

Address to Seton Hall University: President Mohammad Khatami, Islamic Republic of Iran

November 9, 2001

In the Name of God, the Compassionate, the Merciful

The situation of our world today has radically changed from the past. This transformation, which we have witnessed over less than two decades, has been brought about by the global system of communication. The verdict of technology has inter-related hitherto disparate spheres of culture and religions. In our world today, the issue of political seclusion transgresses the boundaries of morality and falls into the realm of impossibility. Yet, it cannot be denied that cultures, civilizations, and nations have their differences that we should not disregard. It is for this reason that we see, as our world gets ever more globalized, various cultures and national as well as cultural preferences get accentuated.

This diverse plurality on the one hand, coupled with unprecedented inter-relatedness on the other, has the potential to lead into interminable war and devastation, as it permeated the last century. It could, on the other hand, be a harbinger of an era of peace and humanity, should we base communication among nations upon a sense of mutual understanding and empathy. The call to Dialogue among Civilizations as welcomed by the international community adopts this latter approach.

Today, at the dawn of the third millennium, we cannot afford to ignore the despicable phenomenon called terrorism. The discourse of terror can only gain ground when all other means of establishing sound relationships in human societies have failed, and as such it drives humanity into an impasse where violence escalates and runs its roots ever deeper.

Love and compassion are divine gifts to the human soul, which provides the very keystone of relationships between human beings with God, among human beings themselves, and between humans and the universe. Humanity today, more than ever needs to appreciate this fundamental tenet of religiosity and spirituality. Believers in all religions share in this crucial understanding even though in human history, we can regrettably see that unjustifiable human error has often turned religion into an instrument aimed at justifying inhuman behavior and restricting the scope of human interaction. But this surely contradicts the purpose of God and divine messengers.

Our call to Dialogue among Civilizations is an invitation to replace the discourse of violence and hostility with a discourse of mutual understanding and reason. Any dialogue among civilizations and cultures is incumbent upon taking into consider-

ation the most fundamental cultural and civilizational element, that is religion, beyond historical prejudice and fanaticism.

In such a dialogue, we should emphasize bright points of essential concordance, and leave aside divisive issues, which derive not from the essence of religions but only from historical factional conditions and only when fanaticism prevails over fairness.

Leaders, scholars and thinkers in our world today play a key role in nurturing the common human yearning for truth, understanding and compassion, and in freeing us all from historically conditioned prejudice.

One cannot but wonder in bewilderment at the insurmountable gap between Jesus Christ who was all for love, beauty, freedom and compassion on the one hand, and the appalling character of a cardinal who sides with Satan and whom Dostoyevsky mockingly calls “the Chief Inspector” in his *Brothers Karamazov*.

The gap is so insurmountable between the teachings of Moses, who strived not only to set the Israelites free from the injustice of the Pharaoh, but indeed aimed to set humanity free from slavery and to establish justice, on the one hand, and the violent racist misinterpretation that has driven a nation out of its homeland, and subjects them to perpetual massacre in their own land.

Islam too calls “In the Name of God, the Compassionate the Merciful” in the Holy Quran as well as in all Islamic ritual, and stresses God’s compassion and mercy as prevailing over His other attributes. But unfortunately, we see how an obscurantist misrepresentation of Islam terrorizes the world and who ever does not share in its fanatical illusions, subjecting innocent women, men and children to blind wrath misnamed a Holy War or Jihad.

September 11th tragedy caused by the terrorists must have awakened us to the necessity of finding a way to save humanity, and to engender hope for the future.

Our world yearns for peace, and true peace can only come about through changing ourselves and our world. We should heed the divine commandment and strive to establish justice for all humanity. Religious scholars face a particularly challenging responsibility at this juncture in time.

Our world is weary of war and violence and longs for a coalition aimed at establishing peace, a peace based upon justice. We should strive to base our coalition upon compassion and justice as opposed to violence and terror. Only through such an effort can we hope to eradicate terrorism.

The most crucial point would be for us to emphasize our many commonalties, the most significant of which is the belief in One God who is Wise, Just, Compassionate and Merciful. We also ought to recognize the intimate connection between the human spirit and the spirit of the universe that is eternal and everlasting. Another point of common departure is to realize that human life transcends the boundaries of everyday mundane life, and it should progress toward morality in individual and collective life. Respect for human rights wherever they are, and accepting for every human being a right to knowledge, freedom, and having a good life, shall result from the prevalence of justice in the world and in human relations.

The modern world has undoubtedly bestowed many rewards unto humanity, but

it seems to have neglected a crucial truth, and consequently to have fallen victim to escalating war, violence and terrorism. We need to remind ourselves of that crucial truth.

Modern society takes human reason as the organizing principle for all institutions, laws, social and civil relationships, and human rights. Even various forms of collectivism, meant to counterbalance excessive individualism, build upon a plurality of human reason. It is true that in the Bible, both the Old and New Testaments, as well as in the Quran, the human individual is addressed. By listening to the divine call, human reason is elevated to human personhood. Religions teach us that the central prominence of human beings in the universe is not caused by their individuality or their collectivity, but stems from our being addressed by the Divine. The divine call elevates the human spirit and thereby makes possible the establishment of justice in the world. Should we in the modern world realize this truth, and should we prepare ourselves to recognize the divine call, we shall be able to transcend from individuality to personhood.

All human beings have been addressed by God, and are all His servants. As such, undeserved privileges shall be abolished, and all humans shall be deemed equal in determining their own destiny.

Ladies and Gentlemen

The Constitution of the Islamic Republic of Iran, endorsed by the great nation of Iran with the aim of establishing a system of government by the people and for the people based on religion, recognized God as the source of sovereignty, and states that He has bestowed human beings with the capacity to determine their own destiny.

Government by the people and for the people, an ideal which we all value, is indeed attainable through this approach. Thereby the privileges of democracy are augmented with spirituality in human society. The lack of such an element has already caused too much carnage in our world, and its neglect bodes even further destruction.

Humans are in search of meaning and morality. And religion fosters meaning and morality. However, we should always bear in mind that morality is concomitant to freedom and not coercion. The first precondition for having a moral society is to have a free society, where freedom is understood. Another precondition is to have justice prevail in the society. Morality and meaning can be experienced in a society where human dignity is preserved and human rights are respected. By having these goals realized, democracy can be experienced from the vantage point of religion and morality, and enjoyed by all.

Foreward

by Giandomenico Picco

Over the last decade much has been written about the weakening of the nation state, and for good reason. The perpetrators of the September 11th attacks have indeed given to the nation state a new breath of life.

Whether they knew it or not, the terrorists gave an injection of strength to the nation states, which nobody else had been able to give. Only the nation state has been seen as able to protect its citizens from terrorism. Only the nation state can rapidly execute operational activities called for to face a threat of such a magnitude. The globality of the network has further encouraged various nation states to unite in a coalition of the like minded, further strengthening the role of intergovernmental institutions that the phenomenon of globalization in communications had begun to undermine. Far from leading an attack at the heart of a state or a group of states, the terrorists have provided a new *raison d'être* to those very states. They have provided a sense of common purpose to the international community of states to the point of making possible the rapprochement between countries previously at odds, or not very friendly - with each other. Differences seem to have become smaller, disagreements may have been postponed or even overcome, priorities have changed and more unity at the international level has emerged.

The global terrorist networks have made full use of the concept of enemy in the most traditional sense: enemy as a tool to manage power. Can we imagine the unelected and unaccountable leadership of a terrorist group exercising such power over their soldiers and supporters without the existence of an enemy? Hardly, for that would require a leadership able to offer a vision of positive values which stand by themselves. In other words - would these groups exist without an enemy? Or, is the enemy an existential necessity? They could hardly claim as the old philosopher: "I am because I think". Rather "they are because they have an enemy."

The events of September 11th have not taken us one step closer to a clash of civilizations. They have shown however that some would like very much to provoke such a clash, for it would assure them with a "perpetual enemy". Those events seem to be even more important for the Islamic community at large. An extreme group has laid its claim for the heart and soul of that community. Will it be left unchallenged?

The mindset of dialogue may seem a real threat to those who need an enemy. By preaching that diversity is not a threat but a wealth, we are attacking the very heart of

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a culture of violence. Could the dialogue be such a powerful instrument? Can the dialogue become the anti-terrorist manifesto or at least the anti-terrorist banner?

Dialogue needs a solid underpinning: one that only a global ethic can provide. Both Dr. Hans Küng and Dr. Javad Zarif have provided their view of such an underpinning in the essays contained in this issue of the journal. Both are members of the Group of Eminent Persons appointed by the UN Secretary General for the Year of Dialogue among Civilizations. The book which we all co-authored, "Crossing the Divide", was published by the School of Diplomacy at Seton Hall University. It was presented to the UN and its membership in November 2001.

Global Politics and Global Ethics

Status Quo and Perspectives

By Hans Küng

I. PARADIGM CHANGE IN INTERNATIONAL RELATIONS

I begin with three symbolic dates that, despite the questionable nature of calendar chronology, signal the new paradigm in international relations that is slowly and laboriously establishing itself: its announcement (1918), its realization (1945), and finally its breakthrough (1989).

In 1918, the First World War ended with a net result of around 10 million dead, the collapse of the German Empire, the Habsburg Empire, the Czarist Empire and the Ottoman Empire. The Chinese Empire had collapsed earlier. Now there were American troops on European soil and the Soviet Empire was in the making. This marked the beginning of the end of the Eurocentric-Imperialistic paradigm of modernity and the dawning of a new paradigm.

That new paradigm had not yet been defined, but had been foreseen by the far-sighted and enlightened, and was first set forth in the arena of international relations by the United States of America. With his 'Fourteen Points,' President Woodrow Wilson wanted to achieve a 'just peace' and the 'self-determination of the nations,' without the annexations and demands for reparations some in Congress wanted.

The Versailles Treaty of Clémenceau and Lloyd George prevented the immediate realization of the new paradigm. Instead of a just peace, there emerged a dictated peace in which the defeated took no part. The consequences of this approach are well known: Fascism and Nazism (backed up in the Far East by Japanese militarism) are the catastrophic reactionary errors which two decades later led to the Second World War, which was far worse than any previous war in world history.

1945 saw the end of the Second World War with a net result of around 50 million dead and many more million exiled. Fascism and Nazism had been defeated, but Soviet Communism appeared stronger and more formidable than ever to the international community, even though internally it was already experiencing a political, economic and social crisis because of Stalin's policy.

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Again, the initiative for a new paradigm came from the USA. In 1945 the United Nations was founded in San Francisco and the Bretton Woods Agreement on the reordering of the global economy was signed. Then in 1948 came the Universal Declaration of Human Rights, along with American economic aid for the rebuilding of Europe and its incorporation into a free trade system. But Stalinism blocked this paradigm for its sphere of influence and led to the division of the world into East and West.

1989 saw the successful peaceful revolution in Eastern Europe and the collapse of Soviet Communism. After the Gulf War it was again an American president who announced a new paradigm, a 'new world order,' and found enthusiastic acceptance all over the world with this slogan. But in contrast to his predecessor, Woodrow Wilson, President George Bush had no idea what this 'vision thing' for the international order should look like. So today the question arises: over the last decade, have we again forfeited the opportunity for a new paradigm?

I am not convinced that this is the case. After all, despite the wars, massacres and streams of refugees in the twentieth century, despite the Gulag archipelago, the Holocaust and the atom bomb, we must not overlook some major changes for the better. After 1945, over and above the numerous grandiose scientific and technological achievements, the ideas set forth in 1918 that had been pressing for a new, post-modern and overall global constellation were able to better establish themselves. The peace movement, the women's rights movement, the environmental movement and the ecumenical movement all began to make considerable progress. There emerged a new attitude to war and disarmament, to the partnership of men and women, to the relationship between economy and ecology, to the Christian confessions and the world religions.

After 1989, following the end of the enforced division of the world into West and East and the definitive demystification of both the evolutionary and now also the revolutionary ideology of progress, concrete possibilities for a pacified and co-operative world have begun to take shape. In contrast to European modernity, these possibilities are no longer Eurocentric but polycentric. Despite all the monstrous defects and conflicts still plaguing the international community, they are post-imperialistic and post-colonial, with the ideals of an eco-social market economy and truly united nations at their core.

In a perceptive article on 'The Political Framework for a Global Ethic'¹, distinguished political scientists have pointed out to incorrigible pessimists that despite the terrors of the twentieth century there is 'still perhaps something like a hesitant historical progress.' Over the last century, the formerly dominant political orientations have been banished for good.

For one, imperialism has no scope in global politics after de-colonialization. Moreover, since the end of the South African apartheid regime, racism, a consistent policy of racial privilege and racial discrimination, is no longer the explicit political strategy in any state. Likewise, in the lands of Western Europe from which it originated, nationalism has become a non-word and for many people is being replaced by 'European integration.'

Along the same lines, by means of empirical and statistical investigations, in Heidelberg a research group of political theorists have noted two unequal faces of the twentieth century. The first half, a continuation from the nineteenth century, shows 362 wars, 'wars' being understood 'as clashes between at least two parties of comparable strength carried on with organized violence which are of some duration and are marked by high losses.'² By contrast, the second half shows only 98 wars (i.e. around a quarter of the first half), although the number of states has increased more than fourfold since 1945.

Over and above the mere statistics it is decisive that whereas the African, Asian and Islamic worlds continue largely to be governed by traditional national power politics, according to the Heidelberg researchers, in the Western European countries in which imperialism, nationalism and racism originated and which have caused the majority of wars, including the two world wars, a paradigm change can be noted. There is a move away from the confrontational politics of national power and prestige, sometimes pursued with military means, which after two world wars has clearly failed. The movement now is toward a novel political model of regional co-operation and integration, and is attempting to peacefully overcome centuries of confrontation. The result, not only in the European Union but also in the whole sphere of the OECD (Organization for Economic Cooperation and Development, founded in 1948 and developed in 1960), including all of the Western industrial countries (the European countries, Canada, Australia, New Zealand, Japan, and above all the USA) is half a century of democratic peace. That truly is a successful paradigm change!

So after this all too brief historical tour I want to move to the fundamental definition of the new paradigm of international relations. I have received much stimulation and support in a discussion within the small international group of experts which was convened by UN Secretary-General Kofi Annan for the UN year of 'Dialogue of the Civilizations' 2001, an endeavour which in the autumn is to produce a report for the UN General Assembly.

II. THE NEW PARADIGM FOR INTERNATIONAL RELATIONS AND ITS ETHICAL PRESUPPOSITIONS

On the basis of the experiences in the EU and the OECD, the new overall political constellation can be sketched briefly as follows. Here, ethical categories cannot be avoided. In principle, the new paradigm means policies of regional reconciliation, understanding and co-operation instead of the modern national politics of self-interest, power and prestige. In specific, the exercise of political action now calls for reciprocal co-operation, compromise and integration instead of the former confrontation, aggression and revenge.

This new overall political constellation manifestly presupposes a change of mentality, which goes far beyond the politics of the present day. For this new overall political constellation to hold, new approaches to international politics are needed.

For one, new international organizations are not enough here; what is needed is a

new mind-set. National, ethnic and religious difference must no longer be understood, in principle, as a threat but rather as possible sources of enrichment. Whereas the old paradigm always presupposed an enemy, indeed a traditional enemy, the new paradigm no longer envisions or needs such an enemy. Rather, it seeks partners, rivals and economic opponents for competition instead of military confrontation.

This is so because it has been proven that in the long run national prosperity is not furthered by war but only by peace, not in opposition or confrontation but in cooperation. And because the different interests that exist are satisfied in collaboration, a policy is possible which is no longer a zero-sum game where one wins at the expense of the other, but a positive-sum game in which all win. A practical consequence of this for the diplomatic service is that ambassadors in the new paradigm no longer have to function as elite secret diplomats in the style of Bismarck but as political advisers, crisis managers and public relations agents in the service of their land and its citizens.

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Of course this does not mean that politics has become easier in the new paradigm. It remains the 'art of the possible,' though it has now become non-violent. If it is to be able to function, it cannot be based on a random 'post-modernist' pluralism. Rather, it presupposes a social consensus on particular basic values, basic rights and basic responsibilities. All social groups must contribute to this basic social consensus, including religious believers and non-believers and members of the different philosophies or ideologies.

In other words, this social consensus, which cannot be imposed by a democratic system but has to be presupposed, does not mean a common ethical system, but a common basis of values and criteria, rights and responsibilities: a common ethic, an ethic of humankind. This global ethic is not a new ideology or 'superstructure,' but gathers together the common religious and philosophical resources of humankind. It should not be imposed by law but be brought to public awareness. To use the words of the political theorist Alois Riklin of St Gall, a global ethic is simultaneously 'orientated on persons, institutions and results.'³

To this degree, a global ethic does not just focus on the collective responsibility to the relief of any responsibility the individual may hold (as if only the 'conditions,' 'history,' and the 'system' were to blame for specific abuses). Instead, it is focused in a particular way on the responsibility of each individual in his or her place in society and focuses quite specifically on the individual responsibility of political leaders. Free commitment to a common ethic does not of course exclude the support of law but rather includes it, and can in some circumstances appeal to the law. Such circumstances include cases of genocide, crimes against humanity, war crimes and aggression contrary to international law. More recently, recourse for such violations can be had

to an International Criminal Court in The Hague, specifically when a treaty state is unable or unwilling to inflict legal penalties on atrocities committed on its territory.

What positive demands does the new paradigm of international relations make on the responsible politician or statesmen? I shall now go on to describe this.

III. GLOBAL POLITICS AS GLOBAL RESPONSIBILITY

. . . global politics with an ethical orientation does not mean a complete subordination of politics to ethics. . .

One misunderstanding must be avoided from the start: a global politics with an ethical orientation does not mean a complete subordination of politics to ethics, since this does not do justice to the autonomy of politics. Furthermore, it leads to a moralism which asks too much of morality; calculations of power and self-interest cannot be neglected in domestic or foreign policy. Conversely, however, a global politics with an ethical orientation is resolutely opposed to a complete detachment of politics from ethics. Such 'Realpolitik' is ultimately unrealistic: it violates the universal validity of ethics and leads to amoralism. Values, ideals and criteria must not be neglected by politics if it is to serve humankind. In the face of a largely individualistic society and any militarized foreign policy that may occur, ethical responsibility is to be emphasized.

Here political science must indeed realistically start from what is, but it must not neglect what should be. Political science must certainly begin from the highly ambivalent reality of human beings and their world. At the same time – in contrast to the 'realist' school of Hans Morgenthau, (Morgenthau was a major influence on Henry Kissinger. I have analysed both these figures at length in my book *A Global Ethic for Global Politics and Economics*), it must not lose sight of the humanity of human beings and the great unexhausted possibilities of humankind, in particular in relation to power. Also, the supreme criterion for political action may not simply be reality, which can also mean bestiality in politics, but rather the humanity in which morality is rooted. In this way and degree, ethics always goes against the facts. That ethics, for example those found in the Decalogue, are time and again flouted is not an argument against them but an argument for them. Without ethics, human beings and their world would be even more inhuman.

If a new post-modern paradigm of politics is to become established in today's world despite some general resistance it does not need unscrupulous old-style strategists of power. Rather, it needs more authentic statesmen like the great figures of post-war Europe: statesmen who show intelligence, resolution, effectiveness and steadfastness, but who at the same time have an ethical vision and concrete concepts of co-operation who, with a high awareness of their responsibilities, know how to actualise them.

So a politics based on an ethic of responsibility in the spirit of Max Weber and

Hans Jonas means a middle ground between amoral Realpolitik and moralizing Idealpolitik.

IV. DIALOGUE BETWEEN CIVILIZATIONS INSTEAD OF A CLASH OF CIVILIZATIONS

'*Opus iustitiae pax*,' originally a saying of Isaiah, plays a significant role in Augustine and Thomas Aquinas and thus in the whole Christian tradition. According to this thinking, peace is a fruit of justice. This strain of thought also emerged from our historical tour: 'Versailles' is the prime example of how a peace treaty which was perceived to be unjust and unavoidable resulted in new conflicts, indeed a new world war. Potsdam, Dayton and Kosovo are further examples. The Heidelberg research group mentioned above has calculated that of the 104 wars between 1945 and 1995, no less than 79 led to further conflicts and 65 of these conflicts led to further wars.

Conversely, however, there are sufficient examples of peace treaties that have been felt to be just in all decisive aspects by all parties to the conflict and have therefore been able to create a lasting peace. The Saar agreement between Germany and France (1956), the frontier adjustments between the Netherlands and Germany (1960), the Camp David agreement between Egypt and Israel (1970), and the reunification of Germany after the two plus four negotiations (1990) are just such examples.

One does not need to have spoken personally with Jimmy Carter to know the ethical, and in the new paradigm therefore also political, will which motivated this committed Christian to achieve a peace agreement between Menachem Begin (a Jew) and Anwar al-Sadat (a Muslim) at Camp David. I would also want to mention that it was the ethical will behind Tony Blair's indefatigable political commitment to peace in Northern Ireland that led our Global Ethic Foundation to invite the British Prime Minister to give the first Global Ethic Lecture in Tübingen in June 2000.

On the other hand, an analysis, say, of the conflict in Yugoslavia shows that in its very first phase in 1992 neither President Bush nor the great European powers had any ethical and therefore political will to resist, with any credible threat of sanctions, the blatant Serbian aggression which included the bombing of a civilian population. Secondly, over past decades Catholic and Orthodox church leaders, in contrast to those in South Africa, have in no way made use of the possibilities their power gives them to work through the misunderstandings, traumatic memories and hostile stereotypes present in Yugoslavia. Church leaders could have helped by initiating and seeing through an authentic dialogue that would have held the country together in a federation based on the Swiss pattern of building up a network across divisions.

So was a 'clash of civilizations' inevitable here? The answer is no, not at all. As early as 1984 I formulated the principle 'No peace among the nations without peace among the religions.' As a theologian, not least in 1992 with my speech at the United Nations headquarters in New York on 'Global Responsibility: A New World Ethic in a New World Order,' I committed myself to ensuring that the real potential of religions to work for global politics and world peace was taken seriously. Then in the

1990s I noted with satisfaction that Samuel P. Huntington, a prominent political theorist from the 'realist' school, had come forward. Unlike other, more superficial politicians and political theorists, Huntington perceived the conscious and unconscious depth dimension of conflicts in world politics and thus drew attention to the fundamental role of religions in world politics. Huntington's Harvard colleague Henry Kissinger, however, is of a completely different view. In Kissinger's monumental work, *Diplomacy*, he does not pay the slightest attention to a religious explanation and does not so much as mention political-religious figures like Mahatma Gandhi, Dag Hammarskjöld and Martin Luther King. Moreover, politicians of modernity like Lech Walesa and Václav Havel only get a short sentence.

After Huntington's article, more and more politicians and political theorists have observed that global politics is not only multi-polar but also multi-cultural and multi-faith. In estimating potentials for future conflict we must move beyond doubt and take seriously the possibility that conflict in world politics could take place between groups and nations of different cultures. After all, it is worth reflecting that the state frontiers drawn up by the real politicians of modernity in Eastern Europe and also in Africa pale before the primeval frontiers that are now formed by different groups of peoples, religions and confessions. Lines of conflict are visible between Armenia and Azerbaijan, between Georgia and Russia, the Ukraine and Russia, and even more between different peoples in Yugoslavia, and finally also the Hutu and Tutsi within several different states in central Africa. So Huntington is not inherently wrong with his prognoses that realistically we have to reckon in the future with culturally conditioned conflicts.

Though I do not think that the principle behind Huntington's fundamental thesis is right, I still want to make three chief objections to it.

A first objection is that Huntington's clash theory is misleading in that it presents a simplistic system of co-ordinates. Huntington overlooks the fact that the oppositions within civilizations like, say, within Islam, are often greater than those between Islam and the West. The most recent wars of all have very often taken place between rivals of the same civilization. This was the case between Iran and Iraq, Iraq and Kuwait, and in civil conflicts within Algeria, Somalia, Sudan, Rwanda, and Afghanistan... Cultures or civilizations as such do not figure on the stage of world politics, nor can individual states be recognized as their main agents. There are even alliances between members of different cultures, e.g. the USA with Japan, South Korea and Taiwan, and likewise in the coalition of the Gulf War.

A second objection is that Huntington's theory of a clash encourages thinking in terms of blocs. For example, thinking that pits the West against Islam or the West against Chinese-Confucian civilization. Huntington marks out each of the seven or eight 'civilizations' from one another and connotes them as monolithic entities, as if in reality they did not overlap or often, down to the big multicultural cities in Europe and America, interpenetrated one another.

A third objection is that Huntington's clash theory overlooks the common features between and amongst civilizations. Within one Christianity, he segregates East-

ern Orthodox civilization from that of the West and Western-North American civilization from that of Latin America, everywhere bringing out the confrontations between civilizations without even considering fundamental elements that these civilizations have in common – not to mention the common features shared by Islam and Judaism.

All three objections together mean that a battle of civilizations and religions is not inevitable. In principle it seems to me questionable whether there is any unitary global model of explanation at all in today's new multi-polar world, a world after the end of the Cold War and its bipolar consolidation of fronts. A sober assessment of the global situation will indeed take the cultural and religious dimension of global politics seriously, but it will not paint over all other dimensions.

Global peace among religions and ethnic groups is the presupposition and motivating force for a global peace among nations; increased militarization is not.

Here perhaps a consensus can be found in the discussion, which I will formulate in three key steps. (a) The extra-political conflicts of the post-modern era, just like those before it, are still for the most part about territories, raw materials, trade and money, i.e. about economic, political and military power. (b) The ethnic and religious differences and rivalries are certainly not the only paradigm or system of coordinates that explain territorial clashes, economic rivalry and power interests of every kind. Rather, they are the constant underlying structures in light of which the political, economic and military conflicts that have always occurred and continue to occur can be justified, inspired and dramatized, but also toned down and pacified. (c) Civilizations and religions do not form the surface dimensions of all conflicts and therefore all conflicts are not this easy to map. Rather, with their extremely different paradigms, ethnic and religious differences and rivalries form the depth dimension of many antagonisms and conflicts between and among nations, which are by no means to be neglected. However, these antagonisms and conflicts are often even more present within nations, in individual cities, schools and indeed within families.

Therefore, my conclusion is that the allegedly unavoidable global clash of civilizations prognosticated by Huntington, a Pentagon expert, at best serves as the new strategy that individual military strategists and politicians need after the Cold War. For example, Huntington's thesis serves to underpin the need for an American anti-missile shield which, to put it briefly, is unnecessary, unlikely to be operable in the near-term, and, above all, an infringement of international law and the anti-ballistic missile treaty. Moreover, such a shield serves to destabilize the Russian-American nuclear equilibrium. Nevertheless, the USA has already spent billions of dollars on it and apparently wants to spend 60 billion more, though there is not enough money for elementary needs in social and development policy within the U.S.

Such misplaced spending is also an ethical question for policy-makers, a question

with an obvious response: No. The vision for humankind that leads to the future is not a clash of civilizations but a dialogue among civilizations. Global peace among religions and ethnic groups is the presupposition and motivating force for a global peace among nations; increased militarization is not.

V. RELIGIONS IN GLOBAL CONFLICTS

Political theorists have documented the ambivalent role of religions in political conflicts at the turn of the millennium in informative articles and have presented a perceptive analysis of them in light of a global ethic.⁴ Such a documentation is evident in V. Rittberger and A. Hasenclever's *Religionen in Konflikten*, and Hans Küng and Karl-Josef Kuschel's (eds), *Wissenschaft und Weltethos*. Going beyond criticism of Huntington's clash theory, the first two political scientists state that conflicts among religions are above all based on conflicts over modernization. They argue that traditional religious convictions are exploited by rising elites to build up protest movements against aspects of modernization. In other words, fundamentalist movements are reactions to the failure of the state in coping with crises brought about by the necessity for modernization and development; political radicalization of religion regularly follows economic and social impoverishment. I do not pretend to know whether this is always the case. Certainly, many militant clashes arise less from conflicts over religion and culture than from conflicts over power and economic distribution. Rittenberger has written that if it is possible at all to speak of a "clash of civilizations" in societies shaken by crises, this can be done only when this clash in turn has roots in economics, society and power politics.⁵

According to these political theorists, however, religions can play a role not only in exacerbating conflicts but also in de-escalating conflicts: in conflicts which represent a fundamentally unavoidable basic social phenomenon they can counter acts of violence with a peaceful approach. The probability that the dominant elites will opt for strategies of violence depends on two factors. On the one hand this will happen where there is the possibility of mobilizing followers who are ready for sacrifice; this mobilization is more likely in conflicts over existential values than in ordinary conflicts of interests. On the other it will happen if there is support from the social environment, by the population.

At all events the mixture of political goals of elites and the religious convictions of the masses produces a 'highly explosive combination'. Religious symbolism heightens the claims of all parties involved, increases their readiness for sacrifice and demolishes all trust between the parties in the conflict. In light of these circumstances how can the danger of escalation be minimized? What are the possible *counter-strategies* to such mobilization and antagonism. In present-day research into peace and conflict three things above all are discussed:

For one, *strategies of development and democratization* which improve the economic and social basis of the societies concerned are fundamental. However, they presuppose a state which is capable of action, and this is not the case in many lands of

the South that are shaken by crises.

Second, there is considerable scepticism about *strategies of intimidation and oppression*. Apart from special instances, the success of such strategies is highly doubtful as seen from experiences ranging from Algeria to East Timor.

Third is the *strategy of dialogue* which has become increasingly important for peace research. This strategy attempts to reinforce the moderates in a society rather than the militant fundamentalists. Moderates in turn tend to regard the use of violence in political controversies as inappropriate and morally reprehensible and therefore refuse to support armed conflict.

Thus the strategy of dialogue aims at influencing inner attitudes in order to win the proverbial 'battle for minds and hearts' argument. Here the political theorists see 'the opportunities for the great religious communities to promote peace', very much along the lines of the global ethic. They also believe that much could be gained. In view of the many levels of religious sources and strains of traditions, some of which also propagate violence, the important strategy is to find those meanings and weightings which regard violence and faith as incompatible, and require sacrifices for peace while demanding respect for those of other faiths. None of this is happening in the Middle East at present.

The *power of religions in promoting peace* can be seen in the *protest movements* which strive for radical political reforms and at the same time obligate their adherents to strict non-violence (Gandhi, Martin Luther King, the Dalai Lama, the South African Council of Churches). As well, this power is illustrated in the *mediating actions* of religious communities in political conflicts (Central America).

According to the political theorists I have mentioned, it is evident that given the present situation, religious communities should 'agree on common rules of behavior' and then 'also practise them'. That brings us back to the global ethic and my sixth and last section.

VI. THE SCOPE AND CONTENT OF THE GLOBAL ETHIC

In 'realistic' political science, and also in world politics itself, increasing attention has been given to the problem of *global ethical responsibility*. When my book, *Global Responsibility. In Search of a New World Ethic* was published (in German in 1990, in English in 1991), I could hardly refer to any documents by global organizations on a global ethic. However, three years after the appearance of *Global Responsibility* came the proclamation of the *Global Ethic Declaration of the Parliament of the World's Religions* in Chicago (1993), which I had the honor and the labor of working on. Six years later, when I was able to develop what I hope is a realistic and forward-looking overall account of a global ethic, under the title *A Global Ethic for Global Politics and Economics*,⁶ additional important international documents were already available. Among them were documents produced by the UN Commission for Global Governance, the World Commission on Culture and Development, and above all the InterAction Council, an entity made up of former heads of state and government which proposed

a *Universal Declaration of Human Responsibilities*.

Ten years after *Global Responsibility* many politicians and business people recognize, even without the protests in Seattle, Prague and Genoa, that *in an age of the globalization* of the economies, technology and communication, there is also a need for the *globalization of ethics* in coping with global problems. The new Director General of the IMF, Dr Horst Köhler, remarked in his inaugural address in Prague, 'Indeed, the global economy needs a global ethic (Hans Küng).'

The basic demand of the 1993 Chicago Declaration is the most elementary that can be made in this regard, yet it is by no means a matter of course. It is the demand for true *humanity*:

Now as before, women and men are treated inhumanely all over the world. They are robbed of their opportunities and their freedom; their human rights are trampled underfoot; their dignity is disregarded. But might does not make right! In the face of all humanity our religious and ethical convictions demand that *every human being must be treated humanely*. This means that every human being without distinction of age, sex, race, skin colour, physical or mental ability, language, religion, political view or national or social origin possesses an inalienable and untouchable dignity.⁷

It is a welcome sign of the times that today even a body of experienced and utterly realistic statesmen, brought together in the InterAction Council, explicitly adopts as the two basic principles for a global ethic the principle of humanity which I have just cited and the Golden Rule: '*What you do not wish done to yourself, do not do to others.*' Both are norms for all spheres of life, not just for the individual, but also for the family, communities, and for all peoples, nations and religions.

It is not just a matter of an individual ethic, but also of a *social ethic*. Certainly, it is true that since the beginning of modern times moral forces have been at work in science, technology, business and democracy, and throughout history have safeguarded the humanitarian orientation and efficiency of these spheres. *Otfried Höffe* therefore rightly speaks of an 'initial power' and a 'controlling power' of morality. This is a morality which has so to speak entered our institutions and systems: a '*systemic morality*' which concerns all those involved in the present system of science, technology, business and politics.⁸

But what would the morality of the system be without the morality of its subjects? What would the morality of *the institutions* be without the morality of *persons*? Recent events have shown all too clearly what happens to our institutions when their most important functionaries have no conscience.

It is not just a matter of an individual ethic, but also of a *social ethic*.

Examples include, an American president who became entangled in a web of lies and perjury which brought his government to the verge of paralysis.

Also, a German chancellor who, without any sense of doing wrong has built up a

personal system of power with hidden accounts, personal dependencies and patronage in office, can bring a great political party to the edge of the abyss.

Similarly, a single speculator can ruin his big bank or cause turbulence in all the world markets.

Further, cancer researchers with forged results, heart surgeons with excessive bills, priests or pastors with child abuse or journalists with fake interviews can bring a whole profession into discredit.

The *functionality of institutions* is indeed dependent on the *integrity of persons*. Therefore, it is also important for institutions and systems to be reminded again of some irrevocable directives as stated in the two global ethic documents mentioned above. *Four such irrevocable directives* have been developed which appear in all religious and ethical traditions of humankind. Of course they must be translated for the present time, and this is done in the documents. Here I shall give just one example of each:

Firstly, a commitment to *a culture of non-violence and respect for life*. Have respect for life! Particularly at a time when even children murder children, again, we have the age-old directive: You shall not kill! Of course that also applies to child soldiers in Africa and even more to their commanders.

