

Restoring American Leadership

Cooperative
Steps

to Advance Global Progress

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13

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Designer: Jeanne Criscola/Criscola Design
Printer: Gist and Herlin Press, Inc.

The views expressed in this publication are those of the authors and are not necessarily the views of the Open Society Institute, the Center for American Progress, The Century Foundation, or the Security and Peace Institute. We offer these steps as reasonable approaches the U.S. government could take to help restore American leadership in the world.

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The Open Society Institute, a private operating and grantmaking foundation, aims to shape public policy to promote democratic governance, human rights, and economic, legal, and social reform. On a local level, OSI implements a range of initiatives to support the rule of law, education, public health, and independent media. At the same time, OSI works to build alliances across borders and continents on issues such as combating corruption and rights abuses.

OSI was created in 1993 by investor and philanthropist George Soros to support his foundations in Central and Eastern Europe and the former Soviet Union. Those foundations were established, starting in 1984, to help countries make the transition from communism. OSI has expanded the activities of the Soros foundations network to other areas of the world where the transition to democracy is of particular concern. The Soros foundations network encompasses more than 60 countries, including the United States.

OSI's Washington, D.C., office focuses on addressing violations of civil liberties in the United States and expanding OSI's policy and advocacy work in the areas of criminal and civil justice reform, international development assistance, and global economic policy. The Cooperative Global Engagement Project, based in the Washington office, is building a broad coalition of support for a U.S. foreign policy based on collaborative approaches to problem solving with the international community. The initiative aims to shift popular discourse in order to prompt U.S. policymakers and other Americans to make foreign policy decisions in the context of U.S. citizenship in a global community. This publication is a product of the Cooperative Global Engagement Project.



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The Security and Peace Institute (SPI) was formed in January 2005 as a joint initiative of the Center for American Progress and The Century Foundation. SPI works to advance a responsible U.S. foreign policy based on strong defense, collective security, capable international institutions, and effective promotion of democracy and the rule of law. As part of this mission, SPI will place special emphasis on identifying and promoting emerging voices in progressive foreign policy, thereby building the next generation of foreign policy thinkers. SPI's primary activities will be to convene foreign policy conferences and meetings, support fellows, and sponsor research. The Institute has offices in both New York and Washington, D.C.

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The Century Foundation conducts public policy research and analyses of economic, social, and foreign policy issues, including inequality, retirement security, election reform, media studies, homeland security, and international affairs. The foundation produces books, reports, and other publications, convenes task forces and working groups, and operates eight informational websites. With offices in New York City and Washington, D.C., The Century Foundation is nonprofit and nonpartisan and was founded in 1919 by Edward A. Filene.

Acknowledgments

The project team would like to thank a number of individuals for their contributions to this project. We are grateful to Aryeh Neier and Gara LaMarche of the Open Society Institute for their support of this initiative, and to Stephen Rickard and Zoe Hudson in particular for their expert advice and careful reviews of many early and subsequent issue papers included in this report. We thank Laura Silber, Ari Korpivaara, Julie McCarthy, Sudie Nolan, and Robert Yarbrough of OSI for their thoughtful reviews of the manuscripts; their contributions were essential in producing the final product. The project team thanks Lynthia Gibson-Price, Darrell Rogers, and Venus Campbell of OSI for their tireless help tracking manuscripts and contracts. We thank Kiersten Stewart of the Family Violence Prevention Fund for her expert guidance on the issue of violence against women. We thank Christy Hicks of The Century Foundation for her help with media outreach. We thank Rachel Goldbrenner of the Security and Peace Institute for her help in producing the final product. Finally, we are deeply indebted to the authors who contributed to this project, and all those who helped them. This report would not have been possible without the help of each of these individuals.

Overview

The United States today faces a daunting array of international crises: the global war on terror, postwar violence and reconstruction in Iraq and Afghanistan, and nuclear weapons programs in Iran and North Korea. In addition, simmering transnational problems that have received insufficient attention or resources during the past decade—including the spread of HIV/AIDS, global warming, and economic development—now pose grave risks.

None of these critical issues can be addressed by the United States alone. Each requires the effective participation of allies, new and traditional, and international institutions. Failing to engage these indispensable partners will make U.S. efforts less effective, and jeopardize the stability, security, prosperity, and health of Americans.

Over the course of his administration, President George W. Bush has said he is committed to “effective multilateralism,” and his public remarks envision a world in which strong alliances and revitalized multilateral organizations play a key role in solving transnational and regional challenges. But effective multilateralism must involve more than ad hoc cooperation with countries that share a specific goal. Now, in his second term, President Bush has the chance to bring “effective multilateralism” to life and ensure that the United States has sufficient leverage to successfully deal with pressing global challenges.

The road will be a difficult one, but the rewards will extend far beyond our borders. As the United States confronts crises around the world, it also faces unprecedented hostility from abroad. The United States has come to be viewed by many countries, including many of the nations of the Middle East, as aggressive, unilateralist, and dedicated to a narrow vision of national security. Polls show that even the citizens of our strongest allies in Europe and Asia have a generally unfavorable view of the United States. These perceptions undermine America’s security because none of our most critical challenges can be dealt with by our nation alone or by coalitions of the willing. By rallying other nations and institutions to our side, we stand to make great gains in seemingly intractable international problems, as well as in international public opinion. Doing so will reverse a trend that now bodes ill for our long-term standing in the world.

This report is offered as a starting point for restoring America’s international alliances. The papers in the report, written by experts in 13 fields, recommend how the president can make progress in areas where his personal commitment to action is needed and where global alliances can help strengthen the national security goals of the United States. They

cover a wide range of topics, from international cooperation in the war on terror to curbing proliferation of nuclear weapons to advancing the rights of women across the globe. Each paper offers a specific set of recommendations for executive action by the president consistent with his stated values, as well as a brief overview of the administration's position on the issue to date.

These initiatives are not meant to be an exhaustive agenda for the second Bush administration. Instead, they represent the most promising opportunities—areas where U.S. action offers the greatest possibility for generating movement on intransient problems. The specific recommendations have been selected to reflect the president's own priorities, as articulated in previous statements, and are consistent with his foreign policy vision.

Addressing each of these problems is in the national interest. Resolving any of them will require strengthened international cooperation. These papers are offered as constructive contributions to the ongoing debate about how America can best assert responsible leadership in a new era.

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Work to Institutionalize the International Fight Against Terrorism

Daniel Benjamin

Summary

The terrorist attacks of September 11, 2001, galvanized not only world leaders but also intelligence and law enforcement agencies around the globe. These attacks produced a new, genuinely shared perception of the threat jihadist terrorism poses. As a result, international cooperation in the fight against terrorism improved dramatically. Unfortunately, however, this cooperation has been limited. It has not extended beyond the tactical level, and it has not been anchored in international institutions.

Much more can be done. Better cooperation is now essential to reduce the fast-evolving terrorist threat, to constrain the environment in which terrorists operate, and to ensure necessary cooperation for the long term. The United States can play a decisive role in this effort.

President Bush should:

- ▶ *Publicly reaffirm support for the United Nations' efforts to combat terrorism, especially Security Council efforts to enforce antiterrorism measures by using its Chapter VII authority.*
- ▶ *Call for the creation of a new multilateral counterterrorism organization open to all nations that have ratified key antiterrorism treaties and taken effective steps to implement them, and direct the Department of State to begin diplomatic negotiations leading to a conference dedicated to creating this new organization.*
- ▶ *Increase bilateral financial and technical assistance to countries that support the antiterrorism effort and are seeking to build their capacity to fight terrorism.*

Daniel Benjamin is a senior fellow in the International Security Program at the Center for Strategic and International Studies.

- ▶ *Use the Ministerial Meeting of the Community of Democracies in May to press for increased cooperation among democratic states to fight terrorism while preserving individual freedoms.*

Background and the Bush Administration's First Term

Until the terrorist attacks on September 11, 2001, the United States had for years promoted its counterterrorism goals together with its closest allies by means of targeted pressure on individual nations to sign and implement a dozen conventions that make up the most important instruments for raising and sustaining global counterterrorism norms.¹

In the months after the 9/11 attacks, senior Bush administration officials remarked on the need to “institutionalize” the war on terror. The administration pushed counterterrorism to the top of the agenda in most of the nation’s bilateral relationships. And until the run up to the war in Iraq, intelligence and law enforcement cooperation in the struggle against terrorism was largely walled off from broader political disagreements, especially between the United States and its European allies. As a result, a unified international response to terrorism seemed to be taking shape:

- ▶ In September 2001, the United Nations Security Council adopted Resolution 1373, which, among other things, obligates nations to prevent the financing of terrorism, to deny terrorists safe havens, to prevent the use of their territory for terrorist purposes, and to assure that those persons who commit terrorist acts are brought to justice. Resolution 1373 also created the United Nations Counter-Terrorism Committee (CTC) to monitor how nations were fulfilling their obligations under the resolution. The CTC got off to a good start with a program of assessing counterterrorism capacity in United Nations member-countries. The CTC was expected to build on this work and become a forum for matching assistance donors to recipients, but this has not happened.
- ▶ The United States and its NATO allies took the unprecedented step, in September 2001, of invoking Article V of the organization’s charter, which commits members to collective defense.
- ▶ Many countries signed and/or ratified one or more of the international counterterrorism conventions, including nearly 100 countries that did so regarding the Convention for the Suppression of Terrorist Bombings, which obligates signatories to criminalize a broad range of terrorist activities and provides for an international framework for cooperation among states, aimed at prevention and punishment of offenders.

- ▶ The G8 established the Counterterrorism Assistance Group (CTAG) to accelerate the transfer of assistance and provide training to agencies in countries that need greater counterterrorism capacity. The United States also supported moves to combat terrorist financing by the Financial Action Task Force, which was created by the G7 in 1989 to counter abuse of the international financial system by criminals, and now counts more than 30 member-nations.
- ▶ The Department of State's Anti-Terrorism Assistance Program, which provides poor nations with bilateral United States assistance to build intelligence and law enforcement capabilities, saw its funding grow rapidly after 9/11.

While all these efforts have been well-intentioned, the overall impact of the United States' and the international community's fight against terrorism has been limited by a variety of factors, including political tensions, the failure of the Bush administration to follow up on its antiterrorism initiatives in a sustained manner, the problem of identifying underperformers within the constraints of a United Nations system that operates on a consensus basis and avoids confrontation, and the absence of a single institution with a core mission to deal with counterterrorism issues.

After NATO's invocation of Article V in September 2001, the Bush administration chose to focus its energy on regime change in Afghanistan and declined most offers of support. This narrowed the chances of building wider international backing for the global war on terrorism. The Bush administration's rhetoric and actions during the run-up to the Iraq war, and its all-consuming focus on the occupation of Iraq since the invasion, effectively dampened efforts to expand multilateral efforts to combat terrorism and left doubts about the United States' commitment to the United Nations in general.

The United States' failure to find weapons of mass destruction in Iraq and to prove the existence of a connection between Saddam Hussein's regime and al Qaeda diminished both the legitimacy of the war in Iraq and U.S. credibility in leading the war on terrorism. Disapproval has been especially acute in Muslim countries, where the United States-led struggle against terrorism is increasingly seen as a struggle against Islam itself—a troubling echo of Osama bin Laden's rhetoric. In addition, little has been done to build international counterterrorism capacity. Overcoming this is a crucial long-term challenge to the international antiterrorism effort, and to the United States in particular.

A key shortcoming in the U.S. campaign against terrorism so far has been a failure to "shape the battlefield," to make the environment in which terrorists operate inhospitable for them. Much more can be done to improve border controls, eliminate safe havens, and expand the

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intelligence and law enforcement capacities of counterterrorism authorities, especially in poorer countries. For example, the United States is demanding heightened financial controls and surveillance to restrict terrorists’ ability to raise and move money; but Washington has provided little support to countries that seek to build the capacity to implement these controls. Budgetary strains and competing priorities have prompted the Office of Management and Budget and the Congress to whittle down the State Department’s funding proposals for its Anti-Terrorism Assistance Program to under \$120 million, considerably smaller than is necessary to fulfill its mandate.

It is vital to increase counterterrorism capacity in countries where leaders already have the will to join the struggle and where the means for waging the battle could be developed with relatively modest investments. Terrorists have amply demonstrated their resilience. The 2002 attacks on an Israeli hotel and a charter aircraft in Mombasa, Kenya, were carried out by local al Qaeda cells that had supposedly been dismantled after the 1998 bombing of the United States embassies in Nairobi and Dar es Salaam. Other recent attacks have shown that, even if al Qaeda itself has weakened, the ideology that motivated the 9/11 attackers has spread to other groups. Because the United States cannot fight terrorists in all places and at all times, it is in its interest to help build the antiterrorism capabilities of like-minded countries.

This is an opportune moment for such an initiative. Both civil society groups and the international community are becoming increasingly focused on terrorism and the enormous costs it inflicts, as well as on how counterterrorism efforts are used by some nations as a cover for increasing authoritarianism and to curtail human rights. In his inaugural address and elsewhere, President Bush stated his support for a strong policy of democratization as an antidote to the ills that breed terror. The administration has placed great emphasis on fighting terrorism through democratization and the broader transformation of the Middle East in particular. As the turmoil in Iraq demonstrates, this effort will not bear fruit quickly. Indeed, western Iraq is likely to be a hub of terrorist activity for years to come.

Foreign audiences, however, are profoundly skeptical of U.S. intentions in the region, not the least because of the widespread belief that the invasion of Iraq was motivated less by a desire to stamp out terrorism or spread democracy than to extend American control in a strategic region. To strengthen its credibility, the United States must be willing to act through organizations with broad-based democratic legitimacy, such as the Community of Democracies, a forum that brought together more than 100 nations for the first time in Warsaw in 2000 and is committed to consolidating its members’ democratic institutions and working with other countries regionally and globally to help them on their path of democratization.

Toward a New Policy on Counterterrorism

The Bush administration has rightly termed the war on terrorism a generational struggle. But today, at the beginning of its second term, the administration faces a closing window of opportunity to establish the institutions and understandings necessary to hold terrorists at bay.

The time has come to consolidate global counterterrorism efforts into a single, multilateral organization open to any nation that has ratified and taken action on key antiterrorism treaties. One significant outcome of establishing such a body would be to remove the “Made in America” label from the global war on terror. Such a body would create an international constituency that recognizes the global nature of terrorism. It would further transfer to a group of independent experts the task of making evaluations and judgments that now are often seen as biased due to global politics. With strong support from a cross-section of the global community, such an organization would raise awareness of the fact that the world is facing a struggle between the forces of civilization and barbarity. This, in turn, would reduce the antagonism that has resulted from the widespread perception outside the United States that the war on terror is a means for an overbearing superpower to impose its agenda or expand its hegemony. Muslim countries could join the struggle without excessive fear of being tarnished as lackeys of the United States.

A formalized, multilateral approach offers a potentially effective way to achieve genuine progress—and the Bush administration can undertake a number of initiatives to advance such an approach.

President Bush should:

- ▶ *Publicly reaffirm support for the United Nations’ efforts to combat terrorism, especially Security Council efforts to enforce antiterrorism measures by using its Chapter VII authority.* The United States should reaffirm the United Nations’ role in the fight against terror. This step would go a long way toward reassuring other nations that the United States sees this battle as a genuinely global one that must be conducted with cooperation and not by diktat. As the cornerstone of the international community, the United Nations has the capability of playing a major role in advancing the effort to manage and reduce the terrorist threat—and, given the responsibility of the institution to deal with threats to peace under Chapter VII, it is appropriate that it be at the center of the work to confront terror. Moreover, our global partners view the United Nations as a central source of legitimacy for the use of force. A reaffirmation of the United Nations’ role would improve the standing of the United States, the ability of the United Nations to carry out key counterterrorism missions, and the ability of other nations to join the United States when action must be taken. The United Nations has risen to

“The time has come to consolidate global counterterrorism efforts into a single, multilateral organization.”

difficult challenges in the past, including in Libya and Taliban-ruled Afghanistan. It can do so in the future.²

- ▶ *Call for the creation of a new multilateral counterterrorism organization open to all nations that have ratified key antiterrorism treaties and taken effective steps to implement them, and direct the Department of State to begin diplomatic negotiations leading to a conference dedicated to creating this new organization.* The Bush administration should lead the effort to create a central, multilateral body to raise counterterrorism norms. This new body could be legitimized by incorporating it into the United Nations system and by referring its most difficult cases to the Security Council. This new body should be designed to pressure countries to comply with the international counterterrorism conventions, and this compliance would lead to improved border controls, the prosecution of terrorism-related crimes, and efforts to eliminate safe havens for terrorists. This body could also play a key role as a clearing house for best practices in law enforcement, homeland security, and consequence management.³
- ▶ *Increase bilateral financial and technical assistance to countries that support the antiterrorism effort and are seeking to build their capacity to fight terrorism.* To achieve greater foreign participation in building this new institution and in waging the war on terror, the United States should spearhead an effort to increase funding and training for other nations' intelligence and law enforcement capabilities. The United States could mount this effort through the United Nations Counter-Terrorism Committee, the G8's Counterterrorism Assistance Group, or other mechanisms.
- ▶ *Use the Ministerial Meeting of the Community of Democracies in May to press for increased cooperation among democratic states to fight terrorism while preserving individual freedoms.* With its strong, specific emphasis on democracy, this event is particularly well-suited for amplifying President Bush's message of the key role democracy plays in the battle against political violence. By playing an active, productive part in this meeting, the United States can address doubts abroad about its goals in the war on terror and underscore the United States' understanding that cooperative work, and not military means alone, is necessary to defeat terrorist violence.

Conclusion

The United States is now at a juncture: A considerable amount of the initial, tactical work of attacking the organization that destroyed the World Trade Center in New York has been achieved. But the groundwork for the generational struggle that President Bush and others have spoken about

has not yet been laid. In large measure, that foundation must be made with the international community and in institutions that can pursue broad counterterrorism goals in a truly global context.

1. 1. Convention on Offences and Certain Other Acts Committed On Board Aircraft (“Tokyo Convention,” 1963) 2. Convention for the Suppression of Unlawful Seizure of Aircraft (“Hague Convention,” 1970) 3. Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (“Montreal Convention”) 4. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (1973): 5. International Convention Against the Taking of Hostages (“Hostages Convention,” 1979) 6. Convention on the Physical Protection of Nuclear Material (“Nuclear Materials Convention,” 1980) 7. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988) 8. Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (1988) 9. Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1988) 10. Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991) 11. International Convention for the Suppression of Terrorist Bombing (1997) 12. International Convention for the Suppression of the Financing of Terrorism (1999)

2. Regarding Libya, cf. UN Security Council Resolutions 731, 748 and 883. Regarding Afghanistan, cf. UN Security Council Resolutions 1267 and 1333.

3. It should avoid all matters pertaining to intelligence gathering, since national obligations for many countries will prove a major disincentive for serious engagement.

Promote Multilateral Nuclear Nonproliferation Efforts

Jon Wolfsthal

Summary

The spread of nuclear weapons and fissionable material constitutes the gravest threat to the United States today. The most acute aspect of this threat is the danger that terrorists will acquire a nuclear device and use it against the United States or its interests. In the longer run, the United States faces the potential collapse of the international nonproliferation system. This would likely result in an increase in the number of states that possess nuclear weapons and the risk that they will use such weapons. It would also increase the risk that terrorists will obtain and use such weapons. A terrorist theft of nuclear weapons and materials is most likely to take place in Russia, which has the world's largest stockpile of weapons-usable nuclear material and a nuclear security system that is inadequate given the nature of today's security threats.

The United States must take effective steps to stop the proliferation of nuclear weapons. It should begin immediately to improve the existing nonproliferation regime and redouble efforts, especially with Russia, to ensure that existing nuclear weapons and materials do not fall into terrorist hands.

President Bush should:

- ▶ *Accelerate and expand efforts to secure nuclear weapons and materials through the G8 Global Partnership to Prevent the Spread of Weapons of Mass Destruction.*
- ▶ *Appoint a respected, internationally recognized presidential ambassador who will work to reinforce the global nonproliferation consensus and enhance the*

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prospects that the 2005 Non-Proliferation Treaty Review Conference will succeed.

- ▶ *Announce new bilateral efforts with Russia to further reduce nuclear arsenals in both countries below the levels set in the 2002 Treaty of Moscow.*
- ▶ *Press for a 50 percent increase in the safeguards and security budget of the International Atomic Energy Agency (IAEA).*
- ▶ *Push for a United Nations Security Council resolution that would establish a firm international legal grounding for the Proliferation Security Initiative (PSI).*

Background

The 9/11 terrorist attacks clearly demonstrated the urgent need to keep nuclear weapons and fissionable material out of the hands of terrorists, to halt the proliferation of nuclear weapons, and to further reduce existing nuclear arsenals.

The first major challenge is to secure vulnerable stocks of nuclear weapons and fissionable material in Russia and other countries. The United States has pursued efforts to protect Russia's nuclear complex since 1991. These programs have helped transfer thousands of nuclear weapons from former Soviet states back to Russia. These programs have also improved safeguards over enough material to produce thousands of nuclear weapons, and they have kept thousands of former weapons scientists peacefully employed.

A second challenge is to halt nuclear proliferation in general. Unfortunately, several nations are working to obtain the capacity to develop nuclear weapons. Some 40 countries are now considered technically capable of producing nuclear weapons and more than 40 possess the necessary material. An international inspection regime monitors much of this material to detect whether a theft or diversion has occurred, but adequate security measures are lacking to prevent such occurrences. Recent revelations have shown that the former head of Pakistan's nuclear program, A.Q. Khan, masterminded a multinational nuclear black market, demonstrating the critical challenge posed by these transfers.

A third challenge is to reduce the number of nuclear weapons in the hands of the states that already possess them. Globally, nuclear arsenals, especially those in the United States and in Russia, remain dangerously large and on high alert. The arms-reduction process begun at the end of the Cold War is moribund. The current arrangement—large arsenals on hair trigger alert—is not justified given the international security picture and dramatically increases the risks of accidental or unauthorized nuclear launches. Moreover, weapons in the field can be harder to protect and easier to steal, divert, or hijack.

“The first major challenge is to secure vulnerable stocks of nuclear weapons and fissionable material in Russia and other countries.”

“Many countries have the impression that the nuclear-weapons states are shirking their disarmament obligations.”

The Nuclear Non-Proliferation Treaty (NPT) is the foundation of the international nonproliferation regime. Created in 1968, this agreement requires states that do not possess nuclear weapons to refrain from developing or obtaining them and to place their nuclear activities under international safeguards; in return, these states receive access to nuclear technology for peaceful purposes and promises from the five acknowledged nuclear-weapons states to give up their weapons in the future. The NPT is in jeopardy for several reasons. North Korea, a former NPT member, and Iran, a current member, may soon acquire nuclear weapons. There is a growing concern that states can acquire “virtual” nuclear arsenals by stockpiling vast quantities of weapons-usable materials. And many countries have the impression that the nuclear-weapons states are shirking their disarmament obligations. Further erosion of confidence in the NPT could provoke a significant number of states to withdraw from the treaty altogether or to ignore their obligations under the agreement.

