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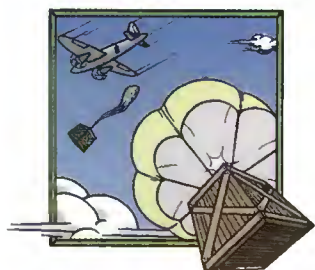


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PRESIDENT'S VIEWS

An Agenda for US Diplomacy

By F. A. "TEX" HARRIS

The American Foreign Service Association has adopted a heavy agenda to focus the energy of the Foreign Service on those tasks critical for the strengthening of American diplomacy. This agenda is a work in progress and the input of the Foreign Service community is welcome.

■ **Resources:** Press a bold strategy to obtain adequate funds, estimated at \$20 billion per year. This is a very tough issue. President Clinton has already announced that one of his two top second-term priorities is balancing the budget. Success in receiving more funds will depend on leadership by the secretary of State and backing from Clinton. It also depends on linking the money requested to an agreed-upon vision and mission for the foreign affairs agencies and to major improvements in resource management and program implementation. Overlaps and duplication must be eliminated both within each agency and among all members of the foreign affairs community. Teamwork and uniform standards and practices have to be the norm for all foreign affairs agencies.

■ **Workforce planning:** Institute the necessary planning now at all the foreign affairs agencies. It is hard to be persuasive on resources without citing the skills, training and numbers of people needed at each grade

*The Foreign Service
needs to focus on
those tasks critical
for strengthening
US diplomacy.*

level to staff multilateral and bilateral posts, consulates and domestic foreign-affairs agency offices for the next 10 years. Since staffing is key to successful implementation of a robust foreign policy, a dynamic personnel model is needed.

■ **Output and performance levels:** Restore Foreign Service performance by repairing damage done to the core career workforce through budget cuts and flawed personnel actions. Replenish the cadre of officers and specialists required to meet future needs. To accomplish this, there should be more selective use of limited career extensions so that needed skills are retained at all levels; continued equity in distributing staffing cuts among Foreign Service, Civil Service, contractors and political appointees; enhanced cooperation between career personnel and political appointees to maximize the contributions of each in support of President Clinton; and shorter

staffing gaps by allocating resources to cover for those moving between posts.

■ **Interagency coordination:** Collect and share the work done abroad by the more than 40 U.S. government agencies operating abroad. Strengthen the coordination roles of the secretary of State and ambassadors and rework their mandate to review the level of staffing abroad. Define the respective coordinating roles of the State Department, the National Security Council and the National Economic Council.

■ **Outreach to the American public and Congress:** Merge and focus the outreach efforts of congressional relations and public affairs offices within each foreign affairs agency, and jointly focus the efforts of all agencies. Strengthen the congressional relations function.

■ **Qualifications of ambassadors:** For career officers, establish an impartial qualifications review panel. For non-career appointees, sharpen the vetting procedure to ensure self-evident high quality. Monitor performance and recall marginal performers quickly. President Clinton should appoint a member of his personal staff to inspect the work of non-career appointees regularly.

This agenda cannot be accomplished without the help of those in the Foreign Service community. Those in that community are urged to read this summary — and act. ■

F. A. "Tex" Harris is president of the American Foreign Service Association.

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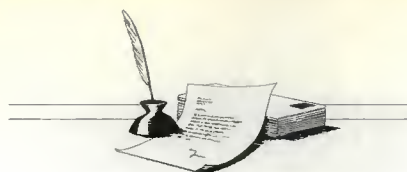
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To the Editor:

I commend Jim Bigus for his insight and courage in writing "The FSO's Workaholic Mentality" ("Speaking Out," October *Journal*), although I suspect that the current tight promotion situation will only encourage this tendency.

I have heard that a number of our most promising junior officers who leave the Foreign Service cite, as one reason, the inability of the department's managers to distinguish between a crisis and routine work in making extraordinary work demands.

If that is one of the results of the workaholic culture, it would be unfortunate. Jim Bigus is right to point to this as a problem.

*Rocky Suddarth
Retired FSO
Bethesda, Md.*



To the Editor:

One of the most tragic, misguided and costly episodes in American history, the Vietnam War, promises to distort our electoral process once

again: Bob Dole the World War II heroic victim vs. Bill Clinton the Vietnam draft dodger ("Does Military Service Count?" September *Journal*). One does not need to be a great fan of Dole or President Clinton to respect both the former's World War II service and the latter's Vietnam War opposition. However, what about those who use World War II service to justify maligning opponents of the Vietnam intervention — whether William Fulbright, young Bill Clinton or whoever dared at the time to voice misgivings?

Test Your Wit

The *Journal* is planning an issue on the role of wit and humor in diplomacy. Diplomats interested in testing their own wit and humor are invited to respond to the challenge below. The best answers will be published in an upcoming *Journal*.

As FSOs know, U.S. embassies often receive inappropriate demarche instructions. As the political officer in a small, poor country bordering the Sahara, you receive a State Department cable instructing you to deliver a demarche to the Foreign Ministry, announcing U.S. concern about high tariff restrictions on imported sand from U.S. companies. Although this country has plenty of its own sand, you are required to make the case for several Nevada sand exporters.

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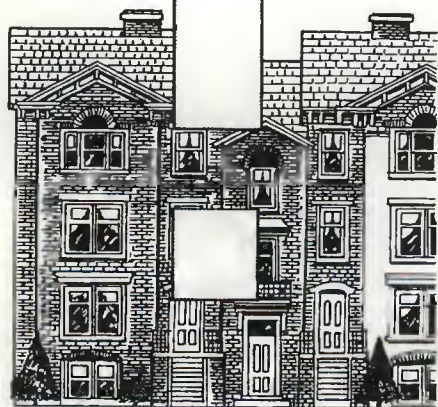
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Even today criticism of our Vietnam intervention is all too likely to be misunderstood as casting aspersions upon those who served and suffered there. But it is not they who are responsible. Rather it is the responsibility of the presidents, cabinet ministers, parliamentarians, generals and other opinion leaders who sent them to Vietnam in the first place and continued to send them year after year into that hopeless morass. They included arrogant McGeorge Bundy, who "educated" President Lyndon Johnson into the Vietnam policy maze when the new president should and could have been helped to put winnable war on poverty at home ahead of unwinnable war in Vietnam; or super-hawk Robert McNamara, now half apologetic for mesmerizing skeptics with body bag and body count cost-benefit analyses; or gentlemanly Dean Rusk, diplomatically incapable of standing against policy consensus; or various generals protecting themselves by appearing to protect the troops they led and suggesting we could have won that war with more resources and less interference from Washington.

Did anybody know better? Of course. Did they object, oppose, refuse to go along? On the whole, not. Why not? That is a question this nation should address and readdress. President Johnson said later that the greatest mistake he had made was not clearing out the White House staff after President John F. Kennedy's assassination. A truly fresh look could hardly have been worse than what actually happened. Working in the Policy Planning Staff at the Department of State, I remember cautious skepticism about Vietnam policy as early as 1964. One FSO on the China desk thought the rebellion of Buddhist monks in Vietnam was a fine opportunity to get the U.S. mili-

LETTERS

tary out. One of the few FSOs with in-depth Indochinese experience, Paul Kattenburg, outspokenly argued for radical policy revision — and slipped quietly away into unusually early retirement. Years later, Kattenburg re-emerged in the *Pentagon Papers* as one FSO who had had the courage to oppose McNamara, Gen. Maxwell Taylor and Policy Planning Director Walt Rostow on Vietnam policy.

Among my duties in Policy Planning, I was den dad to the Open Forum Panel, a collection of talented Young Turk FSOs, including Sam Lewis and Bill Luers. We reviewed the often contradictory reporting from U.S. Embassy Saigon, the Department of Defense, the Joint Chiefs of Staff and the CIA. We interviewed legislators and their staffs as well as Students for Democratic Action and other dissidents. The Open Forum reduced all this to a crisp memorandum arguing that the official consensus that America was winning in Vietnam was suspect, and that home front support was increasingly fragile. The memorandum went to Secretary Rusk, who politely responded with a personal meeting which left us flattered and frustrated — a leaderless group of disciplined FSOs, none of whom was assigned to Vietnamese affairs and each busy with other climes and tasks.

About that time I also participated in an annual policy review at the Army War College. The students were an impressive batch of lieutenant colonels fresh from combat in Vietnam. They were smart, experienced and self-confident. However, they were not confident we were winning in Vietnam, or even that it would be possible to win.

Vietnam burned on hot and hollow year after year. Today the embers are being fanned, not, alas, to confront and learn from our Vietnam policy

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mistakes, but rather to wrap a would-be president in a World War II flag of military patriotism and insidiously to compare that with our current president, who avoided military service in a very different Vietnam war. Let's keep the debate civil, honest and, hopefully, educative.

*Lee Stull
Retired FSO
Paoli, Penn.*

To the Editor:

My family and I are grateful for reader response to my article, "Fighting Associational Discrimination in the Foreign Service" ("Speaking Out," September 1996).

In 1993, after we were rejected for the Foreign Service because of our daughter's disability, we felt isolated by the discriminatory action of managers of the U.S. Department of Agriculture (USDA) in the Foreign Agricultural Service (FAS). We are isolated no more. Since our story first appeared in the national news, we have been contacted by countless disability and religious organizations and, more importantly, by hundreds of other families with disabilities. We continue to make new friends with each new article.

Response to the September article was encouraging. There was the congressional staffer whose daughter had leukemia who wrote to share some thoughts about disability policy in the government. A college professor wrote to say, "Your story is a sad example of government insensitivity to families with disabilities." On the lighter side, the disabled daughter of another FSO sent a friendship card to my daughter Alexa.

There were also sad stories, such as the FSO with cancer who was told by a coworker that he disrupted the

office and adversely affected productivity of [healthy] employees. And, then there was a person with AIDS whose supervisor asked him not to bring food to an office party.

My wife, daughter and I hope our story will help managers become more responsible for their actions and more sensitive to employees and their families with disabilities. We were especially happy to learn that several government agencies distributed the article to employees during National Disability Employment Awareness Month activities in October.

Employees and managers must know their responsibilities under the Rehabilitation Act of 1973 and other laws and regulations that protect persons and families with disabilities. As USDA discovered, ignorance is not a defense.

*James E. Patterson
Agricultural Attache
FAS
U.S. Embassy Mexico City
Washington, D.C.*

To the Editor:

I have never before written to the editor of a periodical, but the letter from Alfred Barr in the September *Foreign Service Journal* written in response to Paul Folmsbee's "Speaking Out" ("Foreign Service Should Recruit and Train More Managers," July *Journal*) inspired me. Barr uses admirable candor when he refers to me and my other administration-section colleagues in a new and creative way as "a dog's tail." He refers to himself and other "substantive" officers as the "teeth" of the Foreign Service. This presents a mental image of an interesting, but wholly useless, beast made up of only teeth and tail. It sounds a bit more like a blind snake than a

LETTERS

dog. Whatever it is, I don't think it's anything I'd want to be part of.

All the same, I like his choice of the body of a dog to describe the function and importance of the different parts of the Foreign Service community. I would, however, offer a bit different assignation of the body parts.

Barr sees himself as a member of the teeth group. I hope I won't offend my friends in the political and economics sections if I suggest that "eyes and ears" is a better metaphor. Well-positioned high on its head, a dog's eyes and ears are noble parts and perfectly located to pass information to its brain, which I suggest correlates with the executive office. This leaves plenty of dog parts to choose from to represent other sections. I'll leave it to everyone to select which part best suits his job.

As a General Services officer (GSO), I'd pick the feet to represent my section. Others might — and probably have — chosen a section closer to the tail, but I'm writing this letter, so it's my metaphor. Feet it is. The feet are where the dog meets the dirt on a daily basis. Feet take the dog where it wants to go, they scratch the dog's head when it itches and they run like hell when the brain senses danger. Once in a while, they send out signals regarding comfort or pain, but they generally do their job without complaint. There are two important reasons why the dog's feet are happy in their role. First, they are well-suited to the tasks they perform. Second, they are quietly (and, perhaps, arrogantly) confident that they are an important part of the greater dog. They have a sense of mission, which is reinforced from time to time by the brain.

Ears, eyes and feet are well designed for their respective functions and work well in their places. If, however, you stick an ear on the end

of a leg, it seems logical to expect poor results. There will ensue a great deal of complaint from the offended ear and grumbling from the other feet who have to carry more than their share of the load. Furthermore, the beast will be a slow, clumsy thing that spends most its time and energy dealing with internal problems instead of doing dog stuff.

So what? I submit all this talk about the relative importance of the different parts of a mission is just as silly as the above argument. A dog needs all its parts, and if any one is missing, misplaced or injured, problems result. Similarly, it takes all functions to make a successful diplomatic mission. Some functions may be more public or elegant than others, but each is important and contributes to the ability of the mission to succeed. Woof.

Mike Rafferty
GSO
U.S. Embassy La Paz

CLARIFICATION

Due to a transmission error, the last two paragraphs of Jerry Lujan's short story, "The Metal Man" (August *Journal*) were inadvertently omitted. They are:

"The policeman carried the bundle to a new building just up the street from the consulate, across from the USAID offices. The man followed him. Aside from the Tuaregs guarding it, the new building was unoccupied. The policeman put the bundle of possessions under the stairs and left the man with his new possession, his new property.

Some things in Kaduna changed — the people, the weather. Some never did — the donkey carts, the dogs, the naked woman, and, of course, the metal man." ■

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POINT MILITARY
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FS LEGEND PICKERING QUITS AFTER 37 YEARS

After 22 years as an ambassador and almost four decades as an FSO, Foreign Service legend Thomas Pickering, 65, the nation's most senior career diplomat, announced on Nov. 1 that he was leaving the Foreign Service. Describing Pickering's last full day in Moscow on Oct. 31, *Washington Post* correspondent Lee Hockstader wrote he was "his usual calm, impeccable, supremely confident, utterly inscrutable self." Pickering, one of only three active FSOs to hold the rank of career ambassador, is leaving to become head of the Eurasia Foundation in Washington.

"In the eyes of practically all his contemporaries and much of official Washington, he has had the most dazzling diplomatic career of his generation," writes Hockstader. "It is, in fact, close to impossible to interview anyone about Pickering who does not lapse into star-struck superlatives: the quickest study, the sharpest mind, the most prodigious memory, the most creative, the most exacting, the most perceptive, the most physically energetic. It is almost a cliché that this country has never had an abler ambassador."

For the last three-and-a-half years, the seven-time ambassador has headed the U.S. mission to Russia. With the country's economic woes worsening and President Boris Yeltsin just out of heart surgery, is this the best time for Pickering to be leaving? "Nobody's indispensable, and at the moment, I don't know that Russia is any more crisis-ridden than it's ever been," replied Pickering. He joined the Service in June 1959.

GEORGETOWN DEAN REFOCUSING CURRICULA

Universities still preparing foreign affairs students to be conventional diplomats need to change their course of study, argues Allan E. Goodman, executive dean of the School of Foreign Service at Georgetown University, writing in the Nov. 8 *Chronicle of Higher Education*. With the Foreign Service and other government foreign affairs agencies cutting their staffs due to budget cuts, he asks, "Do our curricula primarily prepare students for jobs that no longer exist?"

"We must face the reality that government agencies are not going to be the primary destination for our graduates in the future. Instead, a majority of students interested in international affairs will pursue careers in multinational corporations and non-governmental organizations, such as those concerned with global environments," he writes.

