recent years, individual countries are getting what amounts to report cards or descriptions of their performance in the human rights field. These are raised in a rather systematic way and discussed at meetings of the permanent council and probably by the ministers, also.

This is a very important advance and one which bears on the point that you raised about Turkey.

**Mr. Wise.** Neil Kritz?

**Mr. Kritz.** Well, I would just say that, absent the transformation of OSCE decisions from political to legal obligations, there can't really be a uniform approach developed by which consensus decisions are then legally implemented in each country.

That said, the process of integration of OSCE consensus views into domestic legislation does, in a sense, occur more subtly. One can look, for example, at a number of difficult situations that have been negotiated by the High Commissioner for National Minorities. In some citizenship laws, for instance, there has been extensive back and forth negotiations, through the intermediary of the High Commissioner, between individual states and a large number of the member states within the existing institutional framework, applying pressure and ultimately resulting in a reformulation of domestic legislation.

**Mr. Wise.** Yes, sir?

**Questioner.** Thank you very much. I'm Martin Nye from the German embassy. I would only like to offer a small comment on this question. There's already an example of where a known part of the normal framework of the CSCE has been taken into bilateral agreements and then turned to legally binding obligations. There are two treaties between Germany and Poland and Germany and Czechoslovakia which have been incorporated and then made legally binding.

The unique feature in that one is whatever the OSCE will adopt in the future will automatically then become legally binding in those bilateral relations, and that perhaps is also an example of where one could look ahead where other states could adopt a similar approach.

It is, of course, very easy that a participating member state of the OSCE takes politically binding obligations and turns them into legally binding, but it could also work that they use this laboratory of security and look from the outside of the OSCE to this lab and decide, "This set of norms could serve our regional purposes," and then take them into legally binding obligations among themselves. Thank you very much.

**Mr. Wise.** Mr. Joseph.

**Mr. Joseph.** Just one thing: the main problem here is to know what is leading to a treaty, inside OSCE negotiations. OSCE can always provide a sort of framework. Ambassador Dean some minutes ago mentioned the CFE and Open Sky. I would just add that CFE and Open Sky negotiation were open only to the member of military alliances or of former alliance, and Neutral and Non Aligned were excluded. It was therefore not purely a CSCE exercise—

**Mr. Dean.** You can sign up with the treaty now if you want to.

**Mr. Joseph.** No, no, no, we can't.

**Mr. Dean.** Open Skies when it comes in.

**Mr. Joseph.** Wait. For the time being, we can't and you know there is a specific problem regarding Southeastern Europe, which is probably avoiding or hampering a neutral country to become participating states in Open Sky. Other example, yes, you are right, a later initiative led to some bilateral agreement.

Another example is the conciliation convention, a convention for conciliation arbitration negotiated inside the CSCE on a voluntary basis by states. Some ratified and some not. It was not necessary that all ratified for the agreement to enter into force. So there are such examples, but they are always, I would say, on free basis.

**Mr. Wise.** Other questions? There don't seem to be any more at this time. Are there any final comments any of you would like to make?

**Mr. Dean.** I have a short comment.

**Mr. Wise.** Ambassador Dean, please.

**Mr. Dean.** Minister Joseph suggested that the Yugoslav experience nearly killed the OSCE because of the OSCE's failure to perform better there. True, but the point should be made that Yugoslavia and Bosnia have killed almost every security organization involved, including NATO, at least up to this time; including the U.N.; including the European Union; and including the Western European Union.

All these organizations are going to have to climb out of the ashes of failure. That is one very important reason why I believe and hope that the Dayton discussions will bring an agreement and that NATO will then move to help its implementation.

The problem, of course, that we all face when we talk about regional organizations is that both they and the United Nations are weak now. The only thing that we can do with the OSCE and with the United Nations is incremental small step improvement. However, I think there is enough interest and hope in the future to bring about a steady process of improvement.

One thing that really does characterize the OSCE is the ingenuity and creativity which its member states have shown. They have extracted from the whole European experience in this tragic century—and the North American experience that was so tightly linked—out of this cornucopia of sorrow, they have devised at least a theoretical answer for nearly every aspect of human behavior which can lead to conflict. This has been a remarkable achievement, one which states will grow to appreciate more in the future, and then, I think, they will change their view of which organizations should have the priority and give it to OSCE.

**Mr. Wise.** Are there any further comments down there? Mr. Kritz?

**Mr. Kritz.** Briefly on this question of the impact of the Yugoslav conflict: it has been said before, and I think it's without question, that one principal thing that the Yugoslav conflict demonstrated with respect to the OSCE is that the organization's strength lies in its role as a forum for conflict prevention and not as a body that can be nearly as effective once that effort has failed.

The OSCE's strength—and probably the principal lesson that it provides for replication in other regions—is in its ability to create a complex of creative structures and procedures, overlapping and dealing with an integrated variety of subjects and issues, to create an overall environment in which conflicts can be headed off at the pass before they, in fact, become violent.

After that stage, many OSCE's current mechanisms are useful, but are simply not as effective.

**Mr. Wise.** Mr. Joseph?

**Mr. Joseph.** Yes. I will look for the future, if you'll allow me. One question you asked us to deal with, which was a very interesting question on the two pages regrouping 25 questions, retained my attention. It was the question of homogeneity or heterogeneity. You asked if the homogeneity inside the Euro-Atlantic framework is one key to explain the success of the CSCE, and would another original organization have the same benefits of homogeneity.

Here I would say, can you imagine a better heterogeneity than we had between communist and capitalist countries in the years '70 and '80? I don't think it is possible in any other region of the world. So I would say a priori, in any region of the world, you will have, at the worst, the same heterogeneity and probably a better homogeneity. The only point is if something like that has to be created, it should be at the initiative of the region itself, through an existing organization or some government taking the initiative to invite countries and, if possible, all the countries of the region.

I wouldn't believe that the absence of Albania was catastrophic for the evolution of CSCE at first, but I think it is good that Albania is now a participating state. Another question would be the expulsion of a country. Very frankly, I think we can do a better job when all the people are around the table instead of knowing that some people are at home and out of the organization.

Anyway, everyone should be invited, and hopefully if such an organization or an institution was created somewhere else, I hope it will work, but a prerequisite for that is to approach the problem very progressively. Thank you.

Mr. Wise. Well, thank you all. I thank you most sincerely for this first session of our series of panel seminars on the applicability or relevance of the OSCE to other areas. I thank you in the audience for coming. We are going to have another session, the first one on the geographic area of Asia, at 3:15 here in this same room.

Regarding our panels scheduled for tomorrow, I'm told because of the government shut down, we're trying to find another place for tomorrow's seminar. We suggest those of you who are interested, please call the Commission for further information later this evening or tomorrow morning. Thank you all for your attendance.

[Applause]

## **Panel Two: Asia: Market-Driven Reform or Repression?**

**Mr. Clad.** I think we'll give another minute, and then we might start if that's all right. The moderator of the previous session has an announcement he'd like to make.

**Mr. Wise.** Yeah, I'm making this on behalf of the commission that we will hold tomorrow's session at the Lehrman Auditorium at the Heritage Foundation which is at 214 Massachusetts Avenue, NE. For those of you who don't know exactly where it is, it's three blocks from Union Station. So it's quite close to subways and that sort of thing. We're just using the premises, which they very kindly said we could. They are not sponsors or anything of our seminar, so we wouldn't want any confusion on that. Thank you very much.