The ability of states inside and outside the NPT to trade in dangerous nuclear technology and materials led to the creation in 2002 of the Proliferation Security Initiative, through which cooperating states share information, coordinate export controls, and undertake interdictions of illegal shipments of materials and technology related to nuclear, chemical, and biological weapons, as well as missiles. There is broad and growing support for the PSI in the United States and internationally. The Initiative’s membership has expanded to more than 40 countries, and has succeeded in stopping illegal shipments of nuclear and missile-related items to Libya and other countries. The PSI, however, lacks any official international legal standing or legitimacy. As a result, the Initiative’s joint interdiction operations can only take place in the participating states’ national waters and airspace, which greatly inhibit their effectiveness. Several dozen states are not participating in the formal agreement. Current PSI activities cannot cover shipments in international waters except under specific conditions.

The Vienna-based International Atomic Energy Agency provides a global monitoring and alarm system to ensure that nuclear facilities and materials geared to peaceful purposes are not misused. The IAEA conducts safeguard inspections in more than 40 countries, including 915 facilities that contain enough nuclear material to produce more than 125,000 weapons. The primary constraint on the scope and effectiveness of the IAEA is financial. The IAEA’s safeguard budget for 2004 was just over \$100 million. In recent years, however, demands upon the agency have expanded: the world has called upon the IAEA to deal with the accelerating pace of technological change; to implement an ambitious program of strengthened safeguards under the so-called Additional Protocol, which has granted the agency expanded inspection rights; and to produce critical

assessments of the nuclear ambitions of countries like Iran and North Korea. These new demands have made the agency's budget inadequate.

The Bush Administration's First Term

President Bush has acknowledged that nuclear proliferation is the greatest threat facing the United States. And the global war on terrorism has rightly included efforts to prevent terrorists from acquiring weapons of mass destruction. Over the past four years, President Bush has advanced several programs to address weapons-proliferation problems related to both terrorists and states.

Despite the high priority the administration has given the proliferation issue, progress in recent years has been undermined by bureaucratic obstacles, a lack of resources, and less-than-robust multilateral efforts. For example, less Russian nuclear material was secured in the two years after the September 11 terrorist attacks than in the two years before; at current rates of progress, completing comprehensive security upgrades over the nuclear material in Russia will take 13 years. The administration has also not fully funded existing threat-reduction programs to protect nuclear materials and employ former weapons scientists, and rejected recommendations delivered by a high-level Department of Energy advisory panel in 2001. This bipartisan panel, chaired by Ambassador Howard Baker and former White House Counsel Lloyd Cutler, called upon the United States to spend a total of \$30 billion over 10 years on Russian nuclear security—and this was before 9/11 made explicit the terrorist threat. The United States currently spends about \$1 billion per year, or one-third the panel's recommendation.

To help meet these funding goals, in 2002 the United States and its G8 partners launched the Global Partnership to Prevent the Spread of Weapons of Mass Destruction, which pledged to spend \$20 billion over 10 years, including \$10 billion from the United States, to secure nuclear weapons, materials, and other weapons of mass destruction in the former Soviet Union and in other countries. While an important step, the \$20 billion target of the G8 partnership would fall \$10 billion short of the target set by the Baker/Cutler report in 2001. Moreover, European pledges have been slow to materialize and the United States' initial pledge of \$1 billion dollars per year for the Global Partnership falls far short of what the country could afford to spend. Even if the G8 pledges were met—by no means a foregone conclusion given current European shortfalls—the Global Partnership would still have only two-thirds of the amount needed over the next decade.

The Bush administration has relied increasingly upon the IAEA, and the United States has benefited from IAEA inspection work. The organization

“This year will provide multiple opportunities for the Bush administration to assume a leadership role in the nonproliferation effort.”

has played a vital role in documenting Iran’s nuclear activities, focused the world’s attention on the potential risk posed by Iran’s nuclear ambitions, and enabled the United States to maintain pressure on Tehran. The IAEA’s role in preventing proliferation will only increase as more states adopt its tougher inspection procedures in the form of the Additional Protocol. The United States has been willing to support modest increases in IAEA funding, but neither these increases nor support from other countries have kept pace with the rigorous new demands placed on the agency.

In 2002, President Bush and Vladimir Putin negotiated the Treaty of Moscow, which limited each country to no more than 2,200 deployed offensive strategic nuclear weapons. This treaty, however, has no verification provisions. It does not control small, portable tactical nuclear weapons. It neither requires the parties to destroy the removed warheads nor commits the parties to refrain from redeploying the removed warheads in the future. These omissions increase concern among non-nuclear weapons states that the United States and Russia are not serious about fulfilling their commitments under the NPT to pursue nuclear disarmament.

Toward a Better Policy on Nuclear Nonproliferation

To prevent nuclear terrorism and reduce the risk that states might resort to the use of nuclear weapons, the United States must work to secure the global nuclear complex, including both weapons and fissile material, and to prevent new states from acquiring nuclear weapons. This year will provide multiple opportunities for the Bush administration to assume a leadership role in the nuclear nonproliferation effort. The proper investment in time, money, and policies can help ensure that the unthinkable does not come to pass.

The Nuclear Non-Proliferation Treaty itself is under severe threat from a combination of factors. The NPT requires its members to convene every five years to review the treaty. The issues confronting the agreement today will come to a head at the NPT’s 2005 Review Conference in May. The United States has focused its attention on those few states, like Iran, which are not complying with the treaty. But the Bush administration is actively trying to walk away from disarmament commitments made by the nuclear-weapons states to orchestrate the treaty’s permanent extension in 1995 and 2000. In addition, there is increased concern that the Non-Proliferation Treaty does not do enough to prevent states from legally developing the means to acquire nuclear weapons, including the production of nuclear material. This is creating a confidence gap that must be addressed. Without efforts to reinforce the agreement, the fabric of the nonproliferation system could unravel.

President Bush should:

- ▶ *Accelerate and expand efforts to secure nuclear weapons and materials through the G8 Global Partnership to Prevent the Spread of Weapons of Mass Destruction.* The administration should aim to secure all material in Russia within four years while paving the way toward expansion of the threat-reduction effort into other regions. More than two years after they launched the Global Partnership to Prevent the Spread of Weapons of Mass Destruction, the G8 countries have fallen several billion dollars short of their pledge to raise \$20 billion over ten years, including \$10 billion from the United States. Money has also been slow to hit the ground in Russia, not to mention other states where nuclear materials are also vulnerable. The United States is not in a strong position to call upon the G8 nations to meet their funding pledges unless it increases its own funding. The president should also focus high-level diplomatic attention and engage in direct negotiations with President Putin, if necessary, to resolve any bureaucratic impasses that are preventing full implementation of critical programs.
- ▶ *Appoint a respected, internationally recognized presidential ambassador who will work to reinforce the global nonproliferation consensus and enhance the prospects that the 2005 Non-Proliferation Treaty Review Conference will succeed.* The NPT's 2005 Review Conference in May is the only major forum where the global regime to prevent the spread of nuclear weapons can be reviewed and strengthened. The United States has an opportunity to bring forward a new voice on nonproliferation matters. President Bush can appoint a new presidential ambassador to the NPT Review Conference who would use this opportunity to speak out about steps the administration will pursue to safeguard the United States and the world. These might include restating U.S. commitments not to use nuclear weapons against nonnuclear adversaries, announcing a U.S. commitment to bolster financial support to monitoring agencies like the Comprehensive Nuclear Test Ban Treaty Organization, and announcing that the United States will pursue broader transparency measures for a proposed ban on the production of fissile materials outside of present safeguards.
- ▶ *Announce new bilateral efforts with Russia to further reduce nuclear arsenals in both countries below the level set in the 2002 Treaty of Moscow.* The United States can safely pursue additional weapons-reduction arrangements with Russia, even as plans are underway in both countries to research new types of nuclear weapons. A new agreement might seek to adopt constraints on smaller, sub-strategic nuclear weapons, which carry a greater risk of theft; and it might create more transparent verification measures over planned reductions in order to build confidence that weapons are not redeployed.

- ▶ *Press for a 50 percent increase in the safeguards and security budget of the International Atomic Energy Agency.* The United States should lead international efforts to increase IAEA's safeguards budget to \$150 million per year over the next three years and seek to create an IAEA investment endowment so the agency can undertake independent projects to improve efficiency and make better use of new technology. In addition, the United States should accept IAEA security inspections at a limited number of civilian nuclear facilities in the United States to stress the need for all states to improve the security of nuclear materials.
- ▶ *Push for a UN Security Council resolution that would establish a firm international legal grounding for the Proliferation Security Initiative.* This resolution should authorize cooperating states to seize shipments of nuclear materials or weapons in international waters under agreed guidelines and procedures.

The risk that nuclear weapons could be used against the United States is real and growing. The U.S. government, with the proper dedication in energy, time, and resources can greatly reduce the danger that the United States will fall victim to a nuclear attack by rogue states or terrorists in the months and years to come.

Uphold the Geneva Conventions and the Convention Against Torture

Eugene R. Fidell

Summary

The Bush administration has repeatedly committed to treating prisoners humanely and to acting in a manner consistent with the principles of the Geneva Conventions and other international treaties. A number of recent decisions, however, have caused concern both inside and outside the government. Many—including active and retired senior military officers, government officials, legal scholars, and diplomats—have cautioned that the United States may be violating the letter and the spirit of laws protecting prisoners under its care, including members of al Qaeda and captured military personnel in Iraq. These actions are fueling perceptions that international laws governing prisoner care and interrogation are not being respected—and may thereby endanger Americans who fall prey to the enemy in the future.

Correcting this impression will require the United States to demonstrate in no uncertain terms that it will uphold the articles of the Geneva Conventions, the Convention Against Torture, and other laws of war. Taking these steps is vital for long-term U.S. interests and for the safety of U.S. forces and U.S. citizens abroad.

President Bush should:

- ▶ *State publicly and unambiguously that the president of the United States has no authority to authorize the torture of any person and that the president has an obligation to prevent cruel, inhuman, and degrading treatment of all prisoners.*
- ▶ *Publicly reaffirm the United States' commitment to adhere to the Geneva Conventions, the Convention Against Torture, and all other applicable principles of the laws of war, and direct the judge advocates general and the*

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legal adviser to the Department of State to draw up a detailed plan to implement this commitment.

- ▶ *Direct the secretary of defense to conduct timely hearings to determine whether each detainee in U.S. custody is being properly detained and whether he or she is entitled to protections afforded to prisoners of war.*
- ▶ *Order a review to determine whether individual prisoners facing charges before military commissions can be prosecuted before United States district courts or courts-martial.*
- ▶ *Promptly issue an executive order prohibiting the detention of any prisoner outside of publicly identified detention facilities and announce that the International Committee of the Red Cross (ICRC) will have access to all prisoners in U.S. custody.*
- ▶ *Direct the secretary of defense to undertake a critical review of the maximum punishments prescribed in the Manual for Courts-Martial for maltreatment of prisoners, dereliction of duty, and other offenses pertinent to the conduct of wartime operations and the treatment of prisoners. Subsequently, the secretary should, if appropriate, recommend changes.*

Background

Key elements of the laws of war are codified in the four Geneva Conventions adopted after World War II. Each of the conventions deals with a specific category of persons: the wounded, shipwrecked sailors, prisoners of war, and civilians. Article 5 of the Third Convention says that “[s]hould any doubt arise” as to whether detained persons are entitled to prisoner-of-war status, “such persons shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal.”¹ Such proceedings are called “Article 5 hearings.”

The ICRC plays an essential role in ensuring compliance with the Geneva Conventions. It monitors treatment of prisoners and submits confidential reports to governments concerning the condition of prisoners and whether these governments are meeting their obligations under the Geneva Conventions. In order for the ICRC to play this role, it must have access to persons kept in jails, prison camps, and other detention facilities. In past conflicts, the United States has vigorously insisted on the unrestricted right of ICRC access.

In addition to the Geneva Conventions, the United States has important international legal obligations under a number of other treaties, including the Convention Against Torture, which the United States Senate ratified in 1994. This Convention forbids the use of torture at any time and for any reason; it requires parties to adopt laws making torture a criminal offense,

which the United States did prior to ratification. The Convention Against Torture also obligates parties to prevent all acts that are cruel, inhuman, and degrading even though it does not require them to criminalize such acts. In ratifying the Convention Against Torture, the United States pledged to interpret the words “cruel, inhuman and degrading” in the same way that U.S. courts have interpreted the words “cruel and unusual” in the U.S. Constitution’s prohibition against “cruel and unusual” punishment.

The United States has a system of federal and military laws that enforce compliance with and stipulate penalties for violations of the laws of war. Many violations of the laws of war, such as murder, are also federal crimes that can be prosecuted under certain circumstances in United States district courts. There are numerous “terrorism” statutes that can be used to prosecute accused terrorists in federal courts. There is also a separate and highly developed system of military criminal law under the Uniform Code of Military Justice, which, together with the *Manual for Courts-Martial*, prescribes procedures and punishments for offenses committed by military personnel. Such prosecutions are conducted in courts-martial, which follow scrupulous, settled, and transparent rules of evidence, procedure and appeal but differ from federal and state criminal courts in important respects, such as jury size and selection, unanimity requirements, and guarantees of judicial independence.

The Bush Administration’s First Term

After the terrorist attacks of September 11, 2001, the administration had to grapple with a broad range of difficult questions concerning the legal framework applicable to terrorism. Questions arose concerning the legal status of persons detained during military operations, where these persons could be held, what rights they possessed, and where and how they could be tried for alleged crimes.

Many legal practitioners and scholars urged the administration to use the existing federal courts and laws, including the terrorism statutes, to prosecute alleged terrorists. This had been done previously, as in the case of the 1993 World Trade Center bombing and in the prosecutions that arose from the bombings of U.S. embassies in Kenya and Tanzania in 1998. Other practitioners and scholars argued that suspects, especially those detained during military operations in Afghanistan and Iraq, should be given individual Article 5 hearings and, if found to be properly detained, brought before regularly constituted courts-martial operating under procedures that are essentially the same as those granted to United States service personnel. They argued that the United States was legally obligated to provide Article 5 hearings and should use them in any event to minimize the risk of detaining persons inadvertently swept up on

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chaotic battlefields. They also argued that using courts-martial would be swift and effective and would make it clear that the United States was providing detainees full and fair trials—indeed, the same kind of trials afforded accused American service members under international law.

The administration chose to follow neither of these courses. It determined that the war against terrorism had ushered in a new paradigm and required new thinking on the laws of war. Alberto Gonzales, then counsel to the president, advised President Bush that “the war against terrorism is a new kind of war” which “renders obsolete [the Third Geneva Convention’s] strict limitations on questioning of enemy prisoners. . . .” The administration created a new framework of military commissions to try persons accused of terrorist offenses. This system falls well short of the rigor of the federal courts or courts-martial. The military commissions have proven to be an unending source of bad publicity and have not fostered public confidence in the administration of justice. No military commission trial has been completed.

Despite repeated protests from many quarters, the administration also declined to undertake individual Article 5 hearings for detainees. Instead, it made a single, across-the-board determination that the Geneva Conventions do not apply to members of al Qaeda or the Taliban forces. It decided that the Geneva Conventions do not apply to al Qaeda members because al Qaeda is not a state and, therefore, cannot be a party to the Geneva Conventions. The Taliban, according to the administration, are not entitled to Geneva Conventions protection because they failed to conduct their military operations legally as set forth in the Conventions, and were therefore “illegal combatants.” President Bush did reiterate, however, that the United States would treat all prisoners “humanely” and in a manner “consistent with the principles” of the Geneva Conventions.²

The administration’s decisions concerning the Geneva Conventions were controversial both inside and outside the halls of government. Gonzales noted that a decision not to apply the Conventions might encourage other countries to refuse to protect captured U.S. soldiers and might make those countries less willing to cooperate in the war against terrorism. In his draft memorandum for President Bush, Gonzales also reported that such an approach might “undermine U.S. military culture which emphasizes maintaining the highest standards of conduct in combat. . . .” These and other arguments found support within the administration from then Secretary of State Colin Powell and his legal adviser, William H. Taft IV, who had previously served with distinction at the Department of Defense.

A number of observers—including many who otherwise strongly support President Bush’s policies—have faulted the administration’s approach to the Geneva Conventions for a number of reasons:

First, its approach excluded from the policymaking process officials with a clear interest and expertise in these matters. These officials include senior military lawyers (the judge advocates general and their senior uniformed assistants) and the legal adviser to the Department of State. Given the importance of the Geneva Conventions to the well-being of United States troops, it is unwise to exclude uniformed lawyers from a timely and meaningful role in the development of policy.

Second, its approach reflects specific legal determinations that most disinterested experts in the field simply consider wrong. A clear example is the decision not to employ the “competent tribunal” screening provisions set out in Article 5 of the Third Geneva Convention and implemented in Army Regulation 190-8. The Article 5 process was successfully employed in the first Gulf War and led to the prompt release of two-thirds of those who were screened. During the ongoing war, the CIA has moved captured persons out of Iraq and some “ghost detainees” were effectively shielded from the ICRC’s protective oversight. These practices violated the Geneva Conventions.

Third, its approach tends to de-legitimize the Geneva Conventions as a whole by suggesting that they are “obsolete” or outmoded in important respects and that a new legal regime is needed to deal with contemporary challenges.

The Bush administration’s position on torture has been equally problematic. Legal memoranda by the Department of Justice and repeated pledges that President Bush would not condone torture created ambiguity about whether there are those in the administration who believe that the president of the United States has the legal authority to order torture even if President Bush has chosen not to use it. Likewise, debates within the administration over the definition of torture have created the impression in many quarters that the United States is applying interrogation techniques which, if not torture under every definition, are surely “cruel, inhuman and degrading” under the Convention Against Torture. This impression is damaging the United States’ standing in the world. It is undermining international protections against torture and abuse that benefit U.S. service members and private citizens traveling abroad. And it is hindering the United States in its campaign to find partners in the fight against terrorism, as Alberto Gonzales warned.

Toward Better Policy on the Geneva Conventions and the Convention Against Torture

Distinguished United States military leaders, including senior military lawyers, whose patriotism and dedication to the nation’s interests cannot be doubted, feel strongly about the vital importance of the Geneva

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Conventions and the Convention Against Torture for the safety and security of U.S. military forces. The international system of military law is predicated on reciprocity, so United States adherence to these norms is highly relevant to expectations of appropriate treatment when United States personnel are captured.

The United States for decades has marched at the forefront of efforts to enhance respect for and adherence to these norms. Drafting conventions is one thing; encouraging states to fully comply with them is another, and it requires strong and consistent efforts by the leading members of the international community. Representative Douglas “Pete” Peterson made this point in a letter to Senator Richard J. Durbin: “From my six and a half years of captivity in Vietnam, I know what life in a foreign prison is like. To a large degree, I credit the Geneva Conventions for my survival. . . . This is one reason the United States has led the world in upholding treaties governing the status and care of enemy prisoners: because these standards also protect us. . . . We need absolute clarity that America will continue to set the gold standard in the treatment of prisoners in wartime.”

United States adherence to the Geneva Conventions will not induce al Qaeda to refrain from further gross violations of the law. But by demonstrating a clear U.S. commitment to abide by the Conventions, the United States will establish that it is acting legitimately in aggressively pursuing al Qaeda members for their violations of these universally accepted rules.

President Bush should:

- ▶ *State publicly and unambiguously that the president of the United States has no authority to authorize the torture of any person and that, instead, the president has an obligation to prevent cruel, inhuman, and degrading treatment of all prisoners. This should be done formally, and not, for example, in response to questions at a press conference. An executive order addressed to all agencies of the government would drive the point home and give the matter the prominence and dignity it demands.*
- ▶ *Publicly reaffirm the United States’ commitment to adhere to the Geneva Conventions, the Convention Against Torture, and all other applicable principles of the laws of war, and direct the judge advocates general and the legal adviser to the Department of State to draw up a detailed plan to implement this commitment. Concerned agencies must agree on both the principles and the specifics and communicate these principles and specifics clearly to everyone who may be affected by them. One way to accomplish this would be to order a Department of Defense-wide*

rolling “law of war stand-down,” so that trainers will have the undivided attention of personnel.

- ▶ *Direct the secretary of defense to conduct timely hearings to determine whether each detainee in United States custody is being properly detained and whether he or she is entitled to protections afforded to prisoners of war. Whether the Combatant Status Review Tribunals are sufficient is currently before the U.S. Court of Appeals for the District of Columbia Circuit. Rather than wait for a ruling (thereby leaving the detainees without due process of law for yet another year or more), the administration should make the adjustments needed to provide due process, including providing access to all evidence, tightening the definition of enemy combatant, removing any presumption of enemy combatant status, forbidding the use of evidence obtained by torture or other unlawful means, and precluding “mere membership” as a basis for detention.*
- ▶ *Order a review to determine whether individual prisoners facing charges before military commissions can be prosecuted before U.S. district courts or courts-martial. The secretary of defense should consult with the attorney general and the judge advocates general to determine whether any or all of the charges pending before military commissions can be prosecuted in the United States district courts or, if not, in general courts-martial. Without prejudice to whether there is in theory a role for military commissions in the global war on terrorism, if the same ends can be achieved by recourse to the tried and true process of the federal courts, commission cases should be moved there. If there are cogent reasons not to use the federal courts for this purpose, or if any of the persons now slated to appear before military commissions enjoy rights as prisoners of war, then their cases should be moved to the conventional military justice system, where they can be handled with dispatch and in a way that improves public confidence and brings credit on the administration.*
- ▶ *Promptly issue an executive order prohibiting the detention of any prisoner outside of publicly identified detention facilities and announce that the International Committee of the Red Cross will have access to all prisoners in United States custody. The administration should prepare a report on the practice of designating “ghost detainees” held outside the ICRC’s oversight. Impeding the ICRC does not serve American interests, either immediate or long-term.*
- ▶ *Direct the secretary of defense to undertake a critical review of the maximum punishments prescribed in the Manual for Courts-Martial for maltreatment of prisoners, dereliction of duty, and other offenses pertinent to the conduct of wartime operations and the treatment of prisoners. Subsequently, the secretary should, if appropriate, make recommendations for changes. This*

review, after opportunity for public comment, should contribute to recommendations for necessary changes, in accordance with Article 56 of the Uniform Code of Military Justice. Although changes to the maximum punishments for these offenses—which at present are in some respects surprisingly lenient—cannot apply to offenses that have already been committed, increasing the maximum punishments will serve the nation’s interest by signaling its seriousness on this question and presumably deter future misconduct or dereliction by U.S. military personnel.