A 1994 study of 15 degree-granting programs in international affairs nationwide showed increased interest among students in pursuing careers in that field. But Georgetown alumni are recommending that courses include the practical aspects of foreign trade and finance, while corporate executives are saying they want to hire employees who can think and act flexibly and strategically.

"This means that faculty members at schools of Foreign Service and those teaching international relations need to reinvent not only their courses, but also their conception of the world," concludes Goodman.



CLIPPINGS

EXPELLED FSO DETAILS HAVANA HARASSMENT

Reeling from farewell tributes praising Cuban envoy José Luis Ponce, who was expelled from the United States in August in retaliation for Cuba's expulsion of FSO Robin Meyer, the normally reticent State Department made Meyer available for an interview with *Washington Post* reporter Thomas Lippman. Meyer, 39, a mid-level officer who was kicked out of Cuba this summer for contacting human rights dissidents, detailed her two-year assignment at the U.S. Interests Section in Havana. She said Cuban security agents videotaped her meetings, followed her around the city, threatened and arrested people she spoke with and, on one occasion, tried to ram her car on a busy street in downtown Havana.

"U.S. diplomats of her rank rarely give interviews," wrote Lippman on Nov. 1, "but she was encouraged to do so by senior State Department officials." Officials were particularly irritated, according to Lippman, that Ponce was quoted in the *Washington Post* as saying that his job in Washington was to "open lines of communications and lessen tension."

"He was opening communication in a country where all the lines of communication are open to him," Meyer told Lippman. "The situation in Havana is quite different. All of our meetings had to be approved by the Cuban government." And likely as not, those requests were turned down.

Meyer received the State Department's Superior Honor Award, citing her "exceptional performance"

for "dedication, bravery, and consistently sound policy recommendations" that helped senior officials work toward a "free and democratic Cuba," according to the *Post*.

CHRISTOPHER SCORES ONE LOSS, ONE WIN

Before President Clinton accepted his resignation on Nov. 7, Secretary of State Warren Christopher garnered both criticism and praise in the *Washington Post* and *Los Angeles Times*. An Oct. 16 *Washington Post* editorial was sharply critical of Christopher's admission — in an earlier interview with *Washington Post* reporter Michael Dobbs — that he had made foreign policy errors during his tenure, particularly in his handling of crises in Africa and the Caribbean.

"Imagine a secretary of State closing out a presidential term by stating that his administration had come some years late to realize 'how essential U.S. leadership is' to the conduct of American foreign policy," huffed the *Post* editorial. "His epiphany on the necessity for American leadership is certainly belated."

On the other hand, reporter Jim Mann of the *Los Angeles Times*, in a bit of psycho-history, countered on Oct. 20 that Christopher "has served as a flak-catcher for President Clinton's foreign policy." Christopher served as the "calm, rich, supportive, well-connected daddy Clinton never had. And on foreign policy, the daddy has managed to shoulder the blame while the son did some crash schoolwork," wrote Mann.

50 YEARS AGO

"The written [Foreign Service] examinations have been generally considered difficult," wrote Joseph C. Green, executive director of the Board of Examiners for the Foreign Service, in an article for the December 1946 *Journal*. "It is believed that the standard maintained is the highest of any exam given by any public authority in the United States. The examinations in law, history, government and economics are rigorously graded in accordance with the standards of final examinations for the A.B. degree in our leading colleges and universities. Nevertheless, notwithstanding the severity of these examinations — and their severity has sometimes been exaggerated by the uninformed — analysis of the results has demonstrated that candidates from colleges and universities in all parts of the country can ... enter the Foreign Service."

CLIPPINGS

*"Diplomacy
is the sewer
though which
flows the
scum and
refuse of
the political
puddle."*

— NEW YORK HERALD
TRIBUNE,
1957 EDITORIAL

FOREIGN AID FUNDS CALLED 'USELESS'

Not everyone is happy that recent congressional budget cuts only slightly trimmed foreign aid. In the Oct. 10 *Washington Times*, syndicated columnist and Cato Institute fellow Doug Bandow complains that the GOP-controlled Congress should have killed off more foreign aid programs, which he termed "useless."

Arguments claiming such programs as advancing U.S. interests abroad are simply "deeply flawed attempts to justify flawed programs," he writes. Bandow's venom is directed particularly at the World Bank's International Development Association (IDA) and the U.S. Agency for International Development (USAID), which he says do not live up to their promises as benefiting American business.

He also criticizes National Security Adviser Anthony Lake for erroneously claiming that U.S. aid opens foreign markets to U.S. goods and services.

Bandow questions figures showing that U.S. aid translates into more dollars for American businesses who contract to provide services to aid agencies and cites a Canadian study that says the United States receives only 23 cents back from every \$1 it contributes to aid programs abroad. Whether those programs actually promote U.S. trade doesn't interest Bandow. "The enrichment of corporate America is no better reason to throw more good taxpayer funds after bad," he writes.

"Indeed, the very premise of the argument is ridiculous — that money spent on foreign assistance has no alternative use. ... All Washington need do is leave the dollars with the taxpayers who earned them." ■

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SPEAKING OUT

Mid-Career, Older FSOs Are Good for the Service

BY PAT GUY

Colleagues of mine thought I was gutsy when I decided to quit the journalism profession I'd been in for 21 years and join the Foreign Service. I think I was smart. And I believe it was smart of the Foreign Service to select me, along with others of my ilk. What ilk is that? A person in mid-life, with one career in the private sector behind her.

More and more people like me are joining the Foreign Service. Some 15 years ago, the average age of a new FSO was 25. Today, it has inched up to 29, largely due to the handful of older FSOs in each entering class. The oldest member of the current class from last September, the 80th Orientation Class, is 47, and the oldest member of the previous class was 55. In my orientation class of March 1994, the 71st Orientation Class, the average age was early 30s. A few of my 49 classmates were just out of college or graduate school or had just completed internships, but others had been bankers, lawyers, teachers, soldiers and ski instructors. I've heard of other A-100 classes whose members have been military officers, bus drivers, ministers and even professional gamblers. I'm not saying that the experiences and

Pat Guy, an FSO since 1994, was a reporter for 21 years, including 10 at USA Today. In June, she transferred from USIA to the State Department and is now at U.S. Embassy Minsk.

*It's a good idea
junior officers
aren't always
junior in age or
experience. After
21 years in the
private sector, I
had developed a
maturity that can
only be gained in
the real world.*



backgrounds of these older incoming FSOs were better than those of my classmates just out of college — just different.

Although the Foreign Service is not actively recruiting second-career, mid-life types like myself, we seem to be among the more restless souls in society who no longer contemplate one job for life. I do know that older people are selecting all types of vibrant second careers.

For example, in Almaty, my first Foreign Service post, a significant minority of Peace Corps volunteers teaching English and helping to establish small businesses were in their 60s and 70s. These were not people content to sit on the porch and clip coupons, but had opted to learn a very difficult language and set out for the frozen steppes of Central Asia to live on little more than \$100 a month. Many said they were doing it for the adventure.

Maybe I joined the Foreign Service in part for the adventure, but I was also responding to a longing I had in my teens. My major in college had been Soviet studies, so it makes sense that after joining the U.S. Information Agency (USIA), I happily volunteered for a junior officer rotation in Kazakhstan in the former Soviet Union. When USIA faced layoffs in 1996 and the State Department offered USIA junior officers the option of transferring to State as junior officers for that agency, I accepted. I spent three months in the General Services officer (GSO) course, learning how to negotiate property contracts and fix computers, and was sent to Belarus for a junior officer rotation as a consular officer and GSO — the essential employee who keeps your toilet working overseas.

For whatever reason, I think it's a good idea that junior officers aren't always junior in age or experience anymore. When I showed up



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at the Foreign Service Institute (FSI) for my A-100 class, I brought with me some talents that can only be gained by experience. As a reporter, I had dealt with deadlines. I had covered complicated stories like the merger of Time, Inc. and Warner Communications and complex murder trials. I had tangled with recalcitrant public officials, irate publicists and reluctant sources. Those skills come in handy when I have to write a cable that absolutely, positively has to get out tonight, or when I have to smooth the ruffled feathers of a local customs official.

And that know-how helps when I have to try to understand the real motives behind a foreign government's action, or calm fears of an American who has lost her pass-

port. Searching a crowd to nab that chief executive for a must-have quote isn't all that different from working a diplomatic reception to find out who's in line to head the Americas Desk at the Foreign Ministry.

I'm not out to make a case for more journalists in the Foreign Service: Skills from other occupations are just as useful. We all know that administrative skills are becoming more important in these times of cutbacks, shortages and furloughs. The State Department has been criticized for its deficiencies in administration, contract oversight and financial controls. Seems to me it's not a bad idea to have FSOs who, when they join, already know how to plan budgets and manage people. Maybe they'll even understand the

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SPEAKING OUT

mysteries of fiscal data without too much trouble.

I've mentioned specific skills that older junior officers bring to the table, but I think I can make an even stronger case for the importance of our more mature attitudes. By the time I joined the Foreign Service three years ago, I was no longer a tender ego encased in an eggshell, quavering at authority figures and the idea of the unknown. I'd been there, done that. Seen most of it. Call it a survivor's confidence.

That means that in a classroom or a meeting, I'm not afraid to ask those "stupid questions." During my classes at FSI, students fresh out of college told me they were pleased I was the brave one to ask those burning questions they had hesitated to ask.

Surely this is transferable to those times when you're sitting in a meeting with the deputy chief of mission and she makes a leap of logic that no one else follows but doesn't dare question.

I hesitate to suggest this background makes dealing with the government bureaucracy any easier. Maybe it's more difficult: I have less patience than a lifelong government worker who won't wonder why it takes six weeks to be reimbursed for a travel voucher or why the 11 offices an FSO needs to visit before going overseas are not grouped together instead of on three different floors at State and another building in Virginia.

But I know that by expecting more and pushing for action, I've avoided being as overwhelmed as

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some of my younger colleagues. The experience of job seeking and job changing also comes in handy in Foreign Service life. Surely most of us have managed at least one home-to-college and then college-to-work move, but that's not always adequate preparation for the grand trauma of a packout and arrival at post. I know that the travails of my major moves as a grownup, from New York to Alabama, to Hawaii to Washington, made my move last year to Almaty easier. However, I'm not sure that any amount of experience could have prepared me for the challenge of packing up 10 months later to transfer from USIA to State, move from Almaty to D.C. and then repack again for Minsk — all within four months.

Having been around the block a few times also makes it easier to walk into a strange embassy for the first time and start tackling the awaiting work. Criticism is also easier to take after the private-sector wringer of job evaluations. An embassy or foreign ministry just seems a less intimidating place after executive suites, boardrooms and conference rooms.

Government in general, as well as the Foreign Service, is ever so slowly moving to be more like private enterprise. The goal is to be more responsive, more customer-driven, nimble and adaptive. Everyone can contribute to that process. And none more so than FSOs who have worked in private enterprise and been subject to the pressures FS employees are

now feeling. Re-engineering and reinventing have been happening for quite some time in the private sector. So instead of hiring expensive consulting firms, government officials should consider tapping the expertise of in-house consultants first.

The most important, yet most intangible quality that I believe I brought into the Foreign Service is a sense of freedom borne from having a greater sense of the world that age and experience have brought me. Even before my first posting abroad, I had a view of the wider world, and a sense of belonging there. That confidence is liberating, and provides me with a sense of purpose and mission now that I didn't have when I was younger. That's a plus for me — and the Foreign Service. ■



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THE PEACEMONGERING SWEDE

100 YEARS AFTER DEATH OF NOBEL, WORLD RECALLS
'DYNAMITE KING' WHO BECAME ARCHITECT OF PEACE

BY VICTOR M. PARACHIN

One April morning in 1888, Alfred Nobel opened the Paris newspaper looking for the obituary of his elder brother, Ludvig, who in his 57 years had achieved great success in the oil business. But when he paged to the obituary section, he was stunned to find his own death notice. To be sure, it was a careless journalistic error, but it would be a fortuitous one for Alfred Nobel.

As he read the accounting of his life as "a great industrialist who had made an immense fortune developing and selling weapons of mass destruction," he was horrified to find himself described as the "dynamite king" and the "merchant of death." There was no mention of his considerable involvement in promoting peace and unity among nations. Nor was there a word of his generous contributions to various charities and needy individuals. The entire purpose of his life was distilled down to the simple term, "merchant of death." Was this how he would be remembered?

That morning would be a turning point for Alfred Nobel. As the shock of seeing his own obituary wore off, he immediately resolved to clarify to the world the true philosophy of his life. He would spend his last eight years on earth determining

how best to use his massive wealth for helping humanity and promoting world peace and harmony among nations. The result would be the prestigious annual Nobel Peace Prizes, awarded to those who "during the preceding year, shall have conferred the greatest benefit on mankind." This month marks the centennial anniversary of Alfred Nobel's death, on Dec. 10, 1896.

Born in Stockholm on Oct. 21, 1833, Alfred Nobel was the third son of Emanuel Nobel, an engineer who invented and manufactured sea mines to protect harbors from enemy invasion, and Andrietta Ahlsell. Emanuel Nobel, whose invention captured the attention of the Russians, moved to St. Petersburg in 1842, where he set up a factory to produce sea mines for the government. Andrietta and her seven children, only five of whom lived past childhood, stayed behind in Stockholm, where she supported them by opening a grocery store. Eventually, they all followed Emanuel to Russia.

In 1850, the 17-year-old Alfred, who had shown an interest in chemistry and physics, was sent to the United States to study with the famous inventor John Ericsson, a pioneer in the development of steam-powered warships. After four years, Alfred returned to St. Petersburg to complete his chemical engineering training, although he would have a lifelong love for literature. By age 21, he had five other

Victor M. Parachin is a freelance writer in Claremont, Calif.

languages to add to his Swedish, having become fluent in Russian, English, French, Italian and German.

In Russia, Alfred worked closely with his father experimenting with nitroglycerin, an unstable explosive known to be dangerous to handle. In fact, many countries and cities had passed laws forbidding the manufacture, sale, transportation and use of nitroglycerin. In search of a combination of the highly volatile nitroglycerin with a non-explosive substance, which made it just as effective but safer to handle, Albert experimented with many substances, including powdered charcoal and sawdust. None proved adequate. Finally, in 1867 he tried mixing common clay with nitroglycerin, a combination that worked perfectly. Clay was ideal for several reasons: It was light, it was absorbent and it was always of the same consistency. Furthermore, from a commercial viewpoint, it was abundant, found in limitless quantity all around the world and, thus, was literally dirt cheap to purchase. He named the new explosive "dynamite," drawing from the Greek word dynamis or "power of force," though factory workers quickly began calling it "Nobel's safety powder."

Recognizing the immense value of his invention, Alfred quickly received patents from numerous countries. Soon, factories all over Europe replaced the manufacture of nitroglycerin with that of "Nobel's safety powder." With 355 patents to his credit, money began pouring into Alfred Nobel's bank accounts and his name became linked to those of other great inventors. Dynamite had propelled Alfred Nobel into fame, power and wealth.

Initially, dynamite was used almost entirely for peaceful purposes, such as clearing land, blasting tunnels in mines and building roads, railroads and canals. Nobel was not only professionally satisfied, but personally fulfilled, knowing his dynamite was a key factor in the progress of industry and commerce. And he also believed it would inhibit war, believing that if every nation

had dynamite — 20 times more potent than other explosives — leaders would be afraid to start wars.