**Mr. Clad.** Thanks very much. Unless there's any objection, I think we'll start. Clearly this is a sign of my devotion to the OSCE process to leave about 20 angry students over at Georgetown which, whatever else it does, prides itself on being a teaching institution. I won't say there was a near riot at my departure, but having promised them grades on their final exams, I'm going to have to scamper back there pretty close to time at the end.

It's my pleasure to moderate this session of this gathering. I'm not going to waste time repeating the bio information which you already have in front of you. We have a distinguished group of people on this panel. I'd invite you to listen to them in turn. John Kamm, do you want to start? Or should we go in Mr. Kumars direction?

**Mr. Kamm.** Is Congressman Lightfoot going to be introduced or how—

**Mr. Clad.** I think it would probably be very wise. I'm not able to do so.

**Mr. Lightfoot.** OK, thank you, Dr. Clad. We appreciate your participation. Having a son in college, why, I can commiserate with you as to their worrying about their grades at this time.

I'm very delighted the commission is holding this 2-day seminar. I'm honored to be asked to introduce the Asia panel. As you know, our interests in Asia are threefold: trade, security, advancement of human rights and democracy.

Many years ago, almost 30 now, I spent a couple years as a police officer down in the city of Tulsa, Oklahoma. One of the first calls that I was asked to take was a domestic disturbance. Here I was a bright new policeman in a bright new shiny uniform and going to singlehandedly wipe the streets of Tulsa of all crime and corruption. I walk into this house, and this man is flailing on a woman with a piece of pipe. So I jump on him to try to take him down. The next thing I know, she's all over me hammering on me with the piece of pipe, tears up my shirt and so on. Eventually, we got the thing quieted down.

Following that, Sergeant Carter, who had been there a number of years, had me get in the car with him, and his first question was, "Well, did you learn anything?" I said, "Yes, I think I did." And he says, "You know, regardless in a domestic disturbance how much the two parties might dislike each other, they dislike an outsider even worse." Usually, the outsider is the one that's in the worst position.

I think as we look at many situations around the world today, that trait of human nature is something we have to keep in mind, that sometimes exerting an outside influence has to be done in a very careful and judicious manner. In that vein I perceive that there's a need for an international forum outside our formal bilateral relations in which Asian nations can discuss issues like trade, security, and human rights in the context of not necessarily creating a perception that any one nation is being singled out in the process. I think it's important that we do that.

As evidenced by our annual MFN renewal debate here on the Hill, Asian policy issues have become polarized. Frankly, I would also like to see an organization established here on Capitol Hill where members of the House and Senate who share the same goals on Asian but place different emphasis on each of our Asian interests could come together and work toward some of those common goals.

Fortunately, I think we have some successful models in place. The Organization on Security and Cooperation in Europe. I realize you cannot push analogies too far, but I believe there's merit in such structures for Asia. Toward that end, at my request, this year's foreign aid bill carries a directive to the administration to examine the feasibility of such an approach in Asia. The State Department appropriation also tasks the CSCE to look at this question, and with the end of cold war, perhaps, we may even want to consider expanding the mission of the current CSCE to include Asia.

Absent a formal structure, like OSCE, perhaps such a commission could monitor compliance of APEC members with regard to things such as the Universal Declaration on Human Rights, the Missile Technology Control Regime, and trade agreements such as the GATT agreement.

So, as you can see, I'm very excited of the possibilities being discussed here today and tomorrow. I think we have an excellent panel to examine these issues.

Our moderator, as you just met, is Dr. James Clad, Professor of Asian Studies at Georgetown University's School of Foreign Service. Our panelists include Mr. T. Kumar, who is the Asian-Pacific government program officer for Amnesty International; Dr. Stanley Weeks on my far left, who has more than 25 years experience in international policy and security issues, especially in the Pacific region; and finally, John Kamm. Let me say a couple words about John because I know him better than the other panel members here. He's the kind of person who gets things done and represents the kind of positive things that can happen when American business takes an active role in human rights in China.

I first met John following a trip when six members of the House went to Beijing to meet with Premier Li Peng following Tiananmen Square incident. In that trip, we stopped in Shanghai, visited with then the mayor, Zhu Rongji, who now has moved on to better things in Beijing, and on the way out in Hong Kong had an opportunity to visit with John. We struck up a friendship. We had many common interests, particularly in how to resolve the human rights issue, and, quite frankly, the thought process behind the language that's in our foreign operations bill has John's fingerprints all over it because it was basically his idea from a paper that we took and turned into the report language. We also have a bill that we will offer that we'd like to get passed as well.

However, I think that John brings an interesting insight, a different perspective to China relations than we normally see, and some, I think, outstanding ideas on how to resolve the human rights issue through the business community. So, with that, it's a great pleasure to be with you. Dr. Clad, as the referee, we'll turn it over to you.

**Mr. Clad.** Thank you, Congressman, very much. Perhaps the best thing to do after all is to follow the program and invite Mr. Kumar to initiate the discussion on the state of play—human rights and the NGO.

**Mr. Kumar.** Thank you very much, Dr. Clad. It's an honor to be here. Non-governmental organizations play a very important role in protecting and promoting human rights. That's true around the world, but there are different issues non-governmental organizations face. There are limitations in different regions. Today I'm here to discuss with you

how non-governmental organizations are effective and what problems they are facing in Asia, compared to Europe because this is part of OSCE.

First, I'd like to analyze what region we are talking about, Asia. I would like to divide Asia into four subregions because in practice that's what Asia is all about.

First, South Asia: The dominant player is India. The culture is Hindu culture. Though there are Muslims, the Hindu culture plays an extremely dominant role.

Then, Southeast Asia: There Buddhism plays a very prominent role even though Indonesia is the largest Islamic country in the world.

East Asia, which is China: Of course, China dominates East Asia.

The fourth region is Australia and New Zealand, which are European in nature. Though they are part of the region, the issues Australia and New Zealand face and the way NGOs are organized in those two countries are far different from other parts of Asia. So these are the four regions.

Economically, East Asia is the dynamic region, if I wouldn't mind, I would say in the world. APEC is a typical example of that statement. Political the systems in these regions are also different. South Asia, of course, in most aspects I would say a small democracy, even though the definition of democracy may vary. Southeast Asia is next. East Asia, of course, China, democracy is unheard of. In Australia and New Zealand, of course, you'll find democracy at its peak.

There is also a distinct difference between Europe and Asia. The distinct difference is Europe was never a colony of any other country, but Asia in general was a colony from the Eastern powers for more than 450 years. So when we analyze the NGO activities, we have to bear in mind that these countries were properties of the Western countries for more than 450 years. Only for the last 50 years for most of the countries are independent. Still you find countries who are not free. The prime example, very painful experience, is what you heard and saw on the TV what happened in Tahiti, French Polynesia, when the French blew up the atomic bomb.

That, my good friends, revived the painful memory in Asia of the past colonialism. So these are the realities I'm going to touch today. Given the complexities and the interesting mix of culture, politics, past experience, what types of human rights abuses are taking place in these countries, there is no doubt the most human right abuses are from Asia. China for that matter is playing the leading role. Vietnam is challenging China in that role. North Korea does not even allow any international monitors to visit.

Indonesia. East Timor, there is ample evidence that every element of human right is being abused. Kashmir in India. Again, go on and on. The Karachi situation. There are endless examples I can talk.