Secondly, a commitment to *a culture of solidarity and a just economic order*. Deal honestly and fairly! Particularly in the age of globalization there is again the age-old directive: You shall not steal! That also applies to the star analysts on Wall Street who even in the stock market crisis of December 2000 were earning millions for themselves and their firms by issuing buy recommendations in their own interest, while losing their customers billions.

The third directive is a commitment to *a culture of tolerance and a life of truthfulness*: Speak and act truthfully! In the face of so many political and media scandals, again there is the age-old instruction: You shall not lie! That also applies to diplomats. Diplomats do not, as I once heard from a Swiss ambassador, "sometimes have to lie". Their first 'diplomatic virtue', according to the classic work *Diplomacy* by Harold Nicolson, should be a 'love of the truth'.⁹

The fourth directive is a commitment to *a culture of equal rights and partnership between men and women*. Respect and love one another! In a time when taboos are being demolished to an unprecedented degree we need even more the age-old directive: You shall not commit sexual immorality! That is also true in an age of global television and of the prostitution on television of avaricious women who publicly offer themselves as new wives for aged multi-millionaires. These, and similar spectacles, are in accordance with the rule that anything that earns money is legitimate.

But that is enough! I have come to the end. How far the ethical principles that I have mentioned will be put into action depends on people, and above all those in positions of responsibility. But at the beginning of this millennium I am more than ever convinced that the great problems of the twentieth century cannot be overcome, indeed cannot even be tackled properly, without an *ethical will*, without moral energy. Both in the sphere of politics and the sphere of business we need new structures, but

we also need *persons with integrity* and a *new sense of responsibility*. Only in this way will it prove possible to practice the responsible *politics* which seeks to achieve a precarious balance between ideal and reality, and which needs to be found anew time and again. Only in this way is it possible to think of a responsible way of *doing business* that can combine economic strategies with ethical convictions. That, however, is a topic for further thought.¹⁰

Notes:

¹ Cf. D.Senghaas, 'Politische Rahmenbedingungen für ein Weltethos', in Hans Küng and Karl-Josef Kuschel (eds), *Wissenschaft und Weltethos*, Munich 1998, 141f.

² Cf. F.Petsch, *Warum war das 20. Jahrhundert kriegerisch?*, manuscript: Südwestrundfunk lecture, 26 November 2000.

³ Cf. A.Riklin, 'Politische Ethik. Ein Grundriss aus der Sicht der westlichen Zivilisation', in Hans Küng and Karl-Josef Kuschel (eds), *Wissenschaft und Weltethos*, Munich 1998, 129-40.

⁴ Cf. V.Rittberger and A.Hasenclever, 'Religionen in Konflikten', in Hans Küng and Karl-Josef Kuschel (eds), *Wissenschaft und Weltethos*, Munich 1998, 161-200

⁵ *Ibid.*, 172

⁶ Hans Küng, *A Global Ethic for Global Politics and Economics*, London 1997 and New York 1998.

⁷ Cf. Hans Küng and Karl-Josef Kuschel (eds), *A Global Ethic. The Declaration of the Parliament of the World's Religions*, London: SCM Press 1993, 22f.

⁸ O.Höffe, *Macht der Moral*, Stuttgart 1996.

⁹ H.G.Nicolson, *Diplomacy*, London 1939.

¹⁰ Further sources:

Hans Küng, *Global Responsibility. In Search of a New World Ethic*, New York: Crossroad Publishing Company and London: SCM Press 1991

Hans Küng, *Yes to a Global Ethic*, New York: Continuum 1996 and London: SCM Press 1993.

Hans Küng and Helmut Schmidt (eds), *A Global Ethic and Global Responsibilities. Two Declarations*, London: SCM Press 1998

For information about the Global Ethic Foundation contact the home page: www.global-ethic.org

Translated by John Bowden

Reflections on Terrorism, Dialogue and Global Ethics¹

by M. Javad Zarif

The tragic events of 11 September 2001 highlighted in the most vivid yet inhuman form the scope and magnitude of our common vulnerability; the vulnerability of each and every one of us to the barbarism and inhumanity of a perverted response to injustice and exclusion. They also indicated how the new and non-traditional actors can have a significant, and at times destructive and tragic, role in shaping international relations. But most importantly, they brought to focus the need to address the very mentality and modes of global interaction that lie at the root of terror and violence.

Under these tragic circumstances, empathy is the only human response. We cannot, but share in the pain and anguish of thousands of families who lost their loved ones and an entire nation that has been traumatized by the horror of this crime. Emotions and anger are only human, but we need a great deal of collective reflection and wisdom to establish a rational and far-sighted response. This response should focus not only on this horrific crime, but on terrorism in general. More importantly, it must deal with the roots of injustice and exclusion that can be exploited by demagogues to inflict so much harm on innocent human beings.

Any response requires vision, serious political will and the active participation and cooperation of all. As a global menace, terrorism needs a global response, founded on inclusion, fairness and international legitimacy.

As a tragedy caused by blind hatred, the response cannot be indiscriminate retribution, which would put many innocent lives at risk. Terrorists should not be allowed to set the agenda, or dictate the response.

Terrorism is a heinous product of an outdated paradigm of international relations. That paradigm was founded on the “will to power” and the arrogance associated with it. In other words, it was founded on the proposition that “might makes right”. As “might” ruled, injustice prevailed and hatred flourished; those dispossessed were inclined to resort to terror and violence. We must eradicate terrorism by changing the prevalent mentality that provided a fertile ground for the growth of this menace. Every one who is serious about fighting terrorism, especially those in a position of global power, would be well advised not to resort to statements and policies ema-

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nating from emotions intertwined with the arrogance of power that could only further entrench the mentality that produced terrorism.

An important characteristic of that outdated paradigm of global interactions was exclusion in its various forms. It divided the world in terms of modes of loyalty into “coalition members” and “enemies”, and as such rewards and punishments were distributed accordingly. The need for an everpresent enemy is so important for governance that at times enemies are forged as a managerial tool. This approach to global politics has brought bloodshed and devastation to human society, suppressed much potential, wasted much precious human capabilities and scarce natural resources, and instead, gave rise to domination, violence and underdevelopment.

Globalization can contribute positively to the comprehensive and sustainable development of the developing world, and in some cases it has. But the tendencies that are prevalent in the dominant paradigm of exclusion can lead the same phenomenon—as they have on many occasions—to further marginalization of the underdeveloped economies, exacerbation of poverty and hunger in vast parts of Asia, Africa and Latin America and the further widening of the gap between the rich and the poor in other parts of the world.

The need for an everpresent enemy is so important for governance that at times enemies are forged as a managerial tool.

The international community has been moving away from that paradigm to a new paradigm founded on equal footing, stakeholding and dispersion of power. The purposes and principles of the United Nations and the decision of the General Assembly to designate 2001 as the United Nations Year of Dialogue among Civilizations reflects the will of the international community to move forward to this new paradigm. According to the book entitled *Crossing the Divide*, prepared by the Group of Eminent Persons appointed by the UN Secretary-General to define the parameters of the new paradigm:

The fight against HIV/AIDS; the regulation of new technologies such as human cloning, genetic transformation and bioengineering; copyrights on intellectual property; anti-narcotic rules; disease control; and control of interference in the computing systems of institutions, countries, parties and organizations are only some of the dimensions that require for their success the full cooperation of all members of international society. Accordingly, even the smallest needs to be brought in, and even the smallest may have an important contribution to make. In the fight against contagious disease, the coalition against it is only as strong as its weakest member... It is this equality in vulnerability that stimulates dialogue. Equality in vulnerability is also the direct consequence of interdependence in many, many levels. It is this interdependence that has transformed “the threat” into “global threat”²

This new paradigm is emerging because, there is a greater realization that, what

unites us is by far greater than the differences which divides us. Moreover, this realization is stronger and probably more vivid today than before September 11th, because it heightened our appreciation of our common vulnerability to threats ranging from terrorism and organized crime to poverty and environmental degradation. In the era of globalization, there can be no island of security, prosperity and development. Thus our common humanity and common vulnerabilities are emerging as better tools for global governance than the perceived or imaginary enemies.

The processes of globalization are giving birth to a new paradigm of global relations: equal footing; re-assessment of the “enemy”; dispersion of power; stakeholding; individual responsibility; and issue-driven alignments. The current reality is a mosaic of the old and the new. The elements of the new paradigm are already there, but to a certain extent we are blinded by the old paradigm, which prevents us from seeing what is emerging.³

The new paradigm begins with the assumption that the sources of knowledge and wisdom are inherently diversified. Each civilization has much to offer; and that inclusion will bring with it mutual enrichment and benefit. Thus, the emerging paradigm of Dialogue among Civilizations is founded on “inclusion, and a collective desire to learn, uncover and examine assumptions, unfold shared meaning and core values, and integrate multiple perspectives through dialogue.”⁴

Dialogue in this sense represents a fundamental change from debate. Through debate, a consistent method of communication at the United Nations, each side tries to convince the other of its view; many times, without ever listening to the arguments. However, we start a dialogue with a readiness and in fact a desire not only to listen but to be persuaded. The decision of the actors of the international community to replace wars and bloodshed with debate was indeed a major positive evolution of historical proportions. Yet debate is in essence an attempt, as in war, to overcome the adversary, albeit through a more civilized means. A paradigm shift would require a revolutionary change from debate to dialogue. According to the Group of Eminent Persons:

Dialogue brings with it equal footing...as it is a process by which we accept, as much as we want to be accepted. We include, as much as we want to be included. We listen, as much as we want to be listened to...In these terms, dialogue can perhaps eventually usher in a new paradigm of global relations because it challenges the old paradigm... Dialogue can be a framework where the weakest is accorded the privilege to be listened to, and where the strongest finds it necessary to explain its case to others.⁵

To accord the weakest the privilege to be listened to, coupled with the readiness to be persuaded will indeed prove to be mutually enriching. It will allow the global community to draw upon the vast resources of all civilizations and through integration of multiple perspectives derive a set of common values which can be embraced by all and developed into a global ethic. For instance, while values such as “liberty, rights and personal dignity” have received universal recognition and reverence, the contri-

bution of countries of the East and the South have brought into focus corresponding values such as “duty, human responsibility and the good of the community”. These values can guide the development of a fuller agenda to address social disintegration, environmental degradation and poverty.

Moreover, while “liberty, rationality, legality and rights” have received considerable attention in contemporary political discourse, we may be able, through dialogue, to integrate “liberty with justice”, “rationality with sympathy”, “legality with civility”, and finally “rights with responsibility.”

Another impact of globalization and the information revolution in our increasingly shrinking world is that they have empowered each and every one of us to directly or indirectly affect the quality of life of the rest of the world. Our potential individual impact transcends space and even time. Obviously, the extent and scope of our individual impact varies significantly. Nevertheless, this is a tremendous power that each individual has. It calls for collective reflection on a set of shared global values and ethics to discern the individual responsibility and global accountability that must accompany such unprecedented power. According to the Group of Eminent Persons in *Crossing the Divide*:

Those who hold dear to their hearts and minds the ecosystem of the earth, which is one; those who hold dear the objectives of the free market, which they believe is one; and those who hold dear the dignity and human rights of their fellow human beings irrespective of their latitude or longitude on this planet, have something in common. They all believe consciously or unconsciously that we are part of the whole, of the world community which is interconnected and whose parts mutually affect each other. The greens, the global financiers, and the human rights advocates perhaps unknowingly share a common vision: that the world is one for all, and we are all component parts of that entirety. In other words, each assumes that they have a stake in the world.⁶

We will realize that as stakeholders, humankind has a common destiny from which there is no escaping. With stakeholding, the idea of “us” versus “them” will begin to lose utility and a zero sum game will no longer be applicable as the predominant mode of rational and objective analysis. Most situations ranging from environment, global economy, trade and transfer of knowledge and technology to eradication of terrorism, organized crime and weapons of mass destruction can be analyzed as “positive sum” or “negative sum” situations. We can actually make them “positive sum” or “negative sum.” If we approach the realities of the era of globalization with a “zero sum mentality” which is remnant of the old paradigm, we would all lose and end up with “negative sum” situations.

Environmental degradation, instability, drugs, terrorism and chemical or biological weapons recognize no boundaries. This must have become abundantly clear to all of us at least after September 11th. Thus, we need to shift to a paradigm and a mindset based on dialogue and stakeholding, which allows us to appreciate this clear reality of being all parts of one unit. The renowned Iranian poet, Sa’adi, eloquently

articulated the fundamental underpinning of such a mentality 700 years ago:

*The descendents of Adam are limbs of each other,
Having been created of one essence.
When the calamity of time afflicts one limb
The other limbs cannot remain at rest.
If you have no sympathy for the troubles of others
You are unworthy to be called human.*

Notes:

¹ This article is based on two speeches by the author. The first was delivered at the United Nations General Assembly on October 2, 2001 in the course of its consideration of “measures to Eliminate International Terrorism” and the second was the keynote address by the author at UNCTAD in Geneva on 11 October 2001 on the occasion of the Centennial of Raul Prebisch.

² Dialogue among Civilizations, *Crossing the Divide* (South Orange, NJ:School of Diplomacy and International Relations, 2001),p.115

³ Ibid.,p.109.

⁴ Article 1, “Global Agenda on Dialogue among Civilizations” adopted by the UN General Assembly on November 9, 2001

⁵ Dialogue among Civilizations, pp.110-111.

⁶ Dialogue among Civilizations, p.135.

Interreligious Dialogue in Global Perspective

by Lawrence E. Frizzell

INTRODUCTION

The tensions between religions and political systems have been evident in intellectual and cultural contexts throughout human experience. In past ages, there has been a propensity for each culture or religion to assume that it embodied the best in every aspect of the human order. There is no longer any excuse for such narrowness spawned of ignorance to dominate the thinking of educated people. Yet mere tolerance of other approaches to the common challenges of humanity will not provide security for all, especially for minorities within a culture or for weaker societies in a given region striving to maintain their self-identity. An honest exchange of ideas, wherein each party is willing to listen, is the model which should replace the tendencies of the strong to impose their will on others. The foundations for a “dialogue among civilizations” should be explored at length, but only a brief review can be presented here.

The philosophy of dialogue, developed by Ferdinand Ebner and made popular through the works of Martin Buber, has laid the foundation for this mutual respect on the level of both individuals and cultures.¹ In the past, verbal polemics did not allow for mutual understanding; so by turning to a new paradigm, we hope that reason will prevail over the discrimination based on prejudice, which at times has turned to persecution.

The obstacles to such an ideal seem to be enormous. Will political parties seek the best solutions to the problems facing a community rather than merely striving to win for their own gains? Will religiously committed people acknowledge that they can learn from the group that preceded them? Or from a religion that flourishes in another part of the world? We hope that the majority of leaders in both domains will soon see the value of dialogue.

Just as we approach great intellectual issues from a limited perspective, so we begin to appreciate dialogue from concrete examples. If the debates, confrontations, prejudices and persecutions of Christians and Jews can be set aside in favor of dialogue, then there may be lessons for the benefit of other communities, both religious and political. The history of Christian-Jewish relations has been chronicled through its various stages, so we need not review it here.² We base our reflection on the

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conviction that the world may benefit from the Jewish and Christian contribution to the dialogue. The review will include elements that may be accepted readily and other points that will be discussed and tested from a variety of perspectives. Such dialogue will operate in a series of concentric circles, moving from groups with which one shares the most to communities with some principles in common and, finally to those whose approach to crucial questions may be diametrically opposed to others. For the people of faith in God, the most obvious example of the last group is the Marxist. The attitude of the Church to the leaders and theoreticians of materialistic philosophies was expressed in the Second Vatican Council (1962-1965): "Although the Church altogether rejects atheism, she nevertheless sincerely proclaims that all people, those who believe as well as those who do not, should help to establish right order in this world where all live together" (Vatican Council II, *The Church in the Modern World #2*).³

This paper will focus on ethical and social issues pertinent to most cultures and will be divided into two major parts. The first will sketch principles which both Jews and Christians derive from the biblical heritage. The second will discuss agreements and common statements that deal with major issues of wide impact in modern societies.

All decisions which involve collaboration with others must be based on a prudent trust that the people will be true to their word.

LAW AND ETHICS

Communities and their Members

What is the place of legislation in the guidance of human society? In recent centuries, scholars in some disciplines (perhaps reacting against the Jewish and Christian heritage) have rejected the idea of an externally imposed law. They claim that the individual's growth to maturity is inhibited by the regulation of all aspects of life. When maturity is defined in terms of independence and autonomy, laws are seen as shackles that weigh down the human spirit. Such echoes of individualism have been heard widely. But western societies which extol such a view of maturity now face the situation of isolated individuals whose experience of illness, old age or other human limitations leads them to see every loss of independence as a defeat, a sign of failure. A model of *interdependence* of individuals within the family and larger communities is much more realistic and healthy for both the person and the community. If autonomy implies anonymity in the city or neighborhood and absence of intimate bonds that are rooted in mutual commitments, then the person is fleeing from the association of life and love with duty and responsibility. If a large number of people are motivated solely or in the majority of cases by self-interest alone, society at large will

suffer. All decisions which involve collaboration with others must be based on a prudent trust that the people will be true to their word. What is the basis for this trust? We will explore aspects of the way of life recorded in the Jewish Scriptures to discern possible answers to this question.⁴

Covenant in Hebrew Society

The foundations of each of the world's major cultures are invariably traced to the ancient past, the result of millennia of human thought and experience. The civilizations which grew out of interplay of the Bible and Greco-Roman philosophy and jurisprudence are indebted to many groups and individuals. The purpose of this study is to trace facets of the Hebrew and Jewish contribution to the structures that undergird most of the nations of today's world.⁵

In a nomadic existence in lands of harsh climates and limited agricultural possibilities, many people have a profound experience of the solidarity that is required to survive. Each person must learn to be responsible for others, sensitive to their needs. Active involvement in acquisition of basic rights to food, water, shelter, etc. precludes hoarding and other manifestations of selfishness. There would be no claim to being "self-made" or self-sufficient, even though there were and are occasions when authority and influence could be abused. Ideally, leaders of the community would sense the ways in which life is enhanced for all by proper decisions.⁶ In many ancient cultures the rulers were above the law; one of the great contributions by the Hebrews was legislation that became the basis for evaluating the activities of rulers and judges as well as guiding the life of ordinary people.

Laws can be ignored by those in authority, so a relatively independent form of leadership developed in the person of the prophet. When King David broke the commandments forbidding adultery and murder (2 Sam 11:1-27), the court prophet Nathan had the courage and pedagogical deftness to make David condemn his own actions (2 Sam 12:1-7).

Two human relationships offered analogies whereby the Hebrews could appreciate their association with God and the divine authority over all creation and over human society in particular. These are the political treaty and the marriage bond.

In time of peace, societies in the ancient Middle East defined their relations on the international level in terms of treaties and the responsibilities that flowed from such commitments. Such an agreement was usually imposed by an emperor upon the petty states which came under his control. His self-description at the beginning of a treaty portrayed him as a benefactor whose gracious attitude would continue, but the treaty itself obliged only the vassal. Transgression of the stipulations laid upon the subordinate party was the reason for war or for a court case and corrective punishment.⁷

A unilateral covenant is described in Genesis 15 where, contrary to human experience, the superior (God) bound himself irrevocably to the subordinate (Abraham and his descendants). Other experiences described in terms of covenant were bilateral, involving responsibilities on both sides. Thus, the book of Exodus depicted the

Sinai Covenant as an exercise of divine creativity whereby a motley group of ex-slaves became a nation (*goy*, a people with a territory). A land was promised to them wherein they would be free, with freedom defined in the context of the service of God, who had called them to an exclusive relationship (Ex 19:4-6).

In Hebrew society the covenant community was formed by God and the common goal of all its members was loyalty and service expressed by obedience to the commandments. Union with the divine will should bring wholeness, tranquility and harmony to the community and eventually to all creation.

The term “covenant” (Latin: foedus, foederis) is integral to the self-definition of any society that calls itself a federation or confederation.

The most intimate human experience of mutual sharing and service is marriage and the family. The prophet Hosea (chapters 1-3), Jeremiah (3:1-5) and Ezekiel (16:1-63) took marriage and adultery as images to teach the unique nature of Israel’s union with God and the grievous implications of failure to keep the commandments, especially to avoid idolatry. Again, the commitment involved serious obligations which were presented in the laws of society.

The term “covenant” (Latin: foedus, foederis) is integral to the self-definition of any society that calls itself a federation or confederation. Of course, phrases like “Covenant with America” used by politicians should be tested to ascertain whether the meaning of the term has been preserved!

RELATIONSHIPS GOVERNED BY THE COMMANDMENTS

The individual and the societies to which the person belongs (family, clan, city, nation) can survive only in relation to the rest of reality. The Hebrews believed that there are four points of focus in every life; the person and all communities touch God, neighbor, the self and nature, either to foster peace or discord.⁸ These foci have a perennial value for Jews and Christians. It is worthwhile to consider them at length.

God

The esteem for the human person evident (in spite of shadows) throughout the Bible and other ancient Jewish literature is crystallized in the doctrinal insight that every human being is created in God’s image and likeness. Male and female are equals and partners in their collaboration with God in procreation and in ordering creation towards perfection (Gen 1:26-28). This understanding of the human being lays a heavy moral responsibility on the individual. The moral life consists essentially in the imitation of God (Lev 19:2), who is revealed in the divine attributes (listed most fully in the interpretation of the divine Name in Ex 34:6-7). The challenge is to serve God with total dedication (Deut 6:4-6) and to imitate the divine concern for the poor, the widow, the orphan, the stranger, the sick and others who may be neglected or op-

pressed by the powerful in a given society.

Self-evaluation in the areas of morality and spirituality is difficult to achieve with honesty. The Sabbath rest provides an opportunity for such a reflection to take place within the context of community prayer (Ex 20:8-11; Deut 5:12-15). A regular rhythm of withdrawal from work allows people the time to focus on their use of time and talents in fulfilling the human vocation of reflecting the divine in the world. Moreover, the Sabbath commandments demand that slaves and beasts of burden be given rest as well. This has been a profound civilizing influence throughout the world, but sometimes has been neglected in industrial nations.

Neighbor

Principles which advocate deeds of injustice and peace govern the laws of the Bible relating to the social order. The Decalogue (Ex 20:1-17) moves from the commandments concerning the God to a series of concentric circles of human interchange. The centrality of the family is emphasized, first in the lifelong obligation of honoring one's parents and providing for them in time of need,⁹ and secondly in the prohibition of sexual relations that would interfere with one person's commitment to a third party. Parents are partners with God in sharing life and they are the first to present the divine image and likeness to their children. Therefore, the command is to *honor* them in this context, and not only to love them as one is obliged to love every neighbor. The commandment forbidding adultery not only protects the partners in the integrity of their relationship, but it also enables them to mirror God's fidelity to their children.

The basic rights to life, reputation and property are protected by other commandments of the Decalogue (Ex chapters 20:13-17). Even the desire for persons or things belonging to another must be controlled. The simple apodictic form of these laws, enunciated without indication of a penalty, may derive from the admonitions of parents to their children. When the clan developed into a nation at Mount Sinai, sanctions were attached to these and other commandments (Ex 21-23) and complex cases were presented in casuistic (case law) form. Certain transgressions which may escape the attention of the community, so the people renewing the Covenant at the occasion of entering the promised land placed themselves under a curse should they commit such crimes (Deut 27:15-26).

Sensitivity to the needs of others is understood as imitation of God; just as God is merciful to all his creatures, so should the Israelites be, even if the person is an enemy (Ex 23:4-5). The pursuit of peace in society is associated with the search for righteousness and right judgment in society. These activities constitute an imitation of the righteousness or integrity of God, who demands that goodness and honesty govern the legislative and judicial orders (Ex 23:1-3).

Even before the Sinai Covenant and its Torah (instruction in the form of commandments and examples of personal ideals), Moses learned to delegate his authority as judge. First he taught the people the laws governing the new society; then he selected able, trustworthy and God-fearing men to judge the cases resulting from

conflict within given segments of the community. He reserved the difficult cases for himself and thus set up a hierarchy of order within the judiciary (Ex 18:13-27). In ancient Israel each judge was admonished: "You shall not pervert judgment... Righteousness, only righteousness shall you pursue..." (Deut 16:18-20).

"There shall be no poor among you" (Deut 15:4) is a basic principle of legislation for those inhabiting the Land of Israel, because this land is understood to be God's gift to the entire people. The rhythm of seven applied not only to the week with a day of rest for all, but also to the use of the land. Every seventh year the fields should rest in fallow, and everyone was to have equal access to the produce that sprang up spontaneously. Debts were to be remitted at this time as well, and Hebrew slaves were to be released (Deut 15:7-18). The Priestly Code took these laws a step further, instituting the jubilee year after seven sabbaticals. At this time, all alienated land was to be restored to its original owner (Lev 25:8-55).¹⁰

Self

Each person in any special group is expected to exercise a responsible concern for himself or herself. The Hebrew teachers rooted self-esteem in the realization that the human being is "little less than God, crowned with glory and honor" (Ps 8:6). Of course, this is not to be confused with pride or self-centered attitude that would pit one person against others. Being in the image and likeness of God, each person recognizes an inherent dignity that overcomes despair or feelings of inadequacy. At the same time, the person realizes that this same image is mirrored in the face of every other human person.¹¹ "You shall not take vengeance or bear any grudge against the children of your own people, but you shall love your neighbor *as yourself*: I am the Lord" (Lev 19:18). Should anyone limit the term "neighbor" to one's fellow Israelite, the text goes on to include the resident alien. "When a stranger sojourns with you in your land, you shall do him no wrong... you shall love him as yourself, for you were strangers in the land of Egypt" (Lev 19:33-34). This is an example of the golden rule, express in the ideals of many civilizations.¹²

Nature

At a pre-urban stage of civilization, people in virtually every culture show a deep sense of closeness to the earth and to all the forms of life which sustain them. Agricultural communities in the land of Canaan celebrated the end of each harvest with a thanksgiving festival. The Hebrew people recognized the dangers of idolatry in these feasts, so they imposed three great pilgrimage festivals on these harvest festivities (Deut 16:1-17). A portion of the earth's fruits were offered, but within the context of a commemoration of the way in which God's hand had triumphed in their history. Legislation of these holy days included a special concern for the poor and the disadvantaged in society.

Israelites were commanded to care for their domestic animals with a mercy that reflected the Creator's goodness (Ex 20:10; 23:4-5; Deut 22:1-4). Even wild creatures are protected; to avoid the wanton destruction of life, one is forbidden to take

both the mother bird and the eggs, or the mother and the chicks (Deut 22:6-7). In time of war, destruction of trees, especially fruit trees, is expressly forbidden (Deut 20:19-20).

The tradition recorded in the Bible recognizes that all creation is a gift of God, to be used for the enhancement of human life but to be treated with utmost respect and to be shared with others, especially those who are unable to take proper care of themselves. "The central vision of world history in the Bible is that all of creation is one, every creature in community with every other creature."¹³ This attitude should undercut the greed that had led certain societies to exploit natural resources without restraint.

APPLICATION TO THE NEED OF MODERN SOCIETIES

The search for solutions to the world's social-political and ecological problems, especially for order in societies disrupted by terrorism and other aberrations in the name of "freedom," must begin with the recognition that there are legal and moral foundations that can be expressed in language common to peoples who are interacting. Secondly, those who are striving to practice justice so that peace may be achieved, must acknowledge that there is much wisdom to be distilled from the past. Investigation of ancient cultures will lead to the recovery of principles which can be part of the discussion that should be taking place between societies and ways of life. Some truths will be shared in common and, in other instances, the principles of a given heritage will resonate favorably with those who discover them for the first time, or see them in a new light.

. . . there is much wisdom to be distilled from the past.

In every modern society people should have a perspective or viewpoint whereby the intricacies of daily life can be evaluated from the outside. This can be achieved in the context of dialogue, because each partner is listening to the other express a vision of life and community. It can be discovered also when we enter the literature of an ancient civilization, stepping back into a world quite different from our own. Both Jews and Christians share the Hebrew Bible and accept it as God's Word; even though methods of interpretation differ, we can continue to learn from the way the other community experience and lives this Word. Reflection on covenant and the four relationships governed by the commandments should be the basis for positive contributions toward a richer and more responsible social life within the communities to which we belong.¹⁴

The Challenge of Idolatry

Antipathy to idols has been a basis for polemics by biblical authors since the Babylonian Exile (586-538 B.C.). What some adherents to monotheism fail to realize is the fact that idolatry takes on subtle forms in every culture. Any created reality, material or abstract, may replace the one God at the center of a person's or a

community's life. The categories of potential idols are presented in the following chart:

The response to each of these categories involves an attitude of self-control. A God-centered life incorporates the relationships of the natural order (the person with neighbor, self and nature) into a response that is wholesome and peaceful. Certain

<i>Potential Idols</i>	<i>Response</i>	<i>Strength provided by</i>
Possessions	Poverty	Faith
Pleasure-intellectual or sensual	Temperance	Hope
Power	Obedience	Charity

tragedies in life cannot be alleviated by wealth, so eventually every person will sense an emptiness in sickness or bereavement that can be filled only with the divine presence and consolations in a life of faith. Hope that human life is not limited to this bodily existence provides the basis for a person to exercise self-control regarding the pleasures of life. Temperance guides the use of food and drink and governs the sexual appetite according to the person's state in life (married or single). Finally, rather than exerting power through brute force or political manipulation, the person exercises authority by evoking the potential of others to fulfill their personal dignity through work and deeds of service. Obedience, a listening attitude toward God and neighbor, leads to acts that involve giving without counting the cost or thinking about rewards (altruistic love).

Hope that human life is not limited to this bodily existence provides the basis for a person to exercise self-control regarding the pleasures of life.

Common Good and Individual Rights

The common good may be defined as "the sum total of social conditions which allow people, either as groups or as individuals to reach their fulfillment more fully and more easily" (Vatican Council II, *The Church in the Modern World* #26). Mature discussion of "fulfillment" must include obligations and duties along with the rights claimed by societies and individuals. Every society should protect and foster "the sublime dignity of the human person, who stands above all things and whose rights and duties are universal and inviolable" (ibid). This implies that the goals of a political or religious community must not reduce any human person to the level of an object. "The social order and its development must constantly yield to the good of the person, since the order of things must be subordinate to the order of persons..."

(ibid).

In the distribution and use of resources, a delicate balance must be maintained between the fostering of benefits for the majority in a community and the rights of the individual. A hierarchy of values helps to keep the balance. Thus, the right to life takes precedence over quality of life. Concern for the basic rights to food, clothing and shelter for all should be completed by fostering the human potential for gainful employment and adequate health care.

Care for the poor and those who suffer permanent or temporary disabilities should be of special concern to all who espouse the biblical teaching that every human being is created in the divine image and likeness (Genesis 1:26-28).

The National Conference of Catholic Bishops (NCCB) in Washington, D.C. issued a statement regarding persons with disabilities on February 9, 1999 (the fourth of a series since 1978). Some of the principles are of interest for a discussion of ethical issues that touch all societies in the modern world. People of other faiths are asked to discern the implications of the practical order that here may be applicable even though they are expressed in specifically Christian terms, but resonate well with their ideals.

1. Each person is created in God's image, yet there are variations in individual abilities. Positive recognition of these differences discourages discrimination and enhances the unity of the Body of Christ.
2. Our defense of life and rejection of the culture of death requires that we acknowledge the dignity and positive contributions of our brothers and sisters with disabilities. We unequivocally oppose negative attitudes toward disability which often lead to abortion, medical rationing, and euthanasia.
3. Defense of the right to life implies the defense of all other rights which enable the individual with the disability to achieve the fullest measure of personal development of which he or she is capable. These include the right to equal opportunity in education, in employment, in housing, and in health care, as well as the right to free access to public accommodations, facilities and services.

Although there has not yet been a joint statement on respect for persons with disabilities, this important concern should be addressed in the future. The National Conference of Catholic Bishops and the National Council of Synagogues in the United States prepared for the Christian celebration of the second millennium in the Christian calendar by issuing a joint statement, "Reflection on the Millennium" on May 5, 1998. Although Jews would not join the celebration as such, their leaders saw this to be an occasion for renewing common efforts in drawing upon the biblical vision in order to deal with social-moral challenges.

In preparing for celebration of the great Jubilee in the year 2000, Pope John Paul II drew upon traditions going back to Pope Boniface VIII in 1300.¹⁵ In the past, Catholic leaders have interpreted the great themes of the sabbatical year (Lev 25:1-7; Deut 15:1-18) and the jubilee (Lev 25:8-55) with a spiritual application relating to

forgiveness of sin. For this great Jubilee the Pope returned as well to the concrete meaning of the texts.

This approach was applied to the United States in the joint statement mentioned above.

The year 2000 has been proclaimed by the Catholic Church as a Jubilee Year. The Hebrew Scriptures in Leviticus 25 define the meaning of the Jubilee. Both in this chapter of the Bible and in Papal reflections upon this theme, one can see a three-fold obligation placed on the People of God as a mandate for national reflection. These obligations have significance, we believe, not only for Catholics and Jews working together in joint study and action but also for the renewal of our American society as a whole.

1. The Liberation of Slaves — Human Liberation. Consideration of this theme (Lev. 25:39) can involve local communities in confronting the inhuman conditions of bigotry, exploitation and violence that enslave such a large part of America's inhabitants to this day, and in planning and implementing educational programs and social activities to address the problems jointly studied.

2. Return of Property — Economic Liberation. This legislation (Lev. 25:13) was revolutionary in introducing moral guidance into economics. It sought to prevent the permanent accumulation of land in the hands of the few, to alleviate poverty, and to give people another chance for achieving economic fulfillment. Its underlying principles challenge our discussions today with regard to welfare, tax reform and other issues within our country.

3. Resting the Land — Ecological Liberation. Respect for the land (Lev. 25:11) and the seas can be stressed here, as well as humanity's role as a steward (Genesis 2:15) responsible to God for nurturing and caring for all forms of life.

Finally, as we approach the millennium, we can develop channels to work together to witness to that which is shared in our spiritual heritage. Not only do we bring to bear on the profound problems of our day the riches of our separate yet related traditions, but we work together to prepare the way for the coming of the Reign ("kingdom") of God, for which we both pray, as a task of *Tikkun Olam* ("perfecting" or "repairing" the world).