Conclusion

Recommitting the United States to both the letter and spirit of the Geneva Conventions and other international laws related to war and prisoner treatment would be in keeping with the highest traditions of American justice. These steps would strengthen, not weaken, U.S. security. They should be taken without delay.

1. Army Regulation 190-8 implements Article 5.
2. Presidential Memorandum, February 7, 2002.

4 Protect U.S. Interests More Effectively by Supporting the International Criminal Court

Stephen Rickard

Summary

In the nearly seven years since the Rome Statute created the International Criminal Court (ICC), the Court has taken significant strides toward proving its critics in the United States wrong. The ICC, for example, has not fallen under the control of “rogue states” or behaved “irresponsibly.” It has proven itself useful in situations where atrocities have occurred. And it is on its way to demonstrating that the possibility of future prosecution can deter political and military leaders from engaging in war crimes and thereby save innocent lives and reduce the need for costly international military interventions. The United States should ratify the Rome Statute. But a still-skeptical Bush administration need not go that far to adopt a new policy toward the ICC that will protect United States interests much more effectively.

President Bush should:

- ▶ *Establish an independent, high-level commission to evaluate the ICC and, by January 2007, make recommendations for United States policy. The commission should have a mandate to recommend whether the United States should join the Court in time to participate in a conference, scheduled for 2009, to review and amend the Rome Statute.*
- ▶ *Sponsor a United Nations Security Council resolution referring the Darfur crisis to the ICC.*
- ▶ *Announce that the United States will cooperate with the ICC on a case-by-case basis when such participation is clearly in the national interests of the United States.*
- ▶ *Contribute to the ICC’s Victims Trust Fund.*
- ▶ *Launch a review of United States law to close any gaps or loopholes on war crimes.*

Stephen Rickard is director of the Open Society Institute’s Washington Office.

“The ICC is a safety net ‘below’ dictatorships and failed states, not an appeals court ‘above’ states.”

Background

The Rome Statute creating the International Criminal Court was completed on July 18, 1998. The treaty came into effect on July 1, 2002, after 60 states had ratified it. The Court does not have universal jurisdiction, and it can hear cases involving only three categories of criminal activity: *genocide*, *crimes against humanity*, and *war crimes*.¹ Even within these categories, the Rome Statute directs the ICC’s prosecutor to focus only on instances involving severe and systematic abuse. Unless it is responding to a Security Council referral or a voluntary submission by a state, the Court can only consider a case if: (a) the events in question took place on the territory of a party to the Court, or (b) the accused is a citizen of a party to the Court. The Rome Statute also created a trust fund for the benefit of the victims.

In short, the ICC provides justice and financial support for the victims of a limited number of the very worst crimes committed on the territory of countries that chose to join the Court or by the citizens of countries that join the Court. The Court only acts, however, if national authorities decline to investigate allegations of such crimes. Thus, the ICC is a safety net “below” dictatorships and failed states, not an appeals court “above” states. If a nation investigates an allegation in good faith—even if it declines to prosecute—the ICC may not intervene.

United States negotiators at the Rome Conference achieved most of their objectives. They did not, however, succeed in restricting the Court to hearing only cases referred to it by the United Nations Security Council. The decision to permit the ICC’s prosecutor to initiate cases independently was the main reason that the Clinton administration criticized the Rome Statute and initially refused to sign it. However, on the eve of leaving office, President Clinton did sign the Rome Statute and expressed a desire that the United States would have a constructive relationship with the ICC. He also indicated that he would not recommend ratification of the Rome Statute without changes.

The Bush Administration’s First Term

During its first term, the Bush administration repeatedly stated that it had accepted the ICC as a *fait accompli* and did not wish to harm the Court. The administration’s deeds, however, were seen to be considerably more hostile. The administration launched an energetic campaign to negotiate a worldwide system of “bilateral immunity agreements” (BIAs) that prohibit parties from surrendering United States citizens to the Court; the administration used sanctions aggressively to penalize states that were reluctant to sign BIAs and threatened to veto the renewal of UN peacekeeping missions unless the Security Council gave peacekeepers blanket immunity from prosecution before the Court. On May 6, 2002, the

Bush administration took the unprecedented step of revoking the United States signature on the Rome Statute. Twice during the 2004 presidential debates, President Bush ruled out United States participation in the Court.

The Bush administration and the ICC's critics sought to justify their position by citing a number of concerns. These included the possibility that the ICC would be controlled by "rogue states" hostile to the United States, that the ICC's judges would come from "rogue states," and that the parties would select a "political" prosecutor uncontrolled by the Security Council (and United States veto power) who would launch prosecutions against the United States and Israel.

The ICC's Record

Until recently the ICC's most outspoken critics, such as then Under Secretary of State John Bolton, could argue that critical aspects of the Court were "untested" and that the degree to which it would function as intended "remains essentially unknown."² Today, however, we have a significant amount of information and experience with which to test competing predictions. Almost seven years have passed since the adoption of the Rome Statute. The Court has been operating for nearly three years. The Rome Treaty has been ratified by 97 countries. Eighteen judges and a prosecutor have been selected. And three investigations are underway.

So far, the ICC's performance has proven the predictions of the Court's sharpest critics to be wrong. These critics were wrong about who would control the Court, wrong about the judges, wrong about the danger of a "politicized" prosecutor, wrong about how the prosecutor would handle cases filed against the United States and Israel, and wrong about what cases he would investigate.

For years ICC critics predicted that "rogue states" like Iran, Sudan, and Syria would dominate the Court. Not one of those states has joined. In fact, of the 50 countries in the world that Freedom House rates as "not free," only 7 are among the 97 parties to the Court. These countries are Afghanistan, Cambodia, Central African Republic, Congo, Guinea, Liberia, and Tajikistan; it would be quite a stretch to argue that any of them is "out to get" the United States through the Court or otherwise. Conversely, 62 of the 91 countries considered "free" by Freedom House are parties to the ICC. The domination of the ICC by "free" and democratic nations allied with the United States is even more pronounced among the Court's judges; in fact, none of these judges is from a country rated "not free" and only 2 of the 18 judges are from countries Freedom House rates as "partly free" (Trinidad and Bolivia).

Even the ICC's harshest critics acknowledge that the Court's parties chose a highly respected, apolitical prosecutor, Luis Moreno Ocampo of

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Argentina, who, among other things, has taught law at Harvard and Stanford. One of his first public acts was to dismiss every complaint filed with the ICC against the United States and Israel as outside the Court’s jurisdiction. The prosecutor has two investigations under way—involving the conflicts in Uganda and the Congo—and he has announced that he will send investigators to the Ivory Coast.³ The Central African Republic has also requested that the prosecutor investigate atrocities within its borders. In these instances, the states themselves invited the prosecutor to undertake his action. Surely this must be considered important, apolitical work.

Toward a Better Policy on the ICC

America’s closest allies do not understand the reluctance of the United States to join them in ratifying the Rome Statute. But the Bush administration, even without ratification, has several reasons to adopt a more constructive and effective policy toward the ICC while maintaining its “wait-and-see” attitude. Such an approach would protect U.S. interests far better than the counterproductive policies of the last four years.

First, the administration needs to recognize an important fact: the provisions of the Rome Statute will be reviewed, and perhaps modified, in 2009. Only parties to the Statute are eligible to participate in its review. This review may involve a redefinition of the ICC’s jurisdiction to include the crime of “aggression.” For this reason alone, the United States has a vital stake in its outcome.

Second, the administration should acknowledge that whatever concerns it still harbors, the ICC has not jeopardized United States interests abroad. On the contrary, the Court has the potential to contribute to United States efforts like those aimed at ending the conflict in Uganda and stabilizing Congo. In fact, it appears that by his launching investigations, the ICC’s prosecutor helped bring the antagonists in Uganda to the negotiating table and encouraged neighboring states to pull their forces out of Congo. Future actions by the ICC might help stop the genocide in Darfur and bring to justice terrorists accused of committing crimes against humanity.

Third, should Washington choose to ratify the Rome Statute, the administration has the option to exempt the United States for a period of seven years from the Court’s jurisdiction over cases involving war crimes. Few ICC critics argue that the Court’s genocide and crimes against humanity jurisdiction are threats to the United States. Rather, the critics’ concerns in the United States have always centered on the Court’s war crimes jurisdiction. If it were to ratify the Rome Statute in 2009 and “opt out” of the Court’s war crimes jurisdiction for seven years, the United States would have until 2016 to evaluate the ICC’s work before subjecting itself to the Court’s war crimes jurisdiction. If the United States is not satisfied that the Court has developed in a positive manner, it can choose

to withdraw from the treaty before that time. In the meantime, the United States will still be able to participate in the review conference in 2009, take part in the selection of future prosecutors and judges, and influence the Court's development in other ways.

President Bush should:

- ▶ *Establish an independent, high-level commission to evaluate the ICC and, by January 2007, make recommendations for United States policy. The commission should have a mandate to recommend whether the United States should join the Court in time to participate in a conference, scheduled for 2009, to review and amend the Rome Statute. Should this commission recommend joining the Court, this timetable would leave the administration more than two years to seek Senate approval to ratify the Rome Statute before the 2009 review conference.*
- ▶ *Sponsor a United Nations Security Council resolution referring the Darfur crisis to the ICC. The United Nations Commission of Inquiry into the Darfur situation has recently strongly recommended "that the Security Council immediately refer the situation of Darfur to the International Criminal Court." The Bush administration has supported ad hoc tribunals created by the United Nations Security Council in the past, and while the ICC does not operate solely under the Security Council, the Rome Statute does provide for such an arrangement. Referring cases to the ICC is preferable to creating new ad hoc tribunals because the Court is available to pursue Security Council mandates with minimal delay and start-up cost. The Bush administration can and should, therefore, view the ICC as a "standing" ad hoc tribunal, and it should introduce a Security Council resolution referring the Darfur crisis in Sudan to the ICC. The Bush administration has labeled the Darfur situation "genocide" and the United States and all the other parties to the Genocide Convention have an obligation to prevent and punish acts of genocide. The Court, due to its limited jurisdiction, cannot investigate Darfur without Security Council action because Sudan is not a party to the Rome Statute.*

ICC action is a useful intermediary step between inaction and sending combat forces. Republican Representative Frank Wolf recently made this point in supporting an ICC referral of the Darfur situation despite his reservations about the Court. "If the [UN] commission [investigating Darfur] recommends sanctions, a weapons embargo and a travel ban on suspected perpetrators, 'and with it was a referral to the International Criminal Court, frankly I would take the deal and go,' Mr. Wolf says. 'It would be better than doing nothing.'" (*Wall Street Journal*, January 17, 2005) Other ICC critics, such as former Bush Justice Department official Jack Goldsmith, have also supported a Darfur referral despite their reservations about the Court.

- ▶ *Announce that the United States will cooperate with the ICC on a case-by-case basis when such participation is clearly in the national interests of the United States.* The Bush administration should also announce that it is willing to cooperate with the Court when it deems this to be in the interests of the United States. The misnamed American Service Members Protection Act includes substantial waiver authorities that permit the administration to cooperate with the Court in certain instances that do not involve United States citizens. If the administration concludes that it needs additional authority to cooperate with the Court, it should seek such authority from the Congress.
- ▶ *Contribute to the ICC's Victims Trust Fund.* Even if President Bush decides not to join the ICC, his administration should support the victims of genocide and other atrocities through the Court's Victims Trust Fund, which is under the direction of, among others, Archbishop Desmond Tutu of South Africa and Queen Rania of Jordan.
- ▶ *Launch a review of United States law to close any gaps or loopholes on war crimes.* The United States justifiably points to its tradition of prosecuting persons accused of war crimes. But changes in United States practices, particularly its increasing use of civilian contractors to carry out military functions, and continuing developments in the law make it advisable to conduct a systematic review of United States law, including the Uniform Code of Military Justice, to ensure that it does not contain gaps or loopholes that are covered by the Rome Statute but not by United States law. The president should immediately order such a review.

Conclusion

Whatever the theoretical merits of the Bush administration's objections to the ICC, these objections have so far failed the acid test of reality. The Court is developing in a responsible, apolitical manner, and it can be an important complement to U.S. policy. Without committing the United States to join the Court, President Bush can craft a policy toward the ICC that will remove the issue as a significant source of controversy between the United States and the world's other democracies while simultaneously enhancing important U.S. policy initiatives.

1. The crime of aggression is included in the Statute, as it was at the Nuremberg trials, but it cannot be applied to any defendant unless and until future negotiations resolve its definition.
2. Remarks at the American Enterprise Institute, November 3, 2003.
3. While the Ivory Coast is not a party to the Rome Statute it used a procedure which allows non-parties to voluntarily request the Court to investigate and take action on situations that arise within their borders.

Help Develop Institutions and Instruments for Military Intervention on Humanitarian Grounds

Anne-Marie Slaughter

Summary

In September 1999, after a decade marred by genocide, ethnic cleansing, massacres, and mass starvation in countries like Bosnia and Herzegovina, Somalia, Haiti, Rwanda, and Serbia, the United Nations Secretary-General Kofi Annan challenged the General Assembly's member nations to define when the international community may and may not intervene to resolve such humanitarian crises. Annan urged the member nations to "reach consensus—not only on the principle that massive and systematic violations of human rights must be checked, wherever they take place, but also on ways of deciding what action is necessary, and when, and by whom."

In the past five years, distinguished scholars and former government officials have laid the conceptual groundwork in international law and politics for a new approach to "intervention for purposes of humanitarian protection." A United Nations High Level Panel has grappled with the humanitarian intervention issue. Many national governments have acquired a clearer understanding of the link between state security and the security of individuals. Nevertheless, millions of people—victims of crimes against humanity as well as individuals suffering the effects of civil conflict, famine, and disease—are in urgent need of decisive government action. For the dead in the latest genocide in Darfur, time has run out.

In its second term, the administration of George W. Bush has an extraordinary opportunity to put humanitarian intervention on a firmer legal footing and create the instruments and institutions necessary to make actual intervention easier and more effective. These actions would demonstrate to the world that the United States cares about fighting both terrorism and genocide.

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President Bush should:

- ▶ *Deliver a major speech affirming that the United States supports the emerging norm of a collective international responsibility to protect populations against genocide and other large-scale killing in cases where individual governments have failed to fulfill their own obligations toward their people.*
- ▶ *Create a commission composed of prominent defense and humanitarian experts from the United States and other NATO countries to examine the feasibility of creating a NATO rapid-reaction force specially trained and ready for intervention in humanitarian crises.*
- ▶ *Endorse the proposal of Canada's Prime Minister Paul Martin for the creation of an informal group of leaders of the G-20 nations, which can, in a timely manner, coordinate diplomacy on urgent international issues and humanitarian crises. The United States should work with the Canadian government to cosponsor the first meeting of this proposed group in tandem with the United Nations General Assembly meeting in September 2005.*
- ▶ *Task the United States national security advisor with reviewing the 2002 National Security Strategy and recommending ways of incorporating into it an emphasis on human security as well as state security.*

Background

Following Kofi Annan's challenge, the Canadian government and a group of major foundations established the International Commission on Intervention and State Sovereignty (ICISS). Composed of a distinguished group of diplomats, politicians, scholars, and nongovernmental experts from around the globe, the ICISS is headed by Gareth Evans, Australia's former foreign minister, and Mohamed Sahnoun, a special advisor to the United Nations secretary-general. In December 2001 the Commission issued an important report, *The Responsibility to Protect*.

The analysis in the ICISS report was based upon the premise that the intense controversy over military protection for humanitarian purposes flowed from a "critical gap" between the immense and unavoidable reality of mass human suffering and the existing rules and mechanisms for managing world order. To fill this gap, the Commission identified an emerging international obligation, which it described as the "responsibility to protect."

The new and bold aspect of the ICISS report is that it places the responsibility to protect upon both the state and the international community. The Commission insists that an individual state has the primary responsibility to safeguard its people. However, when a state fails to meet this responsibility, a secondary responsibility falls on the international community acting through the United Nations. The report

states: “Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect.”

This statement was reinforced recently by the United Nations High Level Panel on Threats, Challenges, and Changes, which was constituted in December 2003 to identify the principal threats to global security and to propose a set of measures to enable the United Nations to respond to them effectively. The former prime minister of Thailand, Anand Parachun, chaired the panel; its members included Gareth Evans, Brent Scowcroft, the former national security adviser to President George H. W. Bush, Sadako Ogata, the former United Nations high commissioner for refugees, Gro Brundtland, the former prime minister of Norway, and other distinguished former officials of the United Nations and national governments. The panel backed the responsibility to protect in no uncertain terms: “We endorse the emerging norm that there is a collective international responsibility to protect, exercisable by the Security Council authorizing military intervention as a last resort, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law which sovereign governments have proved powerless or unwilling to prevent.”

Global leaders must pay equal attention to developing the means to mount humanitarian interventions. One existing institution in need of new direction and another institution still on the drawing board are likely to play critical roles in changing the practice of humanitarian intervention in cases like the genocide that occurred in Rwanda and the genocide now taking place in Darfur. The first is NATO, which was the vehicle for humanitarian intervention in Kosovo and took on important peace-keeping and stability operations in Bosnia and Afghanistan. NATO’s ability to project force around the world, coupled with the legitimacy it derives from the democratic nature of its members and its ability to speak for the North Atlantic community as a whole, make the alliance a natural instrument for humanitarian intervention. NATO is vulnerable, however, to charges that it represents only the West or, at best, advanced industrial democracies.

The second institution would circumvent NATO’s identity problem. This institution would be an informal network drawing its members from the G-20, an existing network of finance ministers from Argentina, Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, Korea, Mexico, Russia, Saudi Arabia, South Africa, Turkey, the United Kingdom, the United States, and the European Union. The G-20 was created after the East Asian and Russian financial crises of the late 1990s to help reform global financial architecture. Canada’s prime minister, Paul Martin, has pushed for the creation of a so-called L-20, which would

“We endorse the emerging norm that there is a collective international responsibility to protect . . . in the event of genocide. . . .”

– UN HIGH LEVEL PANEL
ON THREATS, CHALLENGES,
AND CHANGES

gather the presidents and prime ministers of the G-20 countries in a roughly representative forum for diplomacy at the highest level. The L-20 would serve as a kind of informal economic and security council, allowing leaders to come to agreement on pressing issues in a forum that reflects 65 percent of the world's population and 90 percent of its economic power. China and France have been favorable toward this idea; it is likely that an initial meeting could take place during the autumn of 2005.

The Bush Administration's First Term

The Bush administration has shown a willingness to intervene in practice to help resolve humanitarian crises but has paid very little attention to the formal rules governing humanitarian intervention. The administration had no official reaction to the ICISS report, although recently it has repeatedly referred to the Sudanese government's "responsibility to protect" its own citizens in its responses to questions about its handling of Darfur. Before and during the post-9/11 hostilities in Afghanistan, the administration moved quickly to reach out to humanitarian groups in order to avoid a humanitarian disaster after major combat operations concluded. President Bush deployed United States Marines off the coast of Liberia in an effort to apply pressure that would force an end to that country's civil war and induce West African nations to introduce peacekeepers. Then Secretary of State Colin Powell played a leading role at the United Nations and in Africa trying to resolve the humanitarian crisis in Darfur.

The second Bush administration must demonstrate whether it is willing to help shape a set of rules that will legitimize intervention for humanitarian purposes under specified conditions and make it easier to mobilize such interventions in the international community quickly enough to make a difference on the ground. The administration should appreciate that the establishment of rules governing when the world may intervene for humanitarian reasons would legitimize international responses and increase the probability of action in a way that would relieve the ultimate burden on United States forces. At the same time, the administration should demonstrate to the world that its moral leadership includes not only fighting against the evil of terrorism but also fighting for the victims of mass murder and ethnic cleansing.

Toward a New Policy on Humanitarian Intervention

Had the responsibility to protect been established as a principle of United Nations membership when Saddam Hussein was killing Iraqi citizens with poison gas in the late 1980s, the Security Council would have had the

authority to act against him on that basis alone. Given that the United States took the lead in many instances in pushing for humanitarian intervention throughout the 1990s, and turned to NATO in the case of Kosovo when it appeared that the United Nations Security Council was blocked, Washington would lose nothing by endorsing the principle of a responsibility to protect. Washington would clearly stand to gain by endorsing this principle because it would help spur other UN member states to take timely and effective action—for example, in Darfur today. Since each state must have the capacity to meet its responsibility to protect, the United States can push this principle not only in terms of intervening when a government has failed, but also in terms of working to strengthen a government’s capacity and integrity before it is required to act.

For these reasons, changing the global rules regarding humanitarian intervention would have direct practical benefits to the United States to the extent that they facilitate quick action in response to humanitarian crises and deprive other nations of excuses either for inaction or for blocking the action of nations seeking to intervene for purposes of humanitarian protection. By endorsing humanitarian intervention, the United States would also signal a profound shift in the definition of national and international security to include the security of individual citizens as well as the security of the state as a whole. This shift is ultimately necessary to deal with the threat of terrorism, AIDS, and other challenges the 21st century holds in store.

Revelations in the 9/11 Commission Report about the difficulties United States policymakers had in grasping the extent of the threat al Qaeda posed before September 11, 2001, reveal the continued existence of a Cold War mentality that focuses only on states as the principal actors in the international system. This mindset defines national security and international security only in terms of threats to state security—the survival of entire states. Further, the protection of individuals from violence—human security—has been understood as the province of domestic governments.

It is increasingly obvious that persistent threats to human security within a state merit international engagement. The inability of a state to provide human security for its citizens—for example, when it becomes a failed state—can translate quickly into a threat to other states. A state unable to provide human security for its citizens can become a site for terrorist groups or a breeding ground for radical ideologies that preach violence to individuals who see no other avenue of hope. Alternatively, a government’s attacks on its own people often cause prolonged civil strife that typically results in massive civilian deaths and dislocation. Such disruptions generate large refugee flows that can draw neighboring states into the conflict and create long-term regional instability.

“The inability of a state to provide human security for its citizens can translate quickly into a threat to other states.”

“Protecting the
world’s most
vulnerable
will enhance
U.S. security.”

For these reasons, it makes sense for the administration to uphold a doctrine of intervention for purposes of humanitarian protection as justified on moral, legal, and security grounds. Such a doctrine is only the first step, however. To address humanitarian crises and their fallout effectively, the administration must make it easier to use force on a relatively small scale as quickly as possible. Further, to minimize the need to use force, the administration should create a range of options for taking timely preventive measures together with other nations.