So how are non-governmental organizations challenging and what are they doing? When we analyze NGOs, there are three different NGOs I'd like to touch on. The first NGOs are the regional NGOs; like Gandhian movement in India, it encompasses almost all the South Asian countries. Then national NGOs. There are numerous national NGOs. There are international NGOs who have branches there—for example, Amnesty International.

How effective are these NGOs fighting against these abuses? Again, I'd like to divide the abuses into two distinct areas.

One is abuse done due to cultural reasons. There's a blend of cultural abuse in Asia. Dowry deaths are not a secret to international committees. How are NGOs fighting? How

will the country then say that NGOs are really fighting very hard against these cultural human right abuses in Asia? The caste system NGOs have been fighting really hard in Asia. Nevertheless, when it comes to the political abuses, like detention without trial, torture, executions, disappearances, then the National NGOs and the regional NGOs have a problem dealing with that. One of the main reason they have problems dealing with that is if they raise their voice beyond the political limit, they themselves become abused, they themselves become disappeared, they become political prisoners themselves.

In this context, I will say international human rights organizations should play a very dominant role in protecting human rights from political abuses. Amnesty International, as you all know, has been playing a major role in identifying torture, disappearances, et cetera, to challenge human rights abuses in Asian countries.

Again, there are other sides to international organizations working in Asia. The main obstacle to the international human rights in Asia is twofold. No. 1 is the governments and others. Some nongovernmental organizations themselves argue that this is a Western concept. "We don't want human rights they way the West is telling us what human rights are all about. We had enough of Western bossing around us. They messed up our cultures. They ruined our lands. Why should we?" That is a very powerful statement that can touch the core of the sentiment of the Asian people. That is anger. Then the other side is the new phenomenon of Asian value of human rights. You'll find new pundits popping up in Asia defining a new concept by saying, "This is what our value is; we don't want others to tell us what human rights abuse is all about." These are the many obstacles for NGOs working in Asia, in the field of human rights.

The biggest challenge for us, for the human rights community, international as well as local human rights communities, is to take up this challenge and to deal with this head on and identify whether there is any truth behind it or if it's a pure tactic to abuse human rights of their own citizens. That is our major challenge.

So our challenge is to identify the obstacles that are still there, especially the Asian value of human rights which is very strong. Many former political prisoners are in the forefront in advocating that. Former political prisoners who are used by these governments are saying, "Yes we are for Asian value of human rights."

How do we achieve this limbo situation of NGOs working for human rights? My humble opinion is that international organizations should have a strong local preference in the regions. That is the best way of dealing with that Asian value of human rights. Also challenge that human rights is not a Western value, but a human value. Thank you very much.

Mr. Clad. Thank you, Dr. Kumar.

Dr. Weeks, why don't we hear from you?

Mr. Weeks. Thank you very much, Professor Clad. I appreciate the opportunity to contribute to this very interesting and topical seminar. For the last 5 years, I've been closely involved in consulting for U.S. officials on the evolving Asia-Pacific structures, particularly security structures. However, 10 years ago, I was the State Department officer for the Stockholm CDE conference and subsequently in the Joint Staff of the Pentagon, worked the early CFE negotiations in '88, '89. Also, more recently, I've been a member of the U.S. delegation to the multilateral negotiations in the Middle East peace process and observed the operational basket of that process in the area of primarily maritime security and confidence building measures.

You can understand, then, when I commend the organizers of this conference for trying to extract lessons of relevance to other regions from the Helsinki process. I've been asked to address whether the existing structures in the Asia-Pacific region are sufficient, and I will primarily focus on the political security and, to the lesser extent, economic aspects, leaving my distinguished panel colleagues to address the human rights and business perspectives.

The short answer to the question I was asked is that I believe that existing political security and economic structures in the Asia-Pacific are not enough, but I also believe there has been real progress in the last 5 years in developing both security and economic processes—and I use that term deliberately as opposed to structures—that are almost inclusive and regionwide.

In the security area, the ASEAN Regional Forum, ARF, now brings together yearly the foreign ministers from 18 different Asia-Pacific regional nations—the ASEAN nations, now seven with the addition of Viet Nam this summer, their seven dialog partners, and other regional states, notably not including Taiwan and North Korea. The ASEAN Regional Forum is an outgrowth of ASEAN, which of course is a Southeast Asia Subregional Political and Economic Cooperation group that's been in existence since 1967 and which only in 1991 agreed to formally address regional security issues as well as the political and economic issues.

The ASEAN Regional Forum, the regionwide meeting after and together with the ASEAN annual meeting, first took place in 1994. The second meeting of the ARF took place this year, consisting of a brief (one day) but frank security discussions of senior officials at the foreign minister's level supplemented by—and I think this is significant when we start looking to building structures over a longer term in addition to just a process—a recent decision in the second ARF last summer to set up working groups to meet between the annual ministerial meeting.

Those working groups in the first year will focus on confidence building measures, especially basics like standard defense policy white papers—as well as certain non-controversial cooperate activities such as peacekeeping, training, and search and rescue.

Also, I would highlight the traditional importance of non-governmental (or perhaps a better word is “unofficial,” because often officials come in an unofficial capacity) but what the Asians usually term the “track two” activities in the Asia Pacific. These were incidentally recognized at the second ARF meeting this summer and encouraged to continue. In fact, there's an organization called the Council for Security Cooperation in the Asia Pacific (CSCAP) that is essentially, or hopes to be the track two arm of ARF, discussing and preparing issues for the subsequent formal intergovernmental address in the ARF and the ARF working groups.

The 1995 ARF meeting this year, the second ARF meeting, laid out a three-phase vision for ARF as a region-wide security process: first, today to establish confidence building measures in the region; second, today and in the near future to concentrate on preventive diplomacy; and third, eventually aspiring to a more structured conflict resolution capability in the process.

We should think of the ASEAN Regional Forum as a region-wide start on developing a process for regional security dialog which would supplement traditional bilateral alliances in this post-cold war era. Some of my own observations regarding this include the following. First, the subregional mechanisms, particularly ASEAN that this process grew

out of, but also the South Pacific Forum, have been the precursors and are much more important in this vast and varied Asia-Pacific region. I would not disagree with Mr. Kumar—indeed there's probably a fourth region sometimes, although we're reluctant to take it on at this point, and that is the South Asian region which adds yet another dimension. But certainly the Northeast Asia or East Asia, Southeast Asia and the South-Pacific area are the other three. So our thinking is very much the same on those.

One of the greatest needs though, given the importance of subregional mechanisms now, and I think into the future, is to fill what is an existing gap in Northeast Asia. There is no security dialog process like ASEAN or the South Pacific Forum or political economic dialog process in Northeast Asia that encompasses that critical area where the five great powers meet and which has the problems of the Korean peninsula in it. There are informal efforts underway, but even those have been rather halting when it comes to getting North Korean involvement. But that's a problem that's being worked on, and I think it's a gap that has to be filled eventually in the subregional aspects.