As we see, in addition to a traditional understanding of the Jubilee Year with a spiritual application of moral enslavement and forgiveness of sins as debts, the Church joins the Jewish community to encourage practical efforts in the social-economic order. Unfortunately, issues of slavery are very real in several nations: for example, the Sudan, Mauritania and in Southeast Asia. Only international efforts at Christian-Muslim dialogue can be effective in certain African nations, along with the work of human rights organizations. However, the sexual enslavement of children and young

women of several countries in the context of tourism from wealthy nations is being confronted in many ways. Local governments can be encouraged to cooperate and travel agents can be alerted to their moral responsibility in advertising.

The 1998 joint statement, quoted above, neglects to deal with the issue of debt among the poorest nations, which was the subject of an international conference at Seton Hall University in October 1998. The burdens of international debt upon many nations in the southern hemisphere continue to be addressed in meetings between religious, government and banking leaders. Land reform for the benefit of local populations in poor agricultural countries is being addressed as well by the Pontifical Council for Justice and Peace in cooperation with local governments.

Previous joint statements of these bodies are also worthy of study and application: *Moral Values in Public Education* (1990), *The Evil of Pornography* (1993) and a *Joint Condemnation of Holocaust Denial* (1994) and *To End the Death Penalty* (1999)¹⁶.

International Catholic-Jewish statements have focused on the Sanctity of Marriage and the Family (Jerusalem, 1994)¹⁷ and *Care for the Environment* (Rome, 1998). The most recent meeting of the International Catholic-Jewish Liaison Committee, held in New York City from May 1-4, 2001 was the occasion for a joint statement on "Protecting Religious Freedom and Holy Sites."¹⁸ Shortly after the destruction of ancient Buddhist statues in Afghanistan by the Taliban, as well as attacks on shrines elsewhere, this declaration condemned all violence directed against holy places, even by members of our own communities. With regard to religious freedom, the Committee acknowledged that "... we must do more as religious leaders to teach our fellow believers respect for people who belong to other religious traditions."¹⁹ Moving to the political sphere, the text states:

Those responsible for law, order and public security should feel themselves obligated to defend religious minorities and to use available legal remedies against those who commit crimes against religious liberty and the sanctity of holy places. Just as they are prohibited from engaging in anti-religious acts, governments must also be vigilant lest by inaction they effectively tolerate religious hatred or provide impunity for the perpetrators of anti-religious actions.²⁰

The document concludes with words of hope: "We look forward, prayerfully, to the time when all people shall enjoy the right to lead their religious lives unmolested and in peace. We long for the time when the holy places of all religious traditions will be secure and when all people treat one another's holy places with respect."²¹

The important question of educating clergy for dialogue was addressed at the same meeting. The "Joint Recommendation on Education in Catholic and Jewish Seminaries and Schools of Theology" calls for increased attention to the contents of curriculum and appropriate efforts "to expose students to living Judaism or Christian communities through guest lectures, field trips, involvement in local, national and international dialogue groups and conferences."²² This preparation should dispose

future leaders in local communities to interact on social issues so that various crises may be avoided.

CONCLUSION

All these issues deserve the attention of people responding to the biblical vision of life and to all others seeking a world of justice and peace. In another essay I have sketched the development of dialogue on several continents. This may be consulted for its wide range of bibliographical suggestions.²³ To accomplish lasting results, cooperative efforts should involve experienced community leaders and an awareness that no one group can be effective across such a wide-ranging gamut of challenges. We should stimulate others to exercise their talents and constantly widen the circles of those involved in the issues most pertinent to a given community. As always, the words of Rabbi Tarfon are pertinent: "It is not your duty to complete the work, but neither are you free to desist from it" (Mishnah Abbot 2:21).

Notes

Part of this article was taken from a chapter written by the author in *Seeds of Reconciliation: Essays on Jewish-Christian Understanding*, ed. by Katherine T. Hargrove, (North Richland Hills, TX: BIBAL Press), 1996.

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¹ See Harold Stahmer, "Speak that I May See Thee!" *The Religious Significance of Language* (New York: Macmillan, 1968) and John M. Oesterreicher, *The Unfinished Dialogue: Martin Buber and the Christian Way* (New York: Philosophical Library, 1986).

² See Léon Pliakov, *The History of Anti-Semitism* (New York: Vanguard Press, 1975) three volumes; Edward H. Flannery, *The Anguish of the Jews: Twenty-Three Centuries of Antisemitism* (Mahwah: Paulist Press, 1985); John M. Oesterreicher, *The New Encounter Between Christians and Jews* (New York: Philosophical Library, 1986); Geoffrey Wigoder, *Jewish-Christian Relations Since the Second World War* (Manchester: Manchester University Press, 1988); Marcus Braybrooke, *Time to Meet: Towards a Deeper Relationship between Jews and Christians* (Philadelphia: Trinity Press International, 1990).

³ Austin Flannery (ed.), *Vatican Council II: The Conciliar and Post Conciliar Documents* (Collegeville, MN: The Liturgical Press, 1975) volume 1 p. 922. See the document "On Dialogue with Unbelievers" issued by the Holy See's Secretariat for Unbelievers on August 28, 1968 (Flannery, p. 1002-14) and Avery Dulles, "Communication Theology: Dialogue in Communication and in the Theology of *Communio*," *Catholic International* (November, 2001) p. 36-40. A wide range of statements and addresses by recent popes and other officials is gathered in English translation under the title *Paths to Peace: Documents of the Holy See to the International Community* (New York: Permanent Observer Mission of the Holy See to the United Nations, 1987). Donald F. Durnbaugh edited statements of the World Council of Churches and other groups in *On Earth Peace: Discussions on War/Peace Issues between Friends, Mennonites, Brethren and European Churches, 1935-75* (Elgin, IL: The Brethren Press, 1978).

⁴ Surveys with extensive bibliographies for the biblical tradition are offered by Jean-Marie Aubert, "Loi et Evangile," *Dictionnaire de Spiritualité* LXII (1976) col. 966-984, Klaus Koch and others, "Gesetz," *Theologische Realenzyklopädie* (1984) pp. 40-147, S. Greengus, "Law in the OT," *Interpreter's Dictionary of the Bible*, Supplementary Volume (1976) pp. 532-537, H.H. Esser, "Law," *New International Dictionary of New Testament Theology*, volume 2, pp. 436-456. Articles on Greek, Roman, common and natural law in the *Dictionary of the History of Ideas* (volumes 2-3) review areas that are beyond the scope of this essay.

⁵ The following volumes include a study of the legal heritage: Israel Abrahams and others, *The Legacy of Israel* (Oxford: Clarendon, 1927); Moshe Davis (ed.), *Israel: Its Role in Civilization* (New York: Harper and Row, 1956); Louis Finkelstein (ed.), *The Jews: Their Role in Civilization* (New York: Schocken, 1971); Abraham Katsh, *The Biblical Heritage of American Democracy* (New York: KTAV, 1977); Cecil Roth, *The Jewish*

Contribution to Civilization (London: East and West Library, 1956).

⁶ H.W. Robinson, *Corporate Personality in Ancient Israel* (Philadelphia: Fortress, 1980) and Aubrey R. Johnson, *The Vitality of the Individual in the Thought of Ancient Israel*. (Cardiff: University of Wales Press, 1964).

⁷ See Delbert R. Hillers, *Covenant: The History of a Biblical Idea* (Baltimore: John Hopkins, 1969); Dennis J. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and in the Old Testament* (Rome: Pontifical Biblical Institute, 1978). On the covenant law-suit form, see Julien Harvey, *Le Plaidoyer prophétique contre Israël* (Brussels: Desclée, 1976).

⁸ See A. Finkel, "The Meaning and Practice of Peace: A Biblical and Rabbinic Perspective," edited by L. Frizzell. (South Orange: Jewish-Christian Studies, 1990) p. 1-14.

⁹ See A. Finkel, "Aging: The Jewish Perspective," *Spiritual Perspectives on Aging*, edited by F. Tiso (Lake Worth: Sunday Publications, 1982) pp. 111-134.

¹⁰ See Robert North, *Sociology of the Biblical Jubilee* (Rome: Pontifical Biblical Institute, 1954).

¹¹ A saying attributed to Hillel the elder (an older contemporary of Jesus) makes the point well: "If I am not for myself, who is for me? If I am only for myself what am I? (Mishnah Aboth 1:14). Rabbi Akiba (who died in A.D. 135.) stated: "Beloved is the human person, for he was created in the image of God; still greater was the love which made this known to him (Gen 9:6) (Aboth 1:15).

¹² See Jeffery Wattles, *The Golden Rule* (New York: Oxford University Press, 1996).

¹³ Walter Brueggemann, *Living Toward a Vision* (Philadelphia: United Church Press, 1982) p. 15. A scholarly approach to the Pentateuch (Torah) of the Hebrew Bible is offered by Dale Patrick *Old Testament Law* (Atlanta: John Knox Press, 1985) and Franz Crüsemann, *The Torah: Theology and Social History of Old Testament Law* ((Minneapolis: Fortress Press, 1996).

¹⁴ For Jewish and Christian contributions to this discussion see Ze'ev W. Falk, *Law and Religion: The Jewish Experience* (Jerusalem: Mesharim, 1981); Walter Harrelson, *The Ten Commandments and Human Rights* (Philadelphia: Fortress, 1980) and *Peace, Politics and the People of God*, edited by Paul Peachey (Philadelphia: Fortress, 1986). For an approach that stresses the difference among the civilizations of the world, see A.J.M. Milne, *Human Rights and Human Diversity: Essay in the Philosophy of Human Rights* (Albany: State University of New York Press, 1986). Another version of the above section of my essay was published in *Seeds of Reconciliation*, edited by Katharine Hargrove (N. Richland, TX: BIBAL Press, 1996).

¹⁵ Pope John Paul II, Apostolic Letter "Toward the Coming Third Millennium," : *The Pope Speaks* 40 (1995) p. 91-93 (#11-14).

¹⁶ See *SIDIC* 33 (#1 - 2001) p. 22-24.

¹⁷ See *SIDIC* 27 (#2- 1994) p. 32.

¹⁸ The text is found in *SIDIC* 34 (#2 - 2001) p. 23-25 and in *Pro Dialogo* (Pontifical Council for Dialogue among Religions) 107 (2001-2) p. 272-275. Also see the Boston College web site at: www.bc.edu/bc_org/research/cjl/

¹⁹ *Pro Dialogo*, p. 274

²⁰ *Ibid.*, p. 274-275

²¹ *Ibid.*, p. 275

²² See *SIDIC* 34 (#2- 2001) p. 25

²³ "Jewish-Christian Relations and the Dialogue with World Religions: A Bibliographical Survey," *SIDIC* 28 (#2- 1995).

Vanquishing the Ghost of Trianon:
**Preventing Hungarian Irredentism through
Western Integration**

by Thomas Ambrosio

A rather odd psychosis seems to have recently overcome the countries of Central and East Europe (CEE). From Warsaw to Budapest, every political action and every event of any political significance is being judged by whether it furthers or hinders accession of the country concerned to NATO.

– László Valki

INTRODUCTION

At the close of the First World War, Hungary was partitioned by the victorious Allied powers in accordance with the Treaty of Trianon (4 June 1920). Consequently, the new Hungarian state lost nearly one-third of its historic territory and an equal percentage of its Magyar population.¹ The recovery of Magyar-populated territories outside of the Hungarian borders became an obsession for every interwar government and the desire to overturn the Trianon borders pushed the young state into the camp of the rising fascist powers of Italy and Germany. Once again aligning with the losing side in a world war, Hungary – which had managed during the Second World War to unite nearly all of the Magyars of Central Europe – was once again partitioned.²

After the Soviet takeover of Hungary in 1949, questions about the treatment of the Magyar diaspora were suppressed within Hungary. Although acknowledgment of the Magyars' suppression in the other communist states was allowed to come into the open during the 1956 Hungarian rebellion, it was again stifled by Soviet tanks. Subsequently, the treatment of Hungarians in the Eastern Bloc worsened. But not until the radical geopolitical and domestic changes in Eastern Europe during 1989 did Hungary once again have the opportunity to chart an independent foreign policy path.

Observers in the region feared that with Soviet constraints lifted, Hungary would return to its past irredentist designs and, once again, attempt to reunite its diaspora. As Henry Hauttenbach observed as late as 1996, "The ghost of Trianon continues to

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haunt Central Europe.”³ However, these dire predictions have not come to pass. Four explanations are commonly given for the contrast between Hungary’s interwar and post-cold war foreign policies. First is a process of national learning from the failure of irredentism during the interwar period. As Adrian Hyde-Price puts it, “Hungary’s behavior in the 1930s and during the war; the suffering it caused to other countries and to itself, the lasting damage it did to Hungary’s name – the bad memories of all of this led to a considerable moral revulsion against irredentism.”⁴ Secondly, Hungary’s ability to redeem its population is limited. Because in its region Hungary has the lowest defense expenditures as a proportion of GDP and fewer active duty personnel as a proportion of population, it “has negligible capacities of any kind – particularity in terms of military power, to defend itself or its ethnic kin in the region.”⁵ Thirdly, Hungary’s current borders are relatively long-standing. Absent a period of imperial or state collapse, the willingness and ability to alter borders is not likely to exist.⁶ Lastly, and potentially the most important, Hungarian national identity may be moving away from an ethnoterritorial concept, which promotes the notion that “the political and national unit should be congruent,”⁷ and toward a more civic, liberal, or postnational nationalism.⁸ Thus, the nationalist fervor of the interwar period may not be possible in post-communist Hungary.

While each of these factors may play a role, Hungarian foreign policy is also tightly constrained by a single overarching concern: that statements and policies that appear to call the state’s borders into question will damage Hungary’s relations with the West and consequently hamper its return to Europe. That is, it will lessen Hungary’s chances of joining Western political, military, and economic institutions. Here, I examine three situations in which this constraint is apparent: the fallout from Istvan Csurka’s nationalist essay of 1992; the foreign policy debate during the 1994 parliamentary election campaign; and the “good neighbor” treaties signed with Slovakia and Romania in 1995 and 1996, respectively. I begin this essay with a brief summary of the rebirth of an independent Hungarian foreign policy by focusing on its “holy trinity” – concern for the Magyar diaspora, good relations with its immediate neighbors, and membership in Western institutions – and how they are interrelated. Next, I look at a number of documents and statements by policymakers (both Western and Hungarian) that illustrate the importance of certain prerequisites for membership in the North Atlantic Treaty Organization (NATO), the European Union (EU), and the Conference of Europe—the most prominent of which is the requirement that applicants resolve all territorial and minority issues with their neighbors. The bulk of this article will examine the three cases cited above in which Hungary’s concern over Western reaction is evident. I conclude this article by exploring the implications of Western integration on stability in Eastern Europe.

THE REBIRTH OF AN INDEPENDENT FOREIGN POLICY

The parliamentary election of March-April 1990 was a rout for the reform Communists (the Hungarian Socialist Party—MSP) and a victory for the center-right

Hungarian Democratic Forum (MDF), led by Jozsef Antall. This change of government allowed Hungary to chart a truly independent foreign policy.

Prime Minister Antall presented the “four pillars” of his government’s foreign policy program to the Hungarian National Assembly on 22 May 1990.⁹ One of his most important themes was the desire “to return to the European heritage” that Hungary had temporarily lost while under Soviet domination: “The government commits itself to the thought of European integration,” including membership in Western institutions. Connected to this was the second pillar: Antall made clear (with all politeness) that he wanted to extricate Hungary from the Soviet orbit, including withdrawal from the Warsaw Pact.

Because of Hungary’s past behavior, its neighbors perceive any act of concern over the fate of its diaspora as a sign of nascent irredentism.

The third pillar was the “particular emphasis” placed on the “Magyar minority living beyond our borders, on the territory of one-time historical Hungary.” According to Antall, “the Hungarian state has an important responsibility to support everywhere the preservation of the Magyar nation as a cultural and ethnic community.” The final pillar was closely connected to the third: cooperation with Hungary’s neighbors and assurances that Hungary is not revanchist. Therefore, Antall’s program of “the creation of links based on bilateral agreements” and “ensuring mutual interests and good neighborly relations” was dependent upon the treatment of the Hungarian diaspora by its neighbors.

It was the second of these pillars—extricating Hungary from the Soviet orbit—that would occupy the first year of Antall’s government. With the institutional legacy of Soviet domination discarded, Hungarian foreign policy settled into a general consensus.¹⁰ However, implementing a foreign policy strategy based on concerns for the Magyar diaspora, good relations with Hungary’s immediate neighbors, and membership in Western institutions would be difficult given the fact that the components are intimately related. Because of Hungary’s past behavior, its neighbors perceive any act of concern over the fate of its diaspora as a sign of nascent irredentism. At the same time, Hungary’s ability to protect its diaspora is largely dependent upon its getting neighboring countries to treat their Magyar minorities well, which in turn is largely dependent upon good bilateral relations. Any deal with Hungary’s neighbors, however, seemed to go against the interests of the Magyar minorities. Thus, post-cold war Hungarian foreign policy was in a bind.

REQUIREMENTS FOR MEMBERSHIP IN WESTERN INSTITUTIONS

Despite an initial reluctance to fully embrace the countries of Eastern Europe, Western states gradually accepted the notion that their political, economic, and military institutions would have to be expanded to the east. Nearly all of the states be-

tween the former Soviet Union and the eastern border of Western Europe desired to return to Europe through integration into the EU, NATO, and the Council of Europe. However, Western countries were quite selective about which states were to be admitted in the first group, which were to be admitted in the second round, and which states simply got left behind. They established a series of conditions or requirements for membership in their institutions; many of these reflected the nature of the institutions themselves (for example, military requirements for NATO and economic ones for the European Union). Others, however, were political in nature, such as the development of a democratic political system. Therefore, one of the main requirements set by Western institutions was that applicants must settle territorial and ethnic disputes with their neighbors prior to entry. Western institutions did not want to “import” security problems. Furthermore, good relations with one’s neighbors are considered to be a key indication of whether a state has accepted “European values.”

The European Stability Pact (also known as the Balladur Plan) was proposed in April 1993 by French Prime Minister Edouard Balladur and adopted by the European Council six months later.¹¹ The proposal was seen as a form of “preventive diplomacy” aimed “to persuade [the East European] countries to make an official commitment to safeguard the rights of minorities and respect each other’s borders.”¹² While this may seem redundant, since the 1975 Helsinki Final Act essentially guaranteed the same thing, the Stability Pact served as a way for states to reiterate their commitment to the inviolability of borders and to formally include the successor states to the Soviet Union, Yugoslavia, and Czechoslovakia. Most importantly, however, the Stability Pact and the bilateral ‘good neighbor’ agreements that it required were seen as “the price for closer ties with the [then] 12-member European Community.”¹³ As one analyst put it: the Stability Pact “was, and remains, a necessary pre-condition for EU membership. The Union cannot consider candidates which have the potential to bring destabilizing elements into the fold.”¹⁴ As one of the five Eastern European countries in the first tier¹⁵ of applicants with significant minority and border problems with its neighbors, Hungary was specifically identified as a troubled case: “Hungarian officials have been informed that EU leaders expect Hungary to settle disputes with its neighbors before it can become a full member of the Union.”¹⁶

Leading Hungarian politicians recognized the connection between their country’s adherence to the Stability Pact and bilateral treaties and its future membership in the European Union. Foreign Minister Geza Jeszenszky said, in the context of the problems related to signing bilateral treaties with Hungary’s neighbors, “it would be detrimental for Hungary if Europe thought it was Hungary’s protection of minorities that was a source of danger instead of the denial of justified minority demands.”¹⁷ This policy of reconciliation [with its neighbors] is important to Hungary. In December 1994, Hungarian Foreign Minister Laszlo Kovacs¹⁸ presented a memorandum to the ambassadors of the EU countries in Budapest in which he recognized “the importance of the Pact on Stability in Europe” in promoting “the integration of Eastern and Central Europe into the EU.”¹⁹ That the European Stability Pact was a crucial and

potentially deciding factor for Hungarian accession into the EU is clear. As will be shown below, the MSP government made a conscious choice between signing bilateral treaties with Slovakia and Romania, which were widely criticized by the opposition, and damaging its chances of joining Western institutions.

NATO's requirements went beyond strictly military matters to include good relations with neighbors and the sanctity of borders. The official NATO expansion study released in September 1995 stated, "There is no fixed or rigid list of criteria for inviting new member states to join the Alliance" and "enlargement will be decided on a case-by-case basis."²⁰ But it was clear that NATO was taking a similar position to that of the EU on diaspora and border questions: "States which have ethnic disputes or external territorial disputes, including irredentist claims, or internal jurisdictional disputes must settle those disputes by peaceful means in accordance with OSCE principles. Resolution of such disputes would be a factor in determining whether to invite a state to join the Alliance."²¹

Although Hungary was on nearly every NATO member's shortlist for accession to NATO, the Alliance took seriously the issue of potential Hungarian territorial claims. In a report to the U.S. Senate Foreign Relations Committee, Senator Joseph Biden (D-Del.) acknowledged a "concern over the years regarding Hungary's prospects for integration with NATO...over unresolved tensions with Hungary's neighboring states that could affect regional security and stability" but found that "this concern has been largely alleviated by the conclusion and ratification of bilateral treaties with Slovakia and Romania."²² Noting the obvious connection: "the prospect of NATO membership is widely credited as a prime motivation for Hungary to resolve outstanding issues with these two neighbors."²³

In a 'fact sheet' on Hungary's progress toward full NATO membership, the U.S. State Department prominently featured the lack of open territorial disputes as an important factor for Hungarian NATO membership.²⁴ Marc Grossman, then Assistant Secretary of State for European and Canadian Affairs, submitted a statement to the Senate Foreign Relations Committee in October 1997 that recognized the resolution of Hungarian territorial disputes as a significant reason why Hungary's application to NATO was successful.²⁵ The importance of resolving all outstanding territorial disputes was also put directly to the Hungarians: In a trip to Hungary in September 1995, U.S. defense secretary William Perry laid out five requirements for NATO membership; "good-neighborly relations" was one of them.²⁶

The Hungarians clearly understood the importance of relinquishing territorial claims for their chances of joining Western political, economic, and security institutions. The matter was put quite bluntly by MSP Foreign Minister Kovacs in early 1995: "During my half a year in office, senior politicians from some countries that are important to us, for instance the United States, asked me whether Hungary would at last be prepared to recognize its existing borders. If the view that Hungary is toying with the idea of border modification and territorial claims is allowed to develop, we will become isolated and will not be able to join any [Western] international organization."²⁷

THE CSURKA ESSAY

The controversy surrounding Istvan Csurka's nationalistic and anti-Semitic essay in *Magyar Forum* on 20 August 1992 was possibly the most significant domestic and foreign crisis of the Antall Government.²⁸ This was not simply a fiery tract written by some intellectual; it was penned by one of the deputy chairmen and founders of the MDF, the ruling party in Hungary.²⁹ On the domestic front, the article exposed sharp divisions within the Hungarian body politic and instigated the eventual expulsion of Csurka and his followers from the MDF's parliamentary group and the near collapse of the Antall Government. Just as significant was the potential damage that Csurka's essay posed to Hungary's image in the West.

At a base level, Csurka's essay was a rather paranoid call-to-arms for the threatened Hungarian nation against the Jewish-Communist *nomenklatura* of the previous regime, which according to him was in league with international forces and sheltered by the opposition parties. These conspirators saw the MDF as the primary danger to their economic and political power, while the MDF was seen by people such as Csurka as the true defender of Christian and national values. He urged "firm steps," including violence, to deal with the holdovers from the past regime. In addition, he indirectly called Hungary's borders into question by arguing that the new generation should be able to decide how to reorder their "post-Trianon state" so as to "create a new Hungarian *lebensraum*."

The domestic controversy was quickly transformed into an international issue because a Hungarian-born U.S. Congressman Tom Lantos (D-CA) happened to be visiting Hungary at the time.³⁰ Lantos, who was forced to leave Hungary during the Second World War because of his Jewish heritage, claimed that Hungary's international image would be negatively affected by the Csurka essay: "if Csurka's ideas come to prevail among Hungary's leading politicians, its relationship with the United States may see dramatic changes with adverse effects."³¹ Lantos reportedly described the essay "as radical extreme right-wing, or if you like fascist" and expressed his belief that "it would be worth considering whether it is desirable for Istvan Csurka to continue to hold a leading position in the country's biggest party."³² Hungarian President Arpad Goncz observed sadly, "I am not too happy with Hungary becoming a subject of talk in such a way."³³

The international ramifications of Csurka's essay were well known in Hungarian political circles. Less than two weeks after the article was published, the Inter-Parliamentary Council's Group Against Anti-Semitism issued a statement signed by fourteen Members of Parliament citing "immeasurable foreign political damage."³⁴ Foreign Minister Jeszenszky, in a speech entitled "Hungary's Reputation in the World," made the contrast between the world's "unified...enthusiasm for Hungary at the turn of 1988-9" and the current situation. He warned that Hungary "should not risk [its] results, and should safeguard [its] good reputation."³⁵ The Antall Government focused on damage control. In an address to the National Assembly, Antall publicly distanced himself and his government from the "faulty interpretation[s] found in the

thesis”³⁶ of the essay.

Still Antall faced criticisms that he had not done enough to repudiate Csurka’s populist wing of the MDF.³⁷ Although Antall claimed that he was successful in resisting any attempts to pull his party to the right,³⁸ the continued presence of Csurka on the party’s national presidium and the supposed reconciliation between Antall and Csurka did not help.³⁹ The final straw came when Csurka condemned the Hungary-Ukraine basic treaty – seen as the first step in achieving treaties with Hungary’s neighbors with significant Magyar minorities. In May 1993, Csurka attacked the government for signing the treaty, which declared that the two sides had no territorial claims and would not make any in the future.⁴⁰ Although he stated that “the preservation of [Hungarian] souls” was his main issue and not any desire for the revision of borders, the implication that Hungary still possessed territorial claims was completely unacceptable to the MDF.⁴¹ Csurka and his followers were expelled from the MDF parliamentary group in early June, despite real fears that the Antall Government would topple.⁴² Ultimately, Csurka was expelled from the MDF on 22 June 1993.⁴³

The importance of this expulsion for the MDF’s international image should not be understated. Csurka was an embarrassment at home and abroad, and his continued membership in the governing party damaged not only the government’s reputation, but Hungary’s as well. The international dimension became clearer toward the end of 1993 and in early 1994 when political parties were considering their strategies for the 1994 elections. Hungarian Prime Minister Peter Boross, who took over the position after Antall died on 12 December 1993, said that any cooperation with Csurka’s faction was automatically ruled out because “their rhetoric and mentality does not [sic] correspond to the center-right direction we find acceptable in the interest of our integration into Europe.”⁴⁴ Nearly all other Hungarian parties shared this feeling.⁴⁵ Thus, Csurka’s status as a pariah on the Hungarian political stage was in large part due to how he and his views were interpreted in the West.

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THE 1994 PARLIAMENTARY ELECTION CAMPAIGN

The foreign policy consensus established early in the Antall Government began to fray as the May 1994 parliamentary election neared. In fact, as early as August 1993, critics of the MSP’s foreign policy surfaced. While the overall components of the consensus – integration into Europe, concern for the Magyar diaspora, and good-neighborly relations – remained intact, differences existed over the government’s priorities.

If one wanted to rank the three foreign policy goals of the Antall Government in order of importance, it would be unclear whether integration into Europe or concern

for the Magyar diaspora would take first place (though likely the latter). However, it is very certain that relations with Hungary's neighbors, and by extension the attainment of bilateral basic treaties, were subordinated to the minorities issue. In the debate over Hungary's national security policy in the spring of 1993, a serious difference between the MDF and the opposition parties was the former's insistence of leaving open the possibility of "peaceful changes resulting from the will of the people in a given region."⁴⁶ While the government was willing to do this in the case of Ukraine, it was unwilling to do the same for Slovakia, Romania, and Yugoslavia. At the same time, MDF leaders were also unwilling to drop their demands for Magyar autonomy or their emphasis on Hungary's sense of historical grievance. As a result, bilateral treaties with Romania and Slovakia were nearly impossible to attain—which meant that integration into Western institutions was at risk.

The opposition parties' criticisms of the government were rooted, to a large extent, in its fears that the MDF's emphasis on the diaspora was hurting Hungary's other foreign policy aims.⁴⁷ In response to concerns that Hungary would be on the wrong side of Western integration if it did not have good relations with its neighbors, Laszlo Kovacs replied: "Regrettably such a danger cannot be ruled out. It is precisely the task of Hungarian foreign policy to dissipate such anxieties. ... Without a normal relationship...this region has no chance of integrating itself into the advanced part of Europe. For Europe will not receive countries that are bickering with each other."⁴⁸ The opposition was nearly united in its pledge to make relations with Hungary's neighbors its top priority. The MSP argued that it is "extraordinarily important that Hungary's relations with neighbouring countries should not deteriorate any further" and pledged that it would attempt to reach basic treaties with Romania and Slovakia "as soon as possible," even at the price of relinquishing all future territorial claims.⁴⁹ Elsewhere, the MSP committed itself to "a historic compromise" and "historic reconciliation," based on the model of French-German relations following the Second World War.⁵⁰ MSP chief and later Prime Minister Gyula Horn stated that the most important thing for Hungary was good relations with its neighbors because "the West will be no partner of ours if we clash with each other and increase tension among ourselves."⁵¹ The reasoning was as follows: both good treatment of the Magyar diaspora by its host states and Western integration are dependent upon bilateral treaties. Thus, the Hungarian state must be willing to do practically anything to sign them, including shutting the Magyar diaspora out of the negotiation process.

The victory of the MSP in the 1994 parliamentary elections set Hungary on a different foreign policy path than the MDF traveled from 1990-4. Although the broad tripartite consensus on foreign policy was intact, the priorities of the Government were quite different.⁵² Imre Szekeres, Deputy Chairman of the MSP, pointedly outlined the differences between the Antall and Horn governments:

Hungary must be able to digest at last the trauma of the Treaty of Trianon, to find at last a *modus vivendi* in which the Hungarian nation, inside and outside the Hungarian borders, can live its Hungarianness to the full and be able to find a balance which must necessarily come about between the majority nations and the Hungarian minorities of the other countries.⁵³

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In addition, according to Szekeres, Horn would only be “the prime minister of 10.5 million Hungarians. However, at the same time, he will be a representative, in some form, of the other 3.5 million Hungarians living outside the borders.”⁵⁴ The latter statement was clearly a reference to and repudiation of Antall’s controversial statement about being the Prime Minister, “in spirit,” of 15 million Hungarians.⁵⁵ In the presentation of his government’s program, Horn expressed continuity with the foreign policy goals of his predecessors, but that “our country’s international prestige can be considerably increased” by reordering its priorities.⁵⁶

THE HORN TREATIES

The Horn Government set to work on reaching basic treaties with Slovakia and Romania immediately after assuming power. Hungary was very willing to make concessions on the issues of collective rights and political autonomy – something which the Magyar diaspora greatly feared – and agree to relinquish all territorial claims because, as Horn observed, “the sooner we settle our ties with our neighbours, the bigger chance we have for joining NATO.”⁵⁷ The impending summit on the European Stability Pact (in spring 1995) added significant urgency to the negotiations: “Pressure is being exerted on us in the sense that ... the member states of the European Union, and obviously the United States as well, would like to see such basic treaties concluded between Hungary and Romania and Hungary and Slovakia, before the Paris conference.”⁵⁸ Although Hungary was unable to conclude a treaty with Romania in that timeframe, one was reached with Slovakia prior to the summit.

The opposition in the Hungarian National Assembly, and ordinary Hungarians in both Slovakia and Hungary blasted the Hungary-Slovakia Basic Treaty. Thousands demonstrated in front of St. Stephen Basilica in Budapest when the treaty was made public.⁵⁹ Three Hungarian opposition parties – the Federation of Young Democrats (Fidesz), the Christian Democratic People’s Party, and the Hungarian Democratic Forum – called upon Horn not to sign the treaty. Fidesz chairman Viktor Orban proclaimed that “the Hungarian government has capitulated. [Slovak Prime Minister] Vladimir Meciar has defeated Gyula Horn.”⁶⁰ The parliamentary debate was tense, with the opposition arguing that the Horn Government in essence sold out the Magyars of Slovakia in order to get a basic treaty as quickly as possible.⁶¹ However, some newspapers praised the treaty and its international implications for Hungary.⁶² Similarly, the Alliance of Free Democrats (coalition partner with the MSP) “argued that the basic treaty helps Hungary’s Euroatlantic integration.”⁶³ Despite criticisms, the Hungarian National Assembly ratified the treaty in June 1995.