The next several months offer President Bush a window of opportunity to place the United States firmly in the vanguard of an emerging consensus to make it legally and practically possible to protect some of the world’s most vulnerable populations against mass murder, in many cases at the hands of their own governments. Protecting the world’s most vulnerable will enhance U.S. security by entrenching international recognition of the link between a government’s domestic behavior and its potential international threat. The four actions below would help establish an overall legal and conceptual framework for humanitarian intervention and create many of the practical tools necessary to turn global hand-wringing into concrete help for victims of humanitarian crises.

President Bush should:

- ▶ *Deliver a major speech affirming that the United States supports the emerging norm of a collective international responsibility to protect populations against genocide and other large-scale killing in cases where individual governments have failed to fulfill their own obligations toward their people. The president should endorse the work of the International Commission on Intervention and State Sovereignty and the United Nations High Level Panel on Threats, Challenges, and Changes. He should state unambiguously that he believes the responsibility to protect to be a corollary of United Nations membership. And he should call upon other world leaders to follow suit. The president should also task officials in the Department of State and the Department of Defense to work with their counterparts around the world and at the United Nations to begin developing a set of criteria under which intervention would be justified; they should use the ICISS report as a frame of reference and seek Security Council endorsement of such criteria.*
- ▶ *Create a commission composed of prominent defense and humanitarian experts from the United States and other NATO countries to examine the feasibility of creating a NATO rapid-reaction force specially trained and ready for intervention in humanitarian crises. This commission should consider the vital necessity of quick deployment to prevent needless deaths, but it must also be sensitive to the difficulties of using violence,*

including high-altitude bombing, to prevent killing. The commission should also assess the extent to which a NATO force could support interventions by more regionally based troops, such as forces acting under the authority of the Organization for African Unity, the Organization of American States, and the Association of Southeast Asian Nations.

- ▶ *Endorse the proposal of Canada's Prime Minister Paul Martin for the creation of an informal group of leaders of the G-20 nations, which can, in a timely manner, coordinate diplomacy on urgent international issues and humanitarian crises. The United States should work with the Canadian government to cosponsor the first meeting of this proposed group in tandem with the United Nations General Assembly meeting in September 2005.* A flexible, manageable network of representative world leaders can quickly coordinate diplomacy on urgent international issues like humanitarian crises, where a difference of weeks can literally save thousands of lives. The L-20 would be an informal forum driven by personal contacts between the leaders of the United States' closest allies.
- ▶ *Task the United States national security advisor with reviewing the 2002 National Security Strategy and recommending ways of incorporating into it an emphasis on human security as well as state security. The administration should revise its September 2002 National Security Strategy to acknowledge the way in which threats to human security around the world evolve into threats to state security and, ultimately, to United States security. The administration should develop an integrated concept of human and state security and a corresponding strategy to address threats to each in a timely manner.*

Improve Coordination with Allies to Promote Democracy

Ted Piccone

Summary

Leaders of both parties in the United States have recognized that the spread of democracy abroad over the past 15 years has enhanced America's national security. Together with its allies, the United States has helped democracy take root in Central and Eastern Europe and across Africa and Latin America. Unfortunately, however, inconsistent and even counterproductive actions by the United States over the past four years in countries like Iraq, Venezuela, and Haiti have made promoting democracy more difficult. These missteps have given friends of democracy good reason to question the United States' intentions. These actions have also created divisions between the United States and its allies, and democracy's opponents have sought to exploit these rifts.

Since he won re-election in November 2004, President Bush has pledged Washington's support for "effective multilateral action" to promote democracy. In his inaugural address, the president called for a "concerted effort of free nations to promote democracy" as the antidote to tyranny. In striving to fulfill this ambition, the president should start by working with the United States' democratic allies, old and new, to develop a common, consistent strategy to nurture the growth of democracy in priority states by applying diplomatic pressure and providing financial incentives.

President Bush should:

- ▶ *Be consistent in demonstrating the United States' support for democratic reforms in countries around the world.*
- ▶ *Establish a special global fund that will help foster democracy in priority states, and change aid criteria to provide enhanced financial assistance, debt*

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relief, and trade privileges as rewards to countries that implement democratic reforms.

- ▶ *Strengthen the Community of Democracies by, among other things, creating a multinational secretariat and a Democracy Transition Center that would assist democratic reformers in transitional democracies and in authoritarian states.*
- ▶ *Support efforts by the Democracy Caucus to reform the United Nations' human rights system by endorsing criteria for membership on the United Nations Human Rights Commission and by forming a caucus secretariat to coordinate common positions on democracy and human rights issues in United Nations bodies.*

Background

The appearance of new and stronger democratic states around the world is one of the most encouraging developments of the past 20 years. The United States has played an important role in fostering democratic change in these countries. The United States government, for example, supported the creation of international mechanisms to protect Latin American democracies from military coups. It also offered NATO membership as an incentive to Central and Eastern European nations to democratize their security institutions. The United States has provided hundreds of millions of dollars in foreign aid to foster the development of parliaments, free media, and other institutions of civil society around the world. With bipartisan backing, the U.S. government provided rhetorical support for democratic reformers and financial aid for nascent democracies and democracy-building programs. The United States has also supported trade embargoes and other economic sanctions as well as military action against dictatorial regimes. In too many instances, however, the promotion of democracy has taken a back seat to the promotion of “higher order” interests like securing economic and trade advantages and sources of energy, obtaining rights for military bases, defeating the Soviet Union, and, especially now, waging war against terrorism.

The enlargement of the European Union (EU) stands as one of the most successful efforts to encourage democratization. Born out of a long experience with war and persecution, the EU has opened its doors to new democratic states as a way of securing peace and consolidating the continent's democratic, market-oriented regimes. The grand bargain—compliance with EU norms on democratic governance and human rights in exchange for participation in the EU's customs and single currency regime, access to EU markets, and direct financial assistance—has accelerated democratic consolidation throughout Central and Eastern Europe, with prospects for extension as far afield as Turkey. Complementary incentives for states to join NATO if they democratize their security institutions have also played an important role.

“Rewarding
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Despite the positive trends of the past 20 years, including the recent developments in Ukraine, the momentum of democratic change unleashed by the end of the Cold War has diminished. Some newer democracies remain vulnerable to the challenges of globalization and are struggling to improve living standards quickly enough to meet the high expectations of their people. At the same time, autocratic leaders have little incentive to implement political reforms and have thwarted democratic change without paying a political price.

Helping democratic reformers meet these new challenges requires a new paradigm that will reward democratic behavior with preferential benefits, such as enhanced development assistance, trade privileges, and debt relief. Providing this help is not only morally correct, it is also a wise investment. And it will strengthen democratic allies of the United States. Empirical evidence shows that low-income democracies consistently outperform low-income autocracies in terms of economic growth, life expectancy, literacy rates, and access to public health.¹

In June 2000, more than 100 governments gathered in Warsaw to launch the Community of Democracies (CD), a global forum for promoting democracy and human rights. The Warsaw Declaration commits these countries to work together to strengthen democracy at home and abroad. A CD foreign ministers meeting in Seoul resulted in agreement on ways the Community can assist fragile democracies. A Convening Group of ten countries—Chile, the Czech Republic, India, Mali, Mexico, Poland, Portugal, South Africa, South Korea, and the United States—serves as a coordinating body to exchange information and, when invited, to facilitate action to support democratic consolidation. The Convening Group is also responsible for deciding what governments to invite to CD meetings; it makes these decisions based upon a set of democratic principles endorsed in the Warsaw Declaration.

The Community of Democracies can do more to spur multilateral efforts to promote democracy. For example, the Convening Group can do more to negotiate common policies and aid strategies toward countries like Ukraine, which have reached the democratic tipping point, and toward countries like Burma, which suffer illegitimate regimes. To date, however, the lack of a governing structure, funds, and political support have rendered the CD far less effective than it could be. The European democracies and Japan have not put their full weight behind the CD, giving less-enthusiastic states like India and South Africa a chance to water down or block even modest actions.

The CD agreed in Warsaw to organize caucuses and coalitions in existing international organizations to support democracy and human rights. Since then, modest steps have been taken to organize a Democracy Caucus at the United Nations for the purpose of coordinating common positions on democracy and human rights issues before UN bodies. Currently,

membership in the Democracy Caucus is limited to those states invited to the CD ministerial meetings. Chile, which presently chairs the CD process, has sponsored a series of meetings in Geneva and New York to begin exchanging information and crafting common positions on resolutions before the United Nations Human Rights Commission and the United Nations General Assembly.

The Democracy Caucus can become a key forum for mobilizing support for reforming the United Nations' human rights machinery, which has been in crisis for several years. Nondemocratic nations have successfully taken control of bodies like the United Nations Human Rights Commission (UNHRC)—electing Libya as the Commission's chair and, despite the genocide in Darfur, naming Sudan as a member—and aggressively protect each other from external scrutiny by UN bodies and nongovernmental organizations, while democratic states rarely forge a common front.² Unfortunately, the Democracy Caucus's leading members have been unwilling to provide the necessary resources to institutionalize it, and the Community of Democracies, as a permanent coordinating body. This has hobbled both initiatives.

The Bush Administration's First Term

The Bush administration has made the promotion of democracy one of the signature features of United States foreign policy. It deserves credit for speaking out for freedom in the Middle East, Afghanistan, Burma, and Sudan.

After wavering, the Bush administration quietly embraced the Community of Democracies initiative as a mechanism to develop new ways of fostering cooperation to promote democracy. The Department of State has worked diligently, largely behind the scenes, to advance the process by undertaking small projects designed to demonstrate the value of such a global forum. It also played a constructive role in ensuring that governments that clearly failed to meet democratic standards were not invited to Seoul. Another promising step was President Bush's proposal to the United Nations General Assembly to create a United Nations Democracy Fund to assist states that are making progress in respecting universal democratic standards. The UN's Democracy Caucus has strong bipartisan support in the House and Senate and the Bush administration has energetically supported its creation. It is also winning support from other democracies as long as the Caucus is seen as a mechanism for strengthening and reforming the United Nations from within and not as a tool to undercut the world body.

The United States' effectiveness in championing the cause of democracy is threatened by the perception that it is waging its campaign against terrorism at the expense of democratic values and human rights.

“To wage war on terrorism, the administration has overlooked efforts by autocrats to repress democratic change.”

Advancing the cause of free and fair elections, if done in a framework of security and the rule of law, can help resolve conflicts and facilitate social and economic development. But doing so through military force has proven to be counterproductive to the United States’ democracy agenda. It has provoked anger and resentment toward U.S. leadership in the world. And it has diminished United States influence.

The gap between rhetoric and reality has grown wider as the Bush administration has struggled to build alliances to fight terrorism around the world. The occupation of Iraq, the prisoner abuse at Abu Ghraib, and allegations of similar abuse of detainees at Guantánamo have enflamed passions in the Islamic world and Europe and made it more difficult for the president to carry out his “forward strategy for freedom.” Democracy reformers in Arab countries have refused to accept overt United States assistance for fear of being ostracized as agents of a foreign government. The administration’s initial attempts to develop a multilateral effort to promote democracy in the Middle East backfired due to lack of consultation with fellow G8 governments and Arab regimes. It remains unclear whether its efforts will ever succeed.

The gap between high rhetoric and low performance in other regions has also diminished U.S. credibility overseas. In Latin America, the United States chose to back a short-lived military coup in Venezuela in 2002, which crippled its ability to play a constructive role when the deposed president, Hugo Chavez, returned to power. In Haiti, Washington stepped out of the way when armed opponents overthrew the island’s elected president, Jean-Bertrand Aristide, in 2004. The administration has given scant critical attention to the campaign by President Vladimir Putin to consolidate power in Russia by curbing the independence of the country’s press, judiciary, civil society institutions, and regional and national parliaments. And the administration, in a clear trade-off to make it easier to wage the war on terrorism, has chosen to overlook efforts by autocrats to repress democratic change in Pakistan, Azerbaijan, Uzbekistan, and other countries.

Toward an Effective Policy of Spreading Democracy by Improving Coordination with Other Democratic Countries

President Bush has outlined an ambitious second term agenda for helping others “find their own voice, attain their own freedom, and make their own way” in order to protect the national security of the United States.³ The next four years will provide the administration ample opportunity to demonstrate its support for democracy. The president can back his rhetoric with action and work with other democracies to forge common approaches for promoting democracy in countries where it is most

threatened and where it stands the best chance of success. The administration can set a new tone in its relations with the world. It can listen to others and prioritize multilateral strategies for promoting democracy. It can provide diplomatic support, financial assistance, and other forms of direct aid to fragile democratic states and struggling democratic activists in closed societies.

President Bush should:

- ▶ *Be consistent in demonstrating the United States' support for democratic reforms in countries around the world.* The administration should retake the moral high ground by launching a series of actions to demonstrate that it will “do no harm” to the efforts of democratic reformers in fragile states and states with closed regimes. Such a policy requires the United States to condemn publicly and privately the worst violators of human rights, even those it needs to further other U.S. interests. The administration should reward good democratic performers with assistance from sources like the Millennium Challenge Account; and it should cut off discretionary aid to punish autocratic regimes that abuse fundamental human rights. The president should not embrace the despots of Russia, China, Saudi Arabia, Burma, Uzbekistan, Pakistan, and Azerbaijan, who repeatedly undermine democratic principles. The administration should find ways to honor and protect persons who risk their lives promoting democratic reform and human rights in a nonviolent manner.
- ▶ *Establish a special global fund that will help foster democracy in priority states, and change aid criteria to provide enhanced financial assistance, debt relief, and trade privileges as rewards to countries that implement democratic reforms.* The United States should join other countries committed to promoting democracy and offer a coordinated package of economic and trade privileges, including trade preferences, debt relief, and financial aid, to states that demonstrate progress toward democratic consolidation. Development instruments, like the Millennium Challenge Account, should become multilateral and global. The United States should also make common cause with donor countries at the Bretton Woods institutions to tailor financial assistance and development aid so it rewards good democratic performers. The administration should move forward with its allies on its plans to create a Global Democracy Fund at the United Nations. The Community of Democracies, along with representatives from civil society, should serve as the fund's governing board to ensure that genuine democratic reformers receive preferential treatment for development assistance and democracy-building aid.
- ▶ *Strengthen the Community of Democracies by, among other things, creating a multinational secretariat and a Democracy Transition Center that would*

assist democratic reformers in transitional democracies and authoritarian states. The secretary of state should use the CD as the United States' multilateral forum of choice for coordinating political and programming support to transitional democracies. The United States should immediately consult with its democratic allies on ways to institutionalize the CD so that it has the mandate, resources, staffing, and political support to carry out effective strategies for strengthening democracy in priority states. To begin, the secretary should work with our European allies to back Hungary's proposal for a new center to offer support and advice to democratic reformers in closed and open societies. The United States should push for these kinds of concrete results at the CD's ministerial meeting in Santiago in May 2005.

- ▶ *Support efforts by the Democracy Caucus to reform the United Nations' human rights system by endorsing criteria for membership on the United Nations Human Rights Commission and by forming a caucus secretariat to coordinate common positions on democracy and human rights issues in UN bodies.* The United States should consult with its democratic allies to forge a consensus to institutionalize the Democracy Caucus as a standing body for coordination at the United Nations. To be effective, the Caucus should create a secretariat staff responsible for convening meetings, sharing information, and crafting common positions on democracy and human rights issues. In addition, the administration should identify allies who support changing the way the United Nations Human Rights Commission chooses its members. Beyond just encouraging like-minded states to run for regional slots on the commission, the Democracy Caucus should support adoption of criteria that would render ineligible those states that are under United Nations sanctions or which refuse to cooperate with UNHRC decisions.

1. Morton H. Halperin, Joseph T. Siegle, and Michael M. Weinstein, *The Democracy Advantage: How Democracies Promote Prosperity and Peace*, Council on Foreign Relations, Routledge Press (2004).

2. See, for example, "Voting at UN Human Rights Body Shows Little Improvement," Democracy Coalition Project, May 10, 2004, available at http://www.demcoalition.org/pdf/DCP_press_release_2004.pdf

3. Inaugural Address of President George W. Bush, January 20, 2005.

Support Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women

Alexandra Arriaga

Summary

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) provides an international standard for protecting the rights of women, addressing topics as diverse as ending violence, stopping trafficking, and supporting girls' education. CEDAW has been ratified by 179 countries and is supported by a broad, bipartisan coalition in the United States that represents tens of millions of Americans from every state. The United States played an active role in drafting and advocating for the treaty but, along with Iran, Somalia, and Sudan, has yet to ratify CEDAW.

The Bush administration has made promoting global respect for women a focus of its foreign policy. The administration has, for example, expanded its efforts to combat trafficking in women and girls, and to promote economic opportunity and inheritance rights. CEDAW ratification would bolster these and other efforts by sending a strong signal that the United States is committed to helping women become full participants in their societies.

The Bush administration found that the Convention is “generally desirable and should be approved.” By voicing support for CEDAW’s ratification, President Bush could reaffirm the long tradition of U.S. support for human rights and promote global respect for women.

President Bush should:

- ▶ *Express public support for CEDAW by calling for Senate ratification.*
- ▶ *Require United States government reporting on human rights to include CEDAW compliance.*

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Background

CEDAW is the only comprehensive international agreement on the rights of women. The treaty protects the right to be free from violence, receive equal protection before the law, access to education and employment opportunities, access to health care, and the right to participate in political and financial decisions. Experts agree that ratification of CEDAW would not require changes in United States law.

In the United States, more than 190 religious, civic, and community organizations representing millions of members across the country endorse CEDAW. The diversity of supporting organizations spans the AARP, Amnesty International, Business and Professional Women USA, the National Coalition of Catholic Nuns, the National Council of Women's Clubs, the National Education Association, the United Methodist Church, and the YWCA. Every industrialized nation and every country in the Western Hemisphere except the United States has ratified CEDAW; as of October 2004, 179 nations of diverse cultures, religious traditions, and political systems have ratified the treaty.

The United Nations adopted CEDAW in 1979 to help nations combat discrimination against women and end human-rights abuses against women. President Jimmy Carter signed CEDAW in 1980. The treaty was voted out of the Senate Foreign Relations Committee in both 1994 and 2002, but it has never come before the full Senate for a vote.

As with other human rights treaties, countries that ratify CEDAW report periodically on their implementation of the treaty. These reports are received by the CEDAW Committee, a group of experts at the United Nations, which reviews the submissions and offers recommendations for better implementation. CEDAW has spurred the passage and enforcement of laws in many of the 179 countries that have ratified the treaty. For example:

- ▶ Afghanistan ratified CEDAW and included language to promote women's rights in its new constitution of January 2004;
- ▶ Uganda, South Africa, Brazil, Australia, and others incorporated treaty provisions into their constitutions and domestic legal codes;
- ▶ Ukraine, Nepal, Thailand, and the Philippines passed new laws to curb sexual trafficking after ratification;
- ▶ Colombia and Japan made domestic violence a crime and required legal protection for victims after ratification;
- ▶ Turkey, to conform to CEDAW's standards, amended its national laws so that women are no longer required to ask their husbands for permission to work.

These are a few of the many examples that demonstrate the value and positive impact of the treaty. As the leading world power, the United States is in a unique position to hold countries accountable for enforcement of treaty obligations. Ratification would give the United States added leverage with foreign nations to comply with CEDAW and improve conditions for women. Specifically, the United States would be able to nominate a U.S. representative to serve on the CEDAW Committee at the United Nations to review treaty compliance, offer country-specific recommendations for further improving conditions for women, and contribute directly to the international interpretation and implementation of the treaty. Lack of United States ratification makes it easy for other countries to point to U.S. inaction on CEDAW as an excuse for not honoring their own treaty requirements.

The Bush Administration's First Term

During his first term, President Bush underscored the importance of protecting the rights of women while he made the case for war in Afghanistan. He also highlighted the treatment of women as a distinguishing factor separating nations that espouse freedom from those that spread fear and repression.

In his State of the Union address of 2002, President Bush affirmed, "We have a great opportunity in this time of war to lead the world toward the values that will bring lasting peace. . . . We have no intention of imposing our culture. But America will always stand firm for the non-negotiable power of the state; respect for women; private property; free speech; equal justice; and religious tolerance." Then Secretary of State Colin Powell avowed, "We, as a world community, cannot even begin to tackle the array of problems and challenges confronting us without the full and equal participation of women in all aspects of life." These are strong statements, and yet the Bush administration has not used the international legal agreements that are available to help meet this challenge. CEDAW ratification would provide U.S. diplomats with a unique tool to hold countries accountable to their own commitments to uphold the rights of women.

In 2001, the Bush administration sent a letter to the Senate signaling its priorities for treaty ratification. The administration ranked CEDAW in the third of five categories, indicating that CEDAW is "generally desirable and should be approved." The Department of State took the lead in preparing the letter. However, in 2002, the Department of Justice requested the opportunity to review CEDAW and comment on U.S. ratification. Later that year, the administration turned down an invitation to testify about the treaty before the Senate Foreign Relations Committee, citing the need to complete its review on the implications of treaty implementation.

“Ratification would give the United States added leverage with foreign nations to comply with CEDAW and improve conditions for women.”

“The treaty does not seek to intrude into the decisions made within a family, only to ensure that women are not denied legal rights.”

Republican Senators noted the ongoing review as a primary reason for the delay of further Senate action on the treaty. At the UN Commission on the Status of Women in 2004, the administration backed a resolution addressing violence against women that included language in support of CEDAW. Yet the Bush administration has not prioritized ratification, it has not indicated that it has finalized its review, and it lacks a coherent position on the treaty.

As countries move to ratify treaties, they can choose to attach “reservations, understandings, and declarations” as a way to define further the treaty’s provisions and ensure its terms are clear. In the past, the United States has attached reservations, declarations, and understandings to CEDAW that are designed to ensure treaty ratification does not require changes in current U.S. law.

The most frequent concerns that critics of CEDAW cite are that the treaty could possibly condone abortion, force women into armed ground combat, and threaten traditional family roles. These concerns are generally based on misunderstandings of the treaty.

The Department of State’s review found that the treaty supports women’s access to family planning services, but is silent on the issue of abortion. Countries with highly restrictive policies preventing abortion—such as Ireland, Rwanda, and Burkina Faso—ratified CEDAW without reservations or understandings on abortion, and they continue to report on implementation of the treaty. To ensure that there was no doubt on the question of abortion, Senator Jesse Helms attached an understanding to the treaty making clear that nothing in the treaty can be interpreted to provide the right to an abortion.

The treaty makes no reference to women in the military or women in combat. To be absolutely clear on its interpretation of the treaty, the United States attached a reservation stating that the United States is not obligated to place women in all units—such as combat units—of its armed forces. Where the CEDAW Committee has focused on women in the military, it has examined, for example, the consequences of not having women in various arenas of the military, such as in decision-making councils and in negotiations of peacekeeping and peacemaking efforts.