Secondly, I would say that ARF is a process. It's not a formal structure or an organization. There's some discussion, but it doesn't yet have a secretariat or anything. Asians, partly because of the post colonial experience that Mr. Kumar referred to earlier, are particularly distrustful and resistant to the formal structures or architectures. I'll have a little more to say about that in a minute. Interestingly enough though, decisions are (as in OSCE) by consensus, and that has a number of implications, for example, not least of which is the People's Republic of China has been a problem when it comes to including Taiwan in the security side of things—that is, in the ASEAN Regional Forum, the ARF. Interestingly enough, they allow Taiwan as a province, customs region, to be included in APEC, the economic organization I'll talk about in just a minute. Nevertheless, whenever it comes to security issues, the Chinese problem on including Taiwan is even more difficult. That's true even on the track two level where we've had some arguments over that in CSCAP and had to try and find some way to bridge that gap.

The third point I would emphasize is that there are in the Asia-Pacific region many unresolved territorial disputes, notably in the South China Sea but even more with the divided nations in the Korean peninsula and across the Taiwan Straits. That has some serious implications in terms of what can be done. I think one implication is that bilateral and subregional processes will be essential to resolving such conflicts in the region, perhaps more useful as being more focused than a regionwide process.

Fourth, I think it would be unrealistic to expect any consensus-based embryonic regional process to be able any time soon to resolve some of those disputes or even, perhaps, to come to the point of the original Helsinki document in agreeing to respect existing territorial boundaries when there is no agreement on what those boundaries consist of in the region. Nevertheless, I do believe that makes the process of dialog in ARF even more important to help prevent such disagreements that remain from taking a violent form.

In summary, I believe Asia-Pacific regional security will be enhanced by the further development of the ASEAN process supplemented by traditional U.S. bilateral security ties and presence, with a strong role for subregional and bilateral relationships.

Let me turn then to the second major area of some existing structures, and structure may be a little more appropriate term than process regarding the economic area. Of course, there are also 18 nations, but some different nations since I mentioned Taiwan as included in this: the 18-nation Asia-Pacific Economic Cooperation, APEC, has devel-

oped since its formal beginning in the late 1980's as an economic consultative forum with even the recent beginnings of a small institutional structure, the secretariat. Since President Clinton hosted the first APEC summit in Seattle in 1993, APEC has also provided the venue following its annual fall ministerial meetings for the first real Asia-Pacific region-wide summit meetings. Again, our meeting today is topical because the next summit meeting is next weekend hosted by this year's rotating APEC chair, Japan, in Osaka.

As with the ASEAN Regional Forum, the formal region-wide economic APEC grew out of an earlier track two informal non-governmental process in Pacific Business Economic Cooperation. It also grew out of informal nongovernmental and private sector initiatives which continue to provide a major impulse to economic cooperation in this region.

Now, despite the handy forum that APEC has recently provided for annual regional summit meetings, a recent report issued just a week ago by Bob Manning and Paul Stern over at the Progressive Policy Institute made several critical observations on APEC.

The first observation they stated was that, since its inception, APEC has widened its membership but not consolidated its purpose or its institutional discipline.

Secondly, they noted their view that for the United States the question is how APEC fits into a global economic strategy. APEC now lacks the clarity and standards—for example, labor and environment standards—of NAFTA and the more comparable political and legal systems and levels of economic development that we have with our friends in the European Union.

The report concluded that APEC has a role to play in a global U.S. trade strategy, along with NAFTA and the European Union. It can be used by the U.S. to apply sort of mutually reinforcing pressure via regional groupings to go beyond current World Trade Organization global standards. But in the Asia-Pacific region, the need is particularly pressing to liberalize Asian markets where the U.S. has major continued large bilateral trade deficits, and key to this will be modest and practical steps with meaningful timetables for trade, investments and other liberalizations. This may be more important, in their view (and I tend to agree) than the long-term APEC summit agreement last year to have free trade among the developed nations by 2010 and the developing Asia-Pacific nations by 2020 that was agreed at last year's APEC summit in Bogor, Indonesia.

Now, notwithstanding these critical observations about APEC, I think APEC has already provided this vast and diverse Asia-Pacific region with a framework for economic and high-level political dialog and hopefully concrete action for trade liberalization, but, unlike in the Helsinki process, APEC Economic Cooperation is not a basket in an overall regional architecture, but a separate framework from the security and human rights issues.

So, having reviewed briefly the growing security and economic frameworks in the Asia-Pacific region, I'd like to conclude with three observations from my own Helsinki and Asia-Pacific experience.

First, I would just note that Asians, for varying reasons, much having to do with the historical, fiercely resist even the hint that European models, particularly OSCE, are applicable to their region. So, although there is considerable relevance, I think, to the Asia-Pacific of some of the OSCE experience, I would note that Westerners need to be very careful in how we convey that relevance to our Asian friends.

Secondly, the Asia-Pacific strategic culture, particularly in Southeast Asia and ASEAN, emphasizes a step-by-step consensus and informal process, rather than formal

legalistic architectures, structures, and institutions. The term that a Japanese friend once used for that was that rather than architects, we're fermentors of wine and process. I think this means for us, in looking to the relevance of OSCE experience, that these structures will have to be minimized, particularly in the early steps of the Asia-Pacific region and to grow naturally—as indeed the Organization for Security Cooperation in Europe did from the Conference for Security Operation in Europe over a 20-year period.

Third, at some point there will need to be some at least informal bridges between the region-wide political economic framework of APEC and the security framework of the ASEAN Regional Forum—but I do not think an all-encompassing political/economic/security framework for the Asia-Pacific region, comprehensive like OSCE, is likely. Indeed, the importance in this vast region of subregional organizations, non-governmental informal “track two” processes, and traditional bilateral alliances and critical relationships—Japan and China come to mind—in this region may eventually make even the overlapping institutional lines of Europe appear less complex to us. Thank you.

Mr. Clad. Thank you, Dr. Weeks. That was terrific. After spending many years writing about these issues, I don't think I've heard a more able and succinct summation of the economic collaborative mechanisms out there and some ambiguities of security partnerships as well.

Could I invite John Kamm to talk to us a little bit about those prospects for business driven reform in Asia?

Mr. Kamm. Thank you very much. It's a real pleasure to be here with you today and to be sitting on this panel with so many distinguished individuals who are concerned with promoting American values—and international values—in the Far East. It's especially good to be here with my old friend Congressman Lightfoot, who has been so helpful in advancing the idea that Congress should indeed establish some form of mechanism to enhance the monitoring of such issues as trade and security and especially human rights in the Far East.

I have prepared a statement, so I'm in the fortunate position of having a paper I can refer you to. I'm not going to spend time reading it. I've tried to summarize in that statement why I think respecting human rights is good for business as opposed to the other formulation which is so often put forward; namely, that business is good for human rights. I'm not denying that, but I'm trying to make the case that promoting human rights is good for business. I touch on some other matters as well as in the statement—for instance, why I believe that business people are qualified to help in promoting human rights.

I recall reading a story by a former political prisoner in China by the name of Jean Pasqualini, a Eurasian whose father was French and mother Chinese, who was swept up in a political campaign of the 1950's and put away in a Chinese prison. In 1964, France established diplomatic relations with China, and he learned of this while he was in prison. He went to the warden, and he said, “Look my father is French; my mother is Chinese. I am a French citizen. I hold dual nationality. I would like to write to the French embassy and ask their assistance in helping me get out of prison.” The warden smiled. He said, “Well, that's fine. I'll be happy to provide you with the paper and with the writing instruments and to make sure that the letter is delivered to the French embassy.”