The Hungary-Romania Basic Treaty was more difficult to reach because of intransigence from the Romanian side and the Romanian elections, which relied in large part on anti-Hungarian demagoguery. In addition, the fervor in the Hungarian parliament was stronger because of events in Slovakia: the Slovakian government passed a language law which made Slovak the official language, thus raising doubts about the Magyars’ ability to freely use Hungarian, which was supposed to be guaranteed under

the Slovakia-Hungary Basic Treaty.⁶⁴ While the Hungarian government reacted negatively to the Slovak language law, the opposition claimed that it had foreseen this outcome. By being too quick to sign a treaty with Slovakia (i.e., without holding out for sufficient minority rights guarantees), the Horn Government put the Magyar minority at risk. As one MDF deputy put it, “the Hungarian-Slovak basic treaty was a mere trick by which the two sides wanted to delude the international public.”⁶⁵ Adding to the hysteria about the basic treaties, MDF Chairman Sandor Lezsak warned that the MSP-led government was “preparing the ground for a third Trianon with the Hungarian-Romanian basic treaty.”⁶⁶

**To be effective, Western pressure must also be consistent.
Steady pressure on Hungary appeared to be instrumental in
achieving the desired foreign policy outcome.**

Some movement on cosmetic issues from the Romanian side allowed the finalization of a Romania-Hungary Basic Treaty; again, without political/territorial autonomy, or collective rights for the Magyar minority.⁶⁷ The opposition savagely attacked it.⁶⁸ Horn tried to justify the treaty’s provisions by arguing that they were the best Hungary could achieve under the circumstances: “Agreements that satisfy all demands cannot be concluded with the neighbouring countries...documents that aim at reconciliation and lasting cooperation should definitely be signed, as that is the road leading to the European Union.”⁶⁹ Hungarian president Goncz echoed this sentiment: “I believe none of us disputes the fact that our first task is to win membership in the European Union. Within this, we are obliged to engage in absolutely realistic politics, and that is our only opportunity.”⁷⁰ In his defense before the National Assembly in September 1996 of the treaty with Romania, Kovacs was surprisingly blunt about its international implications;

Good relations between Hungary and its neighbouring countries are in our fundamental interest because they serve the security and stability of the region and therefore serve our own security interests, too. They assist economic cooperation and so they suit our economic interests, too. They provide an opportunity for us to act profitably in the interest of the Hungarian communities in neighbouring countries and therefore they suit our minority-policy interests, too. Finally, they are a precondition of our own and our neighbours’ admission to Euro-Atlantic organizations and so they suit our integration interests.⁷¹

The reasons given by the Horn government for signing the treaty quickly became an important source of criticism: “Today, they look to the expectations posed by the decisive international political factors of Euro-Atlantic integration, instead of trying to have their negotiating partners accept Hungarian goals.”⁷²

CONCLUSIONS

Hungarian foreign policy since the collapse of communism has been strongly influenced by the process of gaining membership in Western political, military, and economic institutions. NATO's invitation for Hungary to join the alliance marked both a success for post-cold war Hungarian foreign policy and the acceptance of Hungary as part of the West. Hungary's ties to the West through NATO and likely European Union membership will continue to restrain its diaspora policies. Hopes of Western integration have constrained even the hint of latent Hungarian irredentism and have played a critical role in foreign policy decisions, internal politics, and domestic rhetoric. Western international organizations have made it quite clear that states with lingering territorial claims or interstate ethnic problems would not be seriously considered for membership. Although this was not the only requirement, it was an important one, as these institutions do not want to import security problems. And because Hungary is the only 'first tier' East/Central European state with a substantial diaspora, this issue has been an especially acute obstacle for Hungary's "return" to Europe.

What are the broader implications for Western policy toward Eastern/Central Europe? The Hungarian case is not unique. Many states in East/Central Europe are eager to reap the anticipated benefits associated with Western integration, which provides the West with important leverage over them. Similar pressure to that placed upon Hungary has been applied, with varying degrees of success, upon such countries as Slovakia and Romania.

To be effective, Western pressure must also be consistent. Steady pressure on Hungary appeared to be instrumental in achieving the desired foreign policy outcome. The fact that the Horn Government felt compelled to reach a bilateral treaty with Romania in the face of harsh domestic criticism of its treaty with Slovakia was a testament to the pressure's success. However European pressure could create a backlash against the mandates of Western institutions. While this did not fully happen in Hungary, the defeat of the Horn Government in the 1998 parliamentary elections by the transformed center-right Young Democrats was based in part on the latter's criticisms of the bilateral treaties and promises to revise them.⁷³ On a different issue, European condemnation of the inclusion of the far-right Freedom Party into the Austrian ruling coalition has actually increased the party's popularity, a reaction similar to earlier Western disapproval of Kurt Waldheim's presidency.⁷⁴

Lastly, some states in Eastern/Central Europe might be somewhat immune to Western pressure on the grounds that integration is neither likely nor desirable. For example, Belarus' turn away from the West and toward Russia, due in part, to domestic and geopolitical factors, also indicated its rejection of Western integration. The regime of Aleksandr Lukashenko has heightened its level of oppression despite, and likely because of, Western pressure.⁷⁵

In sum, it is clear that Hungarian foreign policy toward the Magyar diaspora under successive governments was restrained by the goal of Western integration. The

requirements for integration can be a powerful tool to modify the foreign and domestic policy behavior of aspirants to its institutions. While there are certainly limits to its effectiveness, conditions of democratization, respect for minority rights, and the inviolability of borders has the potential for spreading the European zone of peace eastward.

Notes

- ¹ Compiled from Ferenc Glatz, "Data on Trianon Hungary," *Hungarians and Their Neighbors in Modern Times, 1867-1950*, ed. Ferenc Glatz (East European Monographs, 1995), 105-110.
- ² The English language uses the term Hungarians, though the Hungarians call themselves Magyars. I use the two terms interchangeably with a preference for 'Magyar' when referring to the diaspora and 'Hungarian' when referring to the state.
- ³ Henry Hauthenbach, "Divided Nations and the Politics of Borders," *Nationalities Papers* v.24, no.2, September 1996, 369-70 (369).
- ⁴ Adrian Hyde-Price, *The International Politics of East Central Europe* (Manchester University Press, 1996), 32-3.
- ⁵ Daniel N. Nelson, "Hungary and Its Neighbors: Security and Ethnic Minorities," *Nationalities Papers* v.26, no.2, 1998, 313-30 (321).
- ⁶ Paul K. Huth, *Standing Your Ground* (University of Michigan Press, 1996), 90-2.
- ⁷ Ernest Gellner, *Nations and Nationalism* (Blackwell, 1983), 1.
- ⁸ Gyorgy Csepeli, *National Self-Identity in Contemporary Hungary* (East European Monographs, 1997); Laszlo Deme, "Liberal Nationalism in Hungary, 1988-1990," *East European Quarterly* v.32, no.1, Spring 1998, 57-82.
- ⁹ *Hungarian Home Service* (Budapest), 22 May 1990, 13:13 GMT, reproduced as "Premier Jozsef Antall Presents Government Programme," in *BBC Summary of World Broadcasts (BBCSWB)*, 25 May 1990, EE/0773/C1/1.
- ¹⁰ The passage of the Hungarian Security Concept by the Hungarian National Assembly one vote short of unanimity was evidence of this consensus. *MTI*, 2 March 1993, 19:40 GMT, reproduced as "Parliament Approves Security Policy Principles," in *Foreign Broadcast Information Service — Eastern Europe (FBIS-EEU)*, 3 March 1993, 25.
- ¹¹ Council Decision of 14 June 1994 on the continuation of the joint action adopted by the Council on the basis of Article J.3 of the Treaty on European Union on the inaugural conference on the Stability Pact," 94/367/CFSP. [accessed via CELEX database]
- ¹² "EC Summit may Convoke Conference on Pact with E. Europe," *Agence France Presse*, 7 December 1993.
- ¹³ "EC Launches Work on French-proposed Stability Pact," *Agence France Presse*, 11 December 1993.
- ¹⁴ Joe Cook, "Stability Pact Tries Hard to Encourage Good Behaviour between Neighbours," *European Dialogue*, no.1, March-April 1995.
- ¹⁵ Hungary, the Czech Republic, Estonia, Poland, and Slovenia. "Screening Process Continues," *European Dialogue*, no.2, March-April 1999.
- ¹⁶ Julius Strauss, "Hungary Has Uphill Battle for Rapprochement," *European Dialogue*, no.1, March-April 1995.
- ¹⁷ "Hungary Seeks Friendship with Neighbours But Wants Hungarian Minority Rights," *Magyar Távirati Iroda* (Hungarian Telegraphic Agency, hereinafter *MTI*), 15 October 1993.
- ¹⁸ Kovacs became Foreign Minister after the Hungarian Socialist Party won the 1994 elections (see below).
- ¹⁹ "What Does Hungary Expect from EU?," *MTI*, 13 December 1994.
- ²⁰ North Atlantic Treaty Organization, "Study on NATO Enlargement," September 1995, accessed July 2001 <<http://www.nato.int/docu/basicxt/enl-9502.html>>.
- ²¹ *Ibid.*
- ²² Senate Foreign Relations Committee, *Meeting the Challenges of a Post-Cold War World: NATO Enlargement and US-Russia Relations*, report prepared by Joseph R. Biden, Jr., 105th Cong., 1st sess., 1997, Committee Print 97-S-382-9, S. Prt. 105-26.
- ²³ *Ibid.*
- ²⁴ US Department of State, Bureau of European and Canadian Affairs, "Hungary's Record in Meeting NATO's

Standards,” 15 August 1997.

²⁵ US Department of State, Marc Grossman, “Statement submitted for the record, as prepared for a hearing before the Senate Foreign Relations Committee,” October 1997.

²⁶ *MTI*, 20 September 1995, 19:31 GMT, reproduced as “US Defence Secretary: Hungary is Leading Candidate to Join NATO,” in *BBCSWB*, 22 September 1995, EE/D2415/C.

²⁷ “Interview with Hungarian Foreign Minister – Uj Szo,” *MTI*, 30 January 1995.

²⁸ For more detail on Csurka’s essay, see its partial reproduction in “Excerpts from Csurka’s Theses,” *Nepszabadsag* (Budapest), 27 August 1992, reproduced in *FBIS-EEU*, 3 September 1992, 9-13. Also Judith Pataki, “Istvan Csurka’s Tract: Summary and Reactions,” *RFE/RL Research Report* v.1, no.40, 9 October 1992, 15-22.

²⁹ Edith Oltay, “A Profile of Istvan Csurka,” *RFE/RL Research Report* v.1, no.40, 9 October 1992, 26-9.

³⁰ Because of his Hungarian heritage, Lantos has been an important interlocutor between the U.S. and Hungary and his views hold substantial weight in both countries.

³¹ “Tom Lantos Meets the Press in Budapest,” *MTI*, 1 September 1992.

³² *Hungarian Radio* (Budapest), 1 September 1992, 10:00 GMT, reproduced as “US Senator [sic] says Csurka Article May Harm US-Hungarian Relations,” in *BBCSWB*, 4 September 1992, EE/147/A1/1. Also see Peter Maass, “US Interests Try to Counter Hungarian Rightist,” *Washington Post*, 20 October 1992, A31.

³³ “Hungary Undergoes Democratic Changes, President Says,” *MTI*, 12 September 1992.

³⁴ “Csurka Pamphlet – Protest,” *MTI*, 1 September 1992.

³⁵ “Hungary Should Not Risk its Results – Foreign Minister’s Lecture,” *MTI*, 12 January 1993.

³⁶ *Hungarian Radio* (Budapest), 31 August 1992, 13:18 GMT, reproduced as “Premier Antall Addresses Parliament on ‘Csurka’ and ‘Media,’” in *BBCSWB*, 3 September 1992, EE/1476/B/1

³⁷ Edith Oltay, “Hungarian Democratic Forum Rent by Dispute over Extremism,” *RFE/RL Research Report* v.1, no.47, 27 November 1992, 22-25.

³⁸ Edith Oltay, “Hungarian Democratic Forum Opts for Centrist Policy,” *RFE/RL Research Report* v.2, no.9, 26 February 1993, 22-6.

³⁹ “HDF National Convention – Opinions,” *MTI*, 23 January 1993; “Antall and Csurka Explain HDF Balance of Power,” *MTI*, 25 January 1993.

⁴⁰ “Parliament on Hungarian-Ukrainian General Agreement – Criticism by Hungarian Way,” *MTI*, 3 May 1993.

⁴¹ Edith Oltay, “Hungarian Democratic Forum Expels Radical Leader,” *RFE/RL Research Report* v.2, no.31, 30 July 1993, 24-29 (25).

⁴² In early September 1993, the Government’s ruling coalition only enjoyed a two-seat majority and there were continual fears that it would have to be reconstituted as a minority government. *MTI*, 3 September 1993, 11:21 GMT, reproduced as “Government Coalition Majority Falls to Two in Parliament,” in *BBCSWB*, 9 September 1993, EE/1789/A.

⁴³ “Csurka and Kiraly Excluded from HDF,” *MTI*, 22 June 1993.

⁴⁴ qtd. in Edith Oltay, “Hungary,” *RFE/RL Research Report* v.3, no.16, 22 April 1994, 55-61 (59).

⁴⁵ Alfred A. Reisch, “Hungarian Parties’ Foreign Policy Electoral Platforms,” *RFE/RL Research Report* v.3, no.19, 13 May 1994, 14-21 (17).

⁴⁶ Alfred A. Reisch, “Hungary’s Foreign Policy Toward the East,” *RFE/RL Research Report* v.2, no.15, 9 April 1993, 39-48 (47).

⁴⁷ Alfred A. Reisch, “Consensus on Hungary’s Foreign Policy Frayed by Elections,” *RFE/RL Research Report* v.3, no.20, 20 May 1994, 42-48 (43).

⁴⁸ Kovacs qtd. in *Hungarian Radio*, 7 December 1993, 11:50 GMT, reproduced as “Socialist Party Foreign Affairs Spokesman on ‘Realistic’ Foreign Policy,” in *BBCSWB*, 9 December 1993, EE/1867/A.

⁴⁹ *Hungarian Radio*, 4 December 1993, 17:00 GMT, reproduced as “Socialist Party Formulates New Foreign Policy,” in *BBCSWB*, 7 December 1993, EE/1865/A.

⁵⁰ *Hungarian Radio*, 7 December 1993, 11:50 GMT, reproduced as “Socialist Party Foreign Affairs Spokesman on ‘Realistic’ Foreign Policy,” in *BBCSWB*, 9 December 1993, EE/1867/A; Alfred A. Reisch, “Hungarian Parties’ Foreign Policy Electoral Platforms,” (note 56), 19.

⁵¹ *Hungarian Radio*, 2 February 1994, 20:05 GMT, reproduced as “Foreign Minister and Leading Politicians Discuss Hungarian Security and NATO,” in *BBCSWB*, 5 February 1994, EE/1914/A.

⁵² Alfred A. Reisch, “The New Hungarian Government’s Foreign Policy,” *RFE/RL Research Report* v.3, no.22, 26

August 1994, 46-57.

⁵³ qtd. in *Duna TV* (Budapest), 29 May 1994, 20:38 GMT, reproduced as "HSP Deputy Chairman Outlines Policy Towards Cross-Border Hungarians," in *BBCSWB*, 31 May 1994, EE/2010/A.

⁵⁴ *ibid.*

⁵⁵ *Hungarian Telegraph Agency*, 13 August 1990, 18:21 GMT, reproduced as "Hungarian Government Spokesman's Office Criticizes Slovak Premier's Speech," in *BBCSWB*, 16 August 1990, EE/0844/A2/1.

⁵⁶ *Hungarian Radio*, 14 July 1994, 07:19 GMT, reproduced as "Horn Presents his Government Programme," in *BBCSWB*, 16 July 1994, EE/2049/A.

⁵⁷ "Horn Interview in Polityka," *MTI*, 22 November 1994.

⁵⁸ Laszlo Kovacs qtd. in "Basic Treaties, Hungary Will Not Make Concessions," *MTI*, 1 March 1995.

⁵⁹ "Demonstration Against Basic Treaties," *MTI*, 18 March 1995.

⁶⁰ "Opposition Asks Horn Not to Sign Treaty," *MTI*, 18 March 1995.

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The Economics of the Environment: Accession of The Czech Republic to the European Union

By Terence Hoverter and Michael Hoverter

As Central and Eastern European countries (CEECs) try to gain admittance to the European Union (EU), they face pressure to conform to EU legislation and directives, including those concerning the environment. By having one of the most extensive environmental policies in the world, the EU has become a model for environmental advocacy. The Czech Republic, as a current applicant country, must align itself with these policies for admittance. During more than forty years of communist rule, however, a country that was once one of the most technologically advanced and resource rich suffered intense exploitation of minerals and environmental degradation. The Czech Republic must erase this legacy if it is to meet the EU's exacting environmental standards.

Complicating Prague's efforts, however, is the sense that the EU's environmental strictures are a red herring, with economic reform holding the real key to Czech accession. There is no need, however, for economic and environmental reform to be at odds. By strengthening domestic environmental policies and increasing foreign direct investment (FDI), the Czech Republic can attain both its environmental and its economic goals, thereby strengthening its case for membership in the EU.

DEMOCRATIC TRANSITION

A critical part of the Czech Republic's transformation to a democratic state was the determination to establish a market economy. The requirements that go along with this transition, however, have left little room for environmental protection and conservation.

The Czech Republic lacks a strong administrative base from which to enact and enforce environmental policy. Communist Party members of the *nomenklatura* left positions as heads of large bureaucratic institutions to pursue managerial and entrepreneurial roles.¹ Rather than waste their energies attempting unique environmental solutions, this *grande bourgeoisie* remained fascinated with the girth of the Czech wallet, opting for the "tried and true" technologies associated with global markets and neglecting environmental protection.²

In addition, many government officials who occupied midlevel bureaucratic posts in the communist system stayed in their positions. Even though they now had more

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freedom to develop and direct policy, they did not exercise it. Bureaucrats who had their training under communism continued their old habits and operational characteristics. As Barbara Jancar-Webster finds, a change in political culture requires “a new people dedicated to the introduction of new policies.”³ Without a turnover in personnel, a transition in policy was not forthcoming.

Without a strong administrative base, two key components in the battle against environmental degradation were nonexistent: regional agencies and public participation. With the government struggling to raise living standards, environmental enforcement and standards have understandably received less attention than combating unemployment and restructuring the economy.

APPROXIMATION OF ENVIRONMENTAL GUIDELINES

The EU has issued several policy statements and papers that outline the timing and requirements for accession of the CEECs. The most relevant for our purposes are the White Paper of 1996 and the European Commission’s Opinion on the Czech application for membership.

White Paper. On April 17, 1996, the EU issued a White Paper that deals with the integration of the CEECs into the Single Market. The document’s purpose is “to provide a guide to assist the associated countries in preparing themselves for operating under the requirements of the European Union’s internal market.”⁴

The White Paper stipulates that the CEECs must carry the burden of aligning their markets with the internal market of the EU. Toward this end, the EU offers financial aid under its Poland Hungary Aid for the Reconstruction of the Economy (PHARE) program. PHARE, launched in 1990 and joined by the Czech Republic in 1993, assists with the implementation and approximation of legislation—the process of making Czech legislation close to, or compatible with, EU legislation. Approximation is the means used to overcome the disruptive impact on the common market of differing national provisions established by law, regulation, and administrative action. The EU stresses that the approximation must be implemented in a way that will “allow the internal market to function properly after enlargement, to the benefit of all members.”⁵

The White Paper states that the promotion of the Single Market will have a spillover effect into other policy areas, one of which is the environment. By advocating for the alignment of environmental legislation while focusing on the economic goals of the internal market, the EU is ensuring “balanced and sustainable growth respecting the environment.”⁶ By citing the Treaty on European Union (TEU), the White Paper further ties economics to the environment, affirming the idea that sustainable growth is “not only vital for the environment itself, but also for the long-term success of the internal market.”⁷ It addresses the CEECs directly, stating that environmental legislation there is uneven and that the CEECs are aware of the costs involved in bringing their environmental legislation up to acceptable levels. While the costs of environmental compliance are great, the inclusion of environmental policy

reform “is essential to the functioning of the internal market.”⁸

The White Paper also calls for an improvement in the Czech Republic’s administrative structure. In June 2000, the Czech government updated its regional bodies, aligning them with the EU’s Nomenclature des Unités Territoriales Statistiques (NUTS) classification system. In 2000, the Czech Republic completed the creation of fourteen new *kraj* (departments) compatible with NUTS level 3, along with eight regions at the NUTS 2 level.⁹ The Czech Republic also has taken steps to improve the regional bodies of the Czech Environmental Inspectorate. However, while the staff of the Inspectorate has been beefed up quantitatively, the quality of its work, due at least in part to a lack of qualified staff, an unclear division of labor, and inadequate financial resources, is of significant concern to the European Commission.¹⁰

. . . its environment has improved since 1989 due to impressive levels of investment and industrial reconfiguration. However, more needs to be done.

EC Opinion. The European Commission (EC) is the policy initiator of the EU. Central to its tasks is ensuring that EU policy is applied correctly within the member states. The EC also negotiates international trade and cooperative agreements.¹¹

The EC predicated its opinion upon whether the Czech Republic can satisfy the economic and political conditions of membership, which requires:

- that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities;
- the existence of a functioning market economy, as well as the capacity to cope with competitive pressure and market forces within the union;
- the ability to take on the obligations of membership, including adherence to the aims of political, economic, and monetary union.¹²

Whereas the White Paper expressed the coupling of economic with environmental goals, the Commission’s opinion strictly is concerned with the economic and political goals that the Czech Republic must reach. It does mention the environment, pointing out that while the Czech Republic is “one of the most polluted regions of Central Europe,”¹³ its environment has improved since 1989 due to impressive levels of investment and industrial reconfiguration. However, more needs to be done.

Air pollution remains the chief concern, with sulphur dioxide and nitrogen oxide hovering at unacceptable levels. However, it should be noted that any improvements thus far have mainly to do with the closure of plants and reduced production associated with the transition from a planned economy to a market economy.¹⁴ Protection of the Czech environment is also hampered by the lack of an effective environmental legal framework. Even the laws that do exist are virtually useless without clear enforcement measures. For example, a Clean Air Act was enacted in 1991, and additional guidelines for ambient air quality exist. Air pollution continues, however, be-

cause polluters prefer paying the relatively cheap fine to spending money on pollution prevention technology.

Waste and water pollution also remain at unacceptable levels and need to be more firmly addressed in the policies formulated by the Czech Republic and through increased implementation strategies.¹⁵ The current legislation dates back to 1977; it needs to be updated to address technological advances. Of even more concern is that, according to the Czech Republic's Ministry of Environment, the act "is considered a good system of regulations *that have not been enforced*" (emphasis added).¹⁶ As with air pollution legislation, the fees and penalties are negligible, and polluters continue to pay the penalties rather than reduce pollution.¹⁷ Both surface and ground water remain considerably polluted, with roughly 60% of Czech waterways heavily polluted and more than 23% of river lengths classified in the worst pollution category (that is, unable to sustain current fish population).¹⁸ The Ministry of Environment estimates that more than half of the potable water supply is substandard, while "highly and severely polluted" water constitutes 34% of the total water flow.¹⁹

The waste sector is another critical area that must be administered closely for entry into the EU. While solid industrial waste is a serious problem in the Czech Republic, hazardous and toxic wastes make up the larger portion of this category.

The 170 Soviet military installations that graced the Czech landscape left behind a legacy of hazardous waste. Mismanagement, substandard craftsmanship, and a lack of routine inspections at the Soviet command base and airfield in Milovice, thirty-one miles northeast of Prague, have resulted in leaky underground storage tanks. This waste has made its way to a well that supplies Prague's drinking water.²⁰ This is not an isolated incident: it will cost approximately \$56 billion Czech crowns (\$1.5 billion) to "remediate the most significant previously damaged sites."²¹ If the Czech Republic is to join the EU, it must reconstruct its waste-management practices: its current waste production (50 tons per annum) is several times higher than that of the average EU member state (17.3 tons per annum). A waste study completed in 1992 estimated that hazardous waste alone accounts for 5.4 million of those tons per annum.

The Czech Republic is making some significant strides in the waste sector. Its efforts include incentives for compliance with EU standards on the issuance and management of licenses and the transportation and storage of waste. Currently, these waste regulations are not as detailed as those of the United States, let alone the EU, but they can become so through improved technical guidelines.²²

The EC's opinion also highlighted weaknesses in enforcement measures. While the EC commends the efforts of the Environment Ministry, it states that the current administrative structure is not enough.²³ Recognizing that environmental protection spans ministries, the commission advocates substantially reinforcing the environmental ministers and their subsidiaries through increased hiring of professional environmentalists and environmental policymakers to effectively administer the environmental acquis.²⁴ In addition, the commission found that the Czech Republic suffers from "inefficiency of economic instruments by low level of fines, gaps in sectoral and subsidiary legislation covering implementations, and low environmental awareness and

public participation.”²⁵

The commission concluded that most of these deficiencies (in environmental administration and implementation and enforcement measures) can be addressed by 2005, the year that the EU is to determine which CEE countries will accede in the “first wave.” While the basic environmental legislation is present, there is still a need to transpose (incorporate) EU legislation concerning air, water, and waste, as well as to draft financial strategies for adopting these standards. The EC recommends that the Czech Republic’s own accession strategy include timetables for transposing the *environmental acquis*.²⁶ Some legislation, however, will require a significantly high level of investment in administrative improvements in order to reach the goal of transposition in the long (post-2005) term.

THE ACCESSION AGREEMENT

In December 1997, the Czech Republic took an important step toward environmental compliance with the ratification of the Accession Partnership. Building on the EC’s opinion, the Accession will enable assistance to the Czech Republic to be directed toward the specific needs addressed therein.

The main purpose of the Accession Partnership is to

Set out in a single framework the priority areas for further work identified in the Commission’s 1999 regular report on the progress made by the Czech Republic towards membership of the European Union, the financial means available to help the Czech Republic implement these priorities and the conditions which will apply to that assistance.”²⁷

In order to reach this goal, the Accession Partnership will examine the Czech Republic sector by sector. In the environmental sector, monitoring and implementation control structures and capacity must be developed along with the continual approximation of the *environmental acquis*, with special emphasis on the air, water, and waste sectors. Environmental protection concerning sustainable development must be integrated into national and sectoral policies in the medium term as well.²⁸

THE POLITICAL ENVIRONMENT

There is an air of environmental indifference in the Czech Republic. As in several of the EU member states, there is a Green Party, but it possesses virtually no power in the parliament. Even a national recycling program resembling those in the EU remains nonexistent. In an attempt to rectify the legacy of degradation, Prague has kept the large environmental sectors (water, waste, nuclear, and energy) under government control. While critics have advocated for privatization of the environmental sector, these sectors would be difficult due to the costs associated with environmental cleanup and compliance with EU and international standards. The key will be getting people involved in environmental issues on a grassroots level. Efforts to do so are hampered,

however, by a lack of public information, with current efforts at environmental education in an infant stage, primarily being carried out by international NGOs and national universities.

THE PATH FORWARD

Taken together, the White Paper, the EC's opinion, and the Accession Strategy set out the Czech Republic's path to accession. The Czech Republic has begun to rebuild its environmental legislation, beginning with the State Environmental Policy of 1995, which addresses areas highlighted by the EU. Implemented through legal provisions that form economic, informational, and institutional instruments within the state apparatus, the policy's provisions seek to "systematically improve the quality of the environment in the Czech Republic and to contribute towards the solution of global environmental problems."²⁹

Taken together, the White Paper, the EC's opinion, and the Accession Strategy set out the Czech Republic's path to accession.

From 1990 to 1994, the State Environmental Policy sought to correct the policies and practices that had led to severe environmental degradation under the communists. As a consequence of the hasty drafting and ratification of environmental legislation, some of the policies enacted between 1990 and 1994 were inefficient and had little or no effect. There are eight reasons for implementation of the new policy.

1. The speed and degree to which the transition to a market economy has produced positive results;
2. The need to develop an adequate legal and institutional framework for applying civil law to protect those components of the environment whose character is appropriate for such legal action;
3. The need to increase the efficiency of environmental protection policies and to incorporate economic principles in these policies;
4. The need to implement economic policies which will induce changes in production and consumption patterns and encourage desirable behavior towards the environment;
5. The need to inform the private and financial sectors of current and future and environmental policies so as to create a stable investment climate;
6. The need to support entrepreneurial activities in the environmental protection areas and the introduction of environmentally friendly technologies;
7. To facilitate the Czech Republic's accession to international organizations and harmonize the Czech Republic's legal system with developed countries;
8. To comply with and respond to new developments and recommendations

stemming from important international activities and events.³⁰

Current legislation fails to provide incentives for waste minimization, and current economic instruments encourage undesirable types of waste disposal.

The new State Environmental Policy also addresses the key areas of air, water, and waste. While emission limits have been set, the incentives for industry to limit emissions and introduce pollution-control technologies remain inadequate. Ownership is one problem. For example, provisions are established for the protection and management of water, but determining who owns what portion of the waterways is difficult, leading to problems in assessing responsibility for environmental cleanup and fines. The waste sector is the least addressed. Current legislation fails to provide incentives for waste minimization, and current economic instruments encourage undesirable types of waste disposal (i.e., unsorted land filling). Consequently, the Czech Republic's waste management does not comply with EU standards.³¹

The Czech government must take on three responsibilities in order to achieve its environmental goals. First, it must amend the current legal provisions while drafting new and improved environmental legislation. Secondly, while trying to improve and maintain the environment, the government must guarantee that international commitments and obligations will be met.³² In 1993, the government budgeted 20 billion Czech crowns for environmental concerns; in 1994, this figure rose to 28 billion Czech crowns. Thirdly, the government must channel financial resources, both public and private, to the environmental sector.³³ Key to its ability to do so will be the extent to which the Czech Republic can attract foreign direct investment.

FOREIGN DIRECT INVESTMENT

Economic assistance can come from several sources. Under the auspices of PHARE, monies are allocated to private enterprises in order to build sustaining infrastructure and eliminate government subsidies if they exist.³⁴ Phare's assistance is in the form of grants: the EU countries contribute 50% of the funding, with the other 50% coming from the PHARE countries themselves. Between 1990 and 1993, the Czech Republic received 25 million ECU under the PHARE program.

Another external source of funds is the Organization for Economic Cooperation and Development (OECD), which assists the Czech Republic by providing a forum for the study and exchange of information relating to environmental issues and the coordination of problems related to the environment. The OECD has encouraged movement toward a balance between quantitative and qualitative growth by emphasizing "complementarity and compatibility of environmental and economic policies."³⁵ In 1970, the OECD created the Environment Committee, which:

- investigates the problems of preserving or improving mankind's environ-

- ment with particular reference to their economic and trade implications;
- reviews and confronts actions taken or proposed in Member countries in the field of environment together with their economic and trade implications;
- proposes solutions for environmental problems that would as far as possible take account for all relevant factors, including cost effectiveness;
- ensures that the results of environmental investigations can be effectively utilized in the wider framework of the Organization's work on economic policy and social work.³⁶

Together, the OECD, PHARE, and the EU have provided a solid financial foundation for the Czech Republic and its quest for EU accession and environmental improvements.

Foreign direct investment (FDI) consists of investment by foreign companies in overseas subsidiaries or joint ventures. However, it is not the only source of funds moving internationally. In 1995, FDI represented only 54% of total private capital flows into emerging markets. The other 46% was split between debt finance (33%) and portfolio equity investments (13%).

In this regard, countries look at financial institutions, such as the World Bank, as one investment instrument to help them get on their feet. In the past, the World Bank has been accused of being more concerned with quick loans in order to obtain personal promotions, ignoring the social impact of its projects and policies. For example, the bank should fund conservation programs rather than build hydrodams, or worse—thermo power stations. The bank's preoccupation with production forestry has resulted in massive destruction of tropical rainforests.³⁷ That the World Bank often deals with governments who do not care about indigenous minorities and the poorer classes and do not, therefore, respect their basic human rights or the environment only complicates its work.³⁸

To address these shortcomings, NGOs initiated the Multilateral Development Bank Campaign in the late 1980s.³⁹ The crux of the campaign was to reform the environmental policies of multilateral development banks (MDBs).⁴⁰ The World Bank was targeted because it plays a major role in global development finance and has a powerful impact on both the local and the global environment. For example, in 1989 and 1990, the World Bank financed just under \$21 billion in development projects.⁴¹ It must be stated that the World Bank was included in the MDB campaign because of not just the amount of money it lends but also the influence it has on private investors who follow its lending lead. As Kenneth Piddington, former director of the Environment Department at the World Bank, points out, the MDB campaign began as a method of exposing mistaken priorities as well as modifying specific projects and even reforming the MDBs themselves.

As is the case with all banks, the World Bank has an understandable habit of assessing projects on the basis of a quantifiable rate of return.⁴² Increasingly, however, it is funding environmental projects—those that possess a good rate of return and

clean up the environment. For example, the World Bank approved a \$246 million loan to the Czech Republic in May 1992 for the improvement of power-plant efficiency and the reduction of air pollution in Northern Bohemia. The project, successfully completed in June 1999, improved the environment and health of the local population, modernized the transmission system, and facilitated the interconnection of the Czech Power Enterprise and German power grids.⁴³

The costs of implementing stricter environmental legislation, coupled with revenue loss from incentives, is minimal compared to the gains enjoyed in the EU market.

In many industrialized states, new laws, regulations, and private efforts have enhanced environmental protection. Some companies respond by seeking out developing countries where environmental regulation is not as strict, creating a system that effectively rewards the permissive attitudes of developing countries. As a transition country (from a closed to a market economy), the Czech Republic receives FDI from companies that have relocated their operations from industrialized nations due in part to the limited environmental laws. Prague must recognize, however, that despite the short-term economic benefits, further delay in enacting stricter environmental regulations will jeopardize its admission into the EU. Therefore, new environmental legislation must offer incentives to companies that decide to relocate to the Czech Republic as well as provide for enforcement measures. The costs of implementing stricter environmental legislation, coupled with revenue loss from incentives, is minimal compared to the gains enjoyed in the EU market.

PRIVATE SECTOR INVESTMENT

Private sector investment is now a decisive factor in environmental protection, and its role will likely increase rapidly.⁴⁴ In terms of environmental investment in the Czech Republic, Bradford Gentry identifies four channels into which FDI can be funneled:

1. *Environmental companies*: privately held or publicly traded companies.
2. *Environmental projects*: stand-alone investments arising from specific projects.
3. *Environmental improvements*: investments designed to improve environmental effects of already existing projects.
4. *Environmentally efficient companies*: companies not in the business of providing environmental goods and services but effectively manage the environmental opportunities/concerns facing their business.⁴⁵

By providing the necessary finances to support these types of companies and projects, the private sector can play an important role in the achievement of a sustain-

able future. Through the creation of an appropriate economic and legal framework, public-sector involvement can induce such private-sector investment.⁴⁶

When choosing to invest in a foreign country, there are certain risks and obstacles that companies need to consider: business risks; unstable reforms; legal and administrative uncertainties; environmental issues (liability); exchange-rate volatility; political instability; expropriation and/or nationalization of property; and inadequate physical and commercial infrastructure.⁴⁷ Some of these areas, such as business risks, can be eased with so-called grease payments, or payments made to expedite paperwork through the proper channels. Grease payments, while obviously illegal and not to be advocated, are commonplace in many countries, including in Eastern Europe. Other areas of risk, such as exchange-rate volatility, are impossible to predict or control. For companies that have some investment experience in the Czech Republic, environmental liability ranks near the top of their list of concerns: that is, the legal obligation to make a future expenditure due to past or ongoing manufacture, use, release, or threatened release of a particular substance, or other activities that adversely affect the environment. Even today, questions about environmental liability are so critical as to deter companies from investing altogether.