However, the breakout of the Franco-Prussian War, which began in July 1870, would alter all that. The hostilities between France and a coalition of the Confederation of Northern Germany and her southern allies resulted in the overthrow of the Napoleonic dynasty and the consolidation of Germany into an empire under the leadership of Prussia. Prussian military arms specialists ordered tons of dynamite to blow up French roads, bridges and other fortifications. Soon, German engineers discovered a way to insert dynamite into bombs, which they used to bomb crowded enemy areas in France. The bombs caused the greatest known devastation in the history of war to that time, which upset Alfred Nobel.

"Perhaps my factories will put an end to war ... on the day when two army camps may mutually annihilate each other in a second, all civilized nations will probably recoil with horror and disband their troops," he wrote in a letter to Countess Bertha von Suttner, who headed the 19th-century Peace Congress movement to abolish war. He predicted that "the whole world would revolt against the repetition of the ghastly crime and would, with a unanimous acquiescence, refer all disputes to a tribunal of peace." The countess, who had spent two months as a secretary and household supervisor at Nobel's home before marrying Count Arthur von Suttner, is presumed to be the inspiration behind the creation of the peace prize. The author of the 1889 diatribe against the arms race, *Lay Down Arms*, the countess would win the Nobel Peace Prize in 1909.

*Sweden's leading daily;
Svenska Dagbladet,
declared Nobel's gift
"probably the most
magnificent one of its
kind that a private
person has ever had
both the desire and the
ability to make."*

A few days after the death of Alfred Nobel in San Remo, Italy, his attorney sent copies of his will to its two executors: Ragnar Sohlman, Nobel's personal assistant, and Rudolf Lilljequist, a close friend. The two were stunned at Alfred Nobel's last will and testament, which left only small sums to family and friends.

The rest of his estate, according to the will, would be converted "into money, which they then shall invest in safe securities; the capital then secured shall constitute a fund, the interest accruing from which shall be annually awarded in prizes to those persons who shall contribute most materially to benefiting mankind during the year immediately preceding. The said interest shall be divided into five equal amounts, to be apportioned as follows: One share to the person who shall have made the most important discovery or invention in the domain of physics; one share to the person who shall have made the most important chemical discovery or improvement; one share to the person who shall have made the most important discovery in the field of physiology or medicine; one share to the person who shall have produced in the field of literature the most distinguished work of an idealistic tendency; and finally, one share to the person who shall have best promoted the fraternity of nations and the abolition or diminution of standing armies and the formation and increase of peace congresses."

Alfred further stipulated that the prizes for physics and chemistry be awarded by the Swedish Academy of Science in Stockholm; the one for medicine by the Carolina Medical Institute in Stockholm; the prize for literature by the Academy in Stockholm; and the peace prize

by a committee of five elected by the Norwegian parliament. In 1968, a sixth award in economics was added by the National Bank of Sweden, though it was first given in 1969.

To ensure that the selection process be free of bias and that candidates worldwide be considered, Nobel's will added, "It is my express wish that in awarding the prizes, no consideration whatever shall be given to the nationality of the candidates, so that the most worthy shall receive the prize, whether he be a Scandinavian or not." When liquidated, Nobel's estate was valued at 33 million Swedish kroner, or nearly \$10 million, an enormous sum in 1896.

Predictably, when Nobel's final wishes became public, the will became a source of great controversy and, later, national pride in Sweden. Although the lifelong bachelor had no immediate heirs of his own, distant relatives immediately contested the will. Legally, there was the question of which of three countries was his official residence, where the will would be probated, since he had homes in Sweden, Italy and France. Also, some Swedes were disturbed that the Norwegian parliament was tasked with selecting a peace prize winner. Defenders of Nobel's will argued that he selected Norway because of the country's long record as a peaceful and peace-loving nation; that its geographical location tended to keep it neutral in time of war; and that it had long publicly favored international arbitration and conflict resolution rather than war.

Through careful work and sheer determination to fulfill Alfred's final wishes, the executors faced each challenge one by one. The will was probated in Sweden. Relatives were persuaded to honor Alfred's

idealistic and humanitarian wishes. Sweden's leading daily, *Svenska Dagbladet*, declared Nobel's gift "probably the most magnificent one of its kind that a private person has ever had both the desire and the ability to make." Finally, after more than two years, all legal issues were settled and the Nobel Prizes were established, with the first prize of about \$50,000 awarded in 1901 — to German physicist Wilhelm Roentgen for the discovery of x-rays.

As of 1995, Nobel prizes include an estimated \$900,000 award each, but their moral value exceeds the monetary one. Although no FSO to date has won a Nobel peace prize, the list of winners reads like an international honor roll.

Prominent Americans who have won Nobel prizes for peace have included President Theodore Roosevelt for negotiating peace in the Russo-Japanese war (1906); President Woodrow Wilson for founding the League of Nations (1919); Jane Addams, president of the Women's International League for Peace and Freedom (1931); Nicholas Murray Butler, president of the Carnegie Endowment for International Peace (1931); former Secretary of State Cordell Hull for his role in organizing the United Nations (1945); civil rights activist Martin Luther King Jr. (1964) and Secretary of State Henry Kissinger (1973) for negotiating a cease-fire in the Vietnam War.

In the century following Alfred Nobel's death, his shadow has lengthened. Throughout the 20th century, the Nobel peace prize has clearly and consistently kept peace in the public eye. Thus, the great vision of Alfred Nobel — inventor, scientist, philanthropist and champion of peace — continues to live 100 years after his death. ■

FEATURE

NOBEL PEACE PRIZE WINNERS

1913	Henri La Fontaine (Belgian)	1961	Dag Hammarskjöld (Swedish)
1917	International Red Cross	1962	Linus C. Pauling (American)
1919	Woodrow Wilson (American)	1963	International Red Cross League of Red Cross Societies
1920	Leon V.A. Bourgeois (French)	1964	Martin Luther King Jr. (American)
1921	Karl H. Branting (Swedish) Christian L. Lange (Norwegian)	1965	U.N. Childrens Fund
1922	Fridtjof Nansen (Norwegian)	1968	Rene Cassin (French)
1925	Sir J. Austen Chamberlain (British) Charles G. Dawes (American)	1969	International Labor Organization
1926	Aristide Briand (French) Gustave Stresemann (German)	1970	Norman E. Borlaug (American)
1927	Ferdinand E. Buisson (French) Ludwig Quidde (German)	1971	Willy Brandt (West German)
1929	Frank B. Kellogg (American)	1973	Henry Kissinger (American) Le Duc Tho (North Vietnamese) (Award declined)
1930	Nathan Soderblom (Swedish)	1974	Eisako Sato (Japanese) Sean MacBride (Irish)
1931	Jane Addams (American) Nicholas Murray Butler (American)	1975	Andrei Sakharov (Soviet)
1933	Sir Norman Angell (British)	1976	Mairead Corrigan (Northern Irish) Betty Williams (Northern Irish)
1934	Arthur Henderson (British)	1977	Amnesty International
1935	Carl von Ossietzky (German)	1978	Anwar Sadat (Egyptian) Menachem Begin (Israeli)
1936	Carlos de Saavedra Lamas (Argentine)	1979	Mother Teresa of Calcutta (Albanian-born resident of India)
1937	Viscount Cecil of Chelwood (British)	1980	Adolfo Pérez Esquivel (Argentine)
1938	Nansen International Office for Refugees	1981	U.N. High Commissioner for Refugees
1944	International Red Cross	1982	Alva Myrdal (Swedish) Alfonso Garcia Robles (Mexican)
1945	Cordell Hull (American)	1983	Lech Walesa (Polish)
1946	Emily G. Baleh (American) John R. Mott (American)	1984	Bishop Desmond Tutu (South African)
1947	Friends Service Council (British) American Friends Service Committee (American)	1985	International Physicians for the Prevention of Nuclear War
1949	Lord John Boyd Off of Brechin Mearns (British)	1986	Elie Wiesel (Romanian-American)
1950	Ralph J. Bunche (American)	1987	Oscar Arias Sánchez (Costa Rican)
1951	Leon Jouhaux (French)	1988	U.N. Peacekeeping Forces
1952	Albert Schweitzer (French)	1989	Dalai Lama (Tibetan)
1953	George C. Marshall (American)	1990	Mikhail S. Gorbachev (Russian)
1954	Office of U.N. High Commissioner for Refugees	1991	Aung San Sun Kyi (Myanmarese)
1957	Lester B. Pearson (Canadian)	1992	Rigoberta Menchu (Guatemalan)
1958	Georges Pire (Belgian)	1993	Frederik W. de Klerk (South African) Nelson Mandela (South African)
1959	Philip J. Noel-Baker (British)	1994	Yassir Arafat (Palestinian) Shimon Peres (Israeli) Yitzhak Rabin (Israeli)
1960	Albert J. Luthuli (South African)	1995	Joseph Rotblat (English)
		1996	Carlos Belo, Jose Ramos-Horta (East Timorians)

Nobel Peace Prizes were not awarded in 1914-1916, 1918, 1923-24, 1928, 1932, 1939-43, 1948, 1955-56, 1967 and 1972.

LOOKING INWARD



JUDGE GOLDSTONE WEIGHS THE LIMITS, POSSIBILITIES OF INTERNATIONAL LAW

By Sharna Marcus

Judge Richard J. Goldstone, 48, a justice of the Constitutional Court of South Africa, recently stepped down as chief prosecutor of the international criminal tribunals for the former Yugoslavia and for Rwanda at The Hague. Appointed in August 1994, Goldstone took a leave of absence from the South African court to serve two years and three months with the *tribunals*. Goldstone was appointed to the Constitutional Court in July 1994, and previously served on the Transvaal Supreme Court and the Appellate Division of the Supreme Court of South Africa. From 1991-1994, he chaired the Commission of Inquiry on Public Violence and Intimidation.

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When courts are operating, points out Judge Goldstone, there is always an advancement of international justice. When no courts operate, the law stagnants.

Q HOW COMMONLY ACCEPTED IS THE RULE OF LAW BY NATIONS AROUND THE WORLD?

A It hasn't been accepted at all, apart from the Nuremberg trials. I think mainly governments are overzealous about their sovereignty. To oblige themselves to an international court means an invasion of their sovereignty and they're trying to avoid that.

Q A HALF CENTURY AGO, THE TWO DOCUMENTS THAT LAID THE FOUNDATION FOR THE RULE OF LAW IN THE POST-WORLD WAR II WORLD WERE THE U.N. CHARTER AND THE AGREEMENT AMONG THE VICTORIOUS ALLIES ON HOW TO BRING NAZI WAR CRIMINALS TO TRIAL. SINCE THEN, THERE HAVE BEEN REPEATED STARTS AND STOPS TOWARD A TRUE INTERNATIONAL WORLD CRIMINAL COURT, INCLUDING THE U.N. ORGAN FORMALLY CALLED THE INTERNATIONAL COURT OF JUSTICE (WORLD COURT), WHICH HAS NO POWER TO ENFORCE ITS DECISIONS. INDEED, BY THE 1990S, FEWER THAN ONE-THIRD OF U.N. MEMBER STATES ACCEPTED THE COURT'S JURISDICTION. HOW CAN THAT BE REMEDIED?

A The only way is for people, particularly those in democracies, to pressure their governments to press for a permanent international court. But it needs strong public support. Public support will be the deterrent needed to stop crimes. There's a tremendous move [for the pursuit of international justice] now, to a large extent because of the U.N. tribunals. The preparatory committee of the U.N. has had many meetings to finalize plans to consider [a permanent criminal court]. An international meeting is being planned for 1998 to get an

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agreement among nations for an international treaty on a criminal court. The U.S., in the last four years, has been supporting it — for the first time.

Q ONE OF THE COURT'S BEST KNOWN DECISIONS WAS AGAINST THE UNITED STATES, IN A 1984 CASE BROUGHT BY NICARAGUA, WHICH PRESIDENT RONALD REAGAN IGNORED, SAYING THE WORLD COURT HAD NO JURISDICTION. WHAT DO YOU THINK OF REAGAN'S MOVE?

A Obviously the United States' example, as the world's leading nation, is vitally important. If the U.S. doesn't set an example, what can one expect from any other country?

Q SO FAR, 74 PEOPLE HAVE BEEN INDICTED FOR WAR CRIMES IN THE FORMER YUGOSLAVIA OF WHOM 67 REMAIN AT LARGE. WHAT KIND OF IMPACT WOULD GUILTY VERDICTS AGAINST BOSNIAN SERB STRONGMAN RADOVAN KARADZIC AND HIS MILITARY COMMANDER, GEN. RATKO MLADIC, HAVE ON THE REST OF THE WORLD?

A It [the indictment of the two men] would certainly add tremendous credibility to the tribunal. One of the credibility problems is that people [suspects] are not being arrested. The Hague is very limited in what it can do, if more people aren't arrested and more people aren't going to go to trial, then The Hague will not be able to do its work. It's [the fault of] the countries now controlling the U.N. troops. It's not a question of negative policies [of the United States and other countries]. U.S. policy is not robust, and that's inappropriate. The U.S. is very purposely sending the very worst message to indicted war criminals.

Q AND THEN, THERE'S THE PROBLEM OF FUNDS. YOUR TRIBUNAL HAD BUT ONE COURTROOM AND INSUFFICIENT FUNDS TO HIRE A SECOND SHIFT OF TRANSLATORS.

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MALAYSIA, ITALY AND PAKISTAN CONTRIBUTED LARGE SUMS. THE UNITED STATES HELPED OUT WITH \$2 MILLION IN COMPUTER EQUIPMENT AND PERSONNEL SUCH AS ATTORNEYS AND INVESTIGATORS. OTHER COUNTRIES AND PRIVATE FOUNDATIONS HAVE ALSO HELPED OUT. DO YOU HAVE ANY SUGGESTIONS ON HOW TO BETTER FUND THIS KIND OF ACTIVITY?

A Money is not a problem anymore, really. There is sufficient money to do a reasonable job. It's not one of the most serious problems at the moment.

Q ADVOCATES OF THE WORLD COURT SAY THAT ITS ADVISORIES, THOUGH NOT MANDATORY, WILL EVENTUALLY FORM A BODY OF PRECEDENTS THAT WOULD INFLUENCE INTERNATIONAL BEHAVIOR. WHAT DO YOU THINK?

A That's the least that can be expected. The countries must agree that international mandatory orders have to be obeyed by countries that subject themselves to the jurisdiction of the international courts. There are many ways to do this: the United Nations, the international bank funds [like the IMF, the IDB, the ADB, etc.] and [U.N.] sanctions.

Q VARIOUS COUNTRIES ARE DEALING WITH ACTS OF VIOLENCE INTERNALLY, BY CREATING A TRUTH COMMISSION, AS DID SOUTH AFRICA IN ITS ATTEMPT TO TRY ONLY A FEW FORMER LEADERS FROM THE APARTHEID ERA; OR BY HOLDING DIRECT CRIMINAL TRIALS, AS ETHIOPIA DID IN ITS ATTEMPT TO TRY 46 FORMER GOVERNMENT OFFICIALS FOR KILLING THOUSANDS OF PEOPLE IN THE 1970s. RWANDA HAS EMBRACED A TWO-PRONGED STRATEGY TO BRING PERPETRATORS OF THE 1994 TRIBAL MASSACRES TO JUSTICE: COOPERATING WITH A U.N. INTERNATIONAL TRIBUNAL AND REBUILDING ITS OWN JUSTICE SYSTEM TO ALLOW RWANDAN COURTS TO TRY THE 74,000 SUSPECTS. WHICH OF THESE, IF ANY, IS THE BEST IDEA?