Indeed, Jean Pasqualini wrote the letter. In fact, he wrote several letters. Nothing ever happened because the French official who received them was afraid to raise his

name. I often think back on how much things have changed since then. I can assure you that in China today, if a political prisoner went to the warden and said, "I want to write a letter to a foreign embassy seeking its assistance in helping me out," there's no way that the warden would try to help that prisoner. It's only a few years ago, in fact, that it was considered unalterable truth that the Chinese government would not release prisoners because of pleas, persuasion, or pressure from foreign countries.

In fact, when I started doing my own work in China about 5 years ago, there were two objections in the business community to what I was doing. The first one was, "You're not going to achieve anything. China will not release prisoners because of the pleading of foreigners. It just won't happen." The second reason given was that if, indeed, a business person did something like intervening on behalf of prisoners, then his or her business would be affected very seriously, that the Chinese government would, in fact, take steps to hurt the business.

Well, I can tell you based on my own experience that neither of those things is, in fact, the case. It's been certainly proven to be, and now, to a certain extent, it's quite common or has been common at various points over the last 5 years, that the Chinese government has on numerous occasions released prisoners for various reasons—whether it's MFN or the Olympic games or to get a summit meeting or a high-level visit to Beijing, China has shown itself to be quite adept at releasing prisoners in response to foreign pleas.

The second point concerning whether or not one's business would be affected, I think, again, I can state without question that never have my business dealings been affected because of the work I do on human rights in China. There are ways of doing it so your business will not suffer.

So that leads us to the question: if, in fact, that's the case, then why wouldn't you promote human rights? It's not really the question of why would you do it? It's more why wouldn't you do it.

Getting to the issue of why a business person might actively promote respect for human rights, I have increasingly come to the conclusion that doing so is good for business. I've also come to the conclusion that, unless that case can be made to the business community, you are not going to get business people to do human rights work. That's the great challenge. How do you convince the business community that respect for human rights is good for business?

I've put forward five reasons in my statement. I hope that during the question and answer period there will be some disputation and healthy controversy, so let me run them down really quickly.

First, as someone who has managed factories and run offices overseas, I believe without question that promoting respect for human rights in the workplace is good for the productivity of the workforce and the creativity of the management; bottom line, it is good for enterprise profitability. I have seen it happen time and time again. A safe work place is a better producer than an unsafe work place. A work place that encourages free and critical discussion of ideas is a more productive work place than one that doesn't. Managers who are allowed to have fax machines in their homes, who are allowed to criticize policies of the corporation, who live in that kind of free environment—their enterprises are more profitable enterprises.

The second reason—and this struck me only recently when thinking about the history of the opening of the China market—in every case that I can think of (and I go back to 1972, the Nixon visit, that's when I started doing business with China), where there has been a market opening, the Chinese government acknowledged a human right prior to the opening of the market. So rather than looking at it the other way around, such that business is good for human rights, think of that for a minute.

It was when the Chinese government recognized the right of its citizens to travel that we got the growth of the aircraft industry. It didn't happen the other way around. In a society where a human right is already respected, a company can go out and buy airplanes and say I'm going to set up an airline to Iowa so that Congressman Lightfoot doesn't have to miss all those flights all the time. He can fly directly to Washington from Iowa. Well, if the market can justify that, that's fine. I go out; I buy the airplanes; I set up my airline. If there is a market that justifies it, well, that's fine, I make money. But in China what happened was that there was no right for citizens to travel from point A to point B. When the Chinese government acknowledged that right then you had the growth of the aircraft market. So it was respect for a right that led to the growth of a market.

Respect for rights opens markets. Think about intellectual property protection. Protection of intellectual property is a human right that is specifically referenced in the Universal Declaration. So when business people push for respect for intellectual property rights, they are lobbying for respect of human rights in China. What makes us think that we can distinguish in the Universal Declaration between Article 27—we're going to promote that right, but we're not going to promote rights of free speech and assembly. What makes us think that we're so smart as business people to be able to distinguish between those rights which are good for business and those rights which aren't? All right. So protecting an intellectual property is another example of how respecting human rights is good for business.

Respecting human rights—promoting respect for human rights—opens markets.

Third, respect for human rights goes hand in hand with rule of law. I'll say what I said to Tom Friedman a few months ago in a column he was writing for The New York Times. Today in China, the principle obstacle to successful business is the same arbitrary abuse of power which locks away dissidents. If you are not safe as an investor with your own physical safety—and there have been an increasing number of cases where they have held business people in detention for months and months and months without trial—if you can't feel safe in your own physical security, then what good are guarantees that your investments are safe? So that's another reason. Respect for rule of law goes hand in hand with promotion of human rights.

Another area where promoting respect for human rights is very good for business is in getting China to adhere to international standards. The same struggle that's going on over the WTO in getting China to follow international standards of trade, that same exercise is going on about human rights. The argument that China makes against her acceding to terms of the WTO process is that "We're something special. We're China. We have our own way of doing things." Does this sound familiar? Well, it should, because it's exactly what's being said in the area of human rights. "Yes, there is a Universal Declaration, but there are Chinese values, there are Asian values. We're going to follow our own values. We're not going to follow the universal values." So that same exercise of promoting adherence to international standards upon which success in the negotiations over WTO

accession rests, that same process is the process of getting China to follow international standards of human rights.

Finally I say that, in fact, if you can promote an image as a corporation that respects human rights and promotes human rights then there will be an image benefit. Now, I don't want to make too much of that because, in fact, there's an old saying that no good deed goes unpunished. I'm certainly a big believer in that. In the last few months you have seen real icons of social responsibility taken to task by the press, and that's fine. Nevertheless, I don't think that anyone—any business person—should get involved in human rights because he thinks it will be good for his image. That's not a very smart reason to do it.

Now, we have been very good in keeping to the time. I want to, instead of going over some of these other points, list six questions which I've written down.

The first one I have covered: Why is business good for human rights?

The second question: Why are business people uniquely qualified to do human rights work?

The third question: Why is it that sometimes the plea of a business person—or for that matter some other independent actor—is acted on by the Chinese government and other times the government ignores it? This gets into questions of tactics and strategy.

A fourth question: What can business do? All right. Let's say we accept for a minute that human rights is good for business. Let's accept that business people can be good at human rights work. Well, what then can business people actually do? That's the fourth question.

The fifth question: Now that you have established all that, why is it that business people aren't doing more? You know, if it's true then something must be missing here. Otherwise if human rights are so good for business we'd have all kinds of corporations going out there and promoting human rights in China. Well, why aren't they?

Finally, the sixth question: At the end of the day, why don't you set up something like a CSCE to promote human rights in China? Now I cannot possibly cover all these questions. I just put them out there to give you something to think about. I should ask you which of them you would like me to concentrate on, but rather than do that, I'm going to choose the question of what business people can actually do. Then I'm going to shut up. I'm going to let people ask questions.

I think, first, the answer is obvious. Business people can do a great deal, and we can look at two basic spheres of action: within the workplace and within the greater community, the host country where the investment or the trading is taking place.