Investors do not want the burden of being held responsible for past mistakes. Their main concern is: Who pays the environmental liability that exists? The most common method of solving this problem is indemnification, according to which the private seller or host government agrees to pay the costs associated with the liability. Other methods of remuneration include:

1. Purchaser price reduction: Will the seller reduce the purchase price by the anticipated amount of liability from past environmental practices?
2. Remediation of site contamination: Who will pay the costs to limit the risk of contamination's spreading off-site in the future?
3. Increased foreign controls: Will the buyer ensure compliance with environmental standards and reduce risks?
4. Limiting investment to underdeveloped sites: Will buyers consider investing in underdeveloped sites? More important, will the government or another seller be willing to allow underdeveloped sites to grow?
5. Liability insurance and environmental liability insurance: Who will cover both of these insurances—the buyer or the seller?
6. Delaying investment: Buyers must gain full information about a site before deciding to invest in the site. Will the seller be willing to supply information?
7. Limited ownership/selection of enterprise component: With a joint venture, who is responsible for what part of the operation? Will that party be solely liable?
8. Tentative/indirect investment: If giving indirect investment (such as technical advice), is one still liable for poor environmental conditions?⁴⁸

Business Forms within the Czech Republic. The most common forms of FDI are joint ventures and “green field” projects, which are implemented in areas where no previous construction has taken place. The beauty of investing in the Czech Republic is that there is no upper limit on the level of foreign investment.⁴⁹ In some countries, foreign entities can hold a maximum 49 percent share in a joint venture. In Hungary, the limit is 75 percent.

Joint ventures, relatively new to the CEECs, are becoming increasingly popular in the Czech Republic as well as other emerging markets. Since the Velvet Revolution, Slovakia has invested millions of koruna in Czech companies, and vice versa.⁵⁰ But for privatization purposes, the Czech Republic has used other methods.⁵¹ At the beginning of the Czech Republic’s existence, large state-owned enterprises were partially privatized. Some that were not privatized were given to the public through restitution—the returning of previously confiscated property to former owners or their heirs.⁵² But this raises the question: what if there were no heirs to the property?

Voucher privatization addresses this question. In 1993, citizens of the Czech Republic and Slovakia registered to receive vouchers, which could be kept or exchanged for shares in an investment fund. The fund, owned by the voucher holders, could buy shares in companies offered for voucher privatization.

Legislation/Laws Protecting Investors. The Czech Republic offers limited protection to foreign investors. Foreign investments and double-taxation avoidance treaties are guaranteed through a number of intergovernmental agreements.⁵³ However, under Article 25 of the Czech Commercial Code, the property of foreign persons (corporate or private) or of Czech nationals with foreign participation may be expropriated. Also, the rights and interest in such property may be restricted in accordance with rules of law, in the public interest, and when no other possibility to satisfy this public interest exists. However, it is customary for the foreign investor to receive compensation corresponding to the actual value of the property affected at the time of expropriation. This level of protection is not as open as that of the Western European countries. Since the Czech Republic is still in transition, new laws will have to be enacted to offer greater protection to foreign investors.

FDI and Environmental Policy. The protection and maintenance of the Czech environment is primarily financed through a policy of charges or penalties, such as for the discharge of wastewaters into surface waters; for the release of harmful substances into the air; for waste disposal; and for the withdrawal of ground water. The revenue generated from these charges is funneled into the State Environment Fund, which finances environmental improvements for municipalities and small- to medium-sized enterprises. The Czech Republic also gives tax relief for companies with products and activities that are judged environmentally friendly. Examples include reduced VAT taxes, temporary relief from income taxes, relief from real-estate taxes, and temporary relief from road taxes.⁵⁴

Environmental damage caused by previous owners in the Czech Republic must be proved by environmental audit. The costs to remove the damage are usually covered by a reduction in the sale price of the company.⁵⁵ Potential foreign investors

must be aware of the possibility of getting stuck with the cost of environmental damage.

One successful example of FDI in the Czech Republic is the project to convert coal-fired heating to natural gas in the city of Decin in northern Bohemia.⁵⁶ The heating station in Decin switched from lignite coal to natural gas, improving efficiency. As a result, carbon dioxide emissions decreased by 30–65%. This project was part of the U.S. Joint Implementation Initiative aimed at reducing severe air pollution. Three private-sector entities—the Wisconsin Electric Power Company, the Edison Development Company, and NIPSCO Industries—together contributed 40% (\$600,000) of the total costs, with the expectation of ultimately gaining regulatory concessions.⁵⁷

CONCLUSIONS

While Czech accession rests ultimately on the country's ability to satisfy economic and political, the EU recognizes the importance that the environment can play, as noted in the White Paper, the accession strategy, and the EC's opinion. While the environment is to some extent intertwined with economic concerns, it will not receive the attention that it needs to comply with EU standards unless it is addressed by itself.

The Czech Republic is making significant strides toward attracting FDI, particularly in the environmental arena. It is offering various tax breaks and incentives for foreign investors. It is aligning itself for admission into the EU with guidelines set forth by the White Paper and Agenda 2000, as well as voluntarily participating in PHARE, therefore showing current EU members the seriousness of its intentions. It is clear that, through the transposition and alignment with the EU's guidelines and *acquis communautaire*, and the government's willingness to offer tax breaks and incentives, the Czech Republic wants investors that are not only sensitive to local and EU guidelines but also willing to help correct the legacy of environmental degradation.

While Czech accession rests ultimately on the country's ability to satisfy economic and political, the EU recognizes the importance that the environment can play, as noted in the White Paper, the accession strategy, and the EC's opinion.

More needs to be done to transpose the *environmental acquis* and provisions of international treaties such as the Kyoto Protocol. In addition, the Czech government must implement the necessary measures to ensure that FDI not only helps prepare the country for the Single Market but also protects and preserves the environment.

This is not a domestic issue. As more international environmental treaties are ratified, the Czech Republic will be, as a future member of the EU and a current member of the UN, forced to adhere to these new standards. Therefore, finding an

economic solution now to an environmental problem will save domestic monies and FDI in the long term.

FDI can aid in the rectification of past environmental damage. By encouraging foreign companies to invest in environmentally sound practices, joint ventures, and projects, the Czech Republic will ensure environmental protection that meets EU and international standards. However, these efforts must be in conjunction with improvements in environmental legislation and enforcement measures that compel companies to act in an environmentally friendly manner.

Economic policies and environmental legislation should be focused around environmental cost efficiency.⁵⁸ By the same token, the Czech Republic must be careful in its choice of enforcement measures. Environmental taxes can only be effective if “agents having to pay [the tax] have alternative ways to behave . . . and are sensitive to price stimuli.”⁵⁹ Therefore, by encouraging the influx of FDI and decentralizing state-owned industries, as well as adopting strong environmental standards and enforcement measures, the Czech government would be encouraging the development and protection of not only the economic sector but also the environment.

The environment would be a big winner in the Czech Republic if companies were encouraged to “green” their FDI. Developing economies are often tempted to offer special conditions to foreign companies in order to attract investment. If this were to happen in the Czech Republic, the environment would be the first casualty.

As the Czech Republic’s own Ministry of the Environment has recognized, “environmental policy must seek the most economically effective solutions, create the necessary conditions for non-distorted market relations, recognize the limits of macro and microeconomic spheres and protect regional and local interests.”⁶⁰ Linking the environment to the development of a market economy is not the way to address environmental degradation. Environmental concerns need not be secondary to economic growth. Communism showed all of Eastern Europe that neglecting the environment for more coins in the coffer leads to extreme inefficiency and ultimately lower profits. If the Czech Republic pursues a rigorous environmental action program, industries and sectors, while becoming less polluted, could reach a level of efficiency and profitability they have never seen before, making the Czech Republic a model for other CEECs.

Notes

¹ Barbara Jancar-Webster, “The Environmental Legacies of Communism,” in *The Legacies of Communism in Eastern Europe*, Ed. Zoltan Baraby and Ivan Volgyes (Baltimore, Md.: The Johns Hopkins University Press, 1995), p. 88.

² *Ibid.*, pp. 88–89.

³ *Ibid.*, p. 90.

⁴ European Union. Preparation of the Associated Countries of Central and Eastern Europe for Integration into the Internal Market of the Union” (hereafter, White Paper), April 17, 1996, p. 1.

⁵ *Ibid.*, Section 1.1, p. 2.

⁶ *Ibid.*, Section 2.1, p. 8.

⁷ *Ibid.*, Section 3.10, p. 15.

⁸ White Paper, Section 6.4, p. 37.

⁹ European Commission, "Czech Republic 2000: Regular Report—Progress towards Accessions," November 8, 2000, p. 80.

¹⁰ *Ibid.*, p. 85.

¹¹ See www.europa.eu.int/comm/role_en.htm.

¹² European Commission, "Agenda 2000: Commission Opinion on the Czech Republic's application for membership of the European Union," *Bulletin of the European Union: Supplement 14/97*, 1997, p. 9.

¹³ *Ibid.*, p. 65.

¹⁴ National Intelligence Council, "The Environmental Outlook in Central and Eastern Europe," ICA 96-08D, December 1997, p. 21.

¹⁵ European Commission, "Agenda 2000," p. 66.

¹⁶ World Bank, "Czech and Slovak Federal Republic Joint Environmental Study: Vol. II—Technical Report, Report 9623-CS, p. 55.

¹⁷ *Ibid.*, p. 54.

¹⁸ Alena Cerná et al., "Economic Transformation and the Environment," in *The Czech Republic and Economic Transition in Eastern Europe*, Ed. Jan Svejnar (San Diego, Calif.: Academic Press, 1995), p. 378.

¹⁹ Moldan, Bedrich. "Czech Republic" *The Environmental Challenge for Central European Economies in Transition*. Ed. By Jurg Klarer and Bedrich Moldan. West Sussex: John Wiley and Sons Ltd., 1997: 107-130 p. 112.

²⁰ World Bank, "Czech and Slovak Study," p. 66.

²¹ Ministry of Environment of the Czech Republic, "State Environmental Policy," Prague, August 1995.

²² Bowman, Margaret and David Hunter. "Environmental Reforms in Post-Communist Central Europe: From High Hopes to Hard Reality". *Michigan Journal of International Law*. Vol. 13: No. 4 (Summer 1992): 921-980. p. 943-944.

²³ European Commission, "Agenda 2000," p. 79. The Environment Ministry employs 460 staff personnel. Monitoring is carried out by sectoral authorities and enforcement is carried out by the ministries and nine regional inspectorates.

²⁴ *Ibid.* The *Environmental Acquis* comprises more than 200 legal acts covering a wide range of environmental matters.

²⁵ *Ibid.*, p. 66.

²⁶ *Ibid.*

²⁷ The European Union. *Accession Partnership 1999: The Czech Republic*. DG Enlargement, May 1999. p 2

²⁸ *Ibid.*, pp. 10.

²⁹ Ministry of Environment of the Czech Republic, "Analysis of the State and Development of the Environment in the Czech Republic after 1989—Sources of funding for environmental protection in the Czech Republic," A.2.

³⁰ *Ibid.*

³¹ *Ibid.*

³² *Ibid.*, A.2.

³³ Ministry of Environment of the Czech Republic, "Analysis of the State."

³⁴ European Commission, *Europe*, CD-ROM (Washington, DC: European Commission, Institut fur Europaische Politik, 1998).

³⁵ Lynton Keith Caldwell, *International Environmental Policy: Emergence and Dimensions*, 2nd edition (Durham, NC: Duke University Press, 1990), p. 98.

³⁶ OECD, *At work for the Environment* (Paris: OECD, 1973).

³⁷ Piddington, Kenneth. "The Role of the World Bank". *The International Politics of the Environment: Actors, Interests, and Institutions*. Ed. Andrew Hurrell and Benedict Kingsbury. Oxford: Clarendon Press, 1992. pp 214-217.

³⁸ *Ibid.*

³⁹ Barbara J. Bramble and Gareth Porter, "NGOs and the making of US Policy," in *The International Politics of the Environment: Actors, Interests, and Institutions*, Ed. Andrew Hurrell and Benedict Kingsbury (Oxford: Clarendon Press, 1992) pp. 325–330. It was important in terms of both the major changes and the results it

generated.

⁴⁰ Other banks targeted by the MDB Campaign were the Inter-American Development Bank, the African Development Bank, and the Asian Development Bank.

⁴¹ Bramble and Porter, p. 324.

⁴² *Ibid.*, p.327.

⁴³ World Bank, Power and Environmental Improvement Project [online: www4.worldbank.org/sprojects/Project/asp?pid=P008381].

⁴⁴ Bradford S. Gentry, "Private Investment and the Environment," United Nations Development Programme, Office of Development Studies, Discussion Paper Series, October 1995. As an example, it is estimated that \$300–600 billion of private investment globally by the year 2000 went to pollution-control goods and services, rivaling investment in the pharmaceutical industry.

⁴⁵ *Ibid.*, pp. 6–7.

⁴⁶ *Ibid.*, p. 7.

⁴⁷ Jonathan Klavens and Anthony Zamparutti, "Foreign Direct Investment and Environment in Central and Eastern Europe: A Survey," *Report for the Environmental Action Programme for Central and Eastern Europe* (Washington DC: The International Bank for Reconstruction and Development, 1995), pp. 4–6. Gentry summarizes these issues more concisely into five main areas: information, location, sector, size, and level of local government support required.

The questions posed are the work of the authors and not Klavens.

⁴⁸ See *Ibid.*, pp. 12–14. In the Czech Republic, remuneration usually occurs through reduction of sales price. (The questions posed are the work of the authors, not Klavens.)

⁴⁹ CzechInvest, Czech Agency for Foreign Investment [online: <http://www.czechinvest.com>].

⁵⁰ Paul Welfons and Piotr Jasinski. *Privatization and Foreign Direct Investment in Transforming Economies* (Aldershot: Dartmouth Publishing, 1994), p. 194.

⁵¹ Joint ventures were the first method employed to eliminate state-owned industries.

⁵² Marjorie T. Stanley, *The Irwin Guide to investing in Emerging Markets* (Chicago: Irwin Professional Publishing, 1995), pp. 344–346.

⁵³ CzechInvest, Czech Agency for Foreign Investment [online: <http://www.czechinvest.com>].

⁵⁴ Ministry of Environment of the Czech Republic, p. 5.

⁵⁵ CzechInvest, Czech Agency for Foreign Investment [online: <http://www.czechinvest.com>].

⁵⁶ U.S. Ambassador Ralph Johnson, Meeting at U.S. Embassy, Bratislava, Slovakia, May 28, 1998.

⁵⁷ Gentry, "Private Investment and the Environment," p. 77.

⁵⁸ Oliver Godard, "On Markets and the Conditions of a Profitable Use of Economic Instruments for Environmental Policy in Countries in Transition to Market," in *Role of Economic Instruments in Integrating Environmental Policy with Sectoral Policies* (Prague: Ministry of the Environment, pp. 11–22), p. 11.

"Environmental cost efficiency" refers to the achievement of a given environmental target with the least possible cost to society.

⁵⁹ *Ibid.*, p. 12.

⁶⁰ Ministry of Environment of the Czech Republic, p. D1.

The Generals' Diplomacy: U.S. Military Influence in the Treaty Process, 1992-2000

by Karl K. Schonberg

ABSTRACT

The U.S. military has always played an important role in informing and advising diplomacy, but in recent years its influence has been the key factor deciding whether the United States enters into treaties dealing with issues of defense and security. Consensus support or opposition within the Pentagon was the crucial determinant of the success or failure of each of the six most important security pacts considered by the United States between 1992 and 2000. Military advice ought to be of importance to civilian leaders conducting diplomacy and weighing the value of agreements, but the current state of affairs, in which opinion within the U.S. military ultimately decides the fate of treaties, reflects a troubling diminution of civilian control over the diplomatic process.

THE GENERALS' DIPLOMACY: U.S. MILITARY INFLUENCE IN THE TREATY PROCESS, 1992-2000

The advice of military leadership has almost always been regarded as important by U.S. political leaders considering diplomatic questions which affect national security. The Clinton administration, however, was arguably more politically constrained to defer to this advice more than others had in the past. This article will examine the role of the U.S. military in six recent cases of multilateral diplomacy, involving the most prominent treaties concerning military or security affairs considered by the United States during the Clinton years: 1. the second Strategic Arms Reduction Treaty (START II), signed in 1993; 2. the 1992 Chemical Weapons Convention (CWC); 3. the 1996 Comprehensive Nuclear Test Ban Treaty (CTBT); 4. the 1997 agreement to expand NATO; 5. the 1997 Ottawa Treaty banning anti-personnel land mines; and 6. the 1998 Statute of the International Criminal Court (ICC). In each case it will consider

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the extent of the military's influence on each of these agreements as they were being negotiated or were under consideration by the Senate.

Four of these treaties came before the U.S. Senate for advice and consent between 1992 and 2000. The other two were either not signed or not submitted to the Senate. The history of each of them suggests that it is the concerns of the U.S. military, more than the power of the presidency or Congress, which has come to decide the security interests of the United States and to determine the international obligations that should accompany those interests.

START II

The first of these cases was the final cold war-era nuclear arms limitation pact, START II. Signed by Presidents Bush and Yeltsin in 1993, it required the United States and Russia to limit their strategic delivery vehicles to between 3500 and 3000 respectively by the year 2003 (this deadline was later extended to 2007). The U.S. Senate gave its consent to the treaty in January 1996.

What is striking about the passage of START II is not that it was eventually ratified, since it was widely accepted as a valuable and relatively uncontroversial agreement, but rather the scale of the concessions secured by the Pentagon and its supporters in Congress in exchange for ratification. U.S. military officials by and large gave ringing endorsements to the treaty, and lobbied effectively for its passage. As a symbol of the Western victory in the cold war and a representation of the clear fact that Russia no longer represented a military or ideological threat to the United States, START II enjoyed broad, consensus support throughout the U.S. government. Even so, U.S. military backing for the treaty was conditional on Russian acceptance. Head of U.S. Strategic Command General Eugene Habiger told a Senate panel in March 1996 that the U.S. would not make unilateral cuts in the its nuclear forces in any event, and by 1998 might need to spend \$2-5 billion more than was expected if Russia did not ratify the agreement.¹ On the same day that START II was ratified, the Senate also approved a \$265 billion defense authorization bill, which the president had already said he would sign. This amounted to a \$2.8 billion increase in the defense budget, and required Clinton to accept a variety of programs that he had previously opposed, including the building of more B-2 stealth bombers, a mandate that soldiers with HIV and AIDS retire or be discharged, and a ban on abortions in overseas military hospitals.²

Despite (or because of) START II's high level of support throughout government, Senate Hawks were able to use the treaty's passage as a bargaining chip to gain other concessions, which were often beneficial to the military. Foreign Relations Committee Chairman Jesse Helms refused to let his committee vote on the treaty for nearly a year, until he could advance legislation merging the Arms Control and Disarmament Agency, Agency for International Development, and U.S. Information Agency into the State Department. Armed Services Committee chair Strom Thurmond refused to allow his committee to vote on the treaty until President Clinton signed the

1996 defense authorization bill. And Jim Inhofe of Oklahoma and Bob Smith of New Hampshire threatened to impede the final vote on the treaty until Clinton committed the government to a national missile defense program.³ In the end, the difficulties that START II encountered and the tradeoffs which Senate hawks ultimately extracted from the Clinton administration suggest the absolute necessity of military support for arms control agreements perceived by political leaders, and the resulting strength of the military in the treaty process.

THE CHEMICAL WEAPONS CONVENTION

Negotiations with the Soviet Union toward a new international agreement limiting chemical weapons began under the Nixon administration, and became multilateral under the Reagan administration. On January 13, 1993 the United States signed the treaty, which made illegal the development, manufacture, stockpiling, export, and use in combat of chemical warfare agents. To enforce this ban, it included the most invasive verification measure of any arms control agreement in history. It was ratified by the U.S. Senate (by a vote of 74-26) on April 24, 1997 and entered into force just five days later.

The history of each of them suggests that it is the concerns of the U.S. military, more than the power of the presidency or Congress, which has come to decide the security interests of the United States and to determine the international obligations that should accompany those interests.

The leadership of the U.S. military tended to strongly favor the Chemical Weapons Convention (CWC), largely because the Pentagon had previously abandoned all planning for offensive uses of chemical weapons on the battlefield during the Bush administration. U.S. strategists did still devote considerable time and energy to protecting U.S. soldiers from chemical attack, a risk (and thus a cost to the Department of Defense [DoD]) which the CWC might reduce. In 1995 the United States had the world's second largest chemical weapons arsenal (with some 30,000 metric tons of nerve and blister agents), but since the early 1990s, the U.S. military had accepted as a matter of doctrine that chemical weapons were useless to it in combat, given the political costs that would accompany using them and the ready availability of more effective, less indiscriminate alternatives.⁴ Since this was not necessarily true for potential opponents who did not have these alternatives, any agreement limiting chemical weapons would be advantageous to the United States and disadvantageous to many of its likely foes. The treaty at least promised to compel other states to destroy the chemical stockpiles that might threaten U.S. forces, and to give U.S. officials access to intelligence on these stockpiles and stronger legal arguments to justify eliminating them. U.S. military planning rested on the presumption of a non-chemical response

to any attack using chemical weapons, which the CWC did not prohibit. "Desert Storm proved that retaliation in kind is not required to deter the use of chemical weapons," Joint Chiefs' Chairman John Shalikashvili said in Senate testimony. "The U.S. military's ability to deter chemical weapons in a post-cold war world will be predicated upon both a robust chemical weapons defense capability, and the ability to rapidly bring to bear superior and overwhelming military force in retaliation against a chemical attack."⁵

Senate Majority Leader Trent Lott supported the treaty because, in his words, military leaders "believe it will make our soldiers, sailors, airmen and Marines more safe in potential battlefields—and less likely to face the horrible prospect of chemical weapons."⁶ The White House was able to use this military support to create a powerful impression on Capitol Hill, staging public events in which military leaders such as Colin Powell and Norman Schwarzkopf expressed their backing for the treaty, and releasing a letter of support signed by some 17 retired four-star generals and admirals.⁷ Defense Secretary William Perry and Lt. General Wesley Clark (speaking for the Joint Chiefs of Staff) testified before the Senate that the treaty would give the United States a powerful means to control the proliferation of chemical weapons around the world.⁸ One administration official argued that the military's role in the public relations campaign surrounding ratification was explicitly intended to let legislators know that opposing the treaty meant "voting against the guys with the ribbons on their chests."⁹

Administration support for the agreement was premised on the assumption that the tactical and bureaucratic interests of the military would be protected. President Clinton sent a letter to Lott promising that he would withdraw from the treaty if it compromised the nation's military capabilities, and in order to gain ratification, the administration made a variety of concessions in the form of 28 conditions attached to the final agreement approved by the Senate.¹⁰ These specified, among other things, that the United States would pay only its "fair share" for implementing the agreement; that U.S. defenses against chemical weapons would be improved; that chemical weapons intelligence would not be shared with "rogue" states, and that the U.S. military could use chemical agents for riot control when necessary. All in all, the agreement thus left the U.S. military with a potentially decreased strategic threat and the promise of increased funding, in exchange for dismantling a stockpile of weapons which had already been accepted to be useless, and explicit protection of those that were still considered tactically necessary.¹¹

NATO EXPANSION

As a means to enhance security and consolidate the emergence of democracy and liberal capitalism in Eastern Europe, the leaders of the North Atlantic Treaty states voted in July 1997 to accept the applications of Poland, Hungary, and the Czech Republic for membership. The U.S. Senate voted on April 30, 1998 to approve the protocol expanding the alliance, and the new members were formally accepted the

following March.

Though many U.S. military leaders initially favored an emphasis on the Partnership for Peace as the vehicle to manage American security relations with Eastern Europe, strong support within the DoD eventually coalesced behind the idea of early NATO enlargement.¹² Throughout the process of formal and informal hearings and discussions that led up to the Senate vote on enlargement, Pentagon officials cooperated with the NATO Enlargement Ratification Office in the State Department, the administration's focal point for Senate lobbying, providing classified reports to be passed on to key legislators.¹³

Pentagon support for NATO expansion was reflected in the DoD's cost estimates for the inclusion of the three former Eastern-bloc states, which were extremely low and reflected in the view of some "little more than wishful thinking based on Pollyannaish security scenarios." The DoD estimated that the total cost of enlargement would not exceed \$35 billion, whereas the Congressional Budget Office (CBO) argued that the cost could be as high as \$125 billion. The Pentagon argued that the U.S. contribution to these costs should be only \$1.5-2 billion, whereas the CBO estimated the likely cost to the U.S. to be as high as \$19 billion.¹⁴ Since the uncertain cost of expansion was a major concern of critics of the agreement, the rosier estimate from the Pentagon was a powerful tool for proponents of the move. One U.S. official suggested about the Pentagon's cost report that its "main priority was to keep costs down to reassure Congress, as well as the Russians... There was a strong political imperative to low-ball the figures."¹⁵

NATO enlargement was not simply an end in itself, however—it was also seen by some of its advocates as a justification for higher overall defense spending. Coming on the heels of a successful attempt by Congressional hawks to increase military spending by making funding of U.S. military operations in Bosnia contingent on it, some saw in NATO enlargement a similar prospect. "If you are going to think that [enlargement] through," House Speaker Newt Gingrich commented, "you are not going to cut the defense budget."¹⁶

In an era in which an array of expensive weapons systems were threatened with the budget axe in the United States, NATO enlargement was also regarded as a potential windfall to American defense contractors, and for U.S. weapons manufacturing and development to advance with foreign financing. U.S. arms manufacturers spent vast sums to lobby legislators in favor of expansion, seeing the opportunity for new sales of weapons, communications systems, and other military hardware. The six biggest U.S. defense contractors spend \$51 million on lobbying in the two years leading up to the spring of 1998. In early 1998, Poland alone was considering buying 100 to 150 fighter aircraft from Lockheed or Boeing, whose planes each cost \$20 million and \$40-\$60 million, respectively. NATO enlargement was expected to dramatically increase the amount of money the newly accepted states would be able (and indeed, required) to spend on their militaries, though after 1996 the Pentagon was already guaranteeing loans to recipient states for defense exports.¹⁷

THE COMPREHENSIVE TEST BAN TREATY

A treaty banning all nuclear testing had been pursued intermittently throughout the Cold War, but the agreement was not finally concluded until the end of the first Clinton administration. Signed in September 1996, the Comprehensive Test Ban Treaty (CTBT) banned all nuclear explosions for the purpose of weapons testing, and created a system to monitor compliance and detect violations. In the United States, the agreement was submitted to the Senate for ratification in late 1997, where it awaited a vote for just over two years. In October 1999, the Senate voted against ratification, making it the most prominent international agreement to be voted down since the Treaty of Versailles in 1919.

Though the idea of a comprehensive test ban had a pedigree of support by both Republican and Democratic administrations dating back to the 1950s, the agreement that the Clinton administration proposed to Congress had been created by overruling some prominent voices in the DoD. Military leaders within the administration had supported a proposal for an easy withdrawal from the treaty and resumption of nuclear tests 10 years after the ban went into effect. This proposal had been put forward "at the Pentagon's insistence" in 1993, but had been strongly opposed by a wide array of foreign states (including the U.S.'s major allies among the nuclear powers) and by many of the heads of the other arms control bureaucracies in Washington. The Clinton White House rejected this proposal, though a codicil allowing the resumption of testing when it was made necessary by a "supreme national interest" was included in the treaty.¹⁸

In exchange for rejecting the 10 year opt-out clause in negotiations in early 1995, leaders at the DoD hoped that the administration would accept the necessity of allowing small nuclear explosions to be of a much larger yield than had previously been imagined. Clinton refused to decide on this issue early in 1995, thus scuttling the Pentagon's hope that it would be a quid pro quo for a more permanent treaty.¹⁹ The accepted definition of nuclear "experiments" allowed under the treaty at that point was explosions equivalent to about four pounds of TNT. Leaders of the U.S. military wanted this cap expanded more than 100,000-fold, to allow explosions of force equivalent to 300-500 tons of TNT. Well-informed sources suggested that this change was "high on the Pentagon agenda" in early 1995, and supporters of the treaty feared that the Clinton administration might accept the change and cast the viability of the treaty itself into doubt in order to avoid "a Pentagon lobbying campaign in Congress."²⁰

Senior Defense Department officials argued that these larger tests were necessary if the treaty was to be permanent, in order to measure with certainty the effects of time in corroding the plutonium cores of nuclear warheads and the breakdown of electronic components within them. Officials in the Energy and State Departments, and arms control advocates more generally, held that such tests were unnecessary and would gravely damage the prospects for an effective CTBT.²¹

In August 1995, after months of delay and debate, President Clinton announced a decision on the issue. A few days after the 50th anniversary of the Hiroshima and

Nagasaki bombings, he said the U.S. would not conduct any nuclear test of any size and would seek a “true zero-yield nuclear test ban treaty.”²² Shortly before his announcement, the Senate voted its approval for \$50 million to prepare for the small nuclear tests the Pentagon had sought to protect, even though none were scheduled to be conducted in the following year.²³

Increasingly over time, a schism developed between the White House and other supporters of the CTBT on one hand, and Congressional conservatives and much of the defense bureaucracy on the other, over how to protect the nation from the danger of nuclear proliferation. While the White House argued that halting testing was the most effective and realistic way of stopping the spread of weapons, it was the view of “Republicans and the Pentagon that the best defence against nuclear proliferation is to be able to shoot down missiles fired by rogue states...”²⁴

As the vote on ratification approached, the Pentagon was a source of reports that Russia had been testing low-yield nuclear devices in Novaya Zemlya (tests which the CIA conceded that it could not detect by seismic measurement but which did appear to be nuclear explosions). This evidence was readily seized upon by those in the Senate who argued that the CTBT’s verification regime was dangerously inadequate.²⁵ When the Senate voted against ratification of the CTBT on October 13, 1999 by a margin of 51-48, the most prominent arguments of opponents of the agreement were those that had originally been raised by military leaders: that the compliance of other countries could not be guaranteed effectively enough, and that the a ban on testing would make ensuring the reliability of the U.S. nuclear arsenal an impossibility.²⁶

The political atmosphere in Washington in 1999 was clearly a major factor in the defeat of the CTBT. Electoral politics played heavily in the thinking of the leaders of both parties, and both were determined to use the test ban to their advantage—Republicans seeing in it the chance to deny the Clinton administration a victory, and Democrats the opportunity either to win such a victory or paint their opponents as warmongers. In the wake of the Lewinsky scandal, Clinton himself was viewed with even more hostility than before by many Republicans, (particularly because impeachment had only seemed to increase his popularity), and this personal rancor doubtless entered into the politics of the test ban. Also, the CWC now having been approved, Senate Majority Leader Trent Lott was under pressure from some in his own party to allow no further movement on arms control. Negative testimony by officials of the nation’s nuclear test laboratories also seriously damaged the test ban’s chances for approval.

Opposition to the CTBT was not as strong within the military as it was to the Ottawa Landmine Treaty or Statute of the International Criminal Court. Some in the Pentagon viewed the test ban as a potential benefit to the United States because of the verification mechanisms is put in place. But the consensus within the military was nevertheless opposed to the agreement, and it was that consensus that decided the issue. Given the charged political environment and tenuous balance between the political forces debating the treaty, the Pentagon was again in a position to decide the

fate of a major piece of diplomacy. It decided against approval, and the treaty was rejected, but military support could just as easily have produced the opposite result.

The Ottawa Landmine Ban

After a very visible campaign by international human rights advocates, roughly 100 nations signed an agreement in 1997 which banned the production, export, and deployment of anti-personnel landmines. The United States was unable to include exceptions to its use of landmines on the Korean peninsula or for the use of "smart" mines, which self-destruct and thus avoid the public health threat of less advanced mines. As a result, the Clinton administration would not sign the treaty and said that it would only do so in the future if technical alternatives to anti-personnel mines could be developed. The treaty went into force in March, 1999, without the U.S.