A You have to look at each country and see what's in its best interest, in terms of justice. What is relevant to one country may not be relevant to another. The South Africa Truth Commission has led to a relatively peaceful transition. If the African National Congress insisted on a Nuremberg trial for former leaders, almost certainly there wouldn't have been a settlement.

It [determining justice] would depend on the basis on which a prosecutor would be free to investigate, a prosecutor, he or she, must be independent. But no international prosecutor can be unaccountable. Whoever is responsible inside or outside the U.N. would have to take into account local conditions, local needs and requirements. Certainly I am against international justice being used as a blunt instrument. South Africa is a good example. It was a sensible decision to agree on the Commission for Truth and Reconciliation.

Q ARE THERE ANY BETTER WAYS OUT THERE THAT STILL HAVEN'T BEEN ATTEMPTED YET?

A A permanent court — that's the best way of doing it.

Q HOW EFFECTIVE IS THE THREAT OF CRIMINAL TRIBUNALS AS A DETERRENT TO STATE-SPONSORED CRIME, SUCH AS GENOCIDE, ELSEWHERE IN THE WORLD?

A There's only one way to stop criminal conduct: the fear of international justice. If people think they're going to get caught, and brought to account for what they did, they will think twice before they do it.

Who knows what war crimes have already been avoided if leaders knew they would have faced investigation [because of the Nuremberg trials]? The fact that you have a good police system doesn't stop all crime — crime is still being committed. But you wouldn't say: What's the point of having a police system?

Q GOOD POINT, WHICH LEADS TO THE NEXT QUESTION. WHAT THE CRIMINAL TRIBUNALS SEEM TO LACK IS THE USE OF A POLICE FORCE TO APPREHEND SUSPECTS AND TO ENFORCE COURT DECISIONS. IS THERE TALK OF FORMING AN INTERNATIONAL POLICE FORCE?

A No, there's not. The international community is not nearly there. There is not yet any agreement on a court [much less] a police force. That's a way in the future. No country is going to allow an international police force into its sovereign territory.

Q IF YOU HAD UNLIMITED FUNDS AND THE BLESSING OF ALL THE WORLD'S NATIONS, WOULD YOU LIKE TO SEE

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There's only one way to stop international criminal conduct, says Judge Goldstone: "The fear of justice. If people think they're going to get caught ... they'll think twice before they do it."

AN INTERNATIONAL JUSTICE SYSTEM UNDER U.N. CONTROL? WHAT WOULD IT LOOK LIKE?

An independent court should have strong links to the U.N., as long as you have independent prosecutors and judges. The U.N. would decide where it is appropriate for a prosecutor to prosecute. [The structure of the court] would depend on what it had to do — it's not really that important.

QHOW COULD INTERNATIONAL POLITICS BE KEPT FROM INFLUENCING THIS HYPOTHETICAL COURT?

AEnsuring the independence of where and which cases a prosecutor investigates is bound to be political. You couldn't have an international court operating without the political arena. Politics are very important.

QLET'S TURN TO CIVIL SUITS. MORE THAN 1,000 HOLOCAUST SURVIVORS AND THEIR RELATIVES RECENTLY FILED A \$20 BILLION CLASS-ACTION SUIT IN FEDERAL DISTRICT COURT IN NEW YORK, WHICH HAS JURISDICTION OVER BANKS DOING BUSINESS IN THAT STATE, ACCUSING SWISS BANKS OF ABSORBING THE FUNDS OF JEWISH VICTIMS. IS THIS THE START OF A TREND: U.S. COURTS TAKING ON CIVIL CASES SPAWNED BY CONFLICTS ABROAD?

AIt's really inappropriate for me to discuss U.S. legal matters, which I'm no expert on. As a trend, federal courts are widening their jurisdiction to these crimes. I welcome that. The national courts have a vital role to play. Because federal courts have more resources. [In the future] it will be a necessity, with the international courts having fewer resources, to try all war criminals. International courts shouldn't do all of the work. I encourage national courts, in and outside Bosnia, and Rwanda, for example, to prosecute war criminals [who have fled to their countries].

QIN GENERAL, WHAT DO YOU THINK WILL BE SOME OF THE OTHER MAJOR TRENDS IN INTERNATIONAL LAW IN THE COMING DECADES?

AThe more courts that are issuing sanctions, the more change you're going to get. Until recently international law has only had academic interest. That's different now. For example, the Hague court has brought tremendous advances in the attitude to systematic rape. Systematic, mass rape — for the first time — is recognized as a war crime, and there are other advances in lessening the distinction between international conflict and internal conflict. When courts are operating, there is always advancement. When no courts operate, [advancement in international justice] is stagnant.

QIS THERE ANYTHING ELSE YOU'D LIKE TO ADD?

AThe important thing for Americans who are concerned about the tremendous increase in human rights violations is that they should continue to pressure their own government and representatives to see international law put higher up on the [political] agenda.

The Clinton administration, especially [U.S. Ambassador to the U.N.] Madeleine Albright, has been a strong supporter of the work of U.N. tribunals, certainly much more than any other government in the world, with the exception of the Netherlands, which has given it unconditional support. But really, there is obviously a problem. It is very important for the U.S. to give strong leadership in the arrest of war criminals, warrants and other issues. If [suspects] aren't arrested, it is unfair to raise the prospects of victims, such as in Bosnia. The IFOR troops in Bosnia should be given orders to arrest these people. ■

LOOKING STRAIGHT AHEAD



AMID 2 HAGUE TRIBUNALS, PERMANENT GLOBAL COURT OF CRIME PONDERED BY '98

By Douglass W. Cassel Jr.

In 1990, as the Cold War was ending, former senator and former U.S. Ambassador to the United Nations Daniel Moynihan rightly credited the 17th century Dutch jurist Hugo Grotius as the founder of international law. But hard-nosed diplomats nowadays, observed Moynihan in his book, *On the Law of Nations*, associate international law with weakness. "Real men," he quipped, "did not cite Grotius."

Yet only six years later, in this first decade of the post-Cold War era, proceedings are under way before two ad hoc international criminal tribunals established by the U.N. Security Council for Rwanda and for the former Yugoslavia. Meanwhile, the U.N. General Assembly, with serious participation by the United States, is actively considering creation of a permanent

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The stakes would be higher in an international criminal court for prosecuting crimes, like those at Nuremberg, where the accused may carry diplomatic passports or wear military uniforms.

international criminal court. A treaty to create such a court could be ready to be signed as early as 1998.

The Yugoslavia and Rwanda tribunals face daunting obstacles — not least the difficulty of detaining their chief suspects. If created, the proposed permanent tribunal will be tightly constrained by deference to state sovereignty and Security Council prerogatives.

Still, now that the shackles of the Cold War are gone, the time has come once again to ponder the promise of Nuremberg. Declared Chief Prosecutor Robert Jackson in his opening statement 51 years ago at the trial of major Nazi war criminals, the tribunal was “one of the most significant tributes that power has ever paid to reason.” So it was — despite its shortcomings. But for the next half century, power would not again pay so much tribute to reason. In its 1948 treaty outlawing genocide, the United Nations contemplated prosecutions before an international criminal court, if one were established. None was.

Why not? During the Cold War, neither side could trust the other not to push international prosecutions for propaganda purposes. Besides, both sides were exposed, and they knew it. During the Bush administration, for example, the concept of a court was discussed in the White House. If it were created, asked an administration lawyer, could President Ronald Reagan be put on trial? No one needed reminding that the International Court of Justice, which has no criminal powers but hears suits between nations, ruled in 1986 that the United States had violated international law by mining Nicaragua’s harbors and encouraging the contras to assassinate civilian Sandinista mayors. After an awkward pause, an answer was ventured that a former U.S. president could indeed be prosecuted. No further questions were needed.

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Although no international criminal court was created after Nuremberg, the World Court, as it is called, did manage to remain in business, and even to prove its utility in interpreting international law and resolving border disputes. Originally created as the Permanent Court of International Justice of the League of Nations in 1920, and located in The Hague, its mandate was to hear disputes between nations, and to render advisory opinions on questions of international law.

In 1945, when the United Nations was founded, the court became the principal judicial arm of the United Nations. Its name was changed to the International Court of Justice, but its statute remained essentially unchanged. U.N. organs could ask for advisory opinions. In contested cases, however, the court could not impose itself on member states. It could hear disputes only between states that accepted its jurisdiction, either generally or in particular cases.

From the start, it met with little success. Most U.N. members, including the Soviet Union, declined to accept its jurisdiction. The United States initially accepted it, but withdrew in 1984 in protest of the court’s assumption of jurisdiction over the case brought against the United States by Nicaragua. By the 1990s, fewer than one third of U.N. member states generally accepted the court’s jurisdiction. And those that did often attached crippling reservations.

Despite all this, the court not only survived, but carved out a useful role by defining important principles of international law. In the Nicaragua case, for example, it ruled that basic Geneva Convention guarantees for civilians and non-combatants have become customary international law in both international and internal conflicts. This would later help lay the groundwork for the ad hoc international criminal tribunals for Rwanda and the former Yugoslavia.

The court has also shown its worth as an alternative to the use of force in resolving boundary disputes. In 1992, for example, it delineated the frontier between El Salvador and Honduras, countries that in 1969 had gone to war over

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the border's demarcation. Both countries, despite misgivings, accepted the court's judgment. Still, the overall experience of the World Court, most of it in the Cold War, shows a world not ready to submit international relations to the rule of law, let alone to the risk of international prosecutions.

First in Western Europe and later in Latin America, the Cold War years also saw the rise of regional human rights courts. As early as 1950, the Council of Europe adopted the European Convention on Human Rights, which enshrines a list of rights similar to the U.S. Bill of Rights. It is enforced by both a commission and a court — the European Court of Human Rights. Victims complain to the commission, which can make non-binding recommendations. Then, the commission or the state, but not, until recently, the victim, can ask the court for a legally binding judgment — provided the state has accepted the court's jurisdiction. The court's powers are limited. It can declare violations and order states to pay monetary damages, but it cannot undo national laws and it has no criminal jurisdiction. Even so, as the first international court created to protect citizens from their own governments, its inauguration was a momentous step forward.

Located in Strasbourg, the court got off to a slow start. By the 1980s, however, it had become the functional equivalent in Western Europe of the U.S. Supreme Court for cases involving constitutional rights in this country. When the Cold War ended, the nations of Central and Eastern Europe were admitted to the Council of Europe, but only on condition they join the European Convention on Human Rights and accept the jurisdiction of the Strasbourg court. Most have now done so.

The European example has inspired one follower — Latin America. In 1969 the Organization of American States promulgated an American Convention on Human Rights, enforceable by a commission and court, modeled roughly on the European system. The Inter-American Court of Human Rights, established in San José in 1979, decided its first contested case in 1988. It has now decided half a dozen, along with numerous emergency orders and 14 advisory opinions. Another 20 cases are now pending, and nearly all nations of Latin America — but none of North America — accept the court's jurisdiction. No similar movements have emerged in Africa or Asia.

In any event, regional human rights courts hear what amount to civil suits against governments. The stakes are

higher in an international criminal court for prosecuting crimes, like those at Nuremberg, where the accused may carry diplomatic passports or wear military uniforms.

No sooner did the Cold War end, than barbarity not seen in Europe since the Third Reich broke loose in what had been Yugoslavia. If its magnitude could not match the Holocaust, its forms were chillingly reminiscent: ethnic cleansing, inhuman detention camps, mass graves, unspeakable brutality. The calls of conscience that demanded Nuremberg 50 years ago were now echoed. Acting Secretary of State Lawrence Eagleburger, reportedly moved by the urging of Auschwitz survivor and Nobel Peace Prize winner Elie Wiesel, stunned his European counterparts at a 1992 conference on regional peace by naming top Serb leaders and negotiators as war criminals.

In fact, a process leading toward war crimes prosecutions was already under way, albeit for mixed motives and with muted enthusiasm. As early as summer 1991, the U.N. Security Council had warned that individuals committing war crimes in the former Yugoslavia faced criminal responsibility. The warning had no apparent effect. Why should it? There had been no international prosecutions since Nuremberg, and combatants hardly feared their own courts.

As the war dragged on, the Security Council gradually escalated its warning. By October 1992 it reached the point of establishing a war crimes investigating commission, composed of five international law experts. Still, its message was not credible. The combatants perceived council resolutions as cheap threats, made by an international community unwilling to risk military intervention. And for most permanent members of the council, the threats of prosecution were indeed little more than chips, to be bargained away at the right moment in peace negotiations.

Hence the shock of Eagleburger's outburst in November 1992. His passionate breach of protocol suggested that for some, at least, talk of war crimes prosecutions might be serious. As peace talks bogged down and ethnic cleansing continued, by early 1993 the Security Council either had to call its own bluff, or create an international criminal tribunal.

It chose the latter. In May 1993, it formally established the International Criminal Tribunal for the Former Yugoslavia. The tribunal would have jurisdiction over grave breaches of the Geneva Conventions, war crimes, crimes against humanity and genocide committed in the former Yugoslavia since 1991. Still there remained time to avert

THE SOUTH AFRICAN WAY

BY MARGARET CHURCHILL BINDA

South Africa's attempt to bring closure to those who have suffered under four painful decades of apartheid is proving to be an exercise in national healing. A new constitution, a constitutional court, a commission on truth and reconciliation, a robust opposition in Parliament — it sounds like democracy.

The balm helping most to heal apartheid's deep wounds has been the ambitious Truth and Reconciliation Commission, the largest, most expensive and most powerful "truth commission" ever devised, which began deliberations in May. Headed by retired Archbishop Desmond Tutu, the 17-member group of private citizens considers who will be given amnesty for crimes committed under apartheid. Probably only in a country led by a non-vengeful president like Nelson Mandela could such a group succeed. The commission has three committees: one to consider political crimes, one to consider human rights crimes and a third to consider reparations.

Believers in truth commissions, which emerged in 1983 in Argentina and in 1990 in Chile, are gambling on truth — rather than justice, at least in the conventional sense of trial, conviction and jail. Advocates say telling the truth is at least half of justice, and truth commissions are quicker and less expensive — and, in the end, offer more catharsis for victims — than do tribunals such as those in The Hague.

The commission is considering amnesty for those who admit committing "political" crimes on either side of the apartheid line, provided applicants make full disclosure and can prove their crimes were "political." So far, more than 2,000 people have applied for amnesty

from political crimes, though only a handful have been granted amnesty due to the heavy case load. Applications are due by Dec. 15, but Parliament may vote to extend that deadline.

Probably the most difficult task for the commission is determining whether a specific crime was "political." If, for example, someone broke into another's files for information to be used politically, is that a political act or a criminal act? If that person were shot during the break-in and returned fire in self-defense, committing murder, is it still a political act? It's a fine line.

The task of the Human Rights Committee, whose focus is on healing — not justice per se — is quite different. The thousands who have been tortured or who faced solitary confinement or whose family members were murdered, tortured or jailed are being urged to tell their tales in court. The committee, in trying to mimic the authentic atmosphere of a courtroom, is allowing the use of judges, lawyers and witnesses. Prosecutors believe victims' psychic wounds heal more quickly if they tell their stories publicly.

The third arm of the commission, the Reparations Committee, considers payment for victims of apartheid. If deemed appropriate, government funds will be given to a school or hospital in the victim's community. Individuals seeking monetary damages can tap a special presidential fund.