Now, as I say in my statement, businesses can enforce codes of conduct. They can write their own codes of conduct and they can enforce them in the workplace. Such codes among other things should ban the purchase of raw materials and products made with child labor and by prisoners, especially in countries where a large segment of the prison population is made up of political prisoners. Later, we can get into how that can be done. I know it's not necessarily an easy thing to do, but it can be done. Nevertheless, that's one thing that businesses can do. Obviously, they can enforce minimum wage rules, maternity leave. They can give workers health insurance, all of the things that are in the Universal Declaration under the "fair and reasonable terms of employment" article. They can encourage free association within the enterprise. I'm not talking about unions because there are no such things as free unions in places like China, so it's nonsense to talk about

establishing a free union in China. Nevertheless, that's not to say that you can't encourage free association among the workers. Companies can do that. They can do very simple things like set up libraries and readings rooms where they can expose workers to publications that they otherwise wouldn't be exposed to. Businesses can establish within chambers of commerce human rights committees. If indeed they feel that as a company it's a bit difficult for them to raise these issues, well, they can get the chamber of commerce to do it.

American companies can and should, to the maximum extent possible, try to protect their own employees from the arbitrary abuse of power by the security forces. There are examples of American companies that have stepped in and intervened in situations where employee rights are being abused. I know of several cases. It can be done. What interests me most though is not the area of workplace issues. There are many leaders you can learn from. Levi Strauss is one. Reebok has got an excellent code. Timberland is another. There are a number of companies that have already traveled that path, and you can learn a great deal from them. It's in the area of acting in the host country that I am most interested.

Companies can do two basic things in host countries to promote respect for human rights. The first one is lobbying. God knows companies have got much experience in lobbying here in Washington, and lobbying foreign governments on human rights is really not that different in terms of the work involved. It involves knocking on doors, sitting in offices, waiting for people who don't necessarily want to see you, and trying to sell them on ideas that they don't necessarily want to be sold on.

What's the message? Well, you can tell the Chinese government that when they arrest somebody and keep them detained for 30 months without trial that this is not good for business. This isn't good for the business environment, and you can tell them that very honestly and forthrightly. You can push for such things as Red Cross access to prisons without being accused of interfering in their internal affairs. Why? Because more than a hundred countries allow it.

I end my statement on this, and I end my verbal presentation on it as well: nevertheless, the one area in which American businesses can do more than any other area to promote respect for human rights in a place like China is in monitoring. There is a great deal of information available out there right now that is not secret information. There is so much information—for instance, on prisoners—that's out there in China.

We have hundreds if not thousands of American joint ventures in the field in China. Every province of China has at least one joint venture. In some cases there are literally hundreds. I would like to see the day come when every one of those joint ventures is in effect a little monitoring station. I'm not suggesting that they collect secret information and that they act like spies, quite to the contrary. The kind of information I'm talking about is publicly available in provincial and municipal newspapers, legal journals, and so forth. The Chinese courts, when they convict people, put up the results of the trial. Now they may only keep the notices up for a very short time, but you can in fact view those court notices and take down the names of political prisoners.

In my own work where I submit to the Chinese government on a regular basis lists of prisoners, I make it a point that for every prisoner list I try to have at least half the prisoners on that list whose names are unknown in the West, not available in any Western publication. I have obtained those names by going through a careful reading of

on unresolved but rather kind of amicably buried for the time being, border issues in Southeast Asia.

The final point, Mr. Kamm, I felt that the key to his comments really rests on two things: the exemplary approach of what enlightened business or corporation can do in a particular Asian country within their own plant, and I think the bigger step, the bolder step, and I don't necessarily accept his view that it is invariably the case that you can be an advocate for an expanded notion of human rights in these countries without loss to one's own business prospects. I think within the plant I have been very impressed by actually the very high American record in many countries. Indonesia, I think of shoe factories that take heat, you know, from a CBS documentary a couple of years ago on Nike. I mean, the conditions in the Nike plant in West Java are so demonstrably better than those elsewhere that I think the American shoe makers have had a very positive effect in Indonesia labor standards overall. So I feel there is something of a dichotomy there, and I would like to have that addressed.

I will be quiet now. I would like to invite anyone with a question to please step forward to the microphone, and please do us a favor of identifying yourself and if you are affiliated to any organization we would like to hear about that, too. They are racing to the microphone. Would you like to go stand back so we can all hear better?

**Questioner.** I'm Marjorie Lightman from the International League for Human Rights, in New York. Just recently returned from the conference in Beijing, the women's conference. I would be curious to hear—I have been listening, and I came back from the conference in which the gender segregation of the Asian society was immediately evident, and in addition was the degree of organizing within women's communities and within a gender-segregated situation as the effects of urbanization in the new economics area and even political realities are so rapidly changing women's lives despite the articulations that go on in tradition or in values. On the issue of values, the relativism of universal values is a hard-fought issue in Asia. Speaking again back from this conference that women that I saw certainly do not share its relativism but are quite clear on the need for full political equality, social equality and economic equality. I'm just throwing this out.

**Mr. Clad.** Anyone want to respond to that directly? Dr. Weeks.

**Mr. Weeks.** Well, I wasn't volunteering. I doubt I'm the best person.

**Mr. Clad.** I was just trying to tease you out. [Laughter.]

**Mr. Weeks.** Even 25 years ago as a naval officer visiting Japan for the first time and talking to some of my Japanese naval colleagues, I have always been struck how different the public and private role of the women in Asia are, particularly in some of the Northeast Asian countries. For example, in Japan it is not only not unusual, it is the custom, that the woman keeps the checkbook, keeps the family finances, pays all the bills, in other words just like a naval officer's wife. This was very interesting. It's a situation you wouldn't find even now in many cases here. Yet, the public role of women—and I think the evidence is there in some statistics even in as advanced a country as Japan—when it comes to being able to make a sustained career in business and being seen as having a minimum of glass ceilings has been traditionally much less. I have the impression that this is for many social reasons very much in flux throughout the region, and you are seeing a tendency more toward the more independent, outside the house as well as inside the house, role of women in Asia.

However, I'm less sure of how that plays in the Southeast Asian context. Professor Clad has lived closer to that than I have. I just haven't seen the dynamic working. But I think it's an interesting time for woman's role in Asia. I think you probably measure the progress there over the 20 years here is pretty remarkable.

**Mr. Clad.** You have a comment, Mr. Kumar?

**Mr. Kumar.** Yes. I come from a country where we elected the first female head of state in the whole world in 1960 in Sri Lanka. The prime minister, it was the first woman. Her daughter happened to be the current president. The South Asian region for whatever reason had women as head of states one time or another—Indira Gandhi in India, and others in Pakistan and Bangladesh. But does that prove that women are liberated? No. There is no way we are going to accept that women are treated equally or have the equal access to the power structure or even to the job markets. It's an uphill battle. The main obstacle in Asia is the culture. It's entrenched, 5,000 years of practice. It's there degrading women in one form or another. It's a male-dominated society. We have to accept it. So we fight hard. The fight should be twofold. It should be twofold. The fighting is twofold. One is regional. People should fight from within. The international community has a moral obligation to support those groups fighting and also put pressure to the governments who are in the West to adapt new methods so that women can be liberated in Asian countries. Thank you.

**Mr. Clad.** I have a couple of really quick follow-on points. I just want to respond to that because it's a very interesting point. The first is Mr. Kumar is absolutely right. The fact that Mr. Kaleeda and the fact that Ms. Bhuto, Ms. Bandernike, Indira Gandhi, and all the rest have a great deal more to say about dynastic politics than anything else. I think we are all fairly convinced about that. Although in the senior civil services of the South Asian countries you have a quite high representation of women actually because of the other parts of Asia.