President Clinton, in the words of one commentator, "knows these weapons should be banned... but lost the courage to oppose Pentagon and Senate hawks on the issue."²⁷ The U.S. military's fight against restrictions on the use of landmines, however, did not begin with the ban enacted at Ottawa.²⁸ In 1995, the Pentagon had "vigorously lobbied against legislation that would impose a moratorium on the use of land mines." The legislation in question was an amendment proposed by Senator Patrick Leahy of Vermont, that would have disavowed the use of mines for one year starting in 1998—though it made specific exceptions for the use of remote-control and anti-tank mines, and anti-personnel mines used along national borders and demilitarized zones. JCS chairman Shalikashvili worked with Senate Armed Service Committee Chair Strom Thurmond to weaken the law, and in January 1996, Leahy complained in a letter to the *Washington Post* that officials at the DoD were "actively seeking to undermine my efforts... to rid the world of antipersonnel mines."²⁹ Military leaders would continue to lobby for a repeal of the moratorium on the use of antipersonnel mines in the months that followed, breaking a pledge that Clinton had made to Leahy in doing so.³⁰

For the military, the exclusion of anti-tank landmines from any ban was essential, since the use of such mines in "shaping the battlefield" remains an integral part of the Pentagon's conception of modern warfare. This exclusion was problematic in negotiations, however, because the anti-tank mines used by U.S. forces are often combined with anti-personnel mines which were the primary target of the treaty's advocates.³¹ Nearly all U.S. anti-tank mines as currently manufactured would thus also be illegal under the terms of the Ottawa treaty.³² U.S. military doctrine assumes that the combined use of these weapons is necessary in order to protect anti-tank mines from being tampered with or simply removed by enemy forces.³³ The United States was the only power which possessed the most advanced air-deployed, self-destructing mines, and they were widely accepted in military circles to be a valuable "force multiplier." Some in the Pentagon were also concerned that a successful, NGO-led anti-landmine campaign might set a dangerous precedent, setting the stage for outside groups to gradually strip the U.S. arsenal of key assets.³⁴

In the fall of 1995 JCS Chairman Shalikashvili declared that anti-personnel mines were “indispensable” to U.S. military strategy,³⁵ but there were alternative views which the administration could have seized upon to counter the Pentagon’s consensus position if it had chosen to do so. Among military experts and even officers in the DoD, some held that the long-term value of stigmatizing the use of mines would outweigh any short-term disadvantages. Some held that aside from their humanitarian costs, landmines impaired the mobility of U.S. forces on the battlefield (and a 1987 internal Army report had concluded that in war games, air-dropped U.S. mines had been the biggest source of simulated deaths among U.S. forces). Some argued as well that there were better ways of containing an advancing armored column, such as antitank aircraft.³⁶

The Clinton administration strongly advocated U.N.-sponsored talks on an international ban on landmines after 1995, but all the while Clinton was also assuring Pentagon leaders that “these discussions would never lead to change in U.S. military policy against their advice.” “Because Clinton didn’t serve, because of his deference to the military” head of the Vietnam Veterans of American Foundation Bobby Muller argued, “he’s a coward when it comes to standing up to the Pentagon. I was in meetings where he told retired generals: ‘I can’t afford a break with the Joint Chiefs.’”³⁷ On another occasion, Clinton reportedly told a group of the ban’s supporters that only if he could somehow “get the Joint Chiefs off my back,” would he be able to move the United States toward joining the agreement.³⁸

The next stage in the progress of diplomacy toward the Ottawa treaty was the review conference of the Convention on Certain Conventional Weapons held in Vienna in September 1995. The Pentagon advocated a U.S. position at this conference that called for the very gradual elimination of “indiscriminate” anti-personnel mines (i.e., those with an unlimited lifespan once deployed) and no restrictions at all on those that were not indiscriminate (i.e., the self-destructing mines used by U.S. forces). This Pentagon stance became the U.S. negotiating position at the review conference, and remained permanently entrenched thereafter.³⁹

In April 1996 the Vietnam Veterans of America Foundation published a full-page ad in the New York Times, containing a letter from 13 retired U.S. flag officers advocating a comprehensive and permanent ban on antipersonnel mines. In the midst of the presidential election, however, “Clinton was reluctant to question the Joint Chiefs, who were being aggressively lobbied by regional commanders in Korea and elsewhere to hold firm.” Clinton’s National Security Council Staff did not interfere with or typically even monitor the planning of U.S. policy on the issue that was occurring in the JCS or the Pentagon. As a result, though Clinton was reelected in 1996, “the decision he had made to allow the Pentagon to determine mines policy was now completely entrenched.”⁴⁰

In August 1997, the Clinton administration sent negotiators to Oslo, where the final language of the treaty was being drafted, to make a final attempt to seek a compromise. The Pentagon’s demands for exemptions for the Korean Demilitarized Zone and for “smart” mines were the sticking points which separated the U.S. from the rest

of the signatory states. The Joint Chiefs of Staff had deeper concerns about the agreement as well, since they viewed a ban that did not include some of the world's major exporters as a disadvantageous one for the U.S. Because of this view, "the very fact that the administration decided to send a delegation to Oslo was viewed in military circles as potentially ominous."⁴¹

There was little cause for concern, since the U.S. delegation that was sent to Oslo was "controlled by the Pentagon's agenda, included top U.S. generals, and had specific orders not to sign without guaranteeing its exemptions: Korea and mixed canisters of antipersonnel and anti-tank mines."⁴² Given the inflexibility of the U.S. position, there was almost no chance that these eleventh-hour talks could have succeeded. When they failed and it became clear that the U.S. would not be among the signers of the Ottawa treaty in December, Senator Patrick Leahy spoke on the Senate floor about what he saw as the reasons why. "I am convinced that President Clinton wants to see these weapons banned," he said,

But to sign the treaty would have required making a difficult decision which would have been unpopular with the Pentagon... They [the military] make the same argument today as in the 1920s when they opposed a ban on poison gas, calling it "one of the most effective weapons ever known." It is the job of our civilian leaders to act when there are overriding humanitarian concerns.⁴³

In the forward to an article on this issue for the Center for International Policy, Leahy argued that over the course of the 20th century, military resistance to arms control has been typical. The difference in the landmine campaign, he suggested, is that where in the past presidents had been willing to take a stand against the military and overrule tactical concerns in favor of the nation's strategic interest in arms control, in the 1990s Bill Clinton had refused to do so.⁴⁴

Despite support for the ban from the State Department (and from the President's wife and daughter), he ultimately sided with its opponents in the Pentagon and declined to commit the U.S. to the ban.⁴⁵ In justifying his refusal to sign the treaty, the president said that "as Commander in Chief, I will not send our soldiers to defend the freedom of our people and the freedom of others without doing everything we can to make them as secure as possible."⁴⁶

The promise of the Clinton administration to accept the treaty by 2006 if alternatives to land mines could be found was called "worthless" by Mary Wareham of Human Rights Watch, because in her view, little effort was being devoted to finding such alternatives. There was a serious question in mid-1999 as to whether the United States would even attend that year's review conference of the treaty in Maputo, Mozambique, because Congressional conservatives objected to paying any part of the conference's organizational costs.⁴⁷

THE STATUTE OF THE INTERNATIONAL CRIMINAL COURT

In light of the growing number of increasingly brutal regional and ethnic wars which have emerged in recent years, a movement among national governments to create a standing court to try war crimes and other offenses gained momentum throughout the 1990s. Such a court, it was hoped, would avoid the delay and diplomatic wrangling that had accompanied the creation of tribunals to deal with the atrocities that had occurred in Bosnia and Rwanda. Initially strongly supported by the Clinton administration, the movement culminated with a broad-based agreement signed in Rome in 1998, creating such a court. U.S. leaders, however, ultimately declined to join the forming body on the grounds that it might threaten American sovereignty or prosecute U.S. citizens unfairly.

In negotiations on the statute of the court, the United States held that according to Chapter VII of the U.N. Charter, the court should be unable to take action in cases where the U.N. Security Council did not specifically instruct it to do so. The real concern of American negotiators, however, was not protecting the U.N. Charter but ensuring that American soldiers were not prosecuted. This was evidenced by U.S. opposition to a proposal by Singapore that would protect the Security Council's role by allowing it to stop prosecutions without requiring its order to start them. U.S. arguments against a court independent of the Security Council also emphasized the concern that the court's prosecutor would have excessive power without overarching U.N. control, and more generally that an independent court might discourage powerful states like the U.S. from undertaking humanitarian missions and would be unlikely to pass muster in the Republican-controlled Senate.⁴⁸

It was feared that a politically driven, anti-American prosecutor might in the future be able to try U.S. servicemen and women for actions undertaken in the line of duty. Given the language of the court's statute, this was always a somewhat tenuous argument since the court would only be able take action against troops involved in an armed conflict (not against U.S. forces stationed in Japan in peacetime, for example). Moreover, two of its four categories of offenses—crimes against humanity and genocide—involve violations on a scale so massive that U.S. forces would be very unlikely to be subject to them. The category of "aggression" would generally only apply to heads of state and their aids, and thus would not be likely to threaten U.S. forces in the field. And prosecution for "war crimes" could only take place under the treaty's principle of "complementarity" if a U.S. military court was not already conducting a prosecution (and even then would depend on U.S. willingness to surrender a soldier charged with a crime to the International Criminal Court [ICC]).⁴⁹ Thus, in exchange for avoiding relatively small risk of political prosecution, the U.S. military and the Clinton administration were willing to sacrifice the chance for more effective justice and a stronger legal framework with which to take action against the Pol Pots, Saddam Husseins and Foday Sankohs of the post-cold war world.

In March of 1998, U.S. negotiators introduced a proposal which would mandate that the ICC could not act for up to a year if the state whose citizens were to be

charged claimed that it was prosecuting them within its own judicial system. This provision “would effectively mean that any American citizens accused of war crimes would be tried in U.S. courts rather than by the international tribunal.”⁵⁰ According to the Washington Post reporter observing the negotiations, this American position was clearly “driven largely by heavy pressure from the Defense Department and its supporters in Congress,” derived from the fact that the “Pentagon chiefs vividly remember when foes of U.S. policy in Vietnam during the 1960s and 1970s and Central America in the 1980s called for prosecution of American officials and servicemen as war criminals.”⁵¹

Richard Dicker, Associate Counsel to Human Rights Watch, saw common roots in the causes of U.S. rejection of the ICC and landmine ban. It was for “military, Pentagon-driven reason[s] that the United States has put itself in opposition to everyone in the world.”⁵² In the end, the core reason the United States did not join the ICC was because, in the words of the New York Times, “the Pentagon and a Republican-controlled Congress opposed it.”⁵³

In order to help ensure that its concerns were prominent in negotiations, the DoD actively lobbied the armed forces bureaucracies of foreign states to arouse the same views. A Pentagon memorandum dated March 27, 1998 outlined the U.S. military's concerns about the court, and asked for the support of the militaries of other states. The document was distributed to defense attaches of a variety of states in Washington and to NATO leaders in Brussels. In early April U.S. military leaders called a meeting of those in Washington to discuss the issue. According to Human Rights Watch, “some of these officers represent militaries with extremely poor human rights records,” so the Defense Department's strategy amounted to “calling in the foxes to help build the chicken coop.” “The Pentagon should not resort to enlisting the Pinochets of the world to lobby against the creation of an independent and effective ICC.”⁵⁴ The DoD also gave instructions to its own defense attaches around the globe to lobby their host governments similarly,⁵⁵ and in the midst of the Rome conference finalizing the treaty, Reuters reported that Secretary of Defense Cohen linked support of the U.S. position (against a court with universal jurisdiction) “with the viability of U.S. troop deployment in Germany during a meeting with the German minister of defense. Similar linkages were reportedly made in meetings with South Korean officials.”⁵⁶

Ultimately, as with the Ottawa treaty, U.S. diplomats could not find a compromise position which would allow the United States to sign the Statute of the International Criminal court. In the view of some of the administration's critics, this was because the White House had allowed the Pentagon to effectively hijack diplomacy, as some argued had occurred with the landmine ban. The failure of the U.S. to join the court as a charter member, in the view of Aryeh Neier, emerged from the fact that “Clinton permitted the Department of Defense to take the lead in shaping U.S. policy toward the court and the State Department official who led the U.S. delegation to Rome, Ambassador for War Crimes David Scheffer, to act as the Pentagon's spokesman.”⁵⁷

In his final days in office, Bill Clinton did sign the Statute of the court, though at this point his action seemed like a purely symbolic act. The incoming Bush administration disavowed Clinton's action and declared that it had no intention of submitting the agreement to the Senate.

ADDITIONAL CASES

Protocol on the Convention on the Rights of the Child

Beyond the more prominent international agreements mentioned above, the Pentagon has also been instrumental in keeping the U.S. from signing a new Protocol to the Convention on the Rights of the Child which would mandate that children under 18 could not be soldiers. This agreement is intended to further criminalize the actions of warlords in Central and Western Africa and elsewhere, who often kidnap and virtually enslave as soldiers children who are 12 or 13 years of age, or less. The reasoning behind the opposition of the U.S. military derives from the fact that some U.S. servicemen and women are recruited when they are only 17 years old, though these soldiers make up less than one-half of one percent of total U.S. forces. A compromise proposal, which would allow for recruiting 17 year-olds but keep them out of combat until their 18th birthday, has also been deemed unacceptable by the Pentagon.⁵⁸

Nuclear Free Zones

The treaties of Roratonga and Pelindaba, signed by the U.S. in March and April 1996, prohibited the development, acquisition, and deployment of nuclear weapons in the South Pacific and Africa, respectively, as well as the disposal of nuclear wastes in those regions. The President has not submitted them to the Senate for consideration, at least in part because of the reluctance of the U.S. military to rule out the possible use of nuclear weapons against Libyan chemical weapons facilities.⁵⁹

Reform of the Biological Weapons Convention

The original Biological Weapons Convention (signed in 1972 and ratified by the Senate in 1974) bans the building and stockpiling of biological weapons, but has been crippled by its lack of enforcement mechanisms. Current negotiations are aimed at strengthening the agreement and creating a verification regime like that which accompanies the Chemical Weapons Convention. U.S. military support for this agreement is likely for the same reasons that the Pentagon supported the Chemical Weapons Convention—it bans weapons that the United States already forswears the use of as a matter of doctrine, and may provide a source of intelligence about potential enemies and a legal basis for taking action against them. Given the likelihood of military support, based on the patterns observed in this study, this agreement would seem to have an excellent chance of being ratified by the Senate if it takes this form.

Reform of the Anti Ballistic Missile (ABM) Treaty for National Missile Defense

In September 1997 the United States and the Soviet successor states signed a memorandum noting the continued force of the 1972 ABM treaty on states of the former Soviet Union, and the U.S. and Russia signed two agreements distinguishing theater missile defenses from national missile defenses and specifying interceptor ve-

locity. The Clinton administration has not submitted these amendments to the ABM treaty for the necessary approval by the Senate, at least in part because conservative opponents of the treaty would like to abrogate it altogether. However, national missile defense remains a hotly contested issue in Washington, and based on the evidence gathered here, it would seem very likely the strong military support for the idea would create intense political pressure for major change in the ABM regime as it has existed since the early 1970s.

In an era in which a perception of softness or weakness on military issues and even hostility to the military itself has dogged the administration in the White House, the political necessity of military support for policy has been felt with particular intensity.

CONCLUSIONS

It would be easy to view the problem of excessive military influence over diplomacy as an issue of the Clinton presidency, a function of the fact that Bill Clinton's avoidance of military service made him politically vulnerable and thus uniquely unable to challenge the Pentagon. If this was the case, a new president might well mean a diminution of the military's role. In reality, however, the problem is far more complex and will not be remedied soon, because it lies in a political system in which the enormous expansion of defense budgets since the beginning of the Cold War have made the military and its associated network of contractors a vast industry unto themselves, and thus a constituency which must be dealt with deferentially by any president. This fact, along with the media revolution which has given military leaders and their Congressional allies constant, ready access to the public forum, has short-circuited the traditional chain of command with the president at the top. This has been a problem for Bill Clinton, but it is not uniquely a problem of Bill Clinton. George W. Bush is also likely to find that the Pentagon has far more say than the Constitution imagines in decisions of diplomacy, foreign policy, and national grand strategy.

In his first year in office, Bush has faced one of the most profound tests to confront any recent president, in the events of September 11 and their aftermath. His popularity with the public has skyrocketed, and his political power in official Washington along with it. This does not necessarily mean that he will be able to challenge the military's role in the diplomatic process in the future, however, even if he is inclined to do so. Public regard for the armed forces and political deference to military decision-making have increased since September 11 as well, and in the months and years ahead the ramifications of this change are likely to be felt in the policy process in ways that have little or nothing to do with the ongoing war on terrorism. The institutional influence of the Pentagon is likely to expand even further as the military's

prestige rises in a time of crisis, and as fear and nationalism stifle those voices that might otherwise object to this growing role. Bush's popularity may or may not be sustainable over time, but a revived emphasis on national security as a primary focus of U.S. policymaking is now firmly entrenched in the national political psyche. As a result, the influence of the military establishment in bureaucratic and institutional politics will be even greater in the years ahead that it has been in the past decade. Whether popular with the public or not, George W. Bush will, like Clinton, inevitably be seen as a president who did not serve his country in war, and will thus be politically constrained toward deference to the Pentagon in critical matters of diplomacy. To an even greater extent than Clinton's, Bush's administration is also one in which the president's primary advisors on world affairs -including Secretary of Defense Rumsfeld, Secretary of State Powell, and Vice-President Cheney- have long histories and deep personal ties to the Pentagon establishment.

Security policymaking has always involved negotiation and logrolling among the military and other interested actors. During the cold war, for example, the influence of military leadership was crucial in shaping all four SALT and START agreements and deciding whether they would be accepted. In this role, the military has sometimes acted as a brake on ill-considered change, and has been a powerful advocate of arms control in certain cases (the Army in particular was a strong proponent of removing tactical nuclear weapons from Europe, and the Joint Chiefs since the mid-1990s have supported unilateral U.S. reductions in overall nuclear stockpiles). The political power of the military has sometimes been exercised by shaping the views of principle policymakers, and sometimes by threatening to give a negative evaluation of a piece of diplomacy in testimony before Congress—but this too is part of the routine of policymaking, not an aberration but part of the expected give and take of politics in a democracy. The U.S. military is not reflexively anti-arms control, and the political use of expertise and the threat of policy criticism are not new phenomena. Within limits, they are a normal part of the process, and no reasonable observer would suggest that the Pentagon should not have an active role in the process of creating treaties that affect the nation's security.

But they should not be the the primary makers of policy, nor should their stamp of approval be seen by elected officials as the necessary green light signaling that a treaty can be proposed and then approved. As military affairs have become more complex and technical, this fact has probably grown from a sense that key decisions must be made more and more by the experts who best understand them. In an era in which a perception of softness or weakness on military issues and even hostility to the military itself has dogged the administration in the White House, the political necessity of military support for policy has been felt with particular intensity. But this reality nevertheless represents a departure from the Constitutional vision of a politically weak military bureaucracy, responsible for carrying out the decisions of civilian leadership. The fact that Congress and the President will disagree over the nation's interests and struggle for control of the treaty process seems virtually guaranteed by the Constitution, but the adoption of treaties is strictly their prerogative just the

same. Contention between the branches over diplomacy would have been regarded by the founders as a necessary discomfort of democracy, but the dictation of foreign policy by the military to a deferential Congress and President would have been seen as a fundamental affront to the system.

Notes

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- ² *St. Louis Post-Dispatch*, January 27, 1996. p. 4A.
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- ⁷ Norman Kempster, "Standoff Over Chemical Weapons Pact," *Los Angeles Times*, April 5, 1997. p. A6.
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²⁸The DoD was joined in its opposition to the Ottawa Convention by the Arms Control and Disarmament Agency, which tended to see the agreement as a largely symbolic gesture. Both the ACDA and the Pentagon supported the Amended Mines Protocol (Protocol II) of the 1980 Convention on Certain Conventional Weapons as an alternative to Ottawa. Of the CCCW's four protocols, the first two (restricting some fragmentation weapons and some uses of land mines, respectively) were approved by the Senate in 1995, and an amended version of the second was approved in 1999. The third and fourth (restricting incendiary and blinding laser weapons, respectively) have not been ratified, once again in large part because of military concerns.

The two that were approved were strongly supported by the Pentagon. Protocol I restricted only anti-personnel weapons that injured with shards of material that were undetectable by x-ray. The Amended Protocol II mandated that all mines contain at least eight grams of iron to make them detectable; that minefields containing non-self-neutralizing mines be marked and the use and transfer of these weapons be prohibited after nine years; that restrictions on mine use be applied to civil as well as interstate wars; and that state governments aid in humanitarian mine removal. However, U.S. military officials expected that these changes would "have little impact on U.S. military forces since this treaty requires 'responsible' [anti-personnel land mine] use already codified in U.S. doctrine and NATO Standardization Agreements." (Naval Air Warfare Center, Weapons Division; <http://www.nawcwpns.navy.mil/-treaty/CCCW.html>). U.S. negotiators had secured language in the agreement that specifically excluded Claymore mines and anti-tank mines that had attached anti-personnel devices, and this second exemption was "crucial to the decision by the Senate in its advice and consent to the treaty." (Michael Lacy, "Passage of Amended Protocol II," *The Army Lawyer*, v. 2000 (March, 2000). p. 7-15).

Human rights advocates at the conference where changes to Protocol II were negotiated were scathing in their criticism of the result. A statement from an umbrella group of anti-mine NGOs said that the delegates had crafted a "reprehensible agreement," a "complete failure," that would "not make a significant difference in stemming the global land mines crisis." They noted that the Amended Protocol II allowed for a nine year delay in eliminating "dumb" mines during which vast numbers might be deployed; that it accepted a 10% failure rate for self-destructing mines which might still mean hundreds of thousands of active weapons left in the wake of a war; and that it would be impossible to verify that mines being deployed met even these specifications. The International Committee of the Red Cross suggested that the Amended Protocol II might even "encourage the production, transfer, and use of a new generation of mines while not prohibiting any existing types other than, eventually, non-detectable anti-personnel mines." In any case, the ICRC argued, "these measures are unlikely to significantly reduce the level of civilian land mine casualties." (Jim Wurst, "Bobbled Ban," *Bulletin of Atomic Scientists*, v. 52 (Sept./Oct. 1996). pp. 11-14).

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“Responsible by Omission”: The United States and Genocide in Rwanda

by Lyn Graybill

“When people rightly point the finger at certain individuals presumed responsible for the genocide, I wonder if after all there is not another category of those responsible by ... omission.”

HUMANITARIAN INTERVENTION AFTER THE COLD WAR

The legal principle of non-intervention in the affairs of sovereign states that was sacrosanct for most of the twentieth century began eroding immediately following the end of the Cold War. While there had been legal justification for intervening in conflicts between states if they posed a threat to international peace, for breaches of peace, and for acts of aggression, international law was silent on the right to intervene in domestic situations. However, with the end of the Cold War military intervention within states has been viewed as more acceptable. According to Michael Smith, for a brief time there was a “Dudley Do-Right euphoria” about the possibility of dispatching peacekeepers wherever they might be needed.² A consensus seemed to be developing that legitimized intervention for acts of aggression against a state’s citizens or for ethnic conflict within a state’s borders. The legalist paradigm, which privileged the rights of sovereign states, was slowly being superceded by the cosmopolitan paradigm that heralds the rights of individuals.

Indeed, many UN officials recall a sense of excitement during the early post-Cold War days when activism could be directed toward helping people rather than allowing *realpolitik* concerns to dominate decisions.³ At the beginning of the post Cold War years, the international community began to add questions of endemic injustice and suffering as reasons to intervene in ways that had not been previously possible when the world was divided into two hostile blocs and intervention had to be avoided to

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keep the Cold War from becoming hot. There was a new concern with “human security” and saving “failed states.”

The Security Council authorized interventions for humanitarian purposes throughout the 1990s. The use of force for other than self-defense was authorized in eleven cases since 1989, for example in Somalia, Bosnia, Haiti and Rwanda. It also endorsed peace-implementation missions in Kosovo (after the NATO intervention), East Timor, Sierra Leone and Congo.⁴ But since 1993 elite opinion has become increasingly wary of trying to do good in places where no national interest exists. Somalia in part explains this waning enthusiasm.

SOMALIA: PRECEDENT FOR ARMED HUMANITARIAN INTERVENTION

By 1992 starvation gripped Somalia in the wake of the civil war, which followed the overthrow of Mohammed Siad Barre in January 1991. As Barre fled, the scorched earth policy of his retreating troops created a famine belt. Once a common enemy no longer existed, the clans that had united to overthrow Barre fought for control of the government. (Factions of the Hawiye based United Somalia Congress (USC) guerilla army supportive of Ali Mahdi fought factions of the Hawiye forces loyal to Mohammed Farah Aideed) Fighting at the same time as a serious drought led to anarchy and famine. 1.5 million out of a population of 2 million were threatened with starvation, and 300,000 had already died, including 25% of all children under five.⁵

The U.S. decided to intervene in Somalia under “Operation Provide Relief” in the summer of 1992.⁶ The intervention was explained in terms of morality: President George Bush told the Republican Party Convention in August 1992 that “starvation in Somalia is a major human tragedy” and that the U.S. would deliver food to those who desperately needed it.⁷ The airlift fell short of reaching its goals; there was no way to guarantee that the food got to famine victims once it was dropped. On November 26, after UN Secretary General Boutros-Boutros Ghali announced that the relief efforts were not working, President Bush announced that the U.S. would send ground troops to protect food convoys, and the United Nations passed the authorizing resolution on December 3.⁸ The first troops with “Operation Restore Hope” hit the shores on December 9, 1992.

In May 1993, the second UN Operation in Somalia (UNISOM II) took over as a Chapter 7 peace enforcement operation with a broader mandate. Resolution 814 mandating the operation was not written by UN bureaucrats but came intact from the office of then Chairman of the Joint Chiefs of Staff Colin Powell.⁹ In response to militia attacks on Pakistani peacekeepers in June, who were inspecting Aideed’s weapons storage sites, the U.S. pushed for the pursuit of the warlord. The UN Security Council obliged with Resolution 837 to allow force to arrest and detain Aideed. On October 3, 1993 American rangers¹⁰ struck at the Olympic Hotel, believing Aideed was hiding there. Innocent people including children were killed. This act led to retaliation. In the worst shoot-out since the Vietnam War, approximately 1,000 Somalis and 18 U.S. soldiers died. After the downing of an American Black Hawk

helicopter, the bodies of the mutilated Americans were dragged through the streets of Mogadishu. President Bill Clinton announced that all American troops would be withdrawn in six months. Optimism about what intervention could do was replaced by pessimism about intervention. The giddy euphoria of the initial post Cold War period gave rise to caution.

HUMANITARIAN FATIGUE: FROM SOMALIA TO RWANDA

Not too long after American troops were withdrawing from Somalia, to the southwest of Somalia in Rwanda, Hutus massacred up to one million Tutsis and moderate Hutus in 100 days — the fastest genocide rate in recorded history. The response this time was different. The “lesson learned” from Somalia apparently was that national interest alone would once again direct U.S. policy and by extension support for UN peacekeeping. In the aftermath of Somalia, President Clinton had enacted Presidential Decision Directive 25 (PDD 25), which limited U.S. support to UN peacekeeping only where vital national interests exist.

There is plenty of blame to go around. Much has been written about the deplorable role of the United Nations. The United Nations published a self-evaluation (albeit mostly self-serving.) France and Belgium held parliamentary hearings and published reports on their roles as well. The Organization of African Unity (COAU) also commissioned an inquiry into culpability. Human Rights Watch released a thorough analysis of the genocide and international response in *Leave None to Tell the Story*.¹¹ The U.S. is the only important actor that did not investigate its role. It neither set up a commission of inquiry nor produced any analysis of its behavior during the three months of carnage. Thus, the focus here is on the U.S.’s passivity in the face of genocide as a moral failure of American foreign policy.

RESPONSE TO GENOCIDE

When President Juvenal Habyarmina’s plane was shot down on April 6, 1994, the order went out for Hutus to systematically exterminate Tutsis and moderate Hutus. Within thirty minutes of the crash (even before there were news reports of the crash), the Rwanda Armed Forces (FAR) and the Interahamwe (Hutu militias) set up roadblocks throughout the city and proceeded door to door with hit lists prepared in advance. A small unit of 2,165 peacekeepers was already on the ground with the United Nations Mission for Rwanda (UNAMIR) to monitor a cease-fire under the Arusha Peace Accords between the mainly Tutsi resistance, the Rwandan Patriotic Front (RPF), and government forces which had been involved in a low-intensity civil war since 1990. However, these blue helmets were forbidden by their “monitoring mandate” as chapter VI peacekeepers to intervene.

The next day, ten Belgian soldiers with UNAMIR were tortured and murdered.¹² One week later, Belgium withdrew from UNAMIR, and the UN Security Council voted to reduce the UNAMIR troops. The genocide only ended when the RPF took

control over most of the country in July, and the Hutus, fearing retaliation, fled to neighboring Zaire.

What was the United States' role at the United Nations? Shortly after the Belgians announced their withdrawal from UNAMIR, the U.S. stated that UNAMIR should withdraw, since there was no longer any cease fire to monitor.¹³ In discussions about what would happen to the Rwandans, a U.S. diplomat told the Belgian ambassador that it was "unacceptable" that concern for "humanitarian drama" be used to justify keeping peacekeepers in Rwanda.¹⁴ Because of disagreement with the American position from the secretariat staff and some council members including Nigeria, a vote was not taken on April 15. Nevertheless, by the next morning, writes Allison Des Forges, authorities in Rwanda would have known of the strong position for withdrawal taken by the U.S.¹⁵ One reason is that by coincidence Rwanda held one of the non-permanent rotating seats on the Security Council.¹⁶ Surely all discussions were being reported back home, in effect signaling a green light. During that day, the decision was made in Rwanda to extend the scope of the genocide in intensity and area.

On April 19, Human Rights Watch and other organizations approached the President of the Security Council with reports from the field and made it clear that these acts constituted "genocide." The Security Council condemned the killing but intentionally omitted the word "genocide" from its condemnation, since one view is that the Genocide Convention obligates signatories to prevent genocide.¹⁷ Whether the Convention says that signatories *may* intervene or *must* intervene is a matter of some debate. Some international lawyers argue that had the Genocide Convention been intended to do any serious work for the purpose of prevention, it would have included language authorizing the use of *all necessary means*. Rather, Henry Shue argues, it is strictly permissive, inviting any state with a notion to do something to prevent or punish genocide to approach the International Court of Justice.¹⁸ But clearly the hesitance to use the "g-word" reflected the Security Council's belief that if genocide had been committed, its members would be under pressure to intervene militarily.¹⁹ The UN Security Council decided on April 21 not to totally withdraw but to keep a token number of peacekeepers, 270, in Rwanda, a position supported by UN Ambassador Madeline Albright.

U.S. APATHY

Was the Security Council following the lead from the U.S.? There was little interest from Washington in the tragedy. When President Clinton spoke of Rwanda in the initial days of the massacre, it was of concern for the 258 American expatriates' safety.²⁰ His statements in April called on *both sides* to stop the violence, which played into the media's interpretation of this as a civil war between two armies, not an organized attack on helpless civilians.²¹ Policymakers were reluctant to call the violence "genocide." A memo to the State Department and National Security Council (NSC) from the president prohibited their use of this term. At a State Department press

conference, spokesperson Christine Shelly stated that “acts of genocide may have occurred” but that the government was not prepared to use the term genocide, which led one exasperated reporter to ask, “How many acts of genocide does it take to make genocide?”²² James Woods, assistant secretary for African Affairs at the Department of Defense (DOD), has no doubt that the government knew it was a genocide as early as the second week:

Never mind that the American press, which was poorly represented anyway, hadn't quite got it right yet, at all, in fact ... there was plenty of evidence around if you'd wanted to use it... It was known that this was premeditated, and was being executed according to a carefully laid out plan with the full connivance of the then Rwandan government. This was known.²³

Only after the directive to the State Department and NSC not to use the word “genocide” was reported in the *New York Times* on June 10 did U.S. Secretary of State Warren Christopher admit that “genocide” was the appropriate term.²⁴

Even the House African Affairs Sub-Committee members, whom one would expect to speak for African interests, were muted in their calls for action. Nine members wrote the president asking for strong support for an active U.S. role “*short of committing U.S. troops.*”²⁵ (emphasis added) Senators James Jeffords and Paul Simon of the Senate Sub-Committee on African Affairs petitioned the White House on May 13 to request that the Security Council approve sending troops to stop the slaughter. The president did not respond for 27 days.²⁶ These few individuals appear to be the only important voices in the Congress calling on the U.S. to respond. At one meeting on Rwanda, Clinton asked if the Congressional Black Caucus had shown strong interest in the issue and was told they had not.²⁷ By contrast, Senator Robert Dole on “Meet the Nation” had argued, “I don't think we have any national interest here ...I hope we don't get involved there.”²⁸ Likewise, senior members of the Defense Appropriation Subcommittees of the Senate and House were wary of peacekeeping after Somalia.²⁹

At the NSC, neither Don Steinberg, senior director for Africa, nor his boss, National Security Adviser Anthony Lake, “appears to have played the role that was clearly needed on Rwanda.”³⁰ At the State Department, George Moose and his deputy, Prudence Bushnell, favored a stronger mandate and an increase in troops for UNAMIR but found themselves ignored by higher-ups. The under secretary for political affairs, Peter Tarnoff, had no interest in Rwanda. And the under secretary of state for global affairs, Tim Wirth, apparently played no role in the decisions although his brief included human rights.³¹ The lack of high-level interest or attention to Rwanda at the State Department meant that Pentagon thinking held sway. The DOD was concerned that no U.S. personnel or resources be siphoned off into another peacekeeping operation in Africa.³² According to Holly Burkhalter, when the various agencies met to discuss Rwanda, the Pentagon sent its top brass, including under secretary of defense John Deutch on one occasion, to make this case.³³

The Clinton administration decided in the wake of the Somalia debacle not to intervene again in Africa for humanitarian reasons that fell short of vital national

interests and quickly signed PDD 25 which severely limits U.S. involvement in international peacekeeping operations. Conditions necessary to intervene include a clear national interest, approval of Congress, availability of funds, a fixed date of withdrawal of U.S. forces, and an agreed upon command and control structure. Rwanda was the first test of the new guidelines on peacekeeping. The administration not only ruled out sending American troops but also tried to influence the Security Council members not to send troops. "If there was no peacekeeping operation, U.S. support could not be required for it. If there were any type of peacekeeping operations, there was always the risk that U.S. airlifts, U.S. hardware or U.S. personnel might, over time, be dragged into it," explains Tony Marley,³⁴ a political military advisor for the U.S. State Department at the time of the genocide. The U.S. in effect obstructed the good that the international community might have done.

PROBABILITY OF SUCCESS

The dictum "ought implies can" is nowhere more applicable than in the Rwanda case. The just war criterion of probability of success would have been fulfilled by an intervention. UNAMIR commander General Romeo Dallaire advised the United Nations that a limited military intervention (as few as 5000 troops and a clear mandate—to protect civilians, seize arm caches) could halt the bloodshed. Alan Kuperman, on the other hand, argues that by the time the West was aware of the genocide, it could not be stopped and "only 125,000 lives" could have been saved in a best-case scenario. He reaches this conclusion by coupling the earliest date he says the United Nations knew a genocide was occurring (April 20), with the level of military might necessary to stop it. He asserts that a maximum intervention, involving 13,500 troops, needing 40 days lead-time, would have resulted in 125,000 lives saved. A moderate response of 6,000 troops airlifted in 21 days would have resulted in 100,000 lives saved, and a minimum response of 2,500 troops requiring 14 days lead time would have meant 75,000 saved lives.³⁵ But the United Nations Department of Peacekeeping Operations (UNPKO) had knowledge that genocide was being planned as early as January 1994, three months before it began. There is the famous "genocide cable" sent on January 11 by Dallaire to UNPKO, in which he warned of the impending genocide in the capital and a planned assault on UN forces to drive them out, and requested more troops and a stronger mandate.³⁶ The cable was placed in a separate Black File to draw attention to its content, and circulated to several departments in the UN Secretariat.³⁷ The information from the cable was shared with three ambassadors in Rwanda, including the American ambassador David Rawson. The State Department, too, was aware of the cable.

In addition, the CIA had given the State Department a desk level analysis, which also warned of the genocide. As the genocide unfolded, "Week after week for three months, reports sent directly from Rwanda to home governments and international agencies documented the magnitude of the slaughter and made it plain that this was no tribal bloodletting but the work of hard line political and military leaders."³⁸ The

fact that the mass media misrepresented the violence as a breakdown in the ceasefire and the resumption of the civil war did not mean the world's decision makers with their intelligence operations were unaware of what was happening.