On issues of family, the treaty seeks to ensure that women have the same rights as men to enter freely into marriage, seek divorce, choose a name, or pursue an occupation and that women receive equal treatment before the law as parents and guardians of their children and as legitimate property owners. The treaty does not seek to intrude into the decisions made within a family, only to ensure that women are not denied legal rights.

In addition to the reservation and understanding cited above, the United States has attached reservations to make it clear that the United States is

not obligated to legislate equality in the private sector, to mandate paid maternity leave, and to ensure comparable worth (a concept of equal pay for work of equal value that may be broader than current U.S. law).

The U.S. understandings specify that no restrictions will be made to freedom of speech, expression, or association to the extent protected under the U.S. Constitution; that CEDAW implementation will occur in a manner consistent with state and federal jurisdiction; that the United States will determine any health care services for women that should be provided for free and that such services will not automatically be mandated by U.S. ratification; and that the CEDAW Committee is advisory in nature and its recommendations are nonbinding.

Finally, the U.S. declarations clarify that the treaty is not self-executing (that it does not establish new obligations outside of U.S. law) and specify the process for any dispute resolution between the U.S. and any other government. The current set of reservations, understandings, and declarations are comprehensive and should alleviate any concerns about the treaty's requirements.

Toward a New Initiative for Ratifying CEDAW

There have been great advances in the last decade in addressing the rights of women internationally and in integrating issues affecting women into U.S. policy. The broad spectrum of domestic support for CEDAW and the diversity represented by 179 ratifying nations demand that the United States give renewed attention to the treaty and move to make U.S. ratification of CEDAW a priority.

The Bush administration will need to build sustained Senate support for CEDAW ratification. The president should offer his full support for ratification, and his administration should improve understanding about the benefits of CEDAW based on the experiences of other countries.

President Bush should:

- ▶ *Express public support for CEDAW by calling for Senate ratification.* The Senate has occasionally requested a letter from the administration ranking the government's priorities for treaty ratification. At a time when the United States is working to advance women's status in Afghanistan, Iraq, and elsewhere, the Bush administration should upgrade the priority status for CEDAW ratification, from a category three to a category one.
- ▶ *Require U.S. government reporting on human rights to include CEDAW compliance.* The Department of State provides annual reporting on

human rights around the world, including conditions affecting women. Specifically, the Country Reports on Human Rights Practices and the Trafficking in Persons Report should include information on actions countries take to integrate CEDAW provisions into their laws and practices as a way to address the human rights of women and end human trafficking. In addition, the report entitled *Supporting Human Rights and Democracy: The U.S. Record* should include information on U.S. government initiatives and actions designed to advance the rights of women, citing the CEDAW provisions that apply.

Conclusion

Millions of women across the country and around the world would view United States ratification of CEDAW as formal recognition of the legitimacy of their human rights and as a commitment to helping women become full participants in their societies. Ratification would provide the United States a powerful mechanism to enforce women's rights internationally and would also serve as a tool to help communities across the nation support the protection of the rights of women around the globe. To the world community, U.S. ratification of CEDAW would signal that the United States considers the rights of women to be integral to human rights in general and that the United States is committed to reaffirming the long tradition of U.S. support for international human rights agreements and for women worldwide.

Extend and Reinforce American Leadership of the Multilateral Response to HIV/AIDS, Tuberculosis, and Malaria

Anil Soni

Summary

The administration of President George W. Bush has shown unprecedented support for the global fight against AIDS, tuberculosis, and malaria. The effectiveness of this support can be improved by extending United States leadership of the multilateral response.

President Bush should:

- ▶ *Support an appropriation of at least \$1.1 billion for the Global Fund to Fight AIDS, Tuberculosis, and Malaria for fiscal year 2006 (FY06).*
- ▶ *Ensure adequate support in the FY06 appropriation for multilateral organizations providing technical assistance to developing countries to fight the three diseases.*
- ▶ *Task the Office of the Global AIDS Coordinator with aligning bilateral policies for drug procurement with international standards, rather than FDA-based requirements.*
- ▶ *Beginning immediately, exclude from new free-trade agreements any “TRIPS-plus” provisions that restrict full access to generic medicines needed to fight the three diseases.*

Background

In wealthy countries, infectious diseases and other easily preventable illnesses cause only 6 percent of all death and disability. In developing countries, where about 85 percent of the world’s people live, these diseases and illnesses account for 44 percent of all death and disability.

Anil Soni is founding executive director of Friends of the Global Fight.

“President
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and malaria.”

AIDS, tuberculosis (TB), and malaria highlight the inequities of disease burden and access to care. These three diseases killed six million people in 2004 alone. Half of these deaths were due to TB and malaria. The grim statistics on HIV/AIDS make it clear why in June 2003 then Secretary of State Colin Powell called this disease “more destructive than any army, any conflict, any weapon of mass destruction.” Forty million people are living with HIV/AIDS around the world. In Africa today, only 8 percent of the more than four million people who need AIDS treatment to survive are receiving it. In Swaziland, two in five adults are infected. But these numbers pale in comparison to projections of the toll the disease will exact in the next five years. New HIV infections will number 45 million, and AIDS is expected to orphan 25 million more children.

And yet AIDS, TB, and malaria can be prevented and treated, and TB and malaria are wholly curable. The science and tools exist to fight back effectively and affordably—to save lives, to stimulate development, and to reinforce global security.

Adequate funding is critical to this response. According to the World Health Organization (WHO) and UNAIDS, a total of \$25 billion is needed from all sources in 2007 to effectively finance a comprehensive international response to the three diseases. This is a fivefold increase from the \$5 billion made available in 2003. Improving the global response will require combining adequate funding with accountable leadership, technical assistance, and research and development. A greater challenge, not addressed here, is to strengthen the health care systems necessary to deliver services. Africa, for example, must double its number of skilled health care workers by 2010, even as increased mortality and severe “brain drain” bleed the vast continent’s countries of physicians and nurses.

The Bush Administration’s First Term

President George W. Bush has shown unprecedented leadership in the global fight against AIDS, TB, and malaria. In 2001, President Bush made the founding pledge to create the Global Fund to Fight AIDS, Tuberculosis, and Malaria, which has been chaired for the last two years by Health and Human Services Secretary Tommy Thompson. The United States remains the largest donor to the Global Fund and was instrumental in its early development. As a result, the Global Fund is independent of the United Nations; its funds are based on technical review and results; it relies upon partnerships with the private sector; it gives half of its money to nongovernmental organizations; and it is transparent about its grants and performance.

The administration extended funding for the global fight with an historic commitment of \$15 billion over five years, made by President Bush in his 2003 State of the Union address. The Office of the Global AIDS

Coordinator oversees all funding and the management of a bilateral program focused on the 15 countries hardest hit by the pandemic, mobilizing the resources of U.S. agencies to mount an emergency, hands-on response. The bilateral program has worked with multilateral organizations to agree on common frameworks for monitoring and evaluation of grants and for local management of programs. Its policies also allow recipients to use generic medicines to fight AIDS, though this is conditional, for bilateral grants, upon international manufacturers receiving regulatory approval by the Food and Drug Administration (FDA).

A third hallmark of the administration's leadership was its proposal for an international consortium to coordinate vaccine research and development, the Global HIV Vaccine Enterprise. Launched at the 2004 G8 summit in Sea Island, Georgia, this global partnership will help to increase and coordinate the use of resources for vaccine research.

Toward Better Policies to Extend American Leadership

Despite these clear strides forward, the administration's leadership of the multilateral response to AIDS, tuberculosis, and malaria is the subject of some criticism. The administration has argued rightly that the American taxpayers' money should be used responsibly. Greater investment should match proven results. Medicines should be safe and effective. Research and development by the pharmaceutical industry should be promoted. The Bush administration can improve its leadership of the global fight against these diseases in ways that are consistent with these standards.

The Global Fund — The administration can do more to support the Global Fund financially. In 2005, the Global Fund's need is roughly \$2.3 billion. Yet the administration requested only \$200 million for FY05. By contrast, Congress has specified previously that the Global Fund could receive up to \$1 billion (one-third of the \$3 billion authorized for FY04), so long as donations by the United States do not exceed 33 percent of total contributions. Over the past three years, Congress has increased final allocations to the Global Fund beyond the \$200 million requested by the administration: \$323 million paid in FY03, \$459 million paid in FY04, and up to \$435 million available for FY05.

In FY06, the Global Fund needs \$2.4 billion simply to renew existing grants that are performing well and \$1 billion for a fifth round of proposals already underway. An additional round of grants in 2006 may require an additional \$1 billion. A 33 percent U.S. share of even the minimum confirmed need totals \$1.1 billion, and this should be reflected in the FY06 appropriation, consistent with a 1:2 ratio to the pledges of other donors for 2006.

The Global Fund's track record of performance justifies greater support. After an average of 12 months of grant implementation, Global Fund recipients have treated 385,000 people for tuberculosis, reached 300,000 more with third-generation malaria treatment, and distributed almost 1.4 million insecticide-treated bed nets. Global Fund grants and U.S. bilateral programs in the 15 focus countries together ensured that 240,000 people living with HIV received access to AIDS treatment in 2004. Greater impact will accompany steady grant progress, with an additional \$1 billion expected to be disbursed in 2004. Also, U.S. contributions have successfully leveraged other donors. Through 2004, every \$1 from the United States has been matched by more than \$2 from others.

Greater investment in the Global Fund would additionally enhance the American commitment to fight TB and malaria. U.S. bilateral funding to fight TB and malaria has remained modest, and the administration's FY06 budget request seeks no more than was appropriated in FY02. By contrast, 44 percent of the Global Fund's current grant volume (\$3 billion across 127 countries) is for TB and malaria programs. By giving more to the Global Fund, the administration can significantly increase overall U.S. funding of the fight against TB and malaria.

Technical assistance — The recent expansion of grant funding for AIDS, TB, and malaria programs has not yet been matched with adequate international support for the technical assistance necessary to make the best use of these resources at the country level. Global Fund recipients rely on technical support from bilateral and UN agencies to enable grant implementation. The administration provides substantial technical assistance through its bilateral programs and should provide adequate funding to UN agencies to do the same.

For example, the WHO's funding shortfall in 2004 of \$40 million undercut some of the support needed to achieve the target of placing three million people on AIDS treatment by the end of 2005. The WHO is one of 10 agency cosponsors of UNAIDS, which collectively enable a multisector response to the pandemic. Support for countries' fight against TB and malaria draws on the efforts of the Stop TB and Roll Back Malaria partnerships. The former includes the Global Drug Facility (GDF) and the Green Light Committee (GLC), which facilitate the procurement of high-quality and affordable drugs to treat TB and multi-drug resistant TB (MDR-TB). Countries rely on Roll Back Malaria to update malaria treatment protocols, to expand the use of long-lasting bed nets, and to encourage the proper use of insecticides to counter the spread of infectious mosquitoes. In the FY06 appropriation, the administration should support an appropriate share of the resource requirements facing these multilateral partners. WHO, Stop TB, and Roll Back Malaria, for example, face a combined need of roughly \$400 million in 2006, and the United States should do its part to meet this need with other donors.

Drug Procurement — The President’s Emergency Plan for AIDS Relief (PEPFAR) relies on FDA approval rather than the WHO’s system to pre-qualify medicines to fight AIDS, TB, and malaria as a requisite for bilateral grants. The Government Accountability Office (GAO) has concluded that as a consequence bilateral recipients must rely on a more limited set of antiretrovirals, which are generally higher in price than the medicines available through other initiatives, such as the Global Fund. The lack of consistency in policy guidelines is also one reason that all U.S. field staffers interviewed by the GAO cited coordination challenges as the chief impediment to implementation of the bilateral program. The administration should align its policies for bilateral grants with international standards.

The WHO’s prequalification system is intended to facilitate drug procurement and link it to clear and simplified treatment protocols. Accordingly, a developing country is guided to a first-line AIDS treatment regimen consisting of only two pills per day at a cost of as little as 40 cents. The efficacy of products prequalified by the WHO has been proven by the clinical response of hundreds of thousands of patients using them, as reported consistently in peer-reviewed scientific journals. The WHO standard has been endorsed by other donors and the Global Fund. Moreover, included among the manufacturers of the roughly 50 products prequalified so far are several patent-holders, signaling their endorsement of both the standard and the use of generics to fight AIDS, tuberculosis, and malaria in resource-poor settings.

In January 2005, the FDA approved the first generic formulation for use in U.S. bilateral programs. While this is a welcome development, the process should still be aligned with the WHO standard. Maintaining a parallel standard risks increased costs and inefficiency as bilateral programs look to the FDA for approval of international generic formulations for medicines necessary to treat opportunistic and sexually transmitted infections, and to fight TB and malaria.

Trade Policy — Generic competition and pricing concessions by manufacturers that hold pharmaceutical patents are credited for lowering the annual cost of antiretroviral therapy from \$15,000 to \$150 in just five years. Patent and other intellectual property rules determine when generic competition can commence and ensure that pricing and sales of originator products are not undermined in high-income countries.

In 1995, the World Trade Organization (WTO) concluded an Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS), which sets out minimum standards for intellectual property protection that all WTO members must meet. In 2001, WTO members unanimously adopted the groundbreaking “Doha Declaration,” which reaffirmed some of the key flexibilities in the TRIPS Agreement, including compulsory licensing and parallel importation. Many countries have started to make use of TRIPS

“U.S. trade policy should enable developing countries to import generics to fight these diseases.”

flexibilities to promote access to affordable medicines, including generics.

Critics, however, argue that the Bush administration has undermined the ability of countries to implement the Doha Declaration, principally by attempting to restrict the scope of diseases covered by the Declaration and by negotiating regional and bilateral free-trade agreements containing “TRIPS-plus” intellectual property provisions that go beyond those required in TRIPS.

U.S. trade policy should enable developing countries to import generics to fight these diseases. Other donors share the administration’s concern that generics not encroach upon the markets of patent holders. The European Commission has passed legislation that can minimize this risk (see Council Regulation (EC) No 953/2003 of 26 May 2003). No data exists to suggest that sufficient volumes of these products are being diverted to undermine pharmaceutical markets, despite the availability of generics for more than five years.

President Bush should:

- ▶ *Support an appropriation of at least \$1.1 billion for the Global Fund for fiscal year 2006.* The United States should meet one-third of the Global Fund’s minimum need for the renewal of existing grants in 2006 and the cost of one new round of grants. The administration should also signal to international donors that the United States is committed to providing 33 percent of the Global Fund’s income so long as the Global Fund can match this amount 2-for-1 by contributions from other donors and continues to meet specific performance targets.
- ▶ *Ensure adequate support in the FY06 appropriation for multilateral organizations providing technical assistance to developing countries to fight the three diseases.* The United States should meet a fair share of the resource requirements facing the WHO, UNAIDS, Roll Back Malaria, and the Stop TB partnership. Compared with the programmatic financial needs facing PEPFAR and the Global Fund, these requirements are modest, and they represent a critical, complementary investment in technical assistance that will enable and accelerate the use of both bilateral and multilateral grant proceeds at the country level.
- ▶ *Task the Office of the Global AIDS Coordinator with aligning bilateral policies for drug procurement with international standards, rather than FDA-based requirements.* If necessary, alignment with the international WHO prequalification standard should be accomplished by strengthening the WHO process to ensure its full compliance with FDA standards of safety and efficacy, so the United States can rely on this standard in lieu of the

current FDA-based requirements. Alignment with this common standard will make drug procurement and distribution more cost-effective and will reinforce the normative role that can and must be played by the WHO in the global response to these diseases.

- ▶ *Beginning immediately, exclude from new free-trade agreements “TRIPS-plus” provisions that restrict full access to generic medicines needed to fight the three diseases.* New free-trade agreements should not include provisions that extend patent terms beyond 20 years, allow for second-use patents, provide five years or more of exclusive protection over pharmaceutical test data, link marketing approval of drugs with patents status, or limit compulsory licensing. The administration should also amend any TRIPS-plus agreements already signed or ratified and instruct the United States Trade Representative and its contractors to provide unbiased technical assistance to help developing countries employ the flexibilities of TRIPS.

Conclusion

American leadership of the global fight against AIDS, TB, and malaria is already laudable in its magnitude and scope. The administration should continue to support bilateral programs to fight these and other diseases as well as research and development to pioneer new therapeutics and preventative technologies. In addition, the administration should seize the opportunity to extend and reinforce its leadership of the multilateral response to these three diseases.

Reassert U.S. Leadership on Women's Health and Human Rights

Adrienne Germain

Summary

There is a broad global consensus that improving the health and human rights of women is a critical priority. Improving women's health will mean more than enhancing the lives of individuals. Effective new women's health initiatives will make a significant contribution to alleviating poverty, promoting global economic progress, and ensuring international stability.

In its second term, the Bush administration has an opportunity to play a leadership role in accelerating global cooperation on women's health and human rights, especially in slowing the advance of HIV/AIDS.

President Bush should:

- ▶ *Galvanize global support for the UNAIDS "ABC-Plus" approach to combating the HIV/AIDS pandemic and support the work of the Global Coalition on Women and AIDS.*
- ▶ *Order the State Department to form a bipartisan, expert team to review the controversy surrounding the United Nations Population Fund (UNFPA) with the aim of restoring United States funding for UNFPA.*
- ▶ *Sign the World Leaders Statement in Support of the International Conference on Population and Development (ICPD) and fully fund the United States' financial commitments established at the ICPD for fiscal 2006.*
- ▶ *Provide \$10 million to support the UN Development Fund for Women (UNIFEM), the Trust Fund in Support of Actions to Eliminate Violence Against Women, and the World Health Organization's multicountry study on violence against women.*

Adrienne Germain is president of the International Women's Health Coalition.

- ▶ *Reaffirm the commitment of the United States to women's health and human rights at key international conferences scheduled for 2005.*

Background

Over the past four decades, investments aimed at improving health worldwide have been highly successful, particularly with regard to health issues involving women and children. Globally, life expectancy has increased by 50 percent and infant mortality has declined, though the HIV/AIDS epidemic has reversed positive trends in the most-affected countries in sub-Saharan Africa. Delivery of reproductive health services has contributed to the positive global trend. Over a 30-year period, contraceptive use has increased worldwide from 10 percent of couples to 60 percent. The average number of children born to women in developing countries has declined from six to three. These gains have resulted, in part, from persistent efforts by the United States, which has developed bilateral and multilateral assistance programs, and from effective implementation of global policy agreements.

In 2004, the world marked the 10th anniversary of the bedrock global agreement for women's health and human rights: the Programme of Action from the 1994 International Conference on Population and Development (ICPD) in Cairo. The ICPD agreement was adopted by 179 nations, and the United States played a leadership role. The ICPD's "rights-based" reproductive-health approach fundamentally revised existing international population policies and redirected resource flows. Instead of focusing primarily on delivery of contraceptive services, the Programme of Action takes a broader view, focusing on health, human rights, equality in education, economic opportunity, and social participation for women.

Unfortunately, the HIV/AIDS pandemic has become increasingly "feminized" and is threatening to reverse some of the improvements posted in women's health over the past 40 years. In 1997, women accounted for 41 percent of the people living with HIV/AIDS; today, about half of the 40 million people living with HIV/AIDS are women. Half of all new infections occur among young adults (ages 15 to 24). Further, 75 percent of young people living with HIV/AIDS in the heavily affected countries of sub-Saharan Africa are female. In sub-Saharan Africa, 60 percent of people living with HIV/AIDS are women, and in many countries the prevalence among girls is 4-7 times higher than among boys. In addition, women face the anguish of mother-to-child transmission of the virus.

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Violence against women is a health issue of epidemic proportions, one that the Bush administration has identified as an important priority. Approximately one in every three of the world’s women will suffer some kind of violence in her lifetime, including rape, beating, and trafficking into domestic or sexual servitude, or harmful practices such as female genital cutting and acid burning. Violence also increases maternal and child mortality. The World Bank estimates that violence against women kills and harms as many women of reproductive age as cancer and exacts a greater toll on women than traffic accidents and malaria combined. The UN Development Fund for Women (UNIFEM) is in a unique position to support regional and multinational responses to the problem of violence against women. In addition, UNIFEM has the ability to speak directly with governments and with local communities and grassroots women’s organizations.

The Bush Administration’s First Term

The Bush administration has been active in efforts that affect women’s health and human rights, including initiatives related to the HIV/AIDS pandemic, UNFPA funding, the ICPD, and key international policy dialogues.

The President’s Emergency Plan for AIDS Relief (PEPFAR): In 2003, the administration proposed and won congressional approval of a five-year, \$15-billion plan to help alleviate the impact of HIV/AIDS. This plan focuses on 15 key countries in Africa and the Caribbean as well as Vietnam. PEPFAR devotes substantial resources to HIV/AIDS treatment and includes funding for prevention efforts, one-third of which are earmarked for abstinence-until-marriage programs. In addition, the U.S. government supports HIV/AIDS efforts in many other countries through bilateral programs, particularly USAID, and through various multilateral agencies.

Withholding Funding from UNFPA: After initially funding, supporting, and requesting help from UNFPA in Afghanistan, the Bush administration abruptly cut off UNFPA funding in July 2002. The administration decided that UNFPA’s operations in China are violating the Kemp-Kasten amendment, which has, since 1985, prohibited funding for organizations that “support or participate in the management of a program of coerced abortion or involuntary sterilization.” The administration’s decision was contrary to the recommendations of its own expert panel, which went to China to investigate UNFPA activities. This expert panel concluded that UNFPA does not “support or participate in the management of” coercive Chinese practices. Nevertheless, during fiscal years 2002, 2003, and 2004, the administration withheld contributions to UNFPA totalling \$93 million, which represent more than 10 percent of the agency’s budget.

Controversy over UNFPA has divided the Congress and distanced the United States from the rest of the world for many of the past 20 years. Opponents of UNFPA funding argue that the agency undermines human rights in China. Proponents argue that UNFPA is the primary voice in China advocating for voluntary family planning and against coercive practices. Both sides agree that China's approach violates international standards of human rights. But the current United States policy has not only failed to make a positive impact upon the situation in China; it has produced a negative impact elsewhere in the world. Specifically, the cutoff in United States funding has reduced the delivery of UNFPA services to impoverished people in the 140 other countries where the agency operates.

ICPD Implementation: During a series of intergovernmental meetings in 2004, the United States urged other governments to adopt language that would have weakened the ICPD Programme of Action. The United States cited concerns that the Programme of Action could be construed as an endorsement of abortion. In the end, the United States' proposals were not accepted, and the United States joined the consensus in reaffirming the ICPD in the UN General Assembly on October 14, 2004.

The administration, however, refused to sign the World Leaders Statement in Support of the ICPD, which reaffirms the agreed international framework for women's health and rights. More than 100 heads of state as well as Nobel laureates and distinguished leaders from business, religion, science, and development signed the statement.