The commission's work is not an attempt to replace the need for criminal trials for those accused of major crimes under apartheid. For example, former police colonel Eugene de Kock was convicted of murder in August for his role in running police hit squads. He has belatedly applied for amnesty to the commission, saying he was only following his superiors' orders.

The goal of the commission — to obtain widespread admission of guilt on both sides of the apartheid line — is also aimed at obtaining exoneration wherever possible. And after so many years of hate in South Africa, replacing revenge with forgiveness might ease the pain of apartheid's legacy. ■

Margaret Churchill Binda retired from the Voice of America in 1993, where she specialized in broadcasting to Africa. Earlier, she was a linguist for French at the Foreign Service Institute. She has made many trips to South Africa, most recently in June under the auspices of the Citizen Ambassadors' Program, where she met with researchers for the commission.

real prosecutions. Judges had to be elected, and the court needed to adopt rules and secure courtrooms and jail cells in The Hague. And critically, not until July 1994 — 15 months later — did the Security Council agree on a serious prosecutor, Judge Richard Goldstone of South Africa. So the court, too, could be seen as one more bargaining chip.

Yet peace remained elusive. Not until November 1995 were the Dayton Peace Accords signed. By then, prosecutions were too far along, and the United States, in particular, too committed, to stop. Goldstone had already indicted top Bosnian and Croatian Serb leaders, and President Clinton had declared himself against amnesty. As of this writing, the tribunal has indicted 74 people, but only seven are in custody. The first trial, of a low-ranking Bosnian Serb detention camp thug named Dusko Tadic, began in May. The last of some 120 witnesses testified early last month. The second trial, of Bosnian Croat Gen. Tihomir Blaskic, accused of the massacre of some 100 Muslim civilians, is set to begin next month.

Meanwhile, as the Yugoslavia court was coming together, the world was shaken by another reminder of the Holocaust. On a scale outstripping even Yugoslavia, genocide exploded in Central Africa. In a few weeks in the spring of 1994, Rwanda's Hutu majority hacked to death half a million of their Tutsi neighbors. Concerned that events might again force its hand, the Security Council bought time by creating another investigating commission. By late 1994, however, investigators reported that Rwanda's decimated courts could not credibly prosecute those responsible.

In November 1994 the Security Council established the International Criminal Tribunal for Rwanda, for cases of war crimes, crimes against humanity and genocide occurring in Rwanda or by Rwandans in neighboring countries during 1994. It would have its own trial judges and deputy prosecutors, but would share the Yugoslavia tribunal's appellate judges and chief prosecutor. As of this writing, the Rwanda Tribunal has indicted 21 people, 14 of whom are in custody. The first of two trials was postponed until February.

The two tribunals have in common several advantages over Nuremberg. First, they cannot be accused of "victor's justice." The criterion for prosecution is not who lost the war, but who committed the war crimes. However, this "asset" is also the tribunals' chief liability: Not having taken the losers prisoner, it's unclear whether the tribunals will get

custody of their chief suspects. To date most of those indicted have declined to surrender, and neither the United Nations nor NATO has been willing to hunt them down. Second, the new courts are far less vulnerable than was Nuremberg to charges of ex-post facto justice. They have the benefit not only of the Nuremberg Charter and judgment, but also of the 1948 Genocide Convention, the 1949 Geneva Convention, the 1977 Protocols, various World Court rulings and other developments.

Finally, the new courts were created by the Security Council, exercising its power under Chapter VII of the U.N. Charter to act against threats to international peace and security. The council therefore can and has instructed all U.N. member states to cooperate with the new courts. They are thus in the enviable position of being owed an almost universal legal duty of cooperation. In short, the ad hoc courts hold out the promise of historic advances over Nuremberg. Whether their promise is realized will depend largely on whether the Security Council, NATO, the White House and other governments muster the political will to help them capture their suspects.

Still, there remains a critical difference between the ad hoc courts and the proposed permanent international criminal tribunal. The ad hoc courts' jurisdiction was carefully limited in time and place: the former Yugoslavia after 1991, Rwanda and environs in 1994. As a result, the United States had nothing to lose by pushing, as it did, for strong and effective courts. A permanent court presents a different calculus for the United States and most other governments. It would aspire to be a world criminal court, to prosecute crimes of greatest international concern, wherever committed. Some proposals envision a court not only for war crimes, crimes against humanity, and crimes against peace — the crimes prosecuted at Nuremberg — and genocide, but also for international drug traffic and terrorism and a host of other treaty offenses.

In evaluating such a court, therefore, U.S. officials must consider American interests not only as future prosecutors, but also as potential defendants. Despite U.S. officials' disdain, President Clinton announced his support for a permanent international criminal court at an October 1995 commemoration of the 50th anniversary of Nuremberg. To be sure, some proposals for a permanent court have been too expansive. U.S. lawyers are on solid ground, for example, in opposing a court for drug and terrorism cases. Many such cases could trivialize what should be a court reserved

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for the highest of international crimes. They could also land the United States on the horns of a dilemma: Either disclose highly sensitive information such as informant identities to an international tribunal — or risk having a case dismissed. Washington's lawyers also reasonably argue that, in view of the role the U.N. Charter assigns to the Security Council to keep the peace, it would be problematic to send cases of crimes against peace — wars of aggression — to the court. Perhaps the council should decide when and if to refer such cases for prosecution.

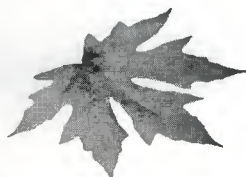
At some point, however, the court's role can be so reduced and its operation so hamstrung that it cannot achieve what should be its fundamental purpose: ensuring that the next time a Holocaust, a Cambodia, a Srebrenica, a Rwanda or a Burundi emerges, there will be a court before which the perpetrators can and will be credibly, impartially and effectively prosecuted.

If the arguments against an international criminal tribunal are flawed, how strong are the arguments in favor? Much of the public debate has been in the abstract.

Advocates argue mainly that a court would deter future crimes; that it would render justice to victims now denied; that it would promote peace and reconciliation across national, ethnic and religious lines by substituting individual for collective guilt; and that it would reflect a moral imperative and promote universal respect for the rule of law.

These arguments may be overstated. Some victims will gain justice, but only in the relatively few cases actually brought and won before a court. Reconciliation may be promoted if justice is seen to be done, but that may not happen if news is distorted by a controlled, nationalist press. Success by the court would promote respect for rule of law, but its failure — for example, to capture suspects — may promote cynicism instead. Perhaps the single most important factor is deterrence, because it potentially affects nearly all cases, and does not require certainty of prosecution; uncertainty itself can be a deterrent. This is perhaps the most compelling reason for an international criminal court: to strengthen the hand of those who work to mitigate the horrors of war, genocide and other crimes against humanity. ■

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LOOKING BACK



GARRY NICHOLS

NUREMBERG WAR TRIAL SET WORLD STANDARDS FOR TRYING CRIMINALS

By Ellen Rafshoon

As the mother of all war crimes trials, the Nuremberg War Crimes Tribunal retains its singular place in history. A half-century ago, the world received its first recounting of the unprecedented brutality of the Nazi regime. Facts — mind-boggling figures about mass deaths and deportations — were revealed not only to the judges but to an international public eager to condemn the perpetrators. And through the trial, the evil unleashed by the Nazis became linked to actual people, now being held responsible for their actions.

But Nuremberg's legacy primarily resonates as a profound experiment in world justice. For the first and only time in history, the proponents of a war were prosecuted, convicted and put to death by an international judicial body. Leaders of

AFSA NEWS

American Foreign Service Association



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Congress Will Stress Budget

By Ken Nakamura
Director, Congressional Relations

The first thing that is clear from the results of the elections is that both President Clinton and the Republican Congress will make a balanced budget a priority in the coming years.

While the budget did not play as dramatic a role this year as it did in the 1994 elections, it still loomed large in the background because everyone agreed on the principle of a balanced budget. What debate there was centered on how to best achieve that shared goal. For example, Sen. Robert J. Dale was forced repeatedly to defend his proposition that a 15% tax cut would not "blow a hole in the deficit."

Given this, we can expect to have to continually fight for enough funds for foreign affairs. Unless we can argue con-

vincingly that further budget cuts are damaging to our American national interests, we can expect more of them.

Second, the elections underscored the notion that the American people are not really thinking about U.S. leadership abroad. The campaigns did not engage in a major debate over foreign policy and candidates' reticence was a reflection of public attitudes toward world affairs. For example, information from voter focus groups indicates that they were interested in foreign affairs only when they perceived there was an international crisis, such as Bosnia. Even then, they said that what President Clinton did in Bosnia mattered because he showed he had "backbone." His actions gave him stature. Once this question was settled in voters' minds, foreign affairs reverted to low priority status.

Finally, during the televised debates in the last stages of the campaign, for-

Continued on page 5

• AFSA Dateline •

• AFSA scholarships of up to \$2,500 for undergraduate study are available to Foreign Service children who are claimed as dependents on their parents' tax returns. AFSA also awards merit-based scholarships to high school seniors. Deadline for applications is Feb. 15. For further information, contact Lori Dec, AFSA Scholarship Administrator, at (202) 944-5504 or e-mail, scholar@afsa.org.

• Foreign Service Day 1997 is Friday May 9 instead of the traditional

first Friday of May. The date has been moved to coincide with Public Service Recognition Week, an annual program organized in May by the Public Employees Roundtable and the President's Council for Management Improvement. Events during the week of May 5 of the Department of State will recognize the contributions of active and retired Foreign and Civil Service employees, their families and Foreign Service National employees.

Continued on page 4

STATE DEPARTMENT V.P. VOICE

• BY ALPHONSE F. LA PORTA •

Needed: Family Friendly Work

Three recent events may combine to give State Department employees a brighter future in terms of their conditions of work and how they are viewed by the Department leadership.

First, Notional Performance Review ("Reinventing Government") goals for the second Clinton Administration include a pledge to "do better" by the federal work force.

Second, State has appointed Dr. Cedric Dumont as the new Medical Director. Dr. Dumont, who comes from a Foreign Service family, shares the same concerns about the adequacy of the Foreign Service medical program as most of us.

Third, a recent report to the White House on family friendly initiatives at State offers us an opportunity to crystallize a diverse agenda.

State's work force knows all too well about the road paved with good intentions. We heard rhetoric from the political leadership about the "quality of life" during the defunct Strategic Management Initiative (SMI). The Director-General, we know, shares AFSA's hopes for more humane and forward-looking personnel policies and programs. But, simply stated, the bureaucracy is not responsive and is not well-organized to pursue innovation which would enable Foreign Service members and families to enhance their contributions to public service.

AFSA looks forward, nevertheless, to some progress. We submitted our own family and employee friendly agenda in connection with the report to the President, required by a White House directive issued in

September. Our suggestions include:

- Enlightened leave and employment policies for pregnant employees who, under current travel rules, are required to use extraordinary amounts of leave and who lose income when they return to the U.S. to give birth.

- Easing post transfer regulations for employed family members and pressing ahead with a long-delayed policy study to harmonize selection criteria, conditions of service, benefits, training and

advancement.

- Adopting flex-tour policies for Foreign Service personnel to allow them to shift between full and part-time employment, to sit out a tour of duty for family reasons and to maintain eligibility for occasional employment.

- Interpreting housing regulations in a family friendly way.

- Quickly establishing a day care center at NFATC.

- Reviewing tandem assignment policies to ensure that we are maximizing both officers' employment potential and satisfaction.

On the medical side, we look to Dr. Dumont to emphasize quality of care, preventive medicine, environmental health, and (with the central personnel system) to administer caring and realistic policies for disabled employees and family members. The credibility of the medical program must be restored after several years of aping HMO practices without regard to the unique needs of the Foreign Service.

AFSA calls upon the Director-General and the new Department leadership to put words into action to deliver true family and employee friendly programs.

"State's work force knows ...about the road paved with good intentions."

AFSA AWARDS

RECOGNIZE EXCELLENCE

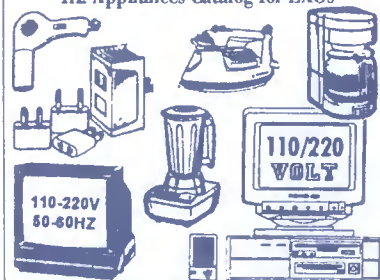
Has one of your colleagues done something exceptional for the Foreign Service? Nominate him or her for an AFSA award.

Awards for constructive dissent are given to senior, mid-level and junior Foreign Service officers. Awards for exemplary performance and professional contributions are given to a foreign service secretary "who has made an extraordinary contribution to effectiveness, professionalism and morale," to a community liaison officer "who has demonstrated outstanding dedication, energy and imagination in assisting the families of Americans serving at an overseas post" and to a Foreign Service family member for outstanding volunteer work.

Awards come with \$2,500 checks. Deadline for nominations is January 31. For further information, see the November AFSA News, or contact AFSA's Coordinator for Professional Issues, Richard Thompson, 2101 E Street, NW, Washington, D.C. 20037, (202) 338-4045; fax, (202) 338-6820; e-mail, prof@afso.org.

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Still interested in politics after the elections?

Good.

All would-be politicians who are
AFSA members should be thinking
about running for on AFSA office in
1997 or encouraging others to
become candidates.

The formal call for nominations
will appear in the February
AFSA News. Deadline for nominations
is March 7. Ballots will be
mailed in mid-May. The newly
elected AFSA Governing Board
will take office July 15.

*Only AFSA members
can nominate candidates
or run for office.*

USAID V.P. VOICE • BY FRANK MILLER •

RIFS Still Causing Chaos at USAID

This column is the final
update on the USAID RIF.

The Career Transition
Program (CTAP), designed
by a team from USAID's
Human Resources office
and implemented by Lucy
Satar of the Training Office,
was the only ray of sunshine
during the last few months.
A majority of employees
who lost their jobs in the RIF
found new employment by
the end of September.
However, approximately
12 to 15 Foreign Service
and perhaps twice that number of
Civil Service employees still need
jobs.

Foreign Service Reemployment
Priority List (FSRPL). At the end of
September, AFSA and USAID success-
fully completed negotiations establish-
ing a FSRPL program which will pro-
vide departing employees with the
documentation they need to submit
applications to USAID for placement
on a priority reemployment list. In addition,
the FSRPL may be used to fill
Foreign Service vacancies not filled by
the open assignment system. FSRPL
applicants, who will remain on the list
for two years, specify under which skill
code(s) they wish to be considered for
re-employment and whether they will
accept regular or limited appointments.
USAID reviews applications to deter-
mine whether applicants are qualified
in the skill codes they have selected.

**Snafu at the State Retirement
Office.** Approximately 20 employees
who were RIFed with the rank of FS-
01 and above and who were covered
under the new retirement system
were met with perhaps the second
largest snafu of their careers when
they were informed by the State retire-
ment office that they were not eligible
for an immediate, full annuity if they
were not 50 years old and had not

had 20 years of government service.

The RIF letter they received last July
told them that they would
be eligible for full retire-
ment benefits without meet-
ing those criteria.

It seems that the drafters
of the Foreign Service Act
of 1980, which created
the new retirement system,
neglected to cross-reference
specific sections of the
old retirement system which
state that FS-01s and
above who are involuntarily
separated are eligible

for an immediate, full annuity after five
or more years in the Foreign Service.
At AFSA's urging, a joint USAID/State
working group provided the necessary
legal and administrative backup so
that RIFed employees in this group
received immediate payment of their
annuities.