Second point is Dr. Week's point. I don't want to take that too far. Yes, it's true in Thailand and Indonesia and parts of it, particularly in Padang areas, Sumatra, and all the rest of it, women will go along with the public persona and then really be running the businesses behind. But I don't think that actually gets us too far down the road. I think your strongest point in some ways is this question about acceptance of relativist values. Here I think looking at human rights in general—I would be interested in your own comments to this—it's not so much that in Asia there's, to my view, a reluctance to accept that these are universal rights because you talk to people away from the microphone or you talk to someone who has been involved in a struggle like this, I mean after all, the hurt and the pain and the quanta of distress are the same and the way they articulate it is universal. But there is a much higher fear of disorder in Asia and the problem is that that enters the continuum. When people posit a choice between liberty and order, the instincts, I think, tend to point more toward the choice of order. I think it's one reason why soft authoritarian regimes as they are described in Singapore and Malaysia and other places I think have a long tether.

Yes, sir, you had a question.

**Mr. Lightfoot.** Let me ask you a quick follow up on that just as a point of discussion. The downfall of the Soviet Union and other things we see happening around the world—how much do you feel that the so-called information age has had to play in all of that and will play in with human rights in China as well as the gender gap in China as the women in China through modern technology, I mean we have access to things we didn't

the Chinese press, making visits to Chinese bookstores, and the occasional passing by of a Chinese court and studying the court notices there.

So it is in monitoring human rights that I think businesses can do the most in Asian countries to promote respect and encourage advances in human rights. It is precisely with respect to that type of exercise that a commission like the CSCE can do a lot of good in training American business people on monitoring techniques just as they have done so successfully in Eastern Europe. I will stop there. Thank you again for inviting me here today.

**Mr. Clad.** Thank you, John Kamm. Also another example of compressed, good expository style. It is a very spirited exposition of the argument that the business community can make a difference. Again, in my long years as a correspondent writing about the business community, I agree with you that I would come into instances of some quite impressive actions taken behind the scenes. I think something that you perhaps neglected to say is that long-term resident business people know their way around far better than perhaps a newly arriving NGO representative has a very good notion of how to make a point without making people lose faith as well.

**Mr. Kamm.** That's right. In fact, I skipped that part of my statement. That would fall under the question of why are business people uniquely qualified to do this kind of work. The very first reason is that they have local knowledge and, most important, they enjoy trust. Remember, when the officials of these governments see a business person coming in the door they don't see an enemy. They see someone with whom they think they share common interests. If they see a human rights activist coming in the door, a member of Congress or a journalist, the defenses go right up. But if a business person goes in there, there's trust. It's up to the business person to figure out how to use that trust.

**Mr. Clad.** I wonder if in the remaining time, I would like to invite Congressman Lightfoot if he has some questions to get them out first. A prerogative if not of the moderating chair then at least sitting up here with the rest of us, I have a few notions I would like to throw it. But then pretty quickly I want to get your input out there and invite you to ask questions as well.

**Mr. Lightfoot.** Well, doctor, I would only add from listening to the three gentlemen here that obviously the language that we are pursuing and the route we're trying to pursue here legislatively is to put in place a mechanism by which we can take the pluses of everything that's been said here plus some other things and put it together in a coherent fashion. The problem we face here on the Hill, obviously, there is a diversified group of people who are interested in human rights, but their approach to how we achieve them are 180 degrees out of phase with each other. There is the one mind set that thinks that we can force China or any other country into improving its human rights by withholding trade, by punishing them in some way.

The other school of thought is just the exact opposite: that in countries such as China the fact that their economy is growing will some day lead to the political changes that have to take place in order for the human rights issue to clear itself up. Going back to the story I told about being a policeman, an outside influence—you can't force people to do that. They have to make up their own mind if they are going to make the changes. I think with what we have seen, particularly in southern China, it's almost like trying to put toothpaste back in the tube. If people in Beijing decide they are going back and

repress that society as they have in the past, and a lot of that is because of the economic freedoms they have enjoyed.

I think one thing that struck me was that in Guan Zhou is what, sixteen thousand Avon ladies? It's an incredible thing which would be the last product you think would sell there, you know, off the top of your mind. But those people are expressing a human right to buy cosmetics and do what they want to do. They couldn't do that in their old society. So I think government has a role to play in it, but we have to get over the idea here that we can do it alone. I think that's one problem in this town is that too often we think government has got all the answers. We probably have most of the questions and very few answers, but it has to be a commingling of all of that. That's one reason I'm pushing very hard to come up with something similar to what's in Europe in Asia because I think it can be done.

Mr. Clad. Thank you, Congressman.

What I would like to do before we begin to draw on the cumulative wisdom of people who are attending this seminar today is draw a little bit on my 27 years away outside this country. I left as a kid from California and came back 4 years ago, most of that time in Asia. So I wonder, if I can, perhaps just to get things stirred and moving here, talk a little bit about each presentation in turn. Not that I am expecting an answer, point-by-point rebuttal of each discussant, but perhaps just to get conversation moving. Mr. Kumar, I think, very ably broke down the areas of Asia that worked to their own cultural temperament. I think though that he may have been just a little bit too dismissive, if that's not too strong a word, of the debate between the Asian and Western values. I mean, this does have a real currency out there and is not merely a cynical device designed to expand Singaporian diplomacy and enable their close relations with China to be further affirmed.

I think there is something in this debate, and having been out there as a foreign service officer and a correspondent, I do think that the Western temperament brings values that are too formally and rigidly defined. Dr. Weeks, as I said, gave a very able exposition of the various collaborative structures that are out there. I think the key points from his comments were that if they are not multi-issue directed, there is not one facet, as he said, similar to the CSCE process before. Asia tends to be very cautious, very informal, and I think he made the point very ably that Asian diplomacy relies on ambiguity. In other words, the absence of ambiguity, which I think is an absolute concomitant of the CSCE process in Europe, was something that, in fact, Asians find, temperamentally and also because of diplomatic practice, very difficult to stomach.

So, in fact, it is the creation of ambiguity which creates security in some cases as well. You'll see this even in South Asia where, for example, the Indian Navy began a tremendous expansion in the 1980's. They never produced even a four-page white paper on what all the naval expansion was about, preferring to leave people to draw their own conclusions. I think that really points to the limits of the ARF process as well. I think you said it very ably, Dr. Weeks, that bilateral—and to some extent—subregional, processes are going to be the way in which individual front-burner security issues are dealt with. I think even subregional is a bit of a stretch sometimes. It's a place in which there are very major front-burner issues. The Taiwan Strait is one; the Korean Peninsula is another. In a lesser but very significant way, the unresolved territorial issues in the South China Sea and perhaps even issues of political succession which will impact immediately

have 20 years ago communications-wise. As they see how things are in other parts of the world and then a desire for that sets in and they eventually, through their own social structure, bring that into the political arena, the information age to me is probably going to have as much a role in this as what any—and with all due respect to the State Department—our diplomatic corps does.

**Mr. Clad.** Yes, Congressman, I agree, but up to a point. I don't want to keep these people waiting to ask questions. But I will very quickly respond. I remember in Karachi Airport a sudden hush falling across the entire concourse. Everyone turned around and looked at the screen, and it was CNN. I thought, Who has been killed, what's happened now, what plane do I have to catch? In fact it was an American woman talking to her doctor about very intimate things. In fact, it wasn't even the intimate things. It was the fact that she was talking to her doctor and saying, Well, these are health problems, these are women's issues. It had this absolutely mesmeric effect, quieting effect on the crowd, and I was struck then by how prevalent these images are.