Kuperman's conclusion that the international community could not have stopped the genocide is not universally accepted. Des Forges writes that had the forces that came to evacuate their expatriates been allowed to augment the UNAMIR forces, the genocide could have been stopped. These forces comprised 900 elite Belgian and French troops, backed up by 300 U.S. Marines at Bujumbura, half an hour away by plane (who were not called), and 80 Italians. Combined with the 440 Belgians and 200 Ghanaians in Kigali, they would have made a force of about 2,000 soldiers. Reinforcements could have been made available with 600 Ghanaians north of Kigali in the demilitarized zone, 80 Belgians on standby in Nairobi, and hundreds of U.S. marines off the East African coast.³⁹ Colonel Scott Feil of the United States Army confirms what Dallaire reported: "A modern force of 5,000 troops ... sent to Rwanda sometime between April 7 and April 21, 1994 could have significantly altered the outcome of the conflict. ... [F]orces appropriately trained, equipped and commanded, and introduced in a timely manner, could have stemmed the violence in and around the capital ... [and] prevented its spread to the countryside..."⁴⁰

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In May the Security Council debated whether to send a second UNAMIR force. As a resolution seemed in sight — the U.S. had carefully gone through all the steps to determine if it met the strict PDD 25 criteria — the U.S. delegation abruptly said it had no instructions for the vote and forced a postponement.⁴¹ Philip Gourevitch later wrote of Madeline Albright's "ducking and pressuring others to duck, as the death toll leapt from thousands to tens of thousands to hundreds of thousands...the absolute low point in her career as a stateswoman."⁴²

On May 17 the Security Council finally authorized an expanded UNAMIR II to consist of 5,500 personnel. But lengthy exchanges about finances and logistics between the U.S. and UN about providing armored personnel carriers (APCs) for African troops who had volunteered delayed action for another seven weeks. James Woods argues that the Pentagon "got all bogged down in the issues of the exact terms of a lease; what color; who would paint them where; what kind of stenciling would go on and all of the other little details."⁴³ The delay indicated "a complete lack of enthusiasm" at the higher policy levels for this intervention.⁴⁴ Another DOD official said, "U.N. procurement procedures are incredibly slow. In the Rwandan case, we could have done it the normal, that is the slow way, or somebody could have said, let's get that equipment over there fast, and then cut the red tape to get it done. We didn't do

that.”⁴⁵

By the time the RPF won the war and ended the genocide on July 19, there were about the same number of forces in the field as there had been at the time of the Belgian withdrawal in April, because of the foot-dragging, delays, and bungling on the part of the U.S. and other countries in sending equipment and troops.⁴⁶ Only then did Clinton order the Rwandan embassy closed and Rwandan assets frozen, saying that the U.S. could not “allow representatives of a regime that supports genocidal massacres to remain on our soil.”⁴⁷ Des Forges writes that it was as if “officials had just discovered ... that the regime they represented was carrying out genocide.”⁴⁸ The president also announced that he would begin efforts to remove the Rwandan representative from the Security Council.⁴⁹ By the time the Security Council acted on August 25 to refuse the Rwandan representative from taking its turn as president, it affected not the genocidal government but the new government whose forces had ended the genocide.

Four years later as Clinton toured Africa, he made a stop in Rwanda (never leaving Kigali Airport.) Headlines in African newspapers said that Clinton had apologized on behalf of the American people for not intervening. “We did not act quickly enough after the killing began,” he said. His explanation, not remotely true, was that he had not known it was genocide: “All over the world there were people like me sitting in offices, day after day, who did not fully appreciate the depth and speed with which you were being engulfed by this unimaginable terror.”⁵⁰ He told the Rwandans that his administration would create a system for detecting genocidal tendencies early, implying that the reason the international community had not acted was lack of timely knowledge.

ARGUMENTS AGAINST INTERVENING

It would be unfair to lay the entire blame of UN inaction at the foot of the U.S. Certainly, other members of the Security Council had independent (and similar) reasons for not wanting to get involved. Member states of the UN argue that the body is stretched too thin and needs to exhibit self-restraint. In the aftermath of the “Somalia debacle,” the Security Council developed new criteria which included taking into consideration whether regional or sub-regional organizations could resolve the situation, and whether the safety of UN personnel could be assured, which pushed in the direction of limited intervention.⁵¹ The Joint Evaluation of Emergency Assistance to Rwanda asserts that “No member of the Security Council came forward to suggest a different course of action...”⁵² Still, U.S. leadership in favor of intervening could have been decisive in getting Security Council members to change their positions, as it had been three years earlier in “Operation Desert Storm.” Regarding U.S. leadership in humanitarian interventions, Arnold Kanter writes that, “...if the United States does not take the initiative, far from others leaping in to fill the vacuum that our restraint creates, it instead provides a convenient excuse for them to do nothing.”⁵³ The U.S. was “the only state with a demonstrated ability to energize the Council in a crisis,”⁵⁴

but, haunted by memories of Somalia and preoccupied with crises elsewhere (in Bosnia and Haiti), it was not inclined to exert that leadership.

What moral principles were at play here? Protecting the lives of soldiers from UN member countries is a worthy goal. How do we calculate the worth of peacekeepers' lives relative to innocent civilians, including women and children? The lives of UN soldiers were calculated as more important than the lives of Africans. Speaking of Somalis in 1992, Samuel Huntington had argued, "It is morally unjustifiable and politically indefensible that members of the armed forces should be killed to prevent Somalis from killing one another."⁵⁵ This kind of thinking held sway in 1994, as the United States decided to ignore the killings of Rwandans by other Rwandans. This stance reflects the view that American soldiers have signed on to "deter, fight, and win the *nation's* wars" alone. Humans are not to die for; fellow Americans are to die for. Still, the fact that not one soldier's life was deemed worth sacrificing to stop a genocide that killed up to a million people is mind numbing.

In fact, by not augmenting the UNAMIR forces, the UN was putting the very peacekeepers whose lives it claims to value so highly at grave risk. Administrative bungling and reluctance to spend money had left the UNAMIR forces ill prepared to deal with any crisis. Des Forges writes that the forces had a two-week supply of food, drinking water in some places for only a day or two, and fuel for two to three days. They were critically short of ammunition and medical supplies. Their few armored personnel carriers were in such poor condition that only one or two functioned at any given time.⁵⁶ For Howard Adelman, "The sovereign states who are members of the United Nations ... not only abandoned the Rwandans, but even abandoned its own emasculated UN forces to face the tragedy without a mandate, without military equipment to defend themselves (let alone the Tutsi being slaughtered) and without supplies."⁵⁷

It is imperative that an ethical framework be developed that helps policymakers decide how to make choices about intervention.

Let's return to the issue of the lower value placed on African lives, not only vis a vis peacekeepers but also expatriates. When the French forces came to evacuate foreign nationals, the UNAMIR troops were under strong pressure from the United Nations to work with the French to evacuate Europeans rather than protect threatened Rwandans.⁵⁸ Instructions from Kofi Annan in New York ordered Dallaire to use his discretion to go beyond his minimal mandate "should this be essential for the evacuation of foreign nationals." This did not extend to protecting innocent civilians. Dallaire was pointedly told not to exercise his discretion to act beyond the mandate where Rwandans were concerned; in fact, he was ordered explicitly not to go beyond the mandate. The Organization of African Unity report asks, "Is there a conclusion we can draw from this incident other than that expatriate lives were considered more

valuable than African lives?”⁵⁹ Commenting on the relative value of expatriate and Rwandan lives, the Red Cross estimated that during the days that 4,000 foreigners were evacuated, “few of whom were actually at risk,” 20,000 Rwandans were killed.⁶⁰

Michael Barnett has argued that protecting the United Nations organization’s reputation was the most important consideration and overrode any other moral considerations. The argument here is that a failed mission would mean more criticism of the UN, less support for future missions, and so less ability in the future to do good. Non-intervention, according to Michael Barnett, was deemed morally defensible because it protected the international organization’s reputation. “The moral equation was: genocide was acceptable if the alternative was to harm the future of the U.N.,” he later wrote.⁶¹ Saving the reputation of the United Nations trumped saving the lives of one million Rwandans.

How does the international community decide in which instances to intervene? What can be learned from Rwanda? Although the most probable threats to peace in this millennium stem from internal rebellions and ethnic slaughter, Charles Kegley states that the major powers appear to be “proceeding without a moral compass.”⁶² It is imperative that an ethical framework be developed that helps policymakers decide how to make choices about intervention. As Jack Donnelly urged, we need a new standard to save us from “barbarism of a pristine sovereignty”⁶³

INTERVENTION AND SOVEREIGNTY

Smith argues that “claims to sovereignty are subsidiary [to human rights] in that they do not automatically trump other compelling claims.”⁶⁴ Smith states the principle this way: “Individual state sovereignty can be overridden whenever the behavior of the state even within its own territory threatens the existence of elementary human rights abroad and whenever the protection of the basic human rights of its citizens can be assured only from the outside.”⁶⁵

A strict human rights view holds that any violation of human rights is a legitimate ground for invoking action from the world community. It is morally imperative to prevent or mitigate human sufferings and injustice whenever one has the capacity to do so.

But not all rights come with a concomitant duty from third parties. Shue writes: “...surely there are cases in which some interest is important enough that everyone should have a duty not to deprive anyone of it, but not important enough that when someone violates his duty not to deprive, some other category of persons should have a default duty to step in either to prevent or to punish the duty-violating deprivation.”⁶⁶ Presumably, many of the rights highlighted in the various human rights conventions and treaties would fall within this category. Proportionality between risks and outcomes would come into play. Few people would argue for the appropriateness of risking combatants’ lives in the defense of protecting all rights. Some rights enumerated in the United Nations Declaration of Human Rights—the right to work, the right to equal pay for equal work, the right to rest and leisure, periodic holidays with

pay, etc.—would fall into this category, as would the rights to free speech, religion, association, and so forth.

Noting that there is no universal agreement about which human rights are worth overriding sovereignty to protect, Smith would limit interventions to responses to egregious violations of human rights.⁶⁷ Setting the bar high would limit interventions to the most extreme cases of moral outrage. The death penalty is the example Smith cites to justify limitation to egregious violations; although for much of the world capital punishment violates human rights, “few ... would urge or welcome the forcible landing of an international military force to prevent Virginia’s next execution.”⁶⁸

Genocide, at the very least, is a category of crimes against humanity that automatically should require outside intervention. If genocide is not intolerable, what is? But should we limit intervention to the destruction of “a national, ethnical, racial or religious group”? The strict definition omits political, social, and gender groups. Should we expand the definition to include democide — the destruction of any group of people? And what of “ethnic cleansing”? Whereas genocide seeks to destroy the group, ethnic cleansing seeks to purify a territory of one ethnic group by use of terror, rape and murder in order to convince the inhabitants to leave.⁶⁹ Both are sub-categories of “crimes against humanity” and surely egregious human rights violations.

Should some consideration be made about the numbers of deaths? Stephen Solarz and Michael O’Hanlon would justify American intervention “to prevent the massive slaughter of life, wherever it may be occurring...”⁷⁰ What seems crucial as a justification for overriding sovereignty and intervening is that the deaths must be of civilians, rather than of combatants in a civil war between two willing warring parties.

Brian Hehir worries about overturning the norm of non-intervention in international law. He argues that “to legitimate military intervention on human rights grounds alone would essentially eliminate the restraint of the nonintervention norm.” For Hehir, it is better to make a few exceptions to the legal tradition of non-intervention. In addition to genocide, which he says is the one exception allowed by the legal tradition, he would qualify two, ethnic cleansing and failed states, as just causes for intervention.⁷¹ (Since approximately 15% of all African states could be characterized as “failed states,” perhaps Hehir’s exceptions are too sweeping.)

Justice requires evenhandedness. At the time of the genocide, the OAU accused the international community of a double standard – cutting troops in Rwanda while increasing involvement in the former Yugoslavia.⁷² Kosovo raises the issue of selectivity. Fewer people died in Kosovo prior to NATO bombing than in civil strife in Sierra Leone, Sudan or Rwanda.⁷³ Kosovo was not genocide, yet the U.S. intervened. Rwanda was genocide; the U.S. did not intervene. Chechnya was a near genocide; the United States did not even consider intervening.

RIGHT AUTHORITY

Assuming we could agree on core rights worth defending anywhere and everywhere there are violations, who would decide when these core rights have been vio-

lated? Hehir argues that UN authorization is crucial as the best guarantee that military intervention will not be launched for self-serving reasons.⁷⁴ Most states clearly reject a unilateral right to intervene for humanitarian purposes. China, Russia, and most developing states claim such a right would amount to meddling in their internal affairs. They fear abuse especially from the United States.⁷⁵ The International Criminal Court (ICC) statute also prohibits unilateral action:

“Any use of force for purposes other than defense against an armed attack or execution of a Security Council mandate under Chapter 7 of the Charter constitutes the crime [of aggression.]”⁷⁶

However, a problem with Security Council authorization is the veto power of the permanent members who can prevent action. Somehow we need to limit the sovereignty of powerful states to stand idly by when genocidal states massacre their own people. As Shue points out, “One of our current norms, which is understandably not stated explicitly, appears to be that while no state ought to commit genocide within its territory, no other state and no international organization – most notably, not the Security Council – is bound to do anything about genocide if they don’t feel like it.”⁷⁷ For him this is the “pivotal fault in the conventional conception of sovereignty” – the total freedom of the Security Council members to do nothing.⁷⁸ A solution to the problem of the “sovereignty of the Security Council” would be to devise criteria to permit humanitarian interventions in the absence of Security Council consensus. Michael Ignatieff recommends that the Security Council be enlarged to be more representative of the world’s population and restructured to replace the veto system of the permanent five members with majority voting.⁷⁹

A solution to the problem of the “sovereignty of the Security Council” would be to devise criteria to permit humanitarian interventions in the absence of Security Council consensus.

A further problem with waiting for UN authorization has to do with the time frame. It is easier and quicker to act unilaterally than to move through a cumbersome bureaucracy. Since no other country but the U.S. has the political, economic and military strength to lead an effective intervention in large scale crises, a UN standing army should be considered to intervene quickly in such crises. A Danish proposal calling for a multinational “UN Stand-By Force High Readiness Brigade,” whereby national stand-by units would be integrated into a larger multinational brigade, is worth considering.⁸⁰

GENOCIDE AND LAST RESORT

There is a problem with the “last resort” condition for just war applied to genocide. One could argue that by delaying intervention and trying other measures first,

it will be too late to stop massive killings, especially a fast moving genocide like Rwanda's where 10,000 people could be killed in twenty minutes. The notion of reasoning with genocidists strikes one as obscene.

But as Kuperman points out, "intervention is no substitute for prevention."⁸¹ With advanced knowledge of the impending genocide in Rwanda, certainly preventive measures should have been the first line of attack. Oddly, no measures were even attempted. Des Forges notes that international leaders had available means at their disposal, which they did not use. They could have stopped the hate radio, which was central in instigating the genocide. This was an option that the State Department assigned a team of lawyers to examine; they concluded that jamming the radio transmissions would violate free speech rights.⁸² They could have threatened withdrawal of aid money if the killings that preceeded the genocide in 1993 and 1994 continued. This would have been especially effective given the level of the country's aid dependence. Peter Uvin points to two examples in the four years preceding the genocide where diplomatic pressure on the government to halt human rights violations did result temporarily in changed behavior.⁸³ An arms embargo appeal to refrain from providing arms or military assistance,⁸⁴ made on April 30 but only imposed on May 17, could have worked if it had been in place earlier: "Had the embargo been put in place earlier and enforced more rigorously, it might have pushed the interim government to end the slaughter instead of just changing the way it was carried out."⁸⁵

The international community could have denied legitimacy to the interim government at the early stages of the genocide. This may have been effective. Allowing the Rwandan representative to remain on the Security Council gave legitimacy to a regime bent on exterminating its entire Tutsi population and no doubt emboldened the genocidists to continue their attacks.

INTEREST VS. VALUE

The notion that the United States should only intervene for vital interests (the Weinberger-Powell doctrine) is a morally bankrupt concept. Still, leaders may feel that they need to justify intervention to a cautious public in interest language. In that case, they could point to the interest in stopping violence so that it does not spill over its borders, threatening regional stability. And while Rwanda may be of no commercial interest to the U.S., neighboring resource-rich Congo is. A simple cost-benefit analysis would sometimes push in favor of early intervention to stop massive killings. For instance, the U.S. spent more on aid for the refugee problem in Congo (then Zaire), an outcome of the genocide in Rwanda, than it did for its contribution to peacekeeping in Rwanda for UNAMIR. But as Thomas Weiss explains, "Allocating and disbursing billions of dollars of humanitarian aid after violence has erupted is easier for risk-averse politicians and policymakers than ... commit[ing] armed forces early in a conflict cycle."⁸⁶

Arnold Woffers wrote nearly half a century ago about "milieu goals"— those objectives of foreign policy whose aim is to preserve or improve conditions beyond

one's borders in the creation of a better world.⁸⁷ A great power's wish to improve its "milieu" has to do in part with the desire to improve its international reputation. Thus, a rigid dichotomy between interests and values is not as great as pure realists assert. But whereas our reputation may have been an important component in defining our interests during the height of the Cold War when an ideological battle raged for the "hearts and minds" of nations, that argument seems less persuasive at the beginning of the twenty-first century when the U.S. is the only game in town. Some of the arguments that try to collapse value and interest into one concept seem somewhat disingenuous, amounting to verbal sleights of hand. It is not always in our interest, whether narrowly or broadly defined, to intervene to protect human rights. Better to say as Ignateiff has: "Values trump interests. When innocent civilians are dying, America may have to intervene even when its vital interests are not at stake."⁸⁸

Furthermore, the public is not as interest-based as elites think and is willing to support interventions that are morally compelling. A recent study from the University of Maryland concludes that leaders invariably misread the public. Polling from that study indicates that the public is highly supportive of intervening to allay civilian suffering and deaths (including stopping genocide) even where no national interest exists, or assuming American lives would be lost, if likelihood of success is high.⁸⁹ In 1994, 65 percent of the public believed the United States should intervene to stop genocide always (31%) or in most cases (34%); 23 percent believed we should stop genocide only when national interest is at stake and only 6 percent said we should never stop genocide.⁹⁰ In a 1999 poll asking for the largest number of American deaths that would be acceptable to stabilize a democratic government in Congo, the figure was 7,000.⁹¹ (Whether this hypothetical public support could be maintained once the body bags of real American soldiers start piling up is problematic.) Overall, there does seem to be a dis-connect between public opinion in favor of intervening for other than national interest reasons (and a greater tolerance for casualties) than what government officials assume.⁹²

The result of misreading the public has been a push for half measures and zero tolerance for casualties. The Rwanda case demonstrates a policy decision that started with risk assessment, rather than balancing it against a worthy goal. As Dallaire later commented,

An operation should begin with the objective and then consider how best to achieve it with minimal risk. Instead, our operation began with an evaluation of risk, and if there was risk, the objective was forgotten. You can't begin by asking if there is a risk. If there is no risk, they could have sent Boy Scouts, not soldiers.⁹³

Unfortunately, the lessons from Rwanda do not seem to have been learned by the new president. During the second televised candidates' debate on October 11, 2000, George W. Bush was asked to reflect on Rwanda. Bush argued that Clinton had been right not to send American troops there. He made clear that his foreign policy would be based on national interest alone and suggested that events in Africa, seemed to him

remote from American interests. The Rwandan genocide was not compelling enough for him to make an exception to the interest-based rule for using U.S. force if a similar crisis were to develop on his watch.⁹⁴

Notes:

¹Colonel Luc Marchal (commander of the Kigali sector of UNAMIR), cited by Allison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* (New York: Human Rights Watch, 1999), p. 609.

²Michael Joseph Smith, "Humanitarian Intervention: An Overview of the Ethical Issues," *Ethics & International Affairs* (1998), Vol. 12:63-79, p. 66.

³Michael Barnett, "The U.N. Security Council, Indifference, and Genocide in Rwanda," *Cultural Anthropology* (1997), Vol. 12, No. 4: 551-578, p. 567.

⁴Chantal de Jonge Oudraat, "Humanitarian Intervention: The Lessons Learned," *Current History* (December 2000): 419-429, p.422.

⁵Peter Shraeder, *United States Foreign Policy Toward Africa: Incrementalism, Crisis and Change* (New York: Cambridge University Press, 1994), p. 177.

⁶A UN mission of 50 military observers to monitor a ceasefire between Mahdi and Aideed along with 500 infantrymen to protect aid agencies from bandits and looters had been unsuccessful in protecting food deliveries.

⁷Under just war theory, for a military action to be just, the stated intention must be the actual intention. Critics of the intervention say that the Bush Administration knew of the severity of the food situation as early as mid 1991 yet discouraged donors from helping Somalia. If intervening were merely an election ploy, the stated intention was not the actual intention.

⁸"Humanitarian" was mentioned eighteen times in the resolution authorizing the US-led intervention.

⁹Michael Maren, *The Road to Hell: The Ravaging Effects of Foreign Aid and International Charity* (New York: The Free Press, 1997), p. 221.

¹⁰17,700 troops made up the US Joint Task Force in Somalia and were not under UN operational command.

¹¹See Des Forges

¹²Given the strict mandate as Chapter 6 peacekeepers, some attribute their deaths to their belief that there were no circumstances in which they could legitimately fire their weapons. (See Des Forges, p. 597).

¹³Des Forges, p. 629.

¹⁴Des Forges, p. 630.

¹⁵Des Forges, p. 630.

¹⁶By tolerating the presence of the representative of Rwanda during their daily meetings, the 14 members of the Security Council put "the observance of procedural decorum before the need to denounce a genocidal government and the crime it was committing." (See Des Forges, p. 635).

¹⁷On the issue of permissive right to intervene versus the duty to intervene, see Paul G. Magnarella, "Universal Jurisdiction and Universal Human Rights: A Global Progression," *Journal of Third World Studies* (Fall 1995), Vol. 12, No. 2: 159-171, p. 161.

¹⁸Henry Shue, "Conditional Sovereignty," *Res Publica* (1999), Vol. 8, No. 1: 1-7, p. 3.

¹⁹William Schabas, "The Genocide Convention at Fifty," *USIP Notes* (January 7, 1999):1-8, p. 6.

²⁰William J. Clinton, "The President's Radio Address," April 19, 1994 *Public Papers of the President*, vol. 1:658-660 and "Letter to Congressional Leaders on the Evacuation of United States Citizens from Rwanda and Burundi," April 12, 1994, *Public Papers of the President*, Vol 1:678-679

²¹William J. Clinton, "Statement on the Deaths of Leaders of Rwanda and Burundi," April 7, 1994, *Public Papers of the President*, vol 1:635. See also Holly J. Burkhalter, "The Question of Genocide: The Clinton Administration and Rwanda," *World Policy Journal* (Winter 1994-1995), Vol. 11, No. 44: 44-54, p. 47.

²²US State Department daily press briefing, June 10, 1994.

²³James Woods interview, *Triumph of Evil*, Frontline documentary (1999), www.pbs.org/wgbh/pages/Frontline/shows/evil/interviews/Woods.html.

²⁴Des Forges, p. 642.

²⁵Linda R. Melvern, *A People Betrayed: The Role of the West in Rwanda's Genocide* (New York: Zed, 2000), p. 190.

- ²⁶Melvern, p. 203.
- ²⁷Des Forges, p. 624.
- ²⁸Melvern, p.148.
- ²⁹Burkhalter, p. 48.
- ³⁰Burkhalter, p. 52.
- ³¹Burkhalter, p. 47.
- ³²James Woods interview, *Triumph of Evil*, www.pbs.org/wgbh/pages/frontline/shows/evil/interviewed/Woods.html.
- ³³Burkhalter, p. 48.
- ³⁴Tony Marley interview, *Triumph of Evil*, www.pbs.org/wgbh/pages/Frontline/shows/evil/interviews/Marley.html
- ³⁵Alan J. Kuperman, "Rwanda in Retrospect," *Foreign Affairs* (January/February 2000), Vol. 79, No. 1: 94-118, p. 106.
- ³⁶The revelations were based on an informant's knowledge of the plan. The informant had not minded fighting the RPF but when the plan to kill innocent civilians was revealed, he wanted nothing to do with it.
- ³⁷Joint Evaluation of Emergency Assistance to Rwanda, "The International Response to Conflict and Genocide: Lessons from the Rwanda Experience," *Journal of Humanitarian Assistance*. www.jha.ac, posted on 12 June 1998.
- ³⁸Organization of African Unity (OAU), *Rwanda: The Preventable Genocide* www.oau-oua.org
- ³⁹Des Forges, 606.
- ⁴⁰Organization of African Unity (OAU), *Rwanda: The Preventable Genocide* www.oau-oua.org
- ⁴¹Des Forges, 644.
- ⁴²Philip Gourevitch, *We Wish to Inform you that Tomorrow We Will be Killed with Our Families* (New York: Farrar Straus and Giroux, 1998), p. 151.
- ⁴³James Woods interview, *Triumph of Evil*, www.pbs.org/WGBH/pages/Frontline/shows/evil/interviews/Woods.html
- ⁴⁴James Woods interview, *Triumph of Evil*, www.pbs.org/WGBH/pagesFrontline/shows/evil/interviews/Woods.html
- ⁴⁵Burkhalter, 51.
- ⁴⁶Des Forges 646.
- ⁴⁷Statement by the Press Secretary, July 15, 1994.
- ⁴⁸Des Forges, 690-91.
- ⁴⁹Des Forges, 691.
- ⁵⁰William Clinton, "Remarks Honoring Genocide Survivors in Kigali, Rwanda," *Weekly Compilation of Presidential Documents*, March 25, 1998, Vol. 34, No. 13: 495-498. See p. 496.
- ⁵¹The decision not to intervene in Burundi in October 1993 (when nearly 100,000 died in ethnic violence) was a rehearsal for the inaction a year later in Rwanda.
- ⁵²Joint Evaluation of Joint Assistance to Rwanda, "The International Response to Conflict and Genocide: Lessons from the Rwanda Experience," *Journal of Humanitarian Assistance*. www.jha.ac posted on 12 June 1998
- ⁵³Arnold Kanter, "U.S. Policy on Armed Humanitarian Intervention: Guidelines for Managing Painful Dilemmas," *Miller Center Report* (Winter 2001), Vol. 17, No. 1, pp. 12-17, see p. 15.
- ⁵⁴Joint Evaluation of Joint Assistance to Rwanda, "The International Response to Conflict and Genocide: Lessons from the Rwanda Experience," *Journal of Humanitarian Assistance*. www.jha.ac posted on 12 June 1998
- ⁵⁵Samuel P. Huntington, "New Contingencies, Old Roles," *Joint Forces Quarterly*, No. 2 (Autumn 1992), p. 338. Cited by Smith, p. 63.
- ⁵⁶Des Forges, 597.
- ⁵⁷Howard Adelman, "Rwanda Revisited: In Search for Lessons," *Journal of Genocide Research* (2000), Vol. 2, No. 3: 431-444, p. 433.
- ⁵⁸Organization of African Unity (OAU), *Rwanda: The Preventable Genocide* www.oau-oua.org posted July 7, 2000
- ⁵⁹Organization of African Unity (OAU), *Rwanda: The Preventable Genocide* www.oau-oua.org, posted July

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⁶⁰Des Forges, 613.

⁶¹Barnett, 562.

⁶²Charles Kegley, "International Peacemaking and Peacemaking: The Morality of Multilateral Measures," *Ethics & International Affairs* (1996), Vol. 10: 25-45, p. 39.

⁶³Jack Donnelly, "Human Rights: A New Standard of Civilization," *International Affairs*, Vol. 74, No. 1 (January 1998) 1-23. See pp. 15-16.

⁶⁴Smith, p. 79.

⁶⁵Smith, p.77.

⁶⁶Shue, pp. 2-3.

⁶⁷Smith, p. 77.

⁶⁸Smith, p. 78.

⁶⁹Schabas, p. 4.

⁷⁰Caveats are that it be multilateral and carry only moderate risk to the troops. Stephen J. Solarz and Michael O'Hanlon, "Humanitarian Intervention: When is Force Justified," *Washington Quarterly* (Autumn 1997), Vol. 20, No. 4.

⁷¹J. Bryan Hehir, "Military Intervention and National Sovereignty," in Jonathan Moore, ed. *Hard Choices: Moral Dilemmas in Humanitarian Intervention*, Lanham, MD: Rowman and Littlefield, 1998, pp. 29-54. See p. 30.

⁷²Des Forges, p. 637.

⁷³Michael Mandelbaum "A Perfect Failure, NATO's War Against Yugoslavia," *Foreign Affairs*, Vol. 78, No. 5 (September/October 1999), pp. 2-8. See p. 6.

⁷⁴This last criteria would delegitimize the bombing of Kosovo, which was a NATO mission.

⁷⁵Oudraat, p. 422.

⁷⁶Tom J. Farer, "Restraining the Barbarians: an International Criminal Law Help?" *Human Rights Quarterly*, Vol. 22, No. 1 (February 2000) pp. 90-117,. See p.114.

⁷⁷Shue, p. 4.

⁷⁸Shue, p. 4.

⁷⁹Michael Ignatieff, *Virtual War: Kosovo and Beyond* (New York: Henry Holt and Company, 2000), p. 182.

⁸⁰Turid Laegreid, "UN Peacekeeping in Rwanda," in Howard Adelman and Astri Suhrke, editors, *The Path of a Genocide: The Rwanda Crisis from Uganda to Zaire* (New Brunswick, N.J.: Transaction Publishers, 1999), pp. 231-251, See p. 250.

⁸¹Kuperman, p. 117.

⁸²Des Forges, 641.

⁸³Peter Uvin, *Aiding Violence: The Development Enterprise in Rwanda* (West Hartford, Connecticut, Kumarian Press, 1998), p. 99.

⁸⁴The importance of firearms has been minimized by some observers; the common perception is that the massacres were done exclusively with machetes. According to des Forges, soldiers and militia slew thousands of civilians with firearms, often incapacitating them before they were attacked with machetes. (See des Forges, pp. 650-651.)

⁸⁵Des Forges, 653

⁸⁶Thomas Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises* (Lanham, MD: Rowman & Littlefield Publishers, 1999), p. 204.

⁸⁷Arnold Wolfers, "The Goals of Foreign Policy," in Arnold Wolfers, *Discord and Collaboration* (Baltimore: Johns Hopkins Press, 1962), pp. 67-80..

⁸⁸Michael Ignatieff, "The Next President's Duty to Intervene," *New York Times* (February 13, 2000).

⁸⁹Steven Kull and I.M. Destler, *Misreading the Public: The Myth of a New Isolationism* (Washington, D.C.: Brookings Institution, 1999), pp. 102-104.

⁹⁰Kull and Destler, p. 51.



⁹¹Cited by Oudraat, p. 425.

⁹²Jentleson and Britton's study found that the public is likely to support humanitarian interventions (HI), defined as "the provision of emergency relief through military and other means to people suffering from famine or other gross and widespread humanitarian disasters" but less likely to support internal policy change (IPC)

interventions, defined as “influencing the domestic political authority structure of another state.” During the Rwanda crisis, support for HI objective was high (75%) but support for IPC goals was low (43%) Public support for IPC interventions (civil wars) is the weakest of the three categories of interventions they discuss. (Their research indicates the U.S. public is the most supportive of foreign policy restraint (FPR) interventions for restraining an adversary engaged in aggressive actions against the U.S., its citizen, or its interests. The key example here is the Gulf War.) See Bruce W. Jentleson and Rebecca L. Britton, “Still Pretty Prudent: Post-Cold War American Public Opinion on the Use of Military Force,” *Journal of Conflict Resolution* (August 1998), Vol. 42, No. 4: 395-417, pp. 399-400. Would the administration’s actions have been different had the media accurately portrayed the Rwandan conflict for what it was, a genocide, and not a civil war?

⁹³Cited by Oudraat, p. 425.

⁹⁴Second Presidential Debate, October 11, 2000.



The Role of the Small and Medium Enterprise Sector in Latin America and Similar Developing Economies

by Albert Berry

ABSTRACT

The current economic setting in most Latin American countries suggests that, if the small and medium enterprise (SME) sector does not perform well during the next couple of decades, overall economic performance will also be unsatisfactory, especially in the areas of employment creation and income distribution. No other major sector has the potential to generate a large amount of adequate-income jobs. Experience of other countries has proven that this sector can play a central contributing role, under proper conditions and with adequate support. Various types of evidence from the countries of the region suggest that considerable potential is present in their SME sectors. But both experience elsewhere, and economic logic, imply that a strong and coherent support system will be necessary if that potential is to be reasonably fulfilled. Such a system has been notoriously absent in most Latin American countries in the past. Countries which fail to rectify this lack may suffer serious social and economic consequences. The parallels between the economies of many Latin American countries and various others around the developing world (e.g. South Africa, Philippines), both in economic structure, recent growth performance and level of inequality, suggest that many of the conclusions applicable to Latin America are relevant elsewhere as well.

INTRODUCTION

This paper makes the case that the performance of the small and medium enterprise (SME) sector will be pivotal to overall economic performance in Latin America over, at least, the next decade or two. The main reasons for the importance of the SME sector in Latin America are (i) the high level of income inequality in most countries of the region, associated in part with the dualistic character of the economy, in which a high share of capital is invested in the large scale sector where relatively few jobs are created, leaving the rest of the labor force to work with a much lower capital-labor ratio; (ii) a recent period of slow growth, especially characteristic of the 1980s

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during the debt crisis but, also in lesser degree of the 1990s; (iii) a shift towards a greater degree of openness and a generally greater role for the market in the allocation of resources; and (iv) a higher level of fiscal prudence than before, associated with the need to keep inflation under control in order to participate more successfully in the international economy. It is argued below that this set of conditions makes the performance of the SME sector more important than it would otherwise have been.

Each of the conditions just mentioned applies also to a number of other developing economies, perhaps most notably in South Africa. The level of income inequality in South Africa is comparable to the more extreme cases in Latin America, growth has been slow over the last couple of decades, and a shift towards a more market-oriented strategy is a feature of current policy.

The 1980s, often referred to as a lost decade in Latin America, left major challenges on the growth, employment and income distribution fronts throughout the region. Though the region's growth rate has gradually increased during the 1990s it has not yet recovered the levels of the 1950-80 period under the earlier import substitution paradigm. Although the job creation task has eased somewhat in the wake of falling population growth rates, the combination of unemployment and underemployment has remained serious. The associated problem of income inequality has been accentuated in most countries, probably by some combination of the economic downturn itself, the economic reforms and the process of technological change.