Another glitch occurred over bene-
fits available to RIFed employees with
the rank of FS-02 and below covered
by the new retirement system. The joint
working group concluded that employ-
ees in this group who do not meet the
age and length-of-service requirements
for a full, immediate annuity can either
get a deferred annuity at age 62 (with-
out health benefits) or receive an
immediate, but reduced annuity if they
have at least 10 years of creditable
service, are at least 55 years of age
and retire between 1987 and 2002.

Buy Out and Welcome Back.

After Congress authorized buyouts in
late August, AFSA and AFGE negoti-
ated a plan with USAID which
allowed both Foreign Service and
Civil Service employees to take buy-
outs of up to \$25,000 in order to
alleviate the impact of the RIF. As a
result, six Foreign Service and 15 Civil
Service employees who had already
been notified they were being RIFed,
kept their jobs.

*"The Career
Transition
Program
was the
only
ray of sunshine."*

RETIREE V.P. VOICE

• BY ED ROWELL •

Elderhostel Builds FS Constituency

Raising public interest in the Foreign Service is a top AFSA priority. I trust that you have already written your new representative in Congress with your concerns about the Foreign Service and foreign affairs funding.

Helping retirees is another top priority. When it offers them fun, too, all the better. So here's a present for your holiday stacking.

AFSA members in the Washington, D.C. area have created an opportunity to have fun while boosting the Foreign Service through an organization called Elderhostel, a non-profit, low-cost continuing education program designed for people over 55 years of age. The idea came from alumna Petey Mullin, who was familiar with Elderhostel's support of short-term academic programs hosted by educational institutions in the United States, Canada and 45 foreign countries. Last year a quarter of a million people enrolled in Elderhostel courses.

A one-week Elderhostel course on the Foreign Service was offered in Arlington, Va. last April, with important support from DACOR and facilities provided by Mory Washington College. AFSA Retiree Representative Bill DePree chaired an ad hoc committee of retirees who developed the curriculum. Faculty came from both active and retired Foreign Service ranks and the AAFSW for the first program.

The April course was followed by three more. Each one sold out early, and there is already a waiting list of more than 200 people for next spring's course. The classes attracted retired doctors, lawyers, teachers and engineers from all over the United States, all of whom wanted to learn

more about our profession. The curriculum gave them far more than they expected, not just expert presentations on subjects such as consular work, bilateral issues and the World Trade Organization, but also discussions on the structure and operation of the Foreign Service and the flavor of representing America abroad.

The course earned rave reviews from the students, many of whom offered to promote understanding of the Foreign Service back home. Here are some sample comments from participants: "We view the world through different eyes now...Your speakers made us think....The best Elderhostel course we have attended out of dozens (from a couple who had been to over 100 Elderhostel courses)....The high caliber of speakers, interesting trips to State and FSI and an elegant lunch at DACOR House were exceptional....the work of the Foreign Service should receive more recognition and federal funds."

The faculty had as much fun as the students, and AFSA wants to expand the program nationwide. Alumni are already putting together similar courses in San Diego and Sarasota; we need more offerings in the Washington, D.C. area. Colleagues who teach in Elderhostel programs in other parts of the country may also find opportunities for Foreign Service courses. The Elderhostel catalogue reaches 13 million people, so our potential is limited only by our ability to organize and provide professors. If you would like to get involved, contact Ward Thompson or Bill DePree at AFSA. Ideas and volunteers are welcome! Have a happy holiday and great New Year!

*"The students...
offered to
promote
understanding of
the Foreign
Service."*

DATeline

Continued from page 1

● **Attention FS employees domiciled in Alaska:** Though FS employees from Alaska are not currently eligible for the Alaska Permanent Fund Dividend, AFSA would like to push the Alaska legislature to include them. Currently Peace Corps volunteers and military spouses receive the allowance, which can mean several thousand dollars, though they are not permanent residents of the state. The first step is to identify how many FS employees have an Alaska domicile. If you are interested, please contact Mark Wenig, CAO in Addis Ababa at e-mail, USIS-Addis-Ababa@padis.gn.apc.org.

● **The Public Employees Roundtable,** of which AFSA is a member, has established the Public Service Excellence Award for achievement in international affairs, to be awarded to an organizational unit of two or more employees. For further information, contact AFSA's Coordinator for Professional Issues, Richard Thompson, at (202) 338-4045, Ext. 521; e-mail, praf@afsa.org.

● **Several scholarships** to the Hatchiss School and Yale University are available to children of Foreign Service officers through the DACOR Bacon House Foundation and a bequest from the late Ambassador Louis G. Dreyfus, Jr. Last year, DACOR awarded \$45,000 in scholarships to six students of Yale University. For further information, contact William C. Hamilton of the Foundation's Education Committee at (202) 682-0500 or (800) 344-9127; fax, (202) 842-3295.

● **Since AFSA inaugurated its Web Page** in July, interest in the organization has grown steadily. Currently, more than 800 internet users access the page each month, an average of 14 users per hour. As a result, AFSA has received more than 60 additional requests for information each month, ranging from requests for *Foreign Service Journal* subscriptions to questions about Diplomats On-line and membership inquiries. AFSA's Web Page address is www.ofso.org.

Lobby Now to Save Future Foreign Affairs Budgets

Continued from page 1

foreign affairs received short shrift. Only one foreign affairs question – about the trade imbalance between the United States and Japan – was asked, and that resulted from the moderator prying the audience to ask a foreign affairs question.

Third, the House of Representatives in the 105th Congress will be more moderate than the Senate. This is the reverse of the situation in the 104th Congress, when the Senate was perceived as a moderating influence on legislation passed by the House.

These results reinforce the legislative section of the Action! campaign. Fortunately, many AFSA members have already volunteered to contact their senators and representatives, but we need more volunteers to do so between now and January 1997, when the 105th Congress convenes.

Legislators must know that they have constituents who care about the United States' role in international

affairs, and that this attention does not switch on and off depending upon whether there is a crisis or not.

They must know that there are people who understand that U.S. engagement in the world is in our vital national interest, that it has important ramifications in our lives and, most important, that elected officials will be held just as accountable on these issues as on domestic issues.

It is also important to point out again and again that U.S. leadership in the world cannot be achieved on the cheap. We have cut the international affairs budget by 50% over the past decade, and if we continue to reduce foreign affairs spending – as both the White House and the Republicans in the Congress propose – we are impairing our diplomatic readiness. Just as it is better to pay small amounts to add oil to a car than to have to pay for a complete engine overhaul, it is better to fund foreign affairs adequately now

than to provide large infusions of cash during a crisis.

Again, this is where the Action! campaign can be helpful. If these messages are to reach elected representatives, it's best that they come from voters in their home districts. Legislators are more likely to respond to the voters who can return them to office or choose to send them packing. Refer to the Congressional Action card in the Action! campaign pocket for talking points and suggestions on how to contact legislators. AFSA's Congressional relations office will have additional material, including prepared packets AFSA members can take with them to their senators' or representatives' offices, available shortly.

Ultimately, the lobbying efforts of AFSA members could make the difference between adequate and inadequate foreign affairs funding. But this will not happen if AFSA does not redouble its efforts. The time between now and January is crucial.



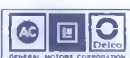
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LETTERS

To the Editor:

I would like to correct the misperceptions regarding allowances in Jess Baile's recent column (AFSA News October). He incorrectly stated that "our benefits and allowances are inviting targets for budget cutters" and cited one case of an employee whose hardship differential decreased from 20% to 10%.

Neither I nor any other State Department manager has directed the Office of Allowances to reduce allowances in order to save money. The Office determines allowance rates without interference from other offices - either in the State Department or at other agencies.

While many differential levels have dropped in the last two years, others have increased. Management can not guarantee that an allowance will remain unchanged during the course of an assignment and employees should not infer that such a guarantee exists. By law, allowance rates are based on current conditions, rather than those reported several years ago. We must

implement changes when they occur. Thus, one can benefit from increases mid-tour, and could possibly experience a decrease.

The Office of Allowances always provides information on the reason for allowance revisions in the cable announcing the change. If there are any specific questions, every effort will be made to provide a full and prompt response.

I encourage my colleagues overseas to become more involved in the allowance process.... The Office of Allowances depends on the information it receives.

I would also like to add that housing space allowances have not been reduced since the new system was instituted in 1991. In fact, the space levels for singles have actually increased.

Patrick F. Kennedy
Acting Under Secretary
of State for Management

Jess Bailey responds:

AFSA welcomes Acting Under Secretary Kennedy's assurances that he has never ordered the Office of

Allowances to reduce a past's differential in order to save money. But Foreign Service professionals believe their benefits are targets for good reason. In 1994, an audit by State's Inspector General sparked a reform of the past differential system that reduced differentials at 67 percent of hardship posts. In January, 1995 Under Secretary Richard Moose explained that saving money was an important factor in his decision, both to respond to the Inspector's findings and to fend off critics in the Congress. In USIA, saving up to \$1 million per year was a prime motivator for its reform of the language incentive pay program. Implying that agency management, the inspectors or Congress do not consider the budgetary implications of such reforms does not reflect reality. Money talks.

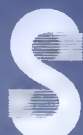
Foreign Service professionals see their overseas benefits declining without distinguishing between incentives, differentials and COLAs. My column did not ascribe blame for these reductions, but rather provided colleagues with a framework on how to view this decline.

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Nuremberg's legacy resonates as a profound experiment in world justice. For the only time in history, proponents of a war were prosecuted, convicted and executed by a judicial body.

prior wars had either been exiled, executed or tried for their transgressions in courts of their own nations. Although the Allies considered such means of retribution — Josef Stalin, in fact, originally favored shooting thousands of Nazi war criminals and the British wanted summary executions until swayed otherwise — by war's end, they didn't seem appropriate. Officials from the United States, which had emerged as the world's most powerful nation, took the lead in pressing for a trial presided over by an international panel of jurors. The Americans believed that the scope of the atrocities and depth of aggression unleashed by the Nazis cried out for a form of retribution that would restore some semblance of civilization to a broken world.

In the United States, idealism had been the dominant strain in foreign policy, and especially international law, and American leaders wanted to make the trial the first step in a post-war world governed by universal legal norms. By punishing the Nazis for waging an aggressive war that was illegal under international law, American officials hoped future leaders would think twice before seeking to enhance their power through aggression. As Supreme Court Justice Robert Jackson, the chief prosecutor at Nuremberg, told the court in his opening statement: "The wrongs which we seek to condemn and punish have been so calculated, so malignant and so devastating, that civilization cannot tolerate their being ignored, because it cannot survive their being repeated."

It was in London on Aug. 8, 1945, one day before the United States dropped the second atomic bomb on Nagasaki that legal representatives of the four Allied powers — the United States, Great Britain, France and Russia — signed the charter creating the tribunal. In the

London Charter, they agreed to jointly prosecute the leaders of the Third Reich in an International Military Tribunal where convictions would be decided by majority vote of the judges. Hundreds of lesser Nazi officials were to be tried subsequently in Nuremberg, but not before an international body. Instead, these trials would be presided over by American judges, since Nuremberg was in the American-occupied zone of Germany.

The selection of Nuremberg was not without symbolic meaning. The picturesque Bavarian city had been central to Nazi politics and propaganda. In 1935, at the annual Nazi Party Congress, the Nazis promulgated the Nuremberg laws banishing Jews from German civil society. The town also provided the setting for numerous Nazi rallies attended by hundreds of thousands of Germans feverishly paying homage to Adolf Hitler. The Third Reich's leading filmmaker, Leni Riefenstahl, used those rallies as a colorful backdrop for her movies, some of which were shown at the Nuremberg trial.

Allied bombing in April, 1945, wiped away most of Nuremberg's quaint city center, and on Hitler's last birthday before committing suicide, American military officers held a victory parade there. When a team of Allied lawyers arrived a month later to check whether the city might be a suitable site for the trial, cadavers were still buried beneath the rubble. Yet the Nuremberg Palace of Justice remained largely intact and could house the tribunal.

The London Charter established the tribunal's jurisdiction. Under the terms of the charter, the defendants could be tried as individuals or as members of organizations. Individuals could not escape prosecution on grounds that their high government rank entitled them to immunity, nor could they claim they were merely following a superior's orders.

The Allies could charge the Nazis with three types of offenses: for "crimes against peace," for planning, prepar-

Ellen Rafshoon, a Ph.D. candidate in diplomatic history at Emory University, is writing a biography of diplomatic scholar and theorist Hans J. Morgenthau. She is a frequent contributor to the Journal.

FOCUS

ing, initiating, or waging wars of aggression; for "war crimes," such as murder, ill treatment and deportation of civilians, mistreatment of prisoners of war and wanton destruction of cities; and for "crimes against humanity," for atrocities committed against individuals on political, racial and religious grounds. No criteria were set for determining who would be prosecuted. In his recent work, *The Anatomy of the Nuremberg Trials*, Nuremberg prosecutor Telford Taylor recounts how lists were drawn up arbitrarily by various Allied representatives. Concerned that the trial would drag on too long, the British came up with only 10 defendants. American officials added six others who would represent the gamut of Nazi organizations and groups. Hitler was included on that list because his April 30 death had not yet been confirmed. The Russians and the French were eager to include several men whom they had already captured. In the end, they agreed to indict 24 Nazi leaders.

The most notorious on the final list was Reich Marshal Hermann Goering, Hitler's right-hand man and commander of the Nazi Air Force. When Goering was first arrested, he was so addicted to narcotics that prosecutors doubted his ability to stand trial. But, by the time the proceedings began, he was sober and fully capable of defending himself. The list also included National Socialist Party leaders Rudolf Hess and Martin Bormann; Joachim von Ribbentrop, Hitler's foreign minister; Field Marshal Wilhelm Keitel, head of Hitler's military; Ernst Kaltenbrunner, the security chief who presided over the Final Solution; and Julius Streicher, editor of the anti-Semitic newspaper, *Der Sturmer*.

A few of those indicted never made it to the trial. Robert Ley, the Nazi labor chief, went into shock after he was served with the indictment, according to Taylor. A few days later, the prison psychologist at the Nuremberg jail where the defendants were in custody found him hanging from an overhead pipe in his cell. Bormann was never captured; he was believed to be dead. The decision to try Bormann in absentia was a controversial one, given the Allies' emphasis on fair proceedings. The third missing defendant was Gustav Krupp, the elderly director of the armaments giant. In 1941, he had suffered a devastating stroke. Four years later, he was senile and declared incompetent to stand trial. Nuremberg historian Bradley Smith writes that lead American prosecutor Robert Jackson attempted to substitute Gustav's son, Alfried, for fear there would be no case against German munitions makers. However, all the

judges except the Soviet one opposed this move, out of a concern for fairness.

After nine months of testimony, the eight judges — only four had voting powers — began deliberations. Three months later, they emerged from their chambers and announced the verdicts to the tense defendants, a packed courtroom of silent spectators and a live radio audience throughout Germany. Twelve of the men, including Bormann, were found guilty on multiple counts and sentenced to death by hanging. Goering was among that group but averted the hangman's noose by swallowing a cyanide capsule. Three received lifetime prison terms and four others were sentenced to prison terms ranging from 10 to 20 years. Three men were acquitted, but were later convicted and imprisoned for war crimes in German courts.