The Bush administration said it had refused to sign the statement because it was concerned that the statement's reference to the concept of sexual rights had not been defined internationally and went beyond the ICPD agreement. The concept of sexual rights, however, has been sufficiently defined in the ICPD's Programme of Action and, more specifically, at the Fourth World Conference on Women in 1995. The centerpiece of sexual rights is the right of an individual to consent in sexual relations, that is, the right of every individual not to be forced into sexual activity. The World Leaders Statement, therefore, is a reaffirmation of an international agreement the administration has said it supports.

Programs for advancing key aspects of the ICPD Programme of Action are funded through USAID's Global Health Division. Adjusted for inflation, funding for population and family-planning programs was stagnant over most of the Bush administration's first term. Similarly, maternal health funding remained constant over the administration's first-term, and child-survival funding increased only slightly.

“We must ensure that women can choose marriage, decide when and with whom to have sex, and successfully negotiate condom use.”

—PETER PIOT

UNAIDS EXECUTIVE DIRECTOR

Toward a Better Policy on Women’s Health

There are several reasons why adjustments to United States policies can have a greater positive impact on women’s health and human rights worldwide.

First, experts in the reproductive-health, human-rights, and HIV/AIDS-prevention fields are realizing that halting the spread of HIV/AIDS to women and girls will require an approach that is broader than the epidemiological approaches attempted so far. Conventional epidemiological approaches, such as blood-safety programs and work with drug users, sex workers, and other core group transmitters, do not protect the vast majority of women and girls. For example, faithfully married women are vulnerable to philandering husbands, violence, and sexual coercion.

In his World AIDS Day message on December 1, 2004, UNAIDS Executive Director Peter Piot said that “prevention methods such as the ‘ABC’ approach—Abstinence, Be faithful, and use Condoms—are good but not enough to protect women where gender inequality is pervasive. We must ensure that women can choose marriage, decide when and with whom to have sex, and successfully negotiate condom use.”

Second, it is clear that the controversy in the United States over the UNFPA’s operations in China is a surmountable obstacle and that overcoming it will pay significant dividends in the 140 other countries where the UNFPA operates.

Third, experts agree that implementation of the ICPD would address many of the key socio-economic, political, and health factors that place women at risk of HIV infection. The comprehensive ICPD approach includes numerous priorities that the Bush administration has embraced. These priorities are political and economic. They focus on improving educational opportunities for women and girls, upholding universally recognized human rights, providing essential health services, and protecting the health of mothers and newborns. Moreover, the ICPD agenda will advance implementation of the Millennium Development Goals, which will be reviewed at a UN Summit in September 2005. By fulfilling its fiscal 2006 funding commitments established at the ICPD, the United States will demonstrate its support for improving the availability and quality of reproductive health care, reducing maternal mortality and morbidity, preventing feminization of the HIV/AIDS epidemic, closing the gender gap in basic and secondary education, and advancing women’s economic and social rights.

Fourth, three useful UN initiatives aimed at addressing violence against women on a global basis can have a significant impact on this crucial problem:

- ▶ UNIFEM provides financial support and technical assistance to innovative programs to secure women's basic human rights and gender equality throughout more than 100 countries. UNIFEM has led efforts to protect women's rights and expand their opportunities across the UN system.
- ▶ The Trust Fund in Support of Actions to Eliminate Violence Against Women was created by the UN General Assembly in 1996 to address violence against women. It is the only multilateral, grant-making mechanism that supports local, national, and regional efforts to combat violence against women.
- ▶ The WHO has undertaken a unique multicountry study on violence against women that not only is greatly expanding the database, but also has created valid and reliable research methodologies. The multicountry study at the WHO can be expanded to include other countries and to examine various forms of intervention, including their costs and efficacy.

Fifth, the Millennium Development Goals (MDGs) themselves offer a critical opportunity to advance the cause of women's rights. In September 2005, the UN General Assembly Summit will review progress toward achievement of the MDGs, which include fundamentally the same goals as the ICPD agreement, as well as those of the 1995 Fourth World Conference on Women in Beijing. At the ten-year review of the Beijing agreement in March, over 100 governments unanimously adopted a political declaration which emphasized that "the full and effective implementation of the Beijing Declaration and Platform for Action is essential to achieving" the MDGs.

President Bush should:

- ▶ *Galvanize global support for the UNAIDS "ABC-Plus" approach to combating the HIV/AIDS pandemic and support the work of the Global Coalition on Women and AIDS.* The administration should mobilize international support for a global effort to redefine the global HIV/AIDS policy paradigm in order to reduce feminization of the epidemic, sex discrimination in access to health services, and violations of HIV-positive women's reproductive rights. As a first step, the administration should announce its support for the "ABC-Plus" approach articulated by UNAIDS and for the recommendations of the Global Coalition on Women and AIDS. The administration should provide additional financial support for the work of the Coalition. In its bilateral and multilateral assistance programs, the administration should work to develop approaches that effectively protect and serve women and girls outside core group transmitters.

- ▶ *Order the State Department to form a bipartisan, expert team to review the controversy surrounding the United Nations Population Fund (UNFPA) with the aim of restoring U.S. funding for UNFPA.* The review effort should seek to establish a policy that will achieve bipartisan support in the United States Congress as well as support internationally for concrete strategies to reduce coercive family planning practices in China and enable United States participation in UNFPA. The State Department should articulate specific steps that the administration will pursue, together with the international community, to reduce the incidence of coercive practices by the Chinese government in the arena of reproductive health and rights.
- ▶ *Sign the World Leaders Statement in Support of the International Conference on Population and Development and fully fund the U.S. commitments established at the ICPD for fiscal 2006.* Building on its reaffirmation of ICPD last October, the administration can send a signal to the international community by signing the World Leaders Statement in Support of the ICPD, which reaffirms the agreed international framework for women's health and rights. Likewise, the president should agree to fund the United States' share of resource commitments to the ICPD as his proposed budget moves forward.
- ▶ *Provide \$10 million to support UNIFEM, the Trust Fund in Support of Actions to Eliminate Violence Against Women, and the World Health Organization's multicountry study on violence against women.* The United States should commit at least an additional \$10 million to support these multilateral initiatives, distributed appropriately across the three. The United States currently provides only \$1 million to UNIFEM and contributes nothing to the Trust Fund.
- ▶ *Reaffirm the commitment of the United States to women's health and human rights at key international meetings scheduled for 2005.* Improving women's health and human rights—including a zero-tolerance policy for violence against women and support for equal economic and social opportunities for women—should be central components of the United States' efforts at these meetings. Leadership from the United States can make a major contribution to forward progress on saving women's lives, protecting families, and strengthening nations.

10 Meet the Challenge of Climate Change with U.S.-EU Cooperation

Philip Clapp

Summary

Climate change is an issue of the highest priority for the future well-being of the United States, its European allies, and the world. The science of climate change has convincingly shown that man's ever-increasing emissions of heat-trapping gases are raising atmospheric temperatures and that these rising temperatures can have potentially devastating consequences.

Despite frequent and consistent warnings from the scientific community, in 2001, the Bush administration chose to withdraw the United States from the cornerstone of the international effort to curb emissions-induced climate change: the Kyoto Protocol. This withdrawal placed a strain upon the Atlantic alliance. The EU responded by mounting an extraordinary effort to save the Kyoto Protocol, making even EU support for Russia's accession to the World Trade Organization contingent upon Moscow's ratification of the Protocol. As a result of Russia's ratification on November 4, 2004, the Kyoto Protocol took effect across most of the world on February 16, 2005, and will remain in force until 2012. Efforts in the EU countries to galvanize action on climate change have not ceased. President Bush's closest foreign ally, Prime Minister Tony Blair of Great Britain, has designated climate change as one of two priority agenda items for his presidency of this July's G8 Summit and for Britain's upcoming EU presidency.

President Bush's second-term actions on climate change will be a high-profile test of whether he is serious about dealing with the devastating potential of atmospheric warming and about addressing the rift in the Atlantic alliance over what to do about the problem.

Philip Clapp is president of the National Environmental Trust.

President Bush should:

- ▶ *Announce that the United States will join negotiations scheduled to begin in November 2005 on a successor agreement to the Kyoto Protocol.*
- ▶ *Propose that a new climate-change treaty be completed by 2007 and use this year's G8 Summit to seek agreement on a timetable for this new treaty.*
- ▶ *Urge Congress to pass the Climate Stewardship Act (S.139), proposed by Senators John McCain (R-AZ) and Joseph Lieberman (D-CT), before the November UNFCCC negotiations.*

Background

Twice in the past 15 years the international community has negotiated agreements to curb the greenhouse-gas emissions that are driving changes in the world's climate.

The first of these agreements was the United Nations Framework Convention on Climate Change (UNFCCC), which the United States ratified in October 1992 only after the Convention's binding emissions-reduction requirements were eliminated at the insistence of President George H.W. Bush. After pressing for a further revision of the UNFCCC, the Clinton administration agreed to the Kyoto Protocol in 1997. Under the Protocol, 36 industrialized nations agreed to binding emissions reductions averaging 5.2 percent below 1990 levels. The industrialized nations' reductions were to have been achieved by 2008-2012; developing nations were to join in emissions reductions at later dates.

As a concession to the United States, the EU agreed that reductions could be achieved by taking advantage of market forces through a global permit-trading system rather than solely by a mandated regime of policies and measures for all industrialized countries. This permit-trading system was designed to allow the developed countries to receive credit toward their emissions-reduction targets both by achieving direct emissions reduction at home and by making lower-cost investments in emissions-reduction projects in other developing countries. Thus, for example, a United States utility company might finance a wind energy project in a developing country, avoiding the construction of new carbon-emitting power plant there, rather than making costlier emissions reductions at its own U.S. facilities.

The Bush Administration's First Term

When President George W. Bush took office in 2001, the Kyoto Protocol's overall framework had already been set, but a large number of major issues had yet to be negotiated. In March 2001, the president abruptly

announced that his administration would not participate in talks to complete the Protocol and would discourage Japan and Russia from participating. The Bush administration's attempts to thwart completion of the Kyoto Protocol ultimately failed, and the other UNFCCC parties achieved a final agreement at a special session in July 2001. Only four of the 36 industrialized nations that were party to the UNFCCC have not ratified the Kyoto Protocol; they are the United States, Australia, Lichtenstein, and Monaco. Russia's ratification in November 2004 satisfied the legal requirements to bring the treaty into force.

The Kyoto Protocol had two primary goals: to establish a worldwide system for reducing greenhouse-gas emissions and to achieve some actual, though modest, reductions. Without United States participation, the Kyoto Protocol will be far less effective than it could have been in achieving the projected reductions. This is because, with only 6 percent of the world's population, the United States accounts for 25 percent of world greenhouse-gas emissions, and its total emissions continue to grow.

Toward a Better Climate-Change Policy

President Bush sought to justify his withdrawal from the Kyoto Protocol by arguing that the science of climate change was too uncertain to justify mandatory emissions reductions and that the Protocol would put the United States at an economic disadvantage because the agreement did not subject major developing countries like China and India to binding emissions reductions.

Now, at the beginning of 2005, the president has good reasons to revise his position.

First, new scientific studies—some of them requested by the Bush administration—have only added to the mountain of compelling evidence that human-induced atmospheric warming is already having serious effects. The Arctic Climate Impact Assessment, released November 9, 2004, is the most-recent example. Commissioned in 2000 by the United States and seven other nations with territory in the Arctic, the study found that human-induced warming is severely affecting the far north and has expanded the melting zone of Greenland's two-mile-high ice sheet by 16 percent since 1979. This study projects that, by 2070, the Arctic ice cap will melt almost completely during the summer. Both phenomena will have serious impacts worldwide, and the shrinking of Greenland's ice sheet will raise sea levels and thereby endanger heavily populated coastal communities.

Second, the president can now move beyond the Kyoto Protocol to shape an agreement he regards as more equitable and effective. This is because the United States, the European countries, and international

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environmental NGOs all know that it is no longer feasible for the United States to achieve the Kyoto Protocol's 2008–2012 emissions-reduction targets. This opens the door for the president to engage in the development of a new framework.

Third, there are now growing constituencies—even within the president's own party—for action. The Republican-controlled House of Representatives (2002) and the Senate (2002 and 2003) have both passed resolutions calling upon the president to return to the international negotiating table on climate change. Business support for action has also grown substantially. Utilities companies accounting for nearly 40 percent of the nation's generating capacity now support domestic legislation to cap carbon emissions. Finally, there is growing support among major religious groups for action. The United States Conference of Catholic Bishops has called for the United States to participate in a binding international agreement on climate change and for domestic emissions reductions. The National Association of Evangelicals has also called on the president to implement mandatory emissions reductions.

President Bush should:

- ▶ *Announce that the United States will join the negotiations scheduled to begin in November 2005 on a successor agreement to the Kyoto Protocol. The Kyoto Protocol expires in 2012. The parties to the UNFCCC will begin negotiations in November on a successor agreement that will set emissions-reduction targets to be achieved between 2012 and 2016. The upcoming negotiations provide the president with an opportunity to develop a position on reasonable emissions-reduction targets for the United States and appropriate participation by China, India, and other developing nations. The Bush administration is not alone in its desire to address the latter issue; EU environmental ministers have already indicated their intention to begin discussing this crucial problem with key developing countries. A shift in the United States posture on climate change would improve the president's negotiating position with European leaders as he seeks greater cooperation on Iraq, Iran, the Israeli-Palestinian conflict, and a host of other international issues.*
- ▶ *Propose that a new climate-change treaty be completed by 2007 and use this year's G8 Summit to seek agreement on a timetable for this new treaty. The summit's president and host, Prime Minister Blair, has made climate change one of two principal agenda issues. President Bush will find himself sitting across the table from seven other leaders whose nations have ratified the Kyoto Protocol. If the president shows up with no major policy proposals, his differences with the rest of the world will be magnified, not minimized. He should propose that the G8 leaders set a goal for completing a new climate-change agreement in 2007 and jointly present that timetable as a proposal to the 11th*

Conference of the Parties to the UNFCCC, the first negotiating session on a new climate-change treaty, which is scheduled to take place in November 2005.

- ▶ *Urge Congress to pass the Climate Stewardship Act (S.139), proposed by Senators John McCain (R-AZ) and Joseph Lieberman (D-CT), before the November UNFCCC negotiations.* Clearly, one of the president's principal objectives in negotiating a new international climate-change agreement will be to gain the participation of major developing nations like China and India. Any progress with developing countries is likely to remain beyond reach, however, unless the United States demonstrates a good faith effort to reduce its own greenhouse-gas emissions. Having walked away from the Kyoto Protocol, the United States must show developing nations that it is serious about reducing emissions at home before it demands reductions from them.

The president should call for enactment of the McCain-Lieberman bill, which is a modest first step that sets a target of reducing emissions in the United States to 2000 levels by 2010. This target would leave emissions in the United States nearly 20 percent above the level called for in the Kyoto Protocol; but it would halt further growth in U.S. emissions and establish a domestic cap-and-trade permit system similar to the one coming into use internationally. The bill applies only to major emitters in the manufacturing, utility, and transportation fuels sectors, which account for more than 60 percent of U.S. emissions, and imposes no reduction requirements on agriculture or small businesses.

The McCain-Lieberman bill already commands substantial congressional—and Republican—support. In its first Senate vote in October 2003, the bill won the backing of 43 senators, including Richard Lugar (R-IN), chairman of the Foreign Relations Committee, and seven other Republicans. More than 140 members of the House, among them 19 Republicans, have cosponsored legislation calling for mandatory domestic carbon emissions limits. Support from the president would make passage of the legislation achievable in 2005, before the start of a new round of international climate-change negotiations.

Conclusion

During President Bush's second term, his administration will face challenges that can only be met successfully with international cooperation. By returning to the international negotiating table on climate change and by supporting a modest first step toward reducing domestic emissions, the Bush administration would go a long way toward signaling that it is seeking to renew cooperative relationships and repair critical alliances.

“The United States must show that it is serious about reducing emissions at home before it demands reductions from developing nations.”

Strengthen Coordination of U.S. Development Assistance with the Millennium Development Goals

Jamie Drummond

Summary

At a special session in 2000, the United Nations General Assembly unanimously adopted the Millennium Development Goals, a set of targets aimed at reducing poverty in the world's poorest countries. One of the aims of the Millennium Development Goals was to establish a uniform set of benchmarks so development partners could work toward the same ends and donors could streamline and harmonize their programs, improve mechanisms to deliver measurable results, and reduce wasteful duplication.

The Bush administration reaffirmed U.S. support for the Millennium Development Goals in March 2002. The administration has greatly increased United States spending directed at reducing poverty in the poorest countries, and it has established the Millennium Challenge Corporation, a mechanism to administer the distribution of U.S. development assistance to those countries whose governments rule justly, invest in their people, and encourage economic freedom. But there has been insufficient coordination of United States assistance programs aimed at contributing to the achievement of the Millennium Development Goals.

In the next year, President Bush can take steps to focus United States and international efforts upon meeting the Millennium Development Goals, especially in Africa where the challenge of overcoming poverty is most vexing.

President Bush should:

- ▶ *Pledge at the upcoming G8 Summit and United Nations Millennium Summit that the United States will do its fair share to help achieve the Millennium*

Jamie Drummond is executive director of DATA – Debt, AIDS, Trade, Africa.

Development Goals. Direct the Millennium Challenge Corporation to focus on the Millennium Goals with a greater sense of urgency, and coordinate its assistance around the benchmarks described in the Millennium Goals.

- ▶ *Finalize an implementation strategy for the proposal by the United States and United Kingdom for 100-percent multilateral debt cancellation, and increase grants to poor, debt-ridden, but otherwise well-governed countries through the International Development Association (IDA), the World Bank's development finance mechanism.*
- ▶ *Commit the United States to policies that harness international trade toward alleviating poverty by working through this year's World Trade Organization negotiations to eliminate rich-country agricultural subsidies and trade policies that undermine efforts in developing countries to achieve the Millennium Development Goals.*
- ▶ *Improve coordination of the various components of United States development policy, and consider creating a cabinet-level position to coordinate development efforts.*

Background

The Millennium Development Goals are a set of time-bound, quantified targets for improving the state of human development in a country or region. The Millennium Development Goals have specific quantitative targets in eight broad areas: eradicating extreme poverty and hunger; achieving universal primary education; promoting gender equality and empowering women; reducing child mortality; improving maternal health; combating HIV/AIDS, malaria, and other diseases; ensuring environmental sustainability; and developing a global partnership for development.

The United States and 188 other countries have adopted the Millennium Goals, and if they are achieved, 500 million people around the world will be lifted out of extreme poverty, 350 million will have access to safe drinking water, and 30 million children will not die needlessly before their fifth birthday. Developing countries have agreed to work toward reaching these goals by 2015. Wealthier countries have agreed in principle to support these efforts through increased and improved development assistance, debt relief, and trade reform.

Although skeptics contend that the Millennium Development Goals are unachievable, many regions of the world are making good progress toward achieving them. In South and East Asia today, there are 200 million fewer people living in extreme poverty (people living on less than \$1 a day) than there were in 1990. North African countries have substantially reduced poverty. Primary school enrollment is now over 90 percent in Latin America and the Caribbean.

“Five hundred million people lifted out of poverty means 300 million no longer suffering or dying from hunger.”

Some regions, however, are far off track. Sub-Saharan Africa is the area least likely to meet the Millennium Goals: currently, 23 countries there are failing in half or more of the goals, and another 12 do not have enough data to be assessed, leaving only about 10 countries on track to meet half or more of the goals. Achievement of these poverty-reduction goals is possible, but sub-Saharan Africa will need specific, concerted efforts and support to make this possible. In addition, combating HIV/AIDS is a precondition to achieving the Millennium Goals, given the high mortality rate, especially among teachers and nurses, in many parts of the region.

The justification for achieving the Millennium Development Goals is overwhelming in pure humanitarian terms: 500 million people lifted out of poverty means hundreds of millions more women and girls going to school and more than 300 million people no longer suffering or dying from hunger. It is also important to note that poverty reduction and fighting AIDS have been linked to U.S. national security interests, especially since poor, fragile states can become fertile breeding grounds and havens for terrorists. Achieving the Millennium Goals will provide alternatives to the fundamentalist Islamic schools, or madrassas, in South Asia and the Middle East, and will provide opportunities and positive directions for the millions of orphans raising themselves in sub-Saharan Africa.

To fulfill its commitments to help poor countries reach these goals, the United States should provide greater development assistance, support 100 percent debt cancellation, and implement trade policies that enhance opportunities for developing countries to earn their own resources. While progress has been made in providing bilateral debt relief for the poorest countries, burdensome multilateral debts remain. Trade policies have been tweaked to provide limited opportunities for countries in Africa and other regions, but large subsidies continue to cause these countries to be inundated with low-priced agricultural imports. Such imports limit the ability of poor countries to profit from trade and undermine the impact of increases in development assistance dollars.

Developmental assistance, debt cancellation, and trade policies must be components of a coordinated policy framework focused on achieving the Millennium Development Goals. Currently, different agencies of the United States government manage these efforts because there is no single, cabinet-level position dedicated to ensuring development policy and objectives. Creation of such a position would facilitate the coordination of efforts toward achieving the Millennium Goals and help orient them around a common strategic framework.

The Bush Administration's First Term

In the past four years, the Bush administration launched several initiatives that have provided an excellent foundation for achieving the Millennium Development Goals. These programs—the Millennium Challenge Corporation, the Emergency Plan for AIDS Relief, the proposal for up to 100 percent debt relief for the poorest nations, the African Growth and Opportunity Act, and support for increased grants from the international financial institutions—are an excellent set of proposals to reinvigorate development practice and policy.

The Millennium Challenge Corporation, for example, channels additional resources to those countries that have already proven they have the ability to direct resources to their people efficiently and effectively. Such a mechanism can propel qualified countries toward achievement of the Millennium Development Goals, and their progress would be an incentive for other countries to take steps to qualify for the Millennium Challenge Corporation's grants. Lack of coordination, however, makes these initiatives seem piecemeal. And United States agricultural subsidies and other policies threaten to undermine progress toward meeting the Goals by, for example, undermining the economies of West African cotton-producing nations.¹

Toward a Better Policy on the Millennium Development Goals

As the Bush administration begins its second term, it has an opportunity to use the Millennium Development Goals to coordinate U.S. programs and initiatives with the programs and initiatives of other nations. The administration endorsed the Millennium Development Goals at the Financing for Development Summit in Monterrey in 2002, and President Bush referred to the Goals in a speech before the Inter-American Development Bank in the same year. Since then, however, the administration has not given the Millennium Development Goals sufficient attention. Current United States policies have still not been coordinated around a strategy for reaching the Goals.