I remember going to Kashmir and people said when the insurrection broke out there, well, you know what's been going on recently. I scratched my head and tried to be a good Asianist, you know, regional scholar thing, something in Afghanistan? They said no, you fool. It's the fall of the Ceausescu dictatorship in Romania. Indian television had been carrying these pictures like idiots and the screen all around and, of course, it had a very galvanizing effect. With that said, I think that those pictures played both ways. They suggest disorder, and they also play into the hands of people saying, "Do we want to be part of this vast, detribalized Western-led agenda?" Many people don't find that very comforting.

Yes, sir?

**Questioner.** I'm David Little from the U.S. Institute of Peace. I have a question for Mr. Kumar and Mr. Kamm. Mr. Kumar, do you of your experience agree with the proposition that human rights is good for business? I recognize that AI is not in the business of treating economic rights. Nevertheless, I suppose you have some general observations which might be pertinent.

To Mr. Kamm, I have read a number of human rights reports recently which really assert the opposite from your proposal; namely, that in certain areas in China and elsewhere there is a positive correlation between disregard of workers' rights and low wages and relative economic success and achievement. Are these reports utterly mistaken? Is there no basis in fact for them? Is the picture somewhat mixed or what?

**Mr. Kumar.** Yes. We strongly support what Mr. Kamm discussed here. I was so impressed by the presentation that I already started taking notes. For your information, he and Amnesty International have been working for a long time together. I am so happy that we have someone like him in the business community who is taking this as a priority. We wish to find more people like him coming out and doing it. Thank you very much.

**Mr. Kamm.** Let me address that as a business person first because as a business person who has been in Asia, working in Asia for more than 20 years, we are often accused as Americans of taking a short-term view of business in a particular country. I would say that companies that abuse and exploit their workers and collaborate with repressive security apparatus and perhaps gain something are taking a very short-term view.

The moment that another factory enters that area that has a reputation for respecting its people, then those workers to the extent that they can will flock to that factory. In business you can find in almost every sphere of activity a short-term and a long-term approach. If I have a chemical factory it costs money for me to shut my factory down to maintain it. If I'm in competition with another fellow down the street who never shuts his factory down, at the end of say 6 months, he'll say, "Well, you just shut your factory down last month and I kept rolling right along. Look at my profits. I have got more money than you do right now. I have made more profits in the last 6 months. You were foolish to shut your factory down." But I guarantee you after a year or so of operating like that something is going to happen to that person's factory that's going to shut it down for a long time, perhaps an explosion or a strike or the government's going to come in and find phenol in the water run-off.

So it's the contrast between the short-term view and the long-term view. Yes, I agree that there are probably people who think that concentration camps were very efficient in the sense that they didn't pay the workers anything and they got a product out of it. But I don't think anyone out there would believe over the long term that that's a solution to profitability in investing. Finally let me just say, when I look at the different human rights groups—and I work with many around the world and have good relations, I think, with about a dozen of them—I have always been very impressed with the way Amnesty has approached the question of economics and human rights. I think we'll be doing even more work in the future on this question.

I do believe if we could somehow make the case, if we could somehow convince the business community that promoting human rights is good for business, we would do so much more good in this world than promoting business for human rights. Our big problem right now is that too often I think the business lobbies have made the point that business is an unqualified good for human rights. That has led business people to the conclusion that, you know, as long as I do business, as long as I'm in the country and I'm operating or I'm trading, that in and of itself is good. I'm not saying that it's bad. But I think what we need to do is approach it from the other side, and ask that basic question: Are human rights good for business? That's what we have to answer, I think, to the business community's satisfaction.

**Mr. Clad.** Very quickly to put this in perspective, you know, you don't have to go very far in industrial history to see examples even in the late eighteenth century, certainly during the nineteenth century, where enlightened industrialists would make sure that the conditions were tolerable and then some. They would describe it as a strict labor efficiency question. I think, for example, if you look at Southeast Asia where strike activity has been most prevalent you'll find it. For example, in Jakarta you always hear that the Koreans have this dreadful labor management representation; Japanese far better. It's not by accident that the Koreans are most strike-hit. Overseas Chinese management in some places, particularly Taiwanese, has also elicited strike action as well in some of the other places.

I think there's another aspect, too, and perhaps it feeds into your point is that skills upgrading means you simply can't treat, for example, middle ranking Singaporean engineers in the way that you can, let's say, the first generation of people who come into a factory. They're finding this in the industrialization now of Southeast Asia: you reach a particular point where you want to retain skill levels, and that sort of carries with it almost in a lockstep the need to respect people better, and not to assume that you can

truck in a replacement, because you've trained somebody and you don't want to lose him and so on.

I'm sorry. I'm rambling on. This gentleman's been waiting patiently for his question.

**Questioner.** My name is Michael Lund. I'm with Creative Associates. For the last month or so, I was with the U.S. Institute of Peace up until then, working on preventive diplomacy.

You talked about human rights and economics. I'd like to turn a question in the direction of security issues, but I'll pick up on Mr. Kumar's challenge at the end. He said that the challenge is, in effect, discerning whether the Asian way is valid or not, and I suppose you'd put it in terms of gets results through other means, perhaps, and ask Mr. Weeks a couple of related questions.

First, about the dialog approach that the ARF has used: I don't say this in a challenging way. I'm just interested in what anecdotes and information you have. Can you cite examples or instances in which, perhaps, the dialog approach has had results that are real important in terms of the very serious security issues that Mr. Gladstone mentioned, as against alternative approaches externally imposed, and so on?

If you can, what do you think is the reason those results are obtained? Is it that there's a certain regional pride that they want to demonstrate to the rest of the world that they can do this on their own? Is it because of the fact there are bilateral alternatives in the background that, if they didn't do it, somebody else in another way might impose pressure, so therefore, those pressures from the U.S. and other countries are necessary to the workability of the regional approach?

Is there a kind of collective pressure that's put on the big boys, like China, by the very fact that there's a lot of other people around the table and it's becoming a more visible thing?

So I'm just interested in your reflections on how it might work.

Then I was interested in your point about how bilateral and subregional mechanisms may be actually necessary to actually get good agreements in force specific things. It's just the utility of smaller entities as against wider regional entities and the various roles that they may play. The regional organizations may promulgate sort of general standards and so on, but the particular forums may hammer out the specific agreements, but both of them are necessary for different—for different things, so I'm just wondering about your reflections on some of those questions.

**Mr. Weeks.** Thank you. Let me take up the first point as to some concrete examples of the value of the dialog approach. There has been a dialog sponsored by the Indonesians, with the assistance of Canada, of course, on the South China Sea-Spratley Islands issues, looking at trying to build bridges in less controversial areas like development of resources and other aspects of those regions, scientific research, those sorts of things.

That's been going on about 4 years. It's had some value, but, more important, I think, to tie it into the structures we've talked about today or the developing processes, this year, I mentioned that the ARF was a brief, 1-day meeting, but frank. It really was. Surprisingly, although they touched on it last year, even more surprisingly in the first ARF, but this year there was quite a discussion in the ARF with the PRC and other regional countries on the South China Sea issues, both freedom of navigation and the security aspects of possible conflicts over the Spratleys—and bear in mind that just a few months earlier, you'd had the Chinese-Philippine tiff over Mischief Reef.