When the trial was over, the prosecutors could look back at the trial with satisfaction. The Western public was also pleased; good had finally triumphed over evil, the rule of law over the use of force. But the authors of the London Charter and their supporters in the American legal com-

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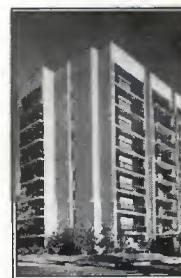
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munity who had hoped the trial would cement principles loftier than retribution, could not claim total victory. Shortly after the trial ended, international law experts began raising questions about the validity of the prosecution and whether justice had truly been served. These questions are still the subject of lively debate.

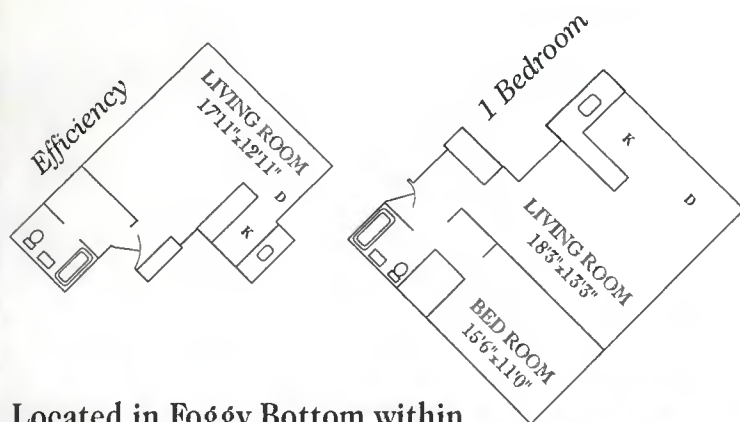
The central problem of Nuremberg focuses on the novelty of the crimes prosecuted and the question of whether it was just to charge people with offenses that had never existed previously. In legal terms, the issue was whether the defendants had been convicted of violating ex-post facto laws. The American Constitution and most Western legal codes forbid such prosecutions on grounds that it's unfair to punish people for offenses that were not crimes when committed. If this was the case, critics argued, then the noble Nuremberg principles would ring hollow and the trial reduced to painting a civilized veneer on what was really revenge by the war victors.

Of the three crimes prosecuted at Nuremberg, the

most difficult to justify as not being an ex-post facto law was ironically crimes against peace — the principle that American proponents of the trial, especially Justice Jackson, were so intent on promulgating. Legal scholars and Nuremberg prosecutors who supported the prosecution on that basis argued that by the time Germany started World War II by invading Poland in 1939, it was customary to regard aggressive war as an international crime. Since the custom had been established to criminalize aggression, these scholars contend it could be considered a general practice accepted as the law.

Writing a year after the trial ended, Sheldon Glueck, a Harvard law professor, cited the Hague Conventions of 1899 and 1907 as examples of treaties limiting the ways war could be started and conducted. In addition, he noted that the preamble to the 1924 League of Nations Geneva Protocol held that "a war of aggression constitutes ... an international crime." The protocol, however, was never signed by Germany. On the other hand, Germany was the first to sign the 1928 Kellogg-Briand Pact, which

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renounced war as an instrument of national policy and called for settling international disputes by peaceful means. But as Glueck conceded, Kellogg-Briand had never made violations of its terms international crimes to be punished in any courts of law.

Another weakness in the aggressive war charge, which Taylor has acknowledged, is that even if one accepts its legitimacy as a crime that can be prosecuted under international law, there was no precedent for the Nuremberg tribunal to try individuals (rather than nations) for the crime. Although Taylor, as a young Nuremberg prosecutor, argued that military leaders must act in accordance with international law and the dictates of public conscience, he conceded in his recent book that it was problematic to try military professionals. Tradition has held that military leaders are sworn to obey the orders of their chief of state and, therefore, military officials could not be prosecuted for conduct mandated by their commander-in-chief.

Another problem with the aggressive war prosecution was political. Germany was prosecuted for crimes that

some of the victorious nations may have been guilty of as well. In August, 1939, the Soviet Union signed a non-aggression pact with Germany in which it agreed to partition Poland. Yet only Germany was prosecuted for the Polish invasion a month later. One Nuremberg scholar, the historian Eugene Davidson, has also noted that aggressive war charges were not levied against the Soviets for attacking Finland in 1939, Bulgaria in 1944 and Japan in 1945.

Nor were the other allies inclined to look at their own behavior during the war. The Allies' perspective — which has the weight of history behind it — was that their wartime actions were justified by the total war nature of the conflict and would not have been initiated had Hitler not been a player in the international arena.

When it came to prosecuting war crimes, which at Nuremberg included use of civilians for slave labor, murdering prisoners, and wanton destruction of cities, the Allies were on more solid footing. As far back as the Renaissance, there were customs limiting specific con-

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duct in war. In the early 19th century, European countries began codifying these customs, outlawing privateering and piracy.

Charging the Nazis with crimes against humanity, the charge made necessary by the total war character of military conflict in the 20th century, has also been criticized for being an ex-post facto law. Critics argue that prior to Nuremberg, there were no international agreements banning government leaders from religious persecution or exterminations. But legal scholars and historians supporting the prosecution respond that most countries' domestic laws, including those of Germany, forbid the brutalities committed by the Nazis against innocent civilians. Even under German laws in force during the Third Reich, it was illegal to kill Jews and members of other ethnic and religious groups for their religious or ethnic background. And throughout the war, the Allies had given the Nazis ample warnings that they would be punished for the sort of atrocities punished at Nuremberg — mass murder, deportations and enslavement.

The legal weaknesses of Nuremberg only partially explain why more tribunals have not been attempted until recently, despite the plenitude of aggression and inhumane conduct during the half century since World War II. International relations expert Hans J. Morgenthau, himself a refugee from Nazi Germany, argued that power politics and self-interest are what really move nations. Accordingly, it was not only concerns about justice or fairness that prevented the convening of international judicial bodies to punish warmongers and vicious government officials. Rather, since Nuremberg, there has been neither the political will nor the shared commitment to bring to justice those who have violated the treaties signed by most nations preventing genocide and inhumane conduct in war. Instead, the world community has either looked the other way or resorted to traditional forms of retribution in the face of inhumanity.

The Nuremberg Tribunal, then, is best viewed as a flawed model for international justice in a flawed world. ■

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ARE CRIMINAL TRIALS EFFECTIVE TOOLS FOR US DIPLOMATS?

By Gregory H. Stanton

he 20th century has been a century of genocide, war crimes and crimes against humanity. Again and again, these violations have been committed with impunity in Uganda, Rwanda, Burundi, Cambodia, Equatorial Guinea, the former Yugoslavia, Iraq. And again and again, the violators have remained unpunished: Idi Amin, Pol Pot, Radovan Karadzic, Saddam Hussein.

National courts have proven ineffective in punishing those responsible for genocide, war crimes, and crimes against humanity, since so many of these offenses are committed by the very government leaders who control the justice system. International human rights provisions have lacked the force of law, because there are no effective enforcing mechanisms,

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*In a civilized world's box of tools for effective diplomacy,
an international criminal court is an essential
implement to advance peace and human rights.*

no international police force with authority to arrest violators and no international prison to hold suspects. However, perhaps it is time for the world community of nations to consider developing all aspects of an international criminal justice system, which may prove an effective diplomatic tool in threatening governments involved in state-sponsored acts of genocide, war crimes and crimes against humanity.

Punishing those responsible for crimes requires investigation, arrest, prosecution and punishment. The main problem in international law has been that the world's nations have lacked the political will to create strong institutions to carry out those tasks. The next step must be to create institutions, such as an international criminal court system with universal jurisdiction, so no tyrants may escape. The world should not be discouraged if the United Nations has administrative difficulties in creating this court system. After all, common law courts took centuries to develop: International human rights law enforcement is still at the developmental equivalent of a 13th-century system.

Since diplomats conduct relations between nation states, they have a special interest in the creation of an international criminal court. As Yale law professor W. Michael Reisman has written, "Law is not the antithesis of force. Legal systems and the political systems of which they are a part and which they seek to regulate are based upon the authoritative use of force." With the creation of an international criminal court, diplomats will have another tool to apply that authoritative force.

Gregory H. Stanton is an FSO who specializes in international justice in the Democracy, Human Rights and Labor Bureau at the State Department. He drafted the four U.N. Security Council resolutions that created the Rwandan tribunal, the Rwanda Arms Flow Commission and the Burundi Commission of Inquiry. He joined the Foreign Service in 1992 and also has served in Bangkok.

In 1980, while on leave from Yale University Law School, I visited Cambodia under the auspices of the CARE/Church World Service relief program. I was appalled by the sight of mass graves filled by the Khmer Rouge and by stories of eyewitnesses who had watched their friends and relatives murdered.

From 1979-1994, some 2 million Cambodians were killed by the Vietnamese- and Chinese-backed Khmer Rouge, which left power after 1994. When I returned to America, I founded the Cambodian Genocide Project at Yale to document the crimes and seek international political support under the U.N. Genocide Convention, to which Cambodia is a party. After not one human rights organization would agree to take the case against Cambodia to the World Court, Sen. Charles Robb (D-Va.) sponsored the Cambodian Genocide Justice Act in 1994. It calls for the creation of an international justice tribunal to bring those responsible to justice. Meanwhile, the Cambodian Genocide Program at Yale is organizing thousands of pages of evidence in the hope that the tribunal will be created in the next year.

When Hitler was asked if the Final Solution wouldn't violate international law, he scoffed, referring to an earlier genocide, "Who ever heard of the Armenians?" One of the primary objectives of U.S. foreign policy is promotion of the rule of law in the world. Civilized society abhors a legal vacuum and where there is no law, tyranny triumphs.

International courts with the power to try individuals is one threat that diplomats may find useful in breaking the cycle of ethnic revenge. The best protection for ethnic groups is the protection of individual rights. Justice is the strongest antidote to genocide, war crimes and crimes against humanity. In the civilized world's box of tools for effective diplomacy, an international criminal court is an essential implement to advance peace and human rights. ■

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BY MARIA BAUER

Nobody would have guessed that Ahmed Fakhri, the cheerful, round, permanently grinning little man, was one of Egypt's most important Egyptologists. His wife, however, an overwhelmingly big German woman with an overwhelming voice, could have been mistaken for a Wagnerian opera singer. The couple's regular afternoon tea parties for his American friends were either highly stimulating or extremely frustrating.

We all listened with fascination when Fakhri talked about his recent excavations — there never seemed an end to new discoveries — but Hilde Fakhri would always interrupt, urging her guests toward more sweets or entertaining them with anecdotes or complaints about her servants. However, there was one tea party when it was Mrs. Fakhri who, obviously quite unbeknownst to her, cleared up a mystery of Cairo that had baffled me since my arrival.

That afternoon, a guest asked the name of that ugly, windowless, boarded-up building next to the Cheops pyramid. Fakhri answered with this story:

"In 1950, exactly 15 years ago, after a big sandstorm that blew away the top layers of sand, we discovered a row of very large polished slabs of stone that turned out to be the top of a huge stone crate.

That, obviously, contained an important archeological treasure so, after receiving a government grant to pay for our time and labor, we excavated the pit and found, tightly packed inside, a perfectly preserved assortment of hundreds of variously shaped pieces of wood — later determined to be the components of a large boat. The building you are talking about was constructed to be used as a safe shelter to assemble the pieces and build the boat. It would later serve as a museum where the finished boat could be viewed by the public. Its pieces fitted perfectly, without glue or pegs, but it took us years to reconstruct it. It was a huge funerary boat, over 120 feet long and probably had been built for the Pharaoh Cheops himself. Unfortunately, there was a mistake —"

Mrs. Fakhri interrupted: "Anyone wants more tea?" No one bothered to answer her.

"What mistake?" a guest asked impatiently.

"An unfortunate mistake in the measurements," he responded with some embarrassment. "When the building was finished, it was too small, barely able to hold the boat and not enough room for the public to enter and view it. And since there is no money left to tear it down and build a new one, the boat will never be seen by the public. It's so sad — and now we have discovered an identical stone pit on the other side of the Cheops pyramid, but because of lack of money to excavate it, it will have to remain underground."

Upon our urging, Fakhri described how the boat was built to transport the deceased's *ba*, *kha* and *akh* — his soul, consciousness and vital energy —

Maria Bauer is an author in Washington, D.C., and the spouse of retired FSO Robert Bauer, who served in Cairo in the mid-1960s.

between the other world for purification and his tomb whenever he wanted to re-enter his perfectly preserved body. There he could again enjoy the many things he had loved in his earthly life that had been buried with him or were represented in painted reliefs on the tomb's walls. These customs were also followed by ordinary citizens, Fakhri explained, although their tombs were much more modest.

When he started to describe to us the fascinating tombs the Egyptian artists of Luxor had built and decorated for their families and themselves, Mrs. Fakhri interrupted again, trying to nudge everyone to a platter of cakes, and loudly proclaiming that she had baked too many sweets for this weekend's picnic at the funerary home. "I always prepare too much food for the days we visit Ahmed's deceased relatives, so please help yourselves to any of these cakes," she said. Now Mrs. Fakhri had the complete attention of her guests. "Where do you go?" started one guest. "I —"

I piped up, asking, "Where is your funerary home?"

"In the City of the Dead, of course," she answered. "Fortunately, Ahmed's grandfather built it when the land was still available and cheap. They say that in about a year or two there won't be any land left in the City of the Dead."

There was a moment of silence. Everyone living in Cairo was aware of the City of the Dead, a cemetery stretching on both sides of a busy highway that connects the city to a fashionable suburb of Heliopolis and the International Airport. It is not a cemetery as Americans know it. With its Islamic palaces — some dating to the times of the Mameluk kings and including mosques, villas or modest cottages with gardens — it's like any Middle Eastern city subdivision, only its streets are deserted and its inhabitants dead.

I had heard that on weekends and holidays, Egyptians visited with relatives and friends in the rooms above the burial chambers, but I had never realized how widespread that custom was and that our friends — even a Western Christian woman — had so readily adopted the practice. Whenever I found myself driving on the overpass overlooking the City of the Dead, I would marvel at the contrasts. Looking beyond the Khan Khalil bazaar and Cairo's

ancient streets and mosques and beyond its modern skyscrapers and luxurious hotels, I was awed by the three pyramids looming from the desert as though standing guard over the underground passageways and tombs — one huge necropolis stretching all the way to the Southern border.

In Cairo the reminders of death are everywhere and yet it's not morbid or depressing. The reliefs in the tombs depict life in ancient Egypt so intelligibly and humanely that it's easy to relate to them. And in many respects, there have been few changes since they were built. The agricultural scenes on the crypts' walls show the same implements and methods still in use today; the carved features of the ancient Egyptians resemble those of the people on Cairo's streets and the women's flowing gowns and ornate jewelry are still beautiful to us today.

Egypt's rhythm is the eternal infusion of antiquity into present-day life, the interplay of the ancient and the new, the weaving back and forth between past and present. When I walked or drove through Cairo's dusty streets, I was aware of and strongly affected by an aura of serenity, almost of joyfulness, that emanated from the city despite its poverty and crowded conditions. I used to wonder about this phenomenon, which I had not found in any other Arabic city and then, suddenly, thanks to Mrs. Fakhri, I think I understood that this was largely due to the Egyptians' attitude toward death — the legacy of Pharaonic times that had left its mark.