The 1980s, often referred to as a lost decade in Latin America, left major challenges on the growth, employment and income distribution fronts throughout the region.

The trends of the 1990s present a more positive prospect on the growth front than they do with respect to employment and income distribution. With so many changes in the development setting over the last couple of decades—the policy framework, the debt crisis, the globalization process, and the pattern and pace of technological advance, it is impossible to predict with any accuracy how these indicators of performance will behave in the coming years. There are strong empirical and theoretical grounds for worry. On the empirical side, the central fact is that most Latin American countries have suffered a moderate to sharp increase in the level of income inequality.¹ This almost always coincided with the introduction of the economic reform package and, usually, also with the economic downturn (these two phenomena occurred together in many cases). A typical component of the increasing income inequality is a widening gap between more skilled and less skilled workers, a gap which, in a number of countries, was declining over a previous period but then started to expand again.

There are a number of conceptual or theoretical grounds for the prevalent pessimism about employment and distributional trends. Early simplistic assessments of the likely distributional outcomes of trade (especially) and other types of liberaliza-

tion were sometimes quite optimistic, mainly based on the idea that Latin America was a labor abundant region, so its workers would be the special beneficiaries of expanding trade²; but the evidence thus far has mainly contradicted these predictions. As a result, greater attention has been given to the possibility that most of the Latin American nations do not, in fact, have their comparative advantage in products which are intensive in the use of unskilled labor, but rather in various types of more skilled labor and in natural resources, both of which are typically distributed very unequally. Under either of those situations, increased trade is likely to have a negative impact on income distribution. Other analysts have argued that the rapid pace of unskilled labor-saving technological change is behind the observed pattern of increasing inequality. Each of these interpretations puts the emphasis on how the demand for labor has evolved, rather than on how the labor market functions. The implication is that, to the extent that inadequate growth of labor demand did not manifest itself in low wages of those towards the bottom of the pyramid, it would instead show up in unemployment or underemployment leading to the same final result—low incomes.

The special role or task of the SME sector relates to its position in the middle of the spectrum of sizes and capital intensities in an economy. On average, the labor demand curves of larger, more modern firms, start higher than those of smaller, less modern firms but are also steeper (less elastic).³ This reflects the fact that in firms using modern technology, the productivity of labor is quite high for the few workers required to complement a given amount of capital (hence the curve starts high) but since only a few workers are needed it falls steeply. Such firms can pay a few workers quite well but are not interested in hiring a large labor force.

At the other end of the spectrum is the microenterprise sector with its low and relatively flat labor demand curve, signalling the expandibility of the informal sector of many economies, albeit at low levels of productivity and income.

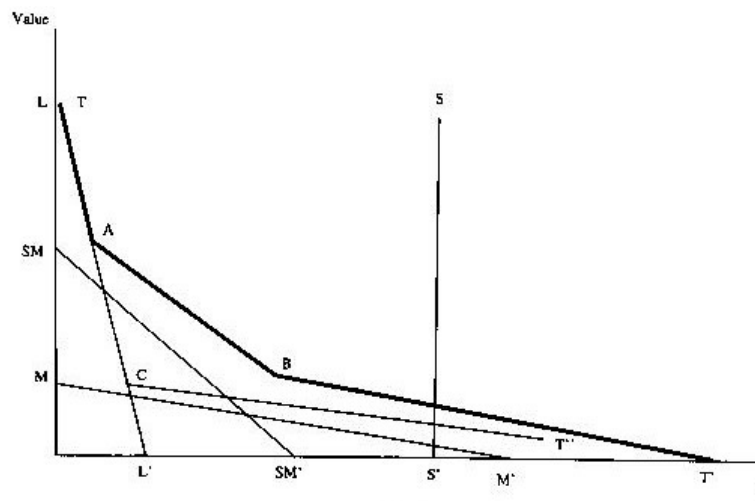


Fig. 1.

In Figure 1, the labor demand curves of large enterprise (LE), small and medium enterprise (SME) and microenterprise (ME) are portrayed as curves LL', SMSM', and MM' respectively. The total demand curve (TT') for labor is the horizontal summation of these three curves, shown as the heavy line in Figure 1. Most of the potential employers at very high wages on this total demand curve are modern firms, the bulk of the middle of the TT' curve corresponds to the demand of SMEs, and the majority towards the bottom of the curve are quite small, low technology microenterprises. Were there enough of the complementary factors (capital, natural resources) to generate a TT' curve far enough to the northeast in the figure to cut the labor supply curve (SS') at a high wage, this would, of course, be desirable. Such is the case of the developed countries, where the main component of the TT' demand curve corresponds to the relatively capital intensive, high-technology firms which make up the modern sector. In developing countries, the availability of complementary factors is too limited, and hence the size of the modern sector too small for this outcome to emerge. Under these conditions, a country which allocates a high share of capital to the very modern sector is likely to have the majority of the population working with very little capital and hence low labor productivity (demand for labor). The equilibrium wage would be quite low; workers in the modern sector would probably be able to bargain away some of the profits in that sector through labor legislation or collective bargaining. Another economy, endowed with the same amount of labor, capital and other non-labor resources, but allocating more of the capital to the SME sector and less to the LE sector, would have a labor demand curve which was lower for small quantities of labor (i.e. at points closer to the vertical axis), but higher for larger amounts of labor. It would therefore normally have a higher equilibrium wage than the first economy, though perhaps less very high wages of the type resulting from favoured workers bargaining away some of the very high profits of favoured sectors. In most cases the lowest part of the demand curve is in effect a demand for own-labor on the part of low income self-employed people. The paid wage rate for hired workers in LE and in SME will be higher than these individuals can generate as own income.

To better understand the important role which SME plays in today's Latin American economies, it is useful to distinguish the labor demand associated with each of five separate sectors of the economy – agriculture, the public sector, the large-scale private (non-agricultural) sector, SMEs, and microenterprises, rather than just the three size-based categories mentioned above. Agriculture, while still important in most countries, has been and will continue to lose relative importance as a source of employment, even though in a few cases the economic liberalization might have the effect of temporarily reversing this natural process. In a number of cases, new agricultural exports will not be significantly employment-creating, a pattern repeated over the last half-century in parts of Brazil, in Paraguay, in much of Central America, and so on.⁴ On average it is unrealistic to expect this sector to create large amounts of very remunerative employment.

Two other important components of the economy which are unlikely to generate much employment in the short or medium term are the public sector and the large-

Table 1
Source of New Jobs in Latin America,
by Sector: 1970s and 1990s

Source (Sector)	1970s	1990s
Agriculture	10	0-5
Public Sector	20	0-5
Large private firms, Non-Agriculture	25	5
Microenterprise (non-agriculture)	25	60
Small and medium enterprise (non-agriculture)	20	30

Source: Based on data from PREALC, International Labour Office.

scale private sector. The public sector is, in most countries, under a fiscal constraint which impedes employment expansion. The large-scale private sector producing tradables might generate significant employment growth in a few countries, but downsizing has been the more normal accompaniment of liberalization thus far, as firms struggle to raise productivity and competitiveness while introducing labor saving machinery and equipment. It thus appears prudent to assume that employment may be close to stagnant for a while in this sector before normal growth resumes. The rest of the private sector can be disaggregated into the SME segment and the very small firm (microenterprise) segment. Microenterprise plays the very important insurance role of guaranteeing a minimum, albeit quite low, level of income to many people, but it does not have the capacity to generate moderate to high incomes for a large number of people. This leaves SME as the sector which does not require very large amounts of capital to grow, and which, also, should be able to produce good levels of income for many people.⁵

A feel for the nature of the current challenge in Latin America can be gleaned from a comparison of the breakdown of net employment creation among the five sectors just cited between the 1970s—before the debt crisis and the resulting recession, and the 1990s, when the region had once again achieved a modicum of growth (an average of 3.5% over the decade). In the 1970s net employment creation was spread fairly widely among these sectors, as shown in Table 1. In the 1990s (through 1997 approximately) neither agriculture, nor public sector nor large-scale private sector contributed significantly to total employment creation. The job was thus left to the microenterprise sector and to SME, with the former playing its usual safety valve role when no other sources of employment were unavailable.⁶ Clearly it is not possible to expect the microenterprise sector to continue to carry such a large share of the employment-creating function without the average incomes associated with that sector's

jobs dropping. No doubt this fall was a factor in the widespread increases in inequality in Latin American countries over this period.

The more basic distinction being made in the above discussion relates to the level of firms' technology and productivity rather than their size. A country endowed with a moderate level of resources per person needs to allocate a large amount of those resources to medium level technologies, unless it wants to have a very unequal distribution of labor across the available capital. Where a few workers are able to achieve very high average productivity because they work with a lot of capital, the productivity of the rest will be low because they are starved of capital. With a few exceptions, size of enterprise is closely correlated to level of technology. Thus, countries with only moderate levels of resources per person should normally have a lot of SMEs, since, if they allocate too much capital to LE, there will be too little left over to complement the large amount of labor which then will mainly be forced into very low productivity microenterprise. In some developing countries large firms seem to be able to operate without excessively modern technology, but this has not been a hallmark of Latin American development. In some countries, especially more developed ones, a fair number of quite small firms do achieve high levels of productivity through high levels of capital and modern technology. But this is very much the exception in middle level developing countries like those of Latin America. In short, most middle technology firms are also somewhere in the middle of the size range.

THE KEY QUESTION-HOW IMPORTANT A ROLE CAN SME PLAY?

It is a straightforward logic which suggests that an economy's performance will be better, both in terms of output and of income distribution and employment generation, if it focuses a sizeable share of its resources on technologies of medium capital intensity, rather than allocating nearly all of the capital to a few workers employing quite modern technologies and almost none to the rest of the labor force. All countries may be expected to benefit from allocating some resources to that middle range of technologies. But the important question is how much difference it makes in quantitative terms whether an economy dedicates a lot or only a few resources to such technologies. Also, it must be recognized that, just as potential growth will be lost if too few resources are directed to the SME sector, the same may occur if too many are, since the payoff to the last resources added will be small. The SME sector's contribution to economic performance could in principle be improved either by raising the internal efficiency of the resources already employed within it, or by changing the share of the economy's resources employed by it.

Viewing the trade-off between use of resources in SME and in other ways, gives a static perspective on efficiency of allocation. But dynamics are equally or more important, including both the implications of the size of the SME sector for savings, investment and technological change—what we may call the growth implications, and also the dynamics of adjustment when an attempt is made to reshuffle the structure of the economy (by size in this case). Those dynamics may involve path dependency; though

the role of SME might, for example, have been a large one had a path conducive to that outcome been followed, if the opposite path was pursued for too long this option may become unavailable.

THE OVERALL CONTRIBUTION OF SMEs AND ITS POTENTIAL UNDER LIBERAL TRADE

Recent literature from virtually all parts of the world emphasizes the important contribution which SMEs can make to an economy's strong overall performance, whether it be the United States⁷, Japan⁸, Developing East Asia⁹, Africa¹⁰, or Latin America. For the most part, the increasingly positive reassessment of that role owes itself to a combination of better recognition of the scope of SMEs in economies and a more careful thinking through of the role of firm dynamics in economic structure and performance. It has been recognized that some of the world's best performing economies, notably Taiwan and Hong Kong, are very heavily based on small enterprises. A few experiences from Latin America suggest that the SME sector can be a major source of dynamism, as in the case of Colombian manufacturing from the late 1960s to the early 1980s¹¹. But the cases where the SME sector has played a major role in Latin American countries are still few.

Most of the especially successful economies where SME has played a demonstrably large role have also been outward-oriented East Asian countries. They have been very successful at linking the SMEs to the export process, through some combination of direct exporting by smaller firms (often through relatively small intermediary agents, as in the case of Taiwan) or subcontracting by SMEs with bigger firms, as in Japan over a long period, and in Korea with increasing intensity since the mid-1970s. This record of achievement under export orientation is particularly attractive to the countries of Latin America at present, given the challenge to succeed in a more open context and to do so on both the growth and the distribution fronts.

THE ECONOMIC CONTEXT OF SMEs

Before considering how public policy may encourage a strong performance from SMEs, it is necessary to have a reasonable understanding of their setting and, hence, of their problems and needs. Like other firms, SMEs exist in networks of suppliers, buyers and competitors. More than larger firms, which at least have the option of handling many of their needs in-house, SMEs rely on other firms or institutions for their inputs, for the training of their workers, often for help with their marketing needs, and so on. One can distinguish three broad groups of SMEs according to the nature of their relationships with other firms: those which are subcontractors (usually, but not always with larger firms); those which are members of "clusters" made up mainly of small firms; and those which are more or less independent, in that they fall in neither of the above two categories. Its needs vary considerably according to which of these groups an SME falls into or comes closest to. Subcontractors can receive

considerable help from the contractors with which they do business; members of clusters tend to satisfy a number of their needs by collective action—e.g. in the areas of marketing, technical assistance, training of workers, purchase of some inputs, and so on. Independent firms are, as the term implies, more dependent on themselves.

Many needs are common, regardless of setting. Firms must achieve a certain level of efficiency either to have success as independents or to qualify as candidates for one of the other two arrangements. Contractors are not willing to invest their time or efforts with subcontractors which are not close to being efficient producers. A cluster must have a high level of collective efficiency if it is to compete in world markets, as many of the most effective clusters do. At present, interesting efforts are being made in Latin American countries to facilitate large-small firm links, to develop denser subcontracting systems and to foster effective collective action among SMEs in areas like exporting, purchasing of inputs, etc. These developments are encouraging and indicative of creativity, but it is also clear that they would have to be multiplied many times before they could be expected to convert the SME sector into the needed element of dynamism for the economies of Latin America.

Regardless of the context in which an SME finds itself, it is increasingly likely that its success will depend on ability to participate effectively in international trade, either as direct or indirect exporter, or as successful competitor with imports. It is thus important to consider what policies help SMEs to achieve success of this sort.

PUBLIC POLICY VS EXOGENOUS FACTORS IN THE PERFORMANCE OF SMEs

There is considerable hope that SMEs, with ready and willing entrepreneurs, can succeed in an increasingly competitive world, especially if policy is supportive and effective. The increasing prevalence of flexible specialization has persuaded many analysts that smaller firms will play an increasing role in the industrial structures of the future. The major role of SMEs in employment creation in Canada, the U.S.A. and a number of European countries over the last couple of decades appears to support this view.¹² Closer to the Latin American countries in terms of economic structure and level are the experiences of several of the East Asian countries, especially Japan, Taiwan and Korea. Japan is the prototype of an economy in which SME plays a major role, principally via subcontracting with large firms, which tend to be engaged in international trade. Taiwan is the prototype in which the SME sector plays a pivotal role by itself, without the high level of dependence on large firms which characterizes the Japanese model. Many students of the Taiwanese experience believe that its outstanding success in achieving both dramatically fast growth and perhaps the lowest level of inequality of any developing market economy are substantially attributable to this dominant SME role.¹³

Although it is difficult to be very precise quantitatively, the evidence alluded to above does suggest that the SME sector can be significantly important in an economy, and that when it does so, both the growth and the income distribution performances can benefit greatly. One outstanding question remains — to what extent can such

impressive success be assigned to exogenous factors such as wealth of entrepreneurial talent, a culture which favours the business characteristics that are friendly to the development of SMEs, a topography conducive to a dense network of small firms, or a history which did not produce a lot of large firms? In other words, how much of the experience of a country like Taiwan is plain luck, and hence could not be repeated even by the most astute and well executed policy in some other country that did not share the same institutional features which helped down that particular road.

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There has been a good deal of scepticism in Latin America as to whether the region, given its different institutional and cultural background, could achieve such success. Such scepticism needs to be taken seriously, yet not overdrawn. As well, any judgments regarding the impact of policy must be qualified, since there are few experiences which provide good tests of what a concerted and well-organized attempt to support strong SME growth can do. The experience of Korea since the mid-1970s comes closest to being such a test, and the lessons it suggests are interesting and encouraging. As of the early 1970s, its industrial structure was more similar to such Latin countries as Brazil and Mexico than to that of Taiwan. This was especially true in the sense of its being dominated by large, vertically integrated firms, which did relatively little subcontracting. Consequently, the SME sector was much less important than in Taiwan or Japan. Since that time, however, Korea has moved very rapidly in the direction of those countries, with SME output and employment growth being very fast, such that its share of those two variables in the manufacturing sector has risen rapidly.¹⁴ At the same time the level of inequality in the country has diminished. Most of the SME growth has been due to a rapid increase in the density of subcontracting, i.e. to a move towards the Japanese model of industrial structure.

This experience is relevant to the Latin American context: in an East Asian country with considerable structural similarities to the traditional Latin pattern, a rapid increase in the role of SME can be achieved when conditions are right. In the Korean case, the sharp shift of structure was due in part to an increase in competitive pressures associated with the appreciation of the yen in the mid-1970s and of the won with it, and to a concerted effort through public policy to expand the role of SMEs. Both these conditions could be approximated in Latin America. The opening to international trade will have an effect somewhat parallel to the appreciation of the Korean currency; in fact many people believe that the relatively low level of subcontracting in most Latin countries has been in part a product of the high levels of protection. The second condition, a well designed and vigorous set of policy supports, is at the disposal of these countries if they take up the challenge seriously enough. A well-designed policy package is not expensive, but it does require a level of serious dedication

which has been for the most part absent in the past.

It is important to recognize the potentially great difference between success and failure in integrating SMEs directly and indirectly into the world economy. Potential failure is implicit in the fact that integration with the world economy can be a daunting prospect for small firms, and a quick reduction of import barriers can decimate some SME sectors, especially when the real exchange rate is allowed to fluctuate, creating periodic waves of imports. Although SMEs often live by their flexibility and agility, many of them are at the same time vulnerable to major external shocks. One of the challenges to effective support policy is an understanding of this fact and its implications in a given country. But success has been achieved both by whole countries like those mentioned from East Asia and, within Latin America, by internationally competitive clusters of firms from various Latin American countries as well as by competitive industries which draw some of their strength from a considerable amount of subcontracting.

WHICH POLICES HELP THE MOST TO INDUCE A STRONG PERFORMANCE FROM SMEs

The SME sector is a very heterogeneous one. Therefore, it should not be expected that the same policy package would be optimal across branches, countries at different levels of development, types of SMEs (subcontractors vs. those which are part of clusters; producers of tradables vs. producers of non-tradables, etc). It must also be recognized that in some areas our understanding of what good policy may be remains incomplete for lack of policy experiments and careful analysis. These caveats aside, a number of important conclusions are now possible.

It must also be recognized that in some areas our understanding of what good policy may be remains incomplete for lack of policy experiments and careful analysis.

First, it is necessary to recognize that for the most part Latin American countries are not among the leaders in the overall quality of their support systems for SMEs, though in some cases individual elements of support are solid or promising, and in others interesting experiments are taking place. The fact that an effective system involves participation from diverse branches of government and from private collective institutions which are not uniformly strong in Latin America imposes a real challenge to the quick development of strong systems. In the systems which function well around the world (of which Taiwan and now Korea are examples) there is generally good coordination among the purveyors of different services and the institutions which help to determine the context for SME performance.

One of the probable reasons for the presence of successful clusters of SMEs in countries where overall SME development is not particularly dynamic lies in the fact

that the needed degree of coordination among the elements of a good policy package is often easier to achieve at the local rather than the national level. At the national level, policy making is currently most often dominated by macro concerns and macroeconomic specialists (in the Central Bank, the Ministry of Finance, etc.). With the increasing specialization over the years among the branches of economics, this has meant that those in charge of the main levers of policy are unfamiliar with the varying situations and needs of specific groups of firms defined by sector or, as in the case of SMEs, by size. For informed, effective policy-making at the national level this hurdle must somehow be overcome. More complete knowledge among the decision-makers would help; so too would the more frequent presence of representatives of the SME sector at the policy-making table. In most countries their political voice is muted. In the great SME success stories, like Taiwan, it is strong. At the local level neither the macroeconomic focus of decision-makers nor the absence of SME voice is such a problem, and there are the added advantages that the various firms and local policy makers tend to share a desire to see the region succeed, and that their personal acquaintance makes collaboration easier.

One policy which matters to more and more SMEs as economic integration proceeds is exchange rate management. Colombian SME exporters reported that it was one of the policy areas of greatest concern to them.¹⁵ Although SMEs show various types of flexibility and agility which is often what keeps the survivors afloat, they can be quite vulnerable to certain types of external shocks. In general, they are more so than their larger counterparts, which typically have the reserves (economic and political) to weather storms, and are often more diversified to start with, rendering them less vulnerable to what happens in special small sectors of the market. In the present era, with its inflows and outflows of hot money (volatile short term capital flows) putting pressure (in one direction or the other) on the exchange rate, the risk of damage or death to essentially healthy SMEs (healthy in the sense of their having the potential to be economically productive over a lengthy period) is high.

Most of the other key policies in support of SMEs are more microeconomic in character. Most have as their objective helping these firms to be more efficient and competitive (while at the same time creating relatively good-income jobs). Many simultaneously increase a firm's performance capability and also increase the likelihood that it will be able to enter a useful subcontracting relationship with a large firm or be a productive member of a cluster.

Marketing success constitutes one of the key challenges for many SMEs. A valuable experience for SMEs in many industries is participation in trade fairs—at home and/or abroad, the latter of which can be a good means of penetrating export markets.¹⁶ (Trade fairs also turn out to be an important source of technological learning.) More generally, however, governments' institutional capacity to deliver marketing support is weak in most developing countries. The developing world is littered with failed export support programs and 'white elephant' export institutions. A better approach is intervention with a "light touch" that provides firms with the wherewithal to find buyers for themselves, rather than attempting to substitute for efforts by puta-

tive exporters. Export marketing support should also be decentralized and tailored to the specific realities of individual marketplaces so as to be able to respond to the enormous diversity of players and market mechanisms across subsectors. The experience in Colombia exemplifies this. The performance of the national export agency, Proexport (PROEXPO) created in 1967, in providing direct marketing support to SMEs has been less than impressive, judging by the fact that relatively few of the Colombian SME exporters which used collective support reported that it came from PROEXPO.¹⁷ The industry associations, by contrast, show considerable promise in this area, especially those in the leather and (more recently) garments industries. Working closely with their member firms, they have been developing the sort of sector-specific knowledge and skills which cannot realistically be expected from general purpose agencies like PROEXPO. A successful hybrid arrangement which is beginning to take hold is for PROEXPO and other public sector agencies to work collaboratively with industry associations — with the public agencies providing some funding to help organize fairs and assist visits abroad by potential exporters.

Technology upgrading is key to the continuing success of SMEs, especially those which produce tradables. In general, private rather than collective mechanisms are the main external (to the firm) sources of technological capability. In Japan, strong vertical and horizontal inter-firm relations drive the technology acquisition process. Such links are important in many other countries even if less dense than in Japan. Where such helpful private-sector links are limited, the challenge of technological acquisition is a formidable one, and the consequence can be technological isolation and *ad hoc* learning. Yet a number of experiences from outside Latin America (such as that of Korea's engineering-based SMEs) and within it (various industries in Brazil and Argentina, Colombia's craft-based leather and garment SMEs, Chile's wood-processing) suggest that it is possible to successfully surmount this challenge via activist strategies at both the firm and collective levels.

Collective technical support can be "broad-based", contributing to the emergence of an "information-rich" environment, or it can promote "high-intensity" technological learning by supplying technical inputs directly to firms. The former works to enhance the overall availability of usable information, leaving firms to judge what information sources might be most useful, and how they might be adapted to a firm's specific needs. It involves such activities as sponsoring courses on specialized topics; facilitating the use of specialized consultants to a range of firms; and promoting information-sharing among firms. Such support appears to be useful in most countries of Latin America.

Broad-based collective support has been most effectively delivered by decentralized institutions — either by industry associations, independent non-governmental organizations, or local governments in specialized industrial districts. The record of centralized institutions in delivering services is more uneven. The goal of high-intensity collective support is to meet those specific technological needs of firms which are not adequately addressed through other channels. Demand for support along these lines is likely to emerge only at relatively high levels of technological complexity. For

countries that lack a record of strong overall performance by parastatals, an effort to establish a high-intensity network of collective technical support, similar for example to Korea's successful system, would appear to be risky. Where assistance is provided collectively, it often makes sense to direct it to groups of clients. Chile has taken the approach of subsidizing privately supplied technical assistance. Sharing the cost of these activities with the client is clearly appropriate. The risk associated with subsidized private supply is that ineffective service suppliers will be induced into existence. It remains to be seen how broad a supply of quality services will emerge in response to such a system.

The impacts of financial liberalization are a source of optimism to those who believe that the public-sector banks which focussed on SMEs were ineffective, and that the private sector could do a better job, especially when interest rates were brought closer to equilibrium levels so that credit allocation would more likely be guided by which sectors had a strong effective demand for credit.

Access to credit in the healthy evolution of the SME sector has been controversial, both with respect to whether the lack thereof is typically one of the major impediments to SME success, and with respect to whether financial liberalization is more likely to improve access or weaken it. The evidence is thus far ambiguous on both counts. There is little doubt that many SMEs could grow more efficiently with better access to credit, but it is less clear what sort of performance can realistically be expected of a financial system in terms of allocating such credit to the "right" borrowers. Perhaps the only valid generalization is that a financial system will work better when it has better designed rules to guide lending to SMEs, and more SME-specific personal expertise, that is, more people who have enough understanding of and feel for the context of SMEs to be discerning lenders. Not too many institutions in Latin America or elsewhere in the developing world have performed impressively in this regard.

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Research by Jaramillo et al.¹⁸ on Ecuador led them to conclude that the process improved the access of smaller firms to private sources of credit. Survey evidence reported by Levy et al (1999) for Colombia (and Indonesia) indicated that smaller and generally less well placed SMEs relied more heavily on public sector banks while their better placed counterparts drew more on the private banks.¹⁹ It seems likely that

the access of small and otherwise disadvantaged SMEs to external sources of finance, and especially to bank loans, depends heavily on the degree of development of the financial markets. In countries like Japan it is relatively good, while in most Latin American countries it is considerably less so.

Another significant difference between better financial systems and weaker ones involves the performance of credit guarantee systems. Such systems work relatively smoothly in Japan, in part because it is primarily operated by local associations (which naturally have better information than outsiders on the reliability and credit-worthiness of various possible borrowers in their geographic area), and in Korea where, because the guarantees are only partial, banks have considerable incentive to be careful, both in their credit evaluations and in credit collection. In both these countries default rates have been kept to manageable levels. By contrast, and especially in their early stages, several of the Latin American schemes (e.g. that of Colombia) have suffered major incentive and other problems, producing high rates of loan default, often accompanied by long delays by the guarantee system in compensating the banks making the defaulted loans. As a result, lending institutions have often become leery of extending credit to SMEs, except where strict collateral requirements could be satisfied, more often the case with the larger and better-endowed SMEs. The insistence on collateral, even when the loans are guaranteed, tends to defeat the purpose of the guarantee system.

Support for appropriate education and training is another important element of an effective support system for SMEs. It is often notable that training institutions play a significant role in the development of such SME clusters as Novo Hamburgo in Southern Brazil²⁰ and Rafaela in Argentina.²¹ SMEs do not and cannot be expected to supply most of the needed learning in-house, both for lack of resources and out of fear of “poaching” by other firms. Most of Latin America’s vocational training institutions and systems were originally designed to take care of the needs of larger firms. Increasingly, it is recognized that their efforts should now be mainly focussed on SMEs.²² Encouragement of SME suppliers through public sector purchasing may also play a role, as in the Ceará program.²³

Several types of support are directed to improving inter-firm cooperation involving SMEs (either among themselves or with larger firms) or to take advantage of economies of scale available by providing services jointly to many SMEs. These are:

- (i) support for relevant business associations—sometimes umbrella SME associations, sometimes industry-specific ones, often local ones;
- (ii) practically oriented support for large-small linkages, e.g. along the lines of the SEBRAE program in Brazil.²⁴
- (iii) SME network support programs, of which the Danish Network Cooperation Program and Chile’s *Proyectos Asociativos de Fomento (PROFO)-Cooperative Development Projects* are good examples;
- (iv) subcontracting exchanges designed to bring potential contractors and subcontractors into contact; though it is not clear whether they will often have a large payoff, their modest costs makes them a logical component.

With respect to how to carry out SME support policies, three points deserve comment. First, support should be provided on a group basis where feasible, in order to lower costs and to increase the chances of inter-firm cooperation. Second, the modus operandi of support systems and their components should sometimes be one-shot or time-limited, in order to avoid the creation of permanent bureaucracies, at least until the benefits have been shown to be clearly satisfactory. Thus, for example, subsidies for participation in any given network should normally be time-limited. Finally, it must be recognized that no simple formula has been found to energize the SME sector. Although a good credit system is, no doubt, part of an effective policy package, it is by no means enough. The record with industrial estates, incubators and like ventures is by now long and, for the most part, not very happy. In some situations these mechanisms can help some firms, but there is no empirical basis for believing that they will be a significant part of a good support system and there is all too much evidence that scarce resources can be wasted on them.

To backstop effective SME policy, it is essential that information on the SME sector be collected, organized, and analyzed, so that policy decisions will no longer be taken on the basis of partial, and mainly, anecdotal understanding of the characteristics and needs of SMEs. Related to this is an urgent need for serious monitoring of the programs which are put into place. Many programs will, of necessity, have an experimental character for the time being since so little is known about which instruments work well, in which situations.

Notes:

¹ Oscar Altimir, "Income Distribution and Poverty Through Crisis and Adjustment", CEPAL Review, No. 52 (LC/G. 1824-P), April 1994; Albert Berry, "The Inequality Threat in Latin America", *Latin American Research Review*, vol. 32, no. 2, 1997.

² Anne O. Krueger, "The Relationship Between Trade, Employment and Development," in *The State of Development Economics: Progress and Perspectives*, edited by Gustav Ranis and T. Paul Schultz (Oxford: Basil Blackwell, 1988)

³ We abstract here from the heterogeneity of the labor force. The argument presented in the text can be thought of as applying mainly to those lower skill categories of labor which make up the bulk of the labor force.

⁴ M.R. Carter, B. L. Barham and D. Mesbah, "Agricultural Export Booms and the Rural Poor in Chile, Guatemala, and Paraguay." *Latin American Research Review*, vol. 31, no. 1, 1996.

Albert Berry "When do Agricultural Exports Help the Rural Poor: A Political Economy Approach," *Oxford Development Studies*, vol. 29, no. 2, 2001.

⁵ During the 1980s there was virtually no net job creation in the large-scale private sector. In the 1990s (through 1997) its contribution has once again become positive but it still accounted for at most 5-10% of employment growth, while the public sector's contribution fell to about zero; the great bulk of the new jobs open unemployment.

generated in the informal sector (ILO data supplied by Victor Tokman).

⁶ It is interesting to note that, although open unemployment did rise somewhat in the 1980s and fall from its former peak during the 1990s (for the region as a whole though not for each separate country, since growth experience did vary a good deal from country to country) it is clear that the lack of good employment opportunities showed up much more in the number of people in low income informal sector activities than in Literature and Issues," *Asian-Pacific Economic Literature*, vol. 5, no. 2, Sept. 1991

¹⁰ Carl Liedholm and Donald C. Mead, *Small Enterprise and Economic Development: The Dynamics of Micro and Small Enterprises* (New York: Routledge, 1999) p. 130.

¹¹ Mariluz Cortes, Albert Berry and Ashfaq Ishaq (1987). *Success in Small and Medium-Scale Enterprises: The*

Evidence from Colombia, (New York: Oxford University Press, 1987), chap 2.

¹² Audretsch, *The Economic Role of Small-and Medium-Sized Enterprises: The United States*, 1998.

¹³ John C.H Fei., Gustav Ranis and Shirley W. Y. Kwo, *Growth With Equity: the Taiwan Case* (New York: Oxford University Press, 1979)

¹⁴ Myungrae, Cho “Interfirm Networks: The Foundation of The New Globalization Economy of South Korea” (paper prepared for the UNCTAD workshop on “Poverty Alleviation through International Trade, Santiago, Chile., 1995)

¹⁵ Brian Levy, Albert Berry and Jeffrey B. Nugent. “*Fulfilling the Export Potential of Small and Medium Firms*” (Norwalk, MA: Kluwer Academic Publishers, 1999) chap 5.

¹⁶ Exporting SMEs surveyed in Colombia, Korea and Indonesia reported fairs as the leading or second most valued collective source of export marketing support in seven of the nine subsectors studied by Levy et al. (1999, pp.232-233).

¹⁷ Although one should note that its primary focus has been on the provision of credit for exporters, an activity which it apparently has undertaken impressively.

¹⁸ Fidel Jaramillo, Fabio Schiantarelli and Andrew Weiss “The Effect of Financial Liberalization on the Allocation of Credit: Panel Data Evidence for Ecuador”. (Policy Research Working Paper No. 1092. World Bank Country Economics Department. Washington, D.C: The World Bank, 1993)

¹⁹ Levy et al, 1999. A similar tendency for collective technical support to be more highly valued by “marginal” firms seems to be typical.

²⁰ Hubert Schmitz “Small shoemakers and Fordist giants: Tale of a supercluster” *World Development*, vol. 23, no. 1, 1995

²¹ Aida Quintar, Ruben Ascuá, Francisco Gatto and Carlo Ferraro “ Refaela: Un Cuasi-distrito Italiano ‘ a La Argentina””, (Documento de Trabajo CFI-CEPAL no. 35, Buenos Aires, Febrero 1993)

²² Albert Berry and Maria Teresa Mendez “Training in Latin America: Its Impact and Potential for Growth, Employment, Equity and Poverty Alleviation” (Background paper prepared for the World Employment Report, Geneva, 1998) Mimeo.

²³ Judith Tendler, *Good Government in the Tropics* (Baltimore: Johns Hopkins University Press, 1997), chap 5.

²⁴ R Marx, “Quality and productivity in small and medium-sized firms in the Brazilian automotive industry”, *IDS Bulletin*, vol. 24, no. 2, (1993) quoted in John Humphrey and Hubert Schmitz, *Principles for promoting clusters and networks of SMEs*. (Paper commissioned by the Small and Medium Enterprises Branch, UNIDO. Number 1, 1995), p.19