Achieving the Millennium Development Goals will eventually require scaled-up assistance. But in the immediate term, repackaging, refocusing, and fully financing existing programs will lead to progress toward achieving the Goals.

President Bush should:

- ▶ *Pledge at the upcoming G8 Summit and United Nations Millennium Summit that the United States will do its fair share to help achieve the Millennium Development Goals. Direct the Millennium Challenge Corporation to focus on*

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the Millennium Goals with a greater sense of urgency, and coordinate its assistance around the benchmarks described in the Millennium Goals. U.S. bilateral development assistance to the poorest nations must expand considerably beyond current levels. President Bush’s Millennium Challenge Corporation can spearhead the Millennium Goals’ drive and complement other multilateral initiatives. The Millennium Challenge Corporation, which appropriately reflects the Monterrey summit’s focus on the Millennium Goals, should now be linked more clearly to those goals and should become a premier financing mechanism for qualifying countries’ own efforts to achieve the Millennium Goals. To do this, the Millennium Challenge must also accelerate the rate at which it disburses funds to and signs compacts with partner countries. The administration should scale up the Millennium Challenge to the promised \$5 billion level and beyond, even as it continues and expands existing bilateral and multilateral assistance. Simultaneously, the administration should fund one-third of the total need of the Global Fund to Fight AIDS, TB and Malaria; other donors would be better able to plan their contributions if the administration were to signal this intention before the Global Fund’s next donors conference.

- ▶ *Finalize an implementation strategy for the proposal by the United States and United Kingdom for 100-percent multilateral debt cancellation, and increase grants to poor, debt-ridden, but otherwise well-governed countries through IDA, the World Bank’s development finance mechanism. For many countries, the profligacy of generations past, combined with unanticipated leaps in interest rates, consigned today’s leaders to a set of intractable choices. Today, interest on distant loans crowd out the most pressing investments in health and education, drastically impeding progress toward the Millennium Development Goals. By erasing the IMF and World Bank debt of those heavily indebted poor countries that have clear, accountable plans for achieving the Millennium Goals, the international community could relegate vicious cycles of defensive lending to the past, and build the foundation for more sensible grant-based policies in the future. The wisdom of this course is becoming more and more evident, as witnessed by the February 2005 G7 finance ministers’ statement calling for up to 100 percent of multilateral debt relief. A World Bank or IDA debt-reduction and grants program can in part be financed by a robust IDA-14 replenishment, involving substantial increases in IDA resources from its donors, including the United States. IDA debt reduction can also be financed by use of World Bank reserves. The IMF debt reduction program can be financed through managed gold sales so that there is no impact on gold prices.*
- ▶ *Commit the United States to policies that harness international trade toward alleviating poverty by working through this year’s World Trade Organization negotiations to eliminate rich-country agricultural subsidies and trade*

policies that undermine efforts in developing countries to achieve the Millennium Development Goals. It is important to revise unfair trade rules so that developing countries have a level playing field in international trade. Developed nations should stop subsidizing the production and exportation of cotton, sugar, and other commodities and thereby allow developing regions to profit from their comparative advantage in the production of these goods. Exports from developing regions should be allowed access to markets in developed countries. The escalating tariff structure on higher value-added products must be removed, as it retards the growth of small industries in developing countries and unnecessarily keeps these countries mired in poverty.

- ▶ *Improve coordination of the various components of United States development policy, and consider creating a cabinet-level position to coordinate development efforts.* The United States Agency for International Development (USAID), the main mechanism of U.S. development assistance, has been overburdened with bureaucracy and conditionality. The Bush administration has also chosen to house new initiatives, such as the Emergency AIDS plan and the Millennium Challenge Corporation, outside USAID due to ambivalence toward the agency. These decisions have served to further fragment United States foreign assistance efforts. Fourteen different government agencies are now responsible for development financing and policy. The United States should see the Millennium Development Goals as an opportunity to bring these different programs under a unified strategy. Of the so-called pillars of national security—defense, diplomacy, and development—only one, development, does not enjoy a seat in President Bush’s cabinet. One way to ensure focused, comprehensive, and effective development policy is to create a cabinet-level post to address these issues.

Conclusion

The president has rightly said that there are no “second class citizens in the human race.” The spring meetings of the IMF and World Bank, the July G8 “Africa” Summit, the UN Millennium Summit in September, and the WTO Ministerial Conference in December are all key moments in 2005 at which a more focused U.S. strategy can be presented to the public and to global development partners. Now is the time to make the Millennium Development Goals a reality.

1. The U.S. farm bill currently provides subsidies to U.S. farmers that foster overproduction of agricultural products which are then sold in poor country markets at artificially low prices, making it impossible for farmers in these countries to export and sometimes to even compete in their own markets.

Fulfill the Promise of the Millennium Challenge Corporation

Lael Brainard

Summary

The achievements of President George W. Bush's first term include, significantly, the creation of the Millennium Challenge Corporation (MCC), a mechanism the United States is developing to administer assistance to those countries in which governments rule justly, invest in their people, and encourage economic freedom. The president promised to commit an additional \$5 billion annually to this bilateral development assistance program, targeting poor countries committed to political and economic reform.

As President Bush enters his second term, he faces the challenge of making sure the MCC fulfills its promise. This will require fully funding and implementing the MCC, and coordinating its activities with other United States government programs as well as other bilateral and multilateral programs. Through the MCC, the administration can play a leading role in helping the world's poor onto a developmental path that will provide sustained growth and democratization.

President Bush should:

- ▶ Provide critical field support and technical assistance to MCC-eligible countries to kick-start the grant proposal process.
- ▶ Develop a world class monitoring and evaluation system for MCC grants to ensure the accountability that is central to the MCC's success.
- ▶ Implement the MCC's Threshold Program, which supports countries that nearly missed qualifying for MCC funding, and do so in a timely manner in order to spur political change in those countries.

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- ▶ *Fully fund the MCC and make the case for congressional support through faster and stronger implementation.*
- ▶ *Improve coordination of the MCC, at a policy level and in the field, with both multilateral and bilateral donors and with other United States government entities.*

Background

This should be a moment of extraordinary promise for the world's poor. The resources and knowledge exist to combat deadly disease, sustain economic growth, develop clean energy, and ensure broad access to education, clean water, and basic health. Over the past several decades, some areas of the developing world have witnessed impressive improvements. Today, for example, more people than ever live free of hunger, fear, and want; in the 1990s, China alone lifted 150 million people out of extreme poverty. And yet, tragically, too many countries have seen reversals in key indicators of survival. These reversals reflect the scourge of HIV/AIDS, of civil conflict, and of states that are failing their own people.

The past few years have seen the creation of new U.S. foreign aid programs and an expansion of foreign aid resources unprecedented since the Cold War. Over the last four years, foreign assistance has grown by \$3 billion to \$26.6 billion, an increase of roughly one-eighth. Relative to its income, however, the United States still spends far less on development assistance than any other wealthy nation. At its Cold War peak, United States official development assistance was 0.44 percent of GDP; today, it is a mere 0.15 percent—far below the average of donor nations, which is 0.41 percent of GDP.

Needs are projected to increase sharply in the future. The mid-range of external estimates of the cost of achieving the United Nations Millennium Development Goals, including efforts to combat HIV/AIDS, show the need for an increase of \$65.6 billion in development assistance globally during the next decade. This estimate implies an increase of more than \$20 billion for the United States, if the country assumes a burden in proportion to its share of global income.

In March 2002, President Bush announced his intention to request an additional \$5 billion per year over current assistance levels, which—if fulfilled—would amount to a doubling of United States bilateral development aid, the largest increase in decades. (Bilateral development aid accounts for roughly one-fifth of overall foreign assistance, which also includes multilateral contributions, bilateral security assistance, postconflict assistance, and humanitarian aid). The administration subsequently recommended the creation of an independent agency to

“The MCC could be an important catalyst for political change in those countries that nearly miss eligibility on one or two indicators.”

allocate funding on the basis of four core principles: quantitative eligibility criteria that measure a country’s commitment to “governing justly, investing in people, and encouraging economic freedom,” recipient country design and implementation of development programs, flexible and large-scale grants, and accountability based on performance benchmarks. The MCC was welcomed as a rare opportunity to create a new blueprint for distributing and delivering aid effectively and a critical chance to improve the image the United States presents to people in poor nations around the world. Three years later, it is vital that the United States deliver on this promise.

The Bush Administration’s First Term

The Bush administration created the MCC from scratch rather than use the existing United States Agency for International Development. The administration did so in order to pioneer an innovative and potentially more effective approach to aid. Because of this ground-up approach, however, the MCC has been slow to get off the ground. Two and a half years after it was first announced, the MCC had yet to announce its first grant, and had hired a staff of only 63 out of 200 planned positions. As a result, funding for the MCC is less than \$2.5 billion in fiscal 2004 and fiscal 2005. This leaves a shortfall of over \$2.5 billion in the first two years. The president’s request for \$3 billion in fiscal 2006—in the unlikely event that it is fully funded by Congress—means an additional shortfall of \$2 billion relative to the original commitment for the third year.

Getting the program up to scale requires accelerating the grant proposal and review process as the pool of eligible countries expands. It requires establishing early success stories. It requires developing strategies to help countries that nearly miss eligibility to address policy deficiencies. And it requires ensuring that funding approaches the levels originally promised. The MCC must start from a strong foundation if it is to improve the effectiveness of development aid.

As several outside observers argued forcefully during Congressional examination of President Bush’s MCC proposal, the MCC could be an important catalyst for political change in those countries that nearly miss eligibility on one or two indicators. Congress put a high priority on this imperative, reserving up to 10 percent of annual MCC funding—or \$100 million in fiscal 2004—for these so-called “threshold” countries. The funding for this Threshold Program was to be administered in partnership with USAID. Unfortunately, the MCC so far has not shown the same level of commitment as Congress to taking on the challenge of transformational development in the threshold countries. It announced the list of threshold countries five months after MCC eligibility had been determined, instead of announcing both simultaneously. The MCC qualified a smaller number of countries (7) than should technically be

eligible under the stated criteria (12) and designated only 40 percent (\$40 million) of the available amount for the Threshold Program—less than \$6 million per country. Moreover, the MCC has provided no clear idea of how the Threshold Program will operate.

The MCC has contributed to duplication and overlap rather than rationalizing the U.S. government's existing structure of delivering developmental aid. The Bush administration inserted the MCC along with other new foreign assistance initiatives into an already confusing maze of United States government entities. Each of these entities has a separate institutional home as well as a distinct internal logic and strategic objectives. The current landscape of overlapping agencies and objectives is at best inefficient and at worst counterproductive, and there is an acute need for an overarching management structure. For instance, the MCC now operates in a number of countries that have ongoing USAID missions with virtually identical strategic objectives.

There is also virtually no coordination between United States development assistance programs and other development instruments such as trade policy, investment policy, and debt relief, which often work at cross purposes to U.S. development assistance and trump it in importance. For instance, it would be natural for Mali to apply to the MCC for infrastructure and research support for its key agricultural export sector, cotton, but this would be pointless so long as United States cotton subsidies continue to depress prices on world markets. Despite this vital link, the head of the MCC is not party to the policy process that governs United States cotton subsidies, where the Department of Agriculture and the Office of the U.S. Trade Representative are key players.

Toward Fulfilling the MCC's Promise

It is critical that the MCC realize its full potential for transforming U.S. development policy and improving the standing of the United States in the international community. Although the international community welcomed President Bush's announcement of the MCC's creation, both multilateral and bilateral donors have subsequently voiced disappointment that the MCC may be yet one more instance of the United States taking a go-it-alone approach.

With like-minded majorities in the Senate and House, President Bush has an opportunity in his second term to transform U.S. development policy and structures. If the administration puts in place the necessary organizational structure, the MCC could become the cutting edge in a broad and sustained transformation. If the administration fails to make such broad changes, however, it risks allowing the MCC to become just another pot of money with its own idiosyncratic objectives and criteria alongside a plethora of existing United States programs.

Both the administration and Congress have devoted enormous attention to the criteria that countries must satisfy in order to be eligible for MCC funding. Less attention has been devoted to the MCC's other critical design elements. As a result, these details are only slowly being worked out, and this has diminished the potential for both fundamental innovation and support for full funding. Several of these design elements deserve special attention.

President Bush should:

- ▶ *Provide critical field support and technical assistance to MCC-eligible countries to kick-start the grant proposal process.* One important problem that needs to be addressed is inadequate technical and field support for countries developing grant proposals. With virtually no MCC field staff, and with USAID field staff barred from providing support, MCC-eligible countries must depend on sporadic visits by Washington-based MCC staff for guidance on a host of critical questions. These include the civil society consultation requirements, the types of investments that might be eligible for MCC support, the technical requirements for grant proposals, and the funding modalities. It is still unclear, for example, how grants might be used for infrastructure financing and investment funds. As a result, the grant proposal process has been slow; as of January 2005, nearly three years after the program was first announced, the MCC had not approved its first grant. This delay in disbursements poses a real danger of substantial cuts to the MCC's funding in fiscal 2005 and lasting erosion in future funding. While the MCC management is right to take whatever time is needed to ensure grants meet high quality standards, the absence of field support and technical assistance for the grant proposal process was a foreseeable obstacle and should be corrected as soon as possible.
- ▶ *Develop a world class monitoring and evaluation system for MCC grants to ensure the accountability that is central to the MCC's success.* Monitoring and evaluation have not received the design attention they deserve. Ultimately, the success of the MCC model hinges on recipient ownership and accountability. The MCC is intended to replace the input- and process-based evaluations traditionally utilized by USAID with performance benchmarks that are "contractually" agreed ex ante. While appealing in principle, making such benchmarks operational is difficult and requires more thorough consideration. For example, the majority of projects are likely to target social, health, and education outcomes affected by multiple factors, and impact cannot be captured through simple financial metrics. There are some innovative approaches for evaluating outcomes, such as randomized trials, which are newly being applied in the field. Unfortunately, it is unlikely that the MCC's small staff of 63 has the depth or capacity to promote real

innovation; and it is likely that the MCC will contract out monitoring and evaluation to the private sector service providers in a business as usual manner. Going forward, it would be well worth putting greater emphasis on innovation in this critical function.

- ▶ *Implement the MCC's Threshold Program, which supports countries that nearly missed qualifying for MCC funding, and do so in a timely manner in order to spur political change in those countries.* Implementation of the Threshold Program has lagged severely, which is inconsistent with the intent of Congress. Well into the second year of the program, it remains unclear whether threshold countries are eligible to apply for grants and in what form, whether MCC or USAID will be the prime grant administering agency, and how the priority policy gaps will be addressed—whether through MCC funding directly or through policy conditionality. These questions need urgent answers.
- ▶ *Fully fund the MCC and make the case for congressional support through faster and stronger implementation.* As noted above, the long delay in funding grants has led to cuts in funding for the MCC relative to what was originally promised. The president's fiscal 2006 budget request is fully \$2 billion short of the original commitment. Following the release of the fiscal 2006 budget, the MCC website recently weakened the president's pledge to increase funding for the MCA to \$5 billion a year from "starting in FY06" to "in the future." It is now quite possible that the MCC will fall short of the \$5 billion target indefinitely. Getting the program up to scale quickly is vital in order to capitalize on the current administration's strong sense of ownership and the broad congressional support the MCC currently enjoys. The MCC must earn full funding by accelerating implementation and demonstrating the effectiveness of the approach it is pioneering.
- ▶ *Improve coordination of the MCC, at a policy level and in the field, with both multilateral and bilateral donors and with other United States government entities.* The promise of the MCC will not be realized fully unless the administration and Congress grapple with the larger development policy environment in which it operates. Already, the administration has squandered some of the international goodwill it generated with its announcement of the MCC by failing to consult with other donors on program design and by developing its own idiosyncratic system of eligibility criteria. Instead of helping to solve the problems of donor coordination that have been highlighted as a critical obstacle to aid effectiveness, the United States is exacerbating them by increasing the complexity of its aid programs and through anemic participation in multilateral coordination efforts, such as the World Bank-led Poverty Reduction Strategy Papers process.

“Getting the MCC up to scale quickly is vital in order to capitalize on the administration's strong sense of ownership.”

Conclusion

The announcement of the MCC was welcomed as a rare opportunity to create a new blueprint for distributing and delivering aid effectively, increase significantly U.S. development assistance flows, and improve the image the United States presents to people in poor nations around the world. Three years later, it is vital to deliver on the MCC's promise by strengthening implementation, coordination, and funding, and by realizing the transformational potential for other U.S. development assistance programs and for threshold countries.

Promote Broader Budget Transparency Abroad

Pamela Gomez

Summary

Good governance in every country requires budget transparency—a government’s complete disclosure of all relevant fiscal information in a timely and systematic manner. Budget transparency ensures that members of the public can participate in a meaningful way in the processes that set policy and budget priorities. Transparency is essential for ensuring the delivery of quality public services, for decentralizing government, and for promoting community-led development. Transparency is especially critical for countries with economies heavily dependent upon extractive industries like oil, natural gas, and mining.

The Bush administration was not substantially engaged in promoting budget transparency during its first term in office. But the president’s second term presents a critical opportunity for the United States to lead the way. Budget transparency is vital both to the United States’ national interests and to the well-being of hundreds of millions of people around the world.

President Bush should:

- ▶ *Require all United States representatives to the World Bank, the International Monetary Fund (IMF), and other international donor agencies to use their authority to ensure that public access to key budget documents is a component of all country-assistance and poverty-reduction strategies.*
- ▶ *Instruct the Securities and Exchange Commission and other relevant regulatory agencies to impose mandatory disclosure requirements for all payments—including taxes, fees, royalties, and signature bonuses—that oil, natural gas, mining, and other natural-resource extraction companies listed on the exchanges in the United States make to governments and public officials in each country where they operate.*

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“Civil society has drawn attention to the need for further transparency in countries dependent on extractive industry revenues.”

► *Work to make transparency in the extractive industries a precondition for all lending and other assistance by the World Bank, regional development banks, and export-credit agencies.*

Background

Over the past decade, the global movement toward more democratic and accountable government has led to increased public interest in government budgets. A country’s budget documents should allow the public to evaluate fully a government’s policy intentions, its policy priorities, and their implementation. Budget documents should also show the public their fiscal positions and any risky financial activities. Public access to a comprehensive set of budget documents is essential for ensuring that the government is financially accountable and that civil society can participate fully in debates about policy trade-offs and priorities.

The international financial crises of the late 1990s drew the attention of the international community to the importance of budget transparency. The United States encouraged the IMF to respond by establishing a voluntary program in 1999 to guard against future crises by assessing the adherence of member countries to its Code of Good Practices on Fiscal Transparency. The Organisation for Economic Cooperation and Development (OECD), an intergovernmental forum with 30 members that develops legally binding standards as well as best practice recommendations on important economic and social issues, also issued guidelines spelling out the information that governments should disclose routinely in public budget documents at the national level in the OECD Best Practices for Budget Transparency.

More recently, civil society organizations have drawn attention to the need for further transparency in countries heavily dependent upon revenues produced by extractive industries such as oil, natural gas, and mining. In 2001, civil society groups formed the Publish What You Pay coalition to highlight the importance of revenue and contract transparency to ensure good governance in countries rich in natural resources. The Publish What You Pay coalition advocates that the United States require companies whose securities are traded publicly on United States exchanges to disclose all payments made to governments and government officials in each country where they operate. It also calls for transparency in the extractive industries to be made a condition of all lending, development, and technical assistance programs by the IMF, World Bank, and regional development banks, as well as credits and guarantees provided by export-credit agencies.

In 2002, Prime Minister Tony Blair of the United Kingdom established the Extractive Industries Transparency Initiative (EITI). Led by United

Kingdom's Department for International Development, EITI is a voluntary initiative designed to increase transparency through the use of reporting templates verified by a committee of interested parties. Kyrgyzstan became the first country to release a report under the EITI in October 2004; it provided aggregated revenue figures involving gold-mining projects in the country. Several other countries are in the process of implementing the EITI, including Azerbaijan, the Democratic Republic of Congo, Ghana, and Nigeria. Peru, Sao Tome and Principe, and Trinidad and Tobago are currently involved in negotiations to adopt the initiative.

The World Bank, IMF, and European Bank for Reconstruction and Development have all publicly endorsed the EITI. The World Bank has established a trust fund to help build capacity to implement and monitor revenue transparency. The World Bank is also providing assistance in developing the EITI reporting frameworks and has initiated an independent assessment of its activities in the extractive industries, the Extractive Industries Review. The management response to the review in September 2004 made some commitments to revenue transparency, although lack of clarity regarding the specific nature of these commitments has raised concerns.

The IMF has also taken a voluntary approach to promoting revenue transparency through its voluntary program to assess the practices of member countries for conformity to its Fiscal Transparency Code. In December 2004, the IMF released a *Draft Guide on Resource Revenue Transparency*, which emphasizes that revenue and contract transparency are essential elements necessary to achieve fiscal transparency.

The European Bank for Reconstruction and Development, which provides lending and technical assistance to both governments and companies in extractive and other industries in Europe and Central Asia, has also stated that it will assist in implementing the EITI; but the EBRD does not specifically mandate revenue transparency as a condition for lending.

Additionally, over the past several years, the International Budget Project (IBP), a nonprofit organization that provides training and support to researchers and civil society organizations around the world that are interested in analyzing public budgets, has worked to contribute to the international debate on transparency by providing an independent, nongovernmental assessment of government practices related to budget transparency. The IBP developed the Open Budget Questionnaire to help civil society organizations evaluate the transparency of their government's budget and advocate for increased public access to budget information.¹ Civil society researchers from 36 developing countries and countries in transition completed the questionnaire during the first half of 2004.² They found that in all but one of the countries studied, the governments made their main policy document, the executive's budget proposal, available to the public. The survey also indicated a lack of public access to

“Promoting good governance and combating corruption will help to consolidate the democratic gains of the past two decades.”

other types of essential budget documents as called for under the OECD Best Practices and IMF Fiscal Transparency Code. Nine of the 36 countries did not release routine reports during the year allowing for the monitoring of expenditure, and 12 of the 36 countries did not make audit reports available to the public. The survey indicates that many governments could substantially improve budget transparency in their countries by taking the simple step of releasing to the public documents they are already producing.

The Bush Administration’s First Term

During its first term, the Bush administration did not give substantial support to existing efforts to further budget transparency. For example, the administration did not give substantial support to multilateral initiatives sponsored by the IMF and OECD nor to other initiatives related to revenue and contract transparency, such as the Publish What You Pay campaign.

Instead, the Bush administration has responded to these initiatives by sponsoring a limited, voluntary program under the auspices of the G8. The Department of State established the G8 Compacts to Promote Transparency and Combat Corruption, which were first announced at the Evian summit in 2003 and are intended to promote stronger public financial management and accountability. These compacts include provisions on budget and fiscal transparency and on transparency in procurement and trade agreements. The compacts are limited to Nigeria, Georgia, Nicaragua, and Peru, the four countries that volunteered at the Sea Island summit in June 2004 to pilot the initiative.