In Cairo, and only in Cairo, the Egyptians just like their ancestors, buy land and build as beautiful a home for them as possible, a place where they will communicate until the day they join them in death. Death is considered a part of life, without anxiety or fear; the dead stay among the living. Instead of being banned to a cold and lonely cemetery, the dead friend or relative has a cozy home, within reach of family and friends. ■

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the weaving back and
forth between the past
and the present.*

THE BOARDING SCHOOL SEARCH

By PETER PELHAM

An overseas assignment, with its promise of adventure and exploration of another culture, is part of the allure of the Foreign Service, but it also means packing belongings, pulling up roots and leaving relatives and close friends. If a family has school-age children, one of the most difficult decisions associated with a posting abroad is where and what kind of school to choose for them.

There are many educational options from which to choose, but no option is right for every family. Should it be a home school, one near post or a boarding school in the United States or another country?

For many Foreign Service families, the choice is simple: They choose boarding schools in the United States or overseas because

they provide comprehensive academic, extracurricular and residential programs unavailable elsewhere. According to a survey conducted by the Department of State's Family Liaison Office (FLO), 254 Foreign Service children attended boarding schools in the United States or abroad during the 1994-95 school year. They were among the more than 49,000 students attending boarding schools in the United States, Canada and abroad, according to the Association of Boarding Schools, an association of 291 boarding schools.

Still, making the decision is but the first step. Other considerations include the student's personality and the school's location, extracurricular programs and support services. Choosing a school should be a family affair, with the student's

considerations weighing heavily. The success of the decision requires that both parents and students feel they have contributed to the choice. Some initial questions families might consider together are:

■ Where should the school be located? Overseas or in the United States? If in the United States, which section of the country would be the best?

■ What academic and extracurricular activities should it offer?

■ What size should the school be?

■ What type of community environment — traditional, progressive, religious or a combination of these — best suits the student?

■ What percentage of the school community should be boarding students?

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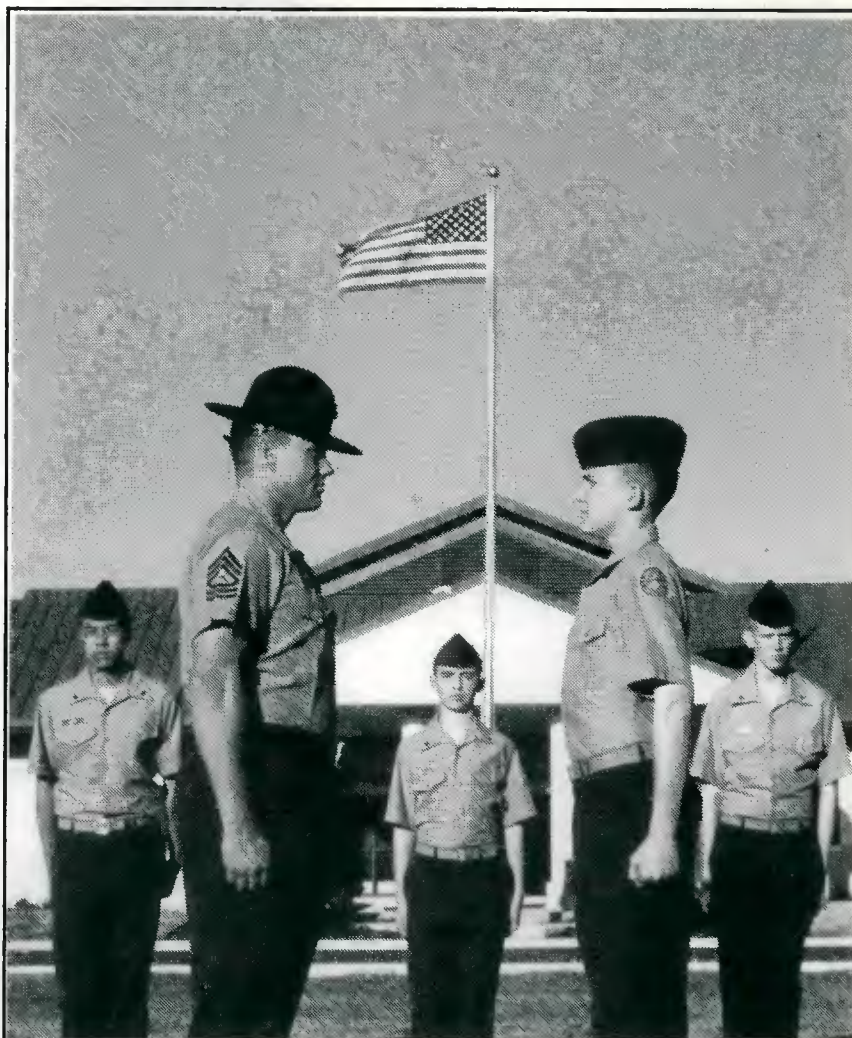
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Answering these questions can help families develop a school profile that narrows the number of schools on the final list. Of the Foreign Service children who attended boarding school during last year's academic schedule, only 26 percent chose boarding schools abroad. The balance of the students chose schools in the United States, including 31 percent in New England; 22 percent in the mid-Atlantic; 10 percent in the Rockies, the West and the Southwest and 9 percent in the Midwest and South, according to FLO statistics. Two percent of the students did not report which schools they attended. The clear preference for New England is probably due to that area's large concentration of boarding schools with diverse programs, according to Sydnee Tyson, education and youth officer in the FLO office. Similarly, schools in the mid-Atlantic region benefit from their proximity to the Washington, D.C., area. Still, every geographical area, whether in the United States or overseas, probably boasts a school that will meet any family's specific criteria.

Families looking for information can begin the search at the FLO office, which publishes a book on educational options. Once families have their top-10 list, they can request an application package from each school, which should include a brochure, a curriculum guide, a faculty roster, a video tape and application forms and instructions. The school's materials and entrance requirements should be reviewed carefully, as they will help further narrow the selection. Many schools require that potential students take a standardized placement test to determine the student's level of academic ability. The most common test is the Secondary School Admission Test (SSAT); most schools have information on how and where to take the test.



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The next step is to visit the top two or three schools. While pictures and videos can capture a school's look, they rarely tap into its sense of community. Most schools welcome families by arranging appointments with teachers and administrators; potential students can ask current students about class schedules, the food in the dining hall, weekend activities and social events. Some schools even arrange overnight stays in dormitories for potential boarders.

If this seems overwhelming, families can turn to professionals. The Independent Educational Consultants Association in Fairfax, Va., provides a directory of consultants who — for a fee — will help families review options and select a school. ■

Peter Pelham is associate director of the Association of Boarding Schools in Washington, D.C.

BOARDING SCHOOL RESOURCES

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Family Liaison Office
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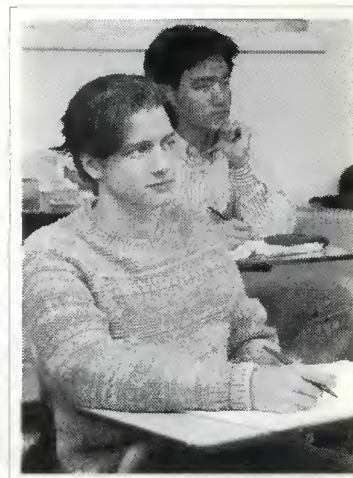
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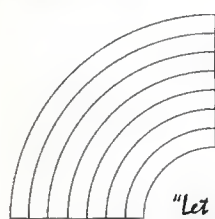
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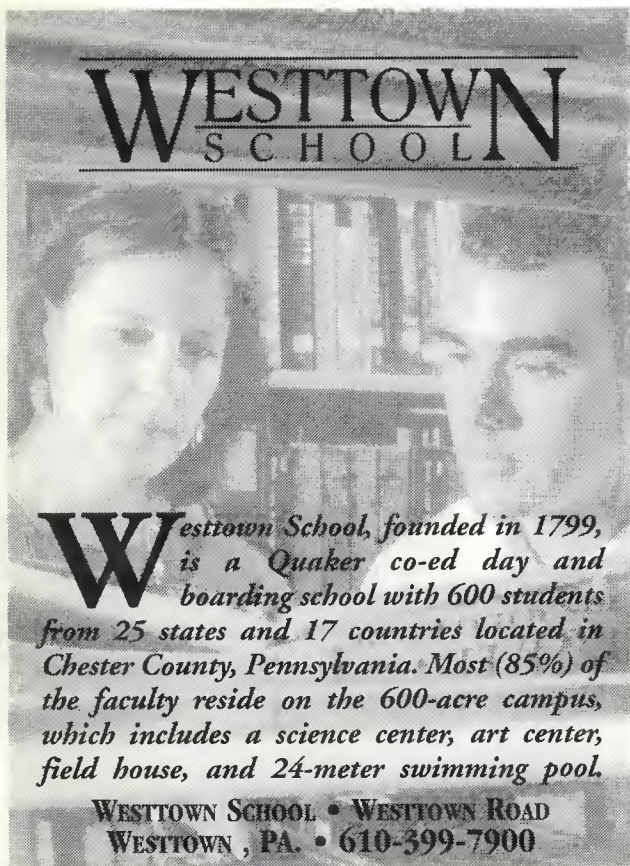
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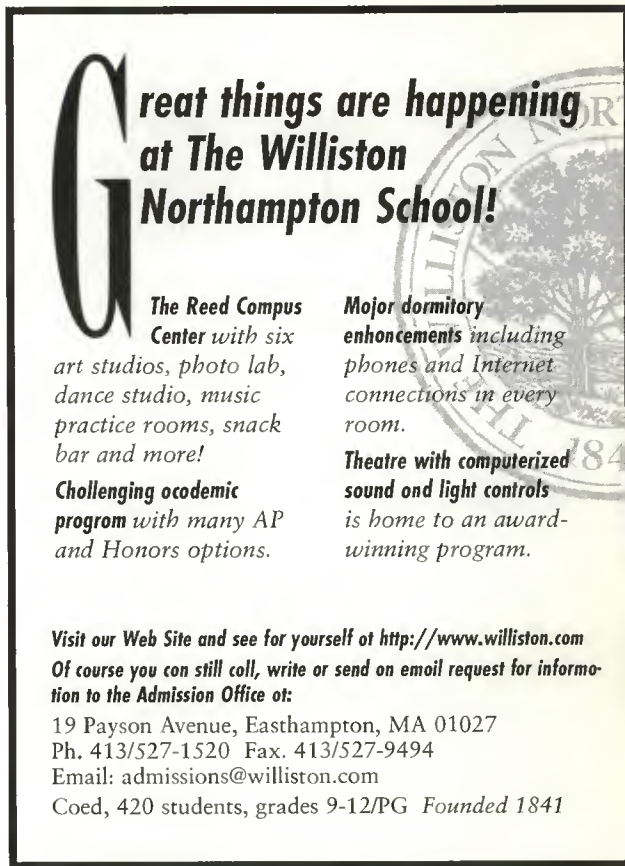
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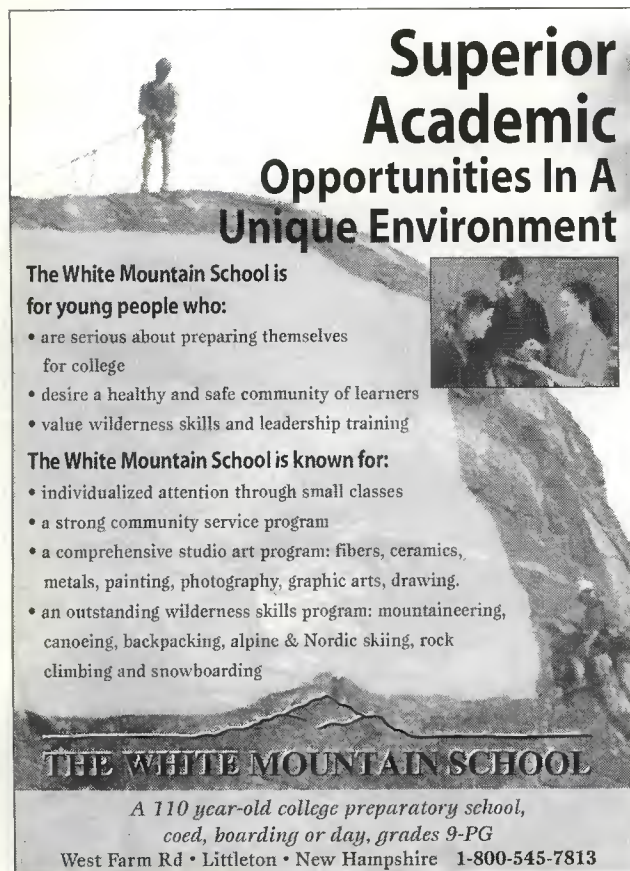
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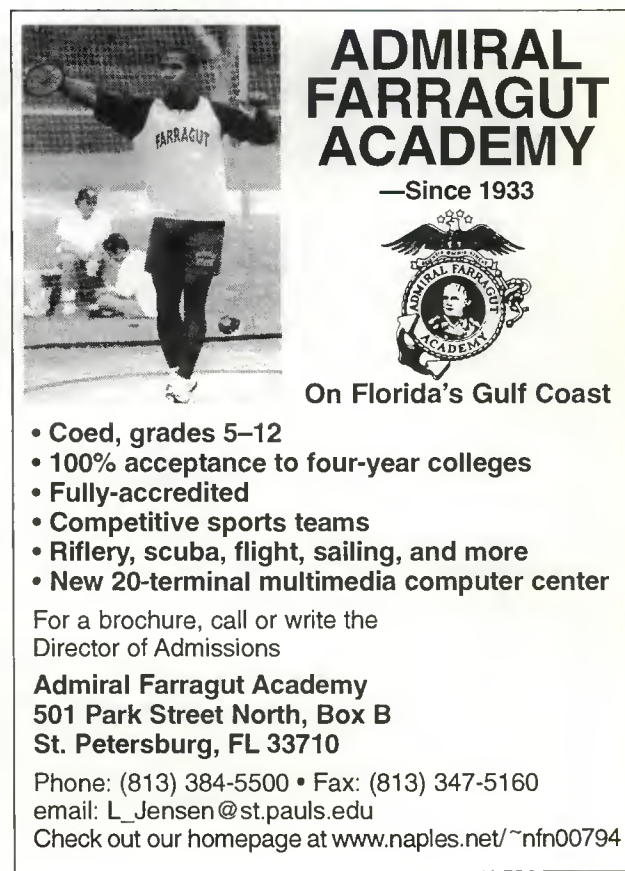
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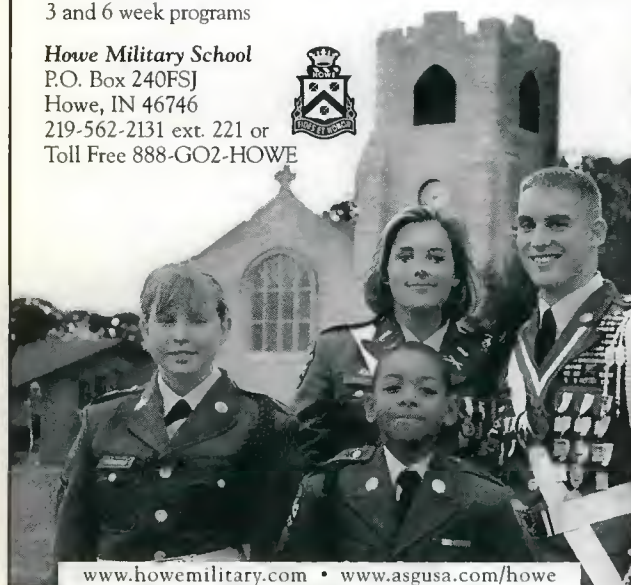
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