In August 2004, the United States Treasury indicated that there should be a presumption that public disclosure of contracts and agreements between governments and extractive companies should take place routinely. This was a welcome development, suggesting that United States policy would reinforce, rather than undercut, those attempting to promote the adoption of international good practices relating to transparency.

Toward a Better Policy on Budget Transparency

President Bush’s second term presents an opportunity for the United States to lead the way in promoting budget transparency. In both bilateral and multilateral meetings, the president will have opportunities to encourage all nations to adopt transparency and accountability measures. The United States can play an important leadership role by adopting the objectives advocated by the Publish What You Pay campaign.

Promoting good governance and combating corruption will help to consolidate the democratic gains of the past two decades. Budget transparency is essential to achieving these aims, and robust United States support for the measures necessary to ensure transparency serves not only the nation's interests, but those of millions of people around the world.

President Bush should:

- ▶ *Require all United States representatives to the World Bank, IMF, and other international donor agencies to use their authority to ensure that public access to key budget documents is a component of all country-assistance strategies and poverty-reduction strategies. Public access to budget documents should conform to the *OECD Best Practices for Budget Transparency* and *IMF Code of Good Practices on Fiscal Transparency*. United States representatives to the World Bank, IMF, and other international donor agencies should use their influence to promote reform of public expenditure management systems in developing countries in ways that will produce more transparent, fair, and accountable fiscal management. The United States Congress should condition financial support for these agencies upon their adoption of rules that require countries benefiting from their programs to provide full public access to budget documents and to implement other fiscal transparency requirements. Likewise, bilateral international assistance not associated with humanitarian relief efforts should be conditioned upon meeting concrete improvements in fiscal transparency.*
- ▶ *Instruct the Securities and Exchange Commission and other relevant regulatory agencies to impose mandatory disclosure requirements for all payments—including taxes, fees, royalties, and signature bonuses—that oil, natural gas, mining, and other natural-resource extraction companies listed on the exchanges in the United States make to governments and public officials in each country where they operate. Production-sharing agreements and other contracts vital to the tracking of revenue streams should also be disclosed. At present, companies listed in the exchanges in the United States are not required to provide a country-by-country breakdown of payments they make to foreign governments. The administration should also encourage the European Union to adopt the same requirements, thereby ensuring that the majority of listed international companies are bound by similar rules.*
- ▶ *Work to make transparency in the extractive industries a precondition for all lending and other assistance by the World Bank, regional development banks, and export-credit agencies. Companies that fail to disclose what they earn in revenues from oil, gas, and mining resources should be disqualified from receiving any form of World Bank support, such as funding from the International Finance Corporation (IFC) or*

guarantees from the Multilateral Investment Guarantee Agency (MIGA). Additionally, as part of their budget-authorization legislation, the United States should require export-credit agencies extending support to natural-resource extraction companies to implement transparency criteria as a precondition for such lending.

1. The IBP questionnaire draws upon many of the international guidelines developed by the OECD and IMF mentioned above, as well as other important international norms important to accountable budgeting.
2. For more details regarding the study and the researchers who participated, please see the IBP website at <http://www.internationalbudget.org/openbudgets/index.htm>.

Summaries

STRENGTHENING U.S. SECURITY

1. Work to Institutionalize the International Fight Against Terrorism

By Daniel Benjamin, Senior Fellow, Center for Strategic and International Studies

The terrorist attacks of September 11, 2001, galvanized not only world leaders but also intelligence and law enforcement agencies around the globe. These attacks produced a new, genuinely shared perception of the threat jihadist terrorism poses. As a result, international cooperation in the fight against terrorism improved dramatically. Unfortunately, however, this cooperation has not extended beyond the tactical level, and it has not been anchored in international institutions. In order to foster multilateral cooperation against international terrorism, the administration should propose a new multilateral antiterror organization, open to all nations that have ratified and implemented key antiterrorism treaties. In its bilateral aid, the United States should increase financial and technical assistance to countries that support this effort and are working to build their capacity to fight terrorism. The president should also publicly reaffirm U.S. support for UN efforts to combat terrorism, especially efforts by the Security Council to enforce antiterrorism measures using Chapter VII authority.

2. Promote Multilateral Nuclear Nonproliferation Efforts

By Jon Wolfsthal, Deputy Director, Non-Proliferation Project, Carnegie Endowment for International Peace

The United States must take effective steps to stop the proliferation of nuclear weapons. It should begin immediately to improve the existing nonproliferation regime and redouble efforts, especially with Russia, to ensure that existing nuclear weapons and materials do not fall into terrorist hands. The administration should accelerate and expand efforts to secure nuclear weapons and materials through the G-8 Global Partnership. The president should also appoint a respected, internationally recognized presidential ambassador who will work to reinforce the global nonproliferation consensus and enhance the prospects that the 2005 Nonproliferation Treaty Review Conference will succeed. In addition, the administration should press for a 50 percent increase in the safeguards and security budget of the International Atomic

Energy Agency and push for a UN Security Council resolution to establish firm international legal grounding for the Proliferation Security Initiative. Finally, the administration should announce new bilateral efforts with Russia to further reduce nuclear arsenals in both countries below the levels set in the 2002 Treaty of Moscow.

3. Uphold the Geneva Conventions and the Convention Against Torture

By Eugene R. Fidell, President, National Institute of Military Justice

The Bush administration has repeatedly committed to treating prisoners humanely and to acting in a manner consistent with the principles of the Geneva Conventions and other international treaties. A number of recent decisions, however, have caused concern both inside and outside the government. Many have cautioned that the United States may be violating the letter and the spirit of laws protecting prisoners under its care, including members of al Qaeda and captured military personnel in Iraq. These actions are fueling the perception that international laws governing prisoner care and interrogation are not being respected. President Bush should publicly reaffirm the U.S. commitment to adhere to the Geneva Conventions, the Convention Against Torture, and all other applicable principles of the laws of war. The president must state unambiguously that he has no authority to authorize the torture of any person and that he has an obligation to prevent cruel, inhuman, and degrading treatment of all prisoners. The secretary of defense should also conduct timely hearings to determine whether each detainee in U.S. custody is being properly detained and whether he or she is entitled to protections afforded to prisoners of war. In addition, an executive order should be issued prohibiting the detention of any prisoner outside of publicly identified detention facilities and announcing that the International Committee of the Red Cross (ICRC) will have access to all prisoners in U.S. custody. These steps would ensure a U.S. policy that is legally sound and politically wise—and that will protect Americans who might fall into enemy hands.

4. Protect U.S. Interests More Effectively by Supporting the International Criminal Court

By Stephen Rickard, Director, Washington Office of the Open Society Institute

America's interests are better served by guarded but constructive engagement in the ICC, since without a voice at the table the United States will be unable to influence the Court's development. The president should announce a high-level commission to examine whether the United States should join the Court in time to participate in the critical 2009 review conference, which will likely amend the Rome Statute. The president should also announce that when it is in the national interest the United States will cooperate with the Court on a case-by-case basis. The United States should contribute to the ICC's Victims Fund, support a UN Security Council resolution referring the Darfur crisis to the ICC, and review U.S. law as it pertains to war crimes in order to close any potential gaps or loopholes. Without committing the United States to join the Court, President Bush can craft a policy toward the ICC that will remove the issue as a significant source of controversy between the United States and the world's other democracies while simultaneously enhancing important U.S. interests.

5. Help Develop Institutions and Instruments for Military Intervention on Humanitarian Grounds

By Anne-Marie Slaughter, Dean, Woodrow Wilson School of Public and International Affairs, Princeton University

The administration has an extraordinary opportunity to put humanitarian intervention on a firmer legal footing and create the instruments and institutions necessary to make actual intervention easier and more effective. These actions would demonstrate to the world that the United States cares about fighting both terrorism and genocide. The president should start by giving a major speech that endorses the emerging norm of an international responsibility to protect populations against genocide and other large-scale killing in cases where individual governments have failed to fulfill their own obligations toward their people. The United States should also establish a commission of high-level defense and humanitarian experts to examine the feasibility of creating a NATO rapid reaction force tasked to intervene in cases of humanitarian crisis. The administration should endorse Canadian Prime Minister Paul Martin's proposal to create an informal group of G-20 leaders to coordinate diplomacy on urgent international issues and humanitarian crises. A flexible, manageable network of representative world leaders could quickly coordinate diplomacy on urgent international issues where

a difference of weeks can literally save thousands of lives. The administration should task the U.S. national security advisor with reviewing the 2002 National Security Strategy and recommending ways of incorporating an emphasis on human security, as well as state security.

6. Improve Coordination with Allies to Promote Democracy

By Theodore Piccone, Executive Director, Democracy Coalition Project

President Bush has pledged Washington's support for "effective multilateral action" to promote democracy. In his inaugural address, the president called for a "concerted effort of free nations to promote democracy" as the antidote to tyranny. The president should start by working with the United States' democratic allies, old and new, to develop a common, consistent strategy to nurture the growth of democracy in priority states by applying diplomatic pressure and providing financial incentives. The United States should continue to strengthen the Community of Democracies, particularly through the creation of a multinational secretariat and a Democracy Transition Center to assist democratic reformers. The United States should also move ahead with plans to establish a global fund to foster democracy in priority states, and to change aid criteria so that good performers are rewarded with enhanced financial aid, debt relief, and trade privileges. The United States should support reform in the UN's human rights system by endorsing criteria for membership on the United Nations Human Rights Commission and by forming a caucus secretariat to coordinate common positions on democracy and human rights issues in United Nations bodies.

7. Support Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women

*By Alexandra Arriaga, Director, Government Relations,
Amnesty International, USA*

CEDAW provides an international standard for protecting the rights of women, addressing topics as diverse as ending violence, stopping trafficking, and supporting girls' education. Despite broad domestic support and ratification by 179 countries, the United States—along with Iran, Somalia and Sudan—has yet to ratify the treaty. By voicing support for CEDAW ratification, President Bush could reaffirm the long tradition of U.S. support for human rights and promote global respect for women. President Bush should call for Senate ratification of the treaty and require that U.S. government reporting on human rights include CEDAW compliance.

8. Extend and Reinforce American Leadership of the Multilateral Response to HIV/AIDS, Tuberculosis, and Malaria

By Anil Soni, Founding Executive Director, Friends of the Global Fight

President Bush has shown unprecedented leadership in the global fight against AIDS, tuberculosis, and malaria. But despite clear strides forward, the administration can improve its leadership of the global fight by extending U.S. leadership for the multilateral response. First, the president should support a \$1.1 billion appropriation in FY06 for the Global Fund, the United States' fair contribution toward a mechanism that has proven extremely effective and transparent. In addition, the United States should ensure adequate support of multilateral organizations providing technical assistance to developing countries to fight the three diseases. Finally, the president should take immediate steps to exclude from new free-trade agreements any TRIPS-plus provisions that restrict full access to generic medicines needed to fight the three diseases. The administration should seize the opportunity to extend and reinforce its leadership of the multilateral response to these three diseases.

9. Reassert United States Leadership on Women's Health and Human Rights

By Adrienne Germain, President, International Women's Health Coalition

Securing women's health and human rights will make a significant contribution to alleviating poverty, promoting global economic progress, and ensuring international stability. The United States, both through the diplomatic and the budgetary process, should focus on accelerating multilateral cooperation on women's health issues. During 2005, the administration should reaffirm the U.S. commitment to women's health and human rights at key international conferences; the global HIV/AIDS pandemic necessitates strong U.S. leadership to galvanize international support. Furthermore, the president should order the State Department to form a bipartisan, expert team to review the controversy surrounding the United Nations Population Fund (UNFPA) with the aim of restoring United States funding for UNFPA. The president should sign the World Leaders Statement in Support of the International Conference on Population and Development (ICPD) and fully fund the United States' financial commitments established at the ICPD for fiscal 2006. The administration should also provide \$10 million to support the UN Development Fund for Women (UNIFEM), the Trust Fund in Support of Actions to Eliminate Violence Against Women, and the World Health Organization's multicountry study on violence against women.

10. Meet the Challenge of Climate Change with U.S.-EU Cooperation

By Philip Clapp, President, National Environmental Trust

The science of climate change has convincingly shown that man's ever-increasing emissions of heat-trapping gases are raising atmospheric temperatures and that these rising temperatures can have potentially devastating consequences. The president's second term actions will be a high-profile test of whether he is serious about dealing with the devastating potential of atmospheric warming and about addressing the rift in the Atlantic alliance over what to do about the problem. The United States should join negotiations to craft a successor agreement to the Kyoto Protocol—the cornerstone of the international effort to curb emissions-induced climate change, which expires in 2012, and should support a 2007 goal for completing a new global warming treaty. Domestically, the president should support Senator John McCain's and Senator Joe Lieberman's proposed Climate Stewardship Act (S.139), and call on Congress to pass it by the end of 2005. These measures would send a strong message that the United States is seeking to renew cooperative relationships and repair critical alliances.

ADVANCING GLOBAL DEVELOPMENT

11. Strengthen Coordination of U.S. Development Assistance with the Millennium Development Goals

By Jamie Drummond, Executive Director, DATA

The Millennium Development Goals (MDGs) are a set of targets aimed at reducing poverty in the world's poorest countries. The MDGs aim to establish a uniform set of benchmarks so that development partners can work toward the same ends and donors can streamline and harmonize their programs, improve mechanisms to deliver measurable results, and reduce wasteful duplication. Developing countries have agreed to work toward reaching these goals by 2015. In partnership, wealthier countries have agreed in principle to support these efforts through debt cancellation, increased and improved development assistance, and trade reform. In order to achieve the MDGs, the administration should pledge at the upcoming G8 Summit and UN Millennium Summit that the United States will do its fair share to help achieve the Millennium Goals. The administration should also finalize an implementation strategy for the proposal by the United States and the UK for 100 percent cancellation of multilateral debts and increased International Development Association grants for the poorest, most indebted countries. The president should use this year's World Trade Organization negotiations to eliminate rich-

country agricultural subsidies and trade policies that undermine efforts in developing countries to achieve the MDGs. Finally, the administration should consider creating a cabinet-level development position with responsibility for better coordinating U.S. development efforts.

12. Fulfill the Promise of the Millennium Challenge Corporation

By Lael Brainard, Senior Fellow and Director, Poverty and Global Economy Initiative, The Brookings Institution

The announcement of the creation of the Millennium Challenge Corporation (MCC) was welcomed as a rare opportunity to create a new blueprint for distributing and delivering aid effectively, increase significantly U.S. development assistance flows, and improve the image the United States presents to people in poor nations around the world. In his second term, the president faces the critical challenge of delivering on the promise of the MCC. The president should concentrate efforts on three priority areas: providing technical support to kick-start the grant proposal process, developing a world-class monitoring and evaluation system to ensure accountability, and implementing the Threshold Program in a timely manner. The administration should ensure full funding of the MCC and make the case for congressional support through faster and stronger implementation. Finally, the United States should take steps to improve coordination of the MCC, at a policy level and in the field, with both multilateral and bilateral donors and with other U.S. government entities. Through the MCC the administration can play a leading role in helping the world's poor onto a developmental path that will provide sustained growth and democratization.

13. Promote Broader Budget Transparency Abroad

By Pamela Gomez, International Policy Analyst, International Budget Project, Center on Budget and Policy Priorities

Budget transparency—a government's complete disclosure of all relevant financial information in a timely and systematic manner—is a key element of good governance in all countries. Budget transparency ensures that members of the public can participate in a meaningful way in the processes that set policy and budget priorities; it is vital both to U.S. national interests and to the well-being of hundreds of millions of people around the world. The administration should require that all U.S. representatives to the World Bank, the International Monetary Fund, and other international donor agencies use their authority to ensure that public access to key budget documents is a component of all country assistance and poverty-reduction strategies. The United States should

adopt mandatory disclosure requirements for all payments that oil, natural gas, mining, and other natural-resource extraction companies listed on the exchanges in the United States make to governments and public officials in each country where they operate. Finally, the United States should work to make transparency in the extractive industries a precondition for all lending and other assistance by the World Bank, regional development banks, and export credit agencies.

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The Age of Sacred Terror won the Arthur Ross Book Award of the Council on Foreign Relations, the largest U.S. prize for a book on international affairs. Benjamin holds degrees from Harvard and Oxford, where he was a Marshall Scholar.

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Jamie Drummond

Executive Director

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Jamie Drummond is executive director of DATA - Debt, AIDS, Trade, Africa, which he cofounded with Bono, Bobby Shriver, and others in 2002. DATA's mission is to help Africa beat AIDS and achieve the Millennium Goals by creating a supportive movement, especially in the United States. DATA has played a leading role in encouraging the Bush administration to propose and Congress to appropriate substantial increases in poverty-focused overseas development assistance over the last three years. DATA, in conjunction with Bread for the World and the Better Safer World coalition, recently started a campaign called ONE, which calls for 1 percent more of the U.S. federal budget to be directed towards effective assistance, as America's fair share of a global effort to achieve the Millennium Development Goals. ONE also calls for deeper debt cancellation, trade reform, and anticorruption measures. Drummond was a global strategist for Jubilee 2000 "drop the debt," and prior to that spokesperson for Christian Aid. He has traveled widely in Africa and Asia, and has an M.A. in development from the School of Oriental and African Studies at the University of London.

Eugene R. Fidell

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Eugene R. Fidell is a partner in the Washington, D.C., law firm of Feldesman Tucker Leifer Fidell LLP and president of the National Institute of Military Justice (NIMJ). He served in the United States Coast Guard from 1969 to 1972, and has continued to practice military law as a civilian since leaving active duty. Fidell is the author of the *Guide to the Rules of Practice and Procedure for the United States Court of Appeals for the Armed Forces* (11th ed. 2003). He edited *NIMJ's Annotated Guide to Procedures for Trials by Military Commissions of Certain United States Citizens in the War Against Terrorism* (LexisNexis 2002) and *Military Commission Instructions Sourcebooks* (2003-04), and coedited *Evolving Military Justice* (Naval Institute Press 2002). He has taught Military Justice at Yale Law School and is a member of the American Bar Association's Task Force on Treatment of Enemy Combatants and Standing Committee on Law and National Security.

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Adrienne Germain, president of the International Women's Health Coalition, has shaped global policy on women's health and rights since her pioneering work in Asia, Africa, and Latin America in the 1970s. As a member of the U.S. government delegations to world conferences on population, women, and development from 1993 to 2000, she helped revolutionize the way the world views population policy by making women's health and rights central. A member of the Council on Foreign Relations, she serves on the Millennium Development Goals Project Task Force on Child Mortality and Maternal Health; the Foundation Council of the Global Forum for Health Research; the editorial board of *Reproductive Health Matters*; and two Human Rights Watch Advisory Committees.

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Pamela Gomez is an international policy analyst for the International Budget Project at the Center on Budget and Policy Priorities. She joined the Center in April 2003. Her primary focus is research and advocacy for greater budget transparency in developing and transition countries. Gomez previously worked in the former Soviet republic of Georgia as the Caucasus office director for Human Rights Watch. Prior to this, she prepared country reports on the Caucasus for the Economist Intelligence Unit and covered international financial markets at AP-Dow Jones in New York. Gomez has a master's in international affairs from the Johns Hopkins School of Advanced International Studies, where she specialized in international economics and Latin American studies.

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Ted Piccone is the executive director and cofounder of the Democracy Coalition Project, a policy research and advocacy organization working to promote democracy around the world. Piccone also serves as an advisor to the Club of Madrid, an association of former heads of state and of government engaged in efforts to strengthen democracy. A foreign policy and legal expert on issues of democracy, human rights, international organizations and Latin American affairs,

Piccone served eight years as a senior foreign policy advisor in the Clinton Administration as associate director of the Policy Planning Staff (1998-2001), director for Inter-American affairs at the National Security Council (1996-1998), and policy advisor in the Office of the Secretary of Defense (1993-1996). Piccone also served as counsel for the United Nations Truth Commission in El Salvador. He received a law degree from Columbia University.

Stephen Rickard

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Stephen Rickard is the director of the Washington Office of the Open Society Institute and deputy director of the Open Society Policy Center. Before joining OSI, Rickard served as the director of the Nuremberg Legacy Project, working to promote U.S. support for international justice. Rickard was also the director of the Robert F. Kennedy Memorial Center for Human Rights (2000-2001) and the Washington director for Amnesty International USA (1996-2000). Rickard was senior advisor for South Asian affairs in the State Department (1994-1996) and served as senior foreign policy advisor to Senator Daniel Patrick Moynihan and on the Senate Foreign Relations Committee (1989-1994). During his Senate service, among other things, he helped secure Senate approval for numerous treaties on international human rights. He was a litigator with the law firm White & Case (1983-89). Rickard attended Adrian College (1979), Yale Law School (1983), and Princeton's Woodrow Wilson School (1983).

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Anne-Marie Slaughter is dean of the Woodrow Wilson School of Public and International Affairs and the Bert G. Kerstetter '66 University Professor of Politics and International Affairs at Princeton University. Prior to becoming dean, she was the J. Sinclair Armstrong Professor of International, Foreign and Comparative Law and director of Graduate and International Legal Studies at Harvard Law School. She is also the former president of the American Society of International Law. Slaughter is a fellow of the American Academy of Arts and Sciences and serves on the board of the Council on Foreign Relations. Her book *A New World Order* was recently published by Princeton University Press.

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From 2004 to 2005, Anil Soni served as the executive director of Friends of the Global Fight, a nonprofit that advocates in the United State for increased public leadership and private engagement to support the Global Fund to Fight AIDS, Tuberculosis and Malaria. Previously, Soni served as the advisor to the executive director of the Global Fund in Geneva, where he provided senior policy counsel to guide the organization's development and operations in its first two years. Soni was also a consultant at McKinsey and Company, where he served such clients as the Bill & Melinda Gates Foundation and the Botswana Ministry of Health. He also worked in the White House Office of National AIDS Policy and nongovernmental organizations in Ghana and the Middle East. Soni graduated magna cum laude from Harvard College in 1998.

Jon Wolfsthal

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The United States today faces a daunting array of international crises and simmering transnational problems. The current administration has committed itself to “effective multilateralism” and a world in which strong alliances play a key role in solving transnational challenges. *Restoring American Leadership* provides analysis and recommendations on 13 critical issues from international cooperation in the war on terror to curbing proliferation of nuclear weapons to advancing the rights of women across the globe. Each paper offers a specific set of recommendations for action by the president consistent with his stated values. *Restoring American Leadership* is offered as a constructive contribution to the ongoing debate about how America can best assert responsible leadership in a new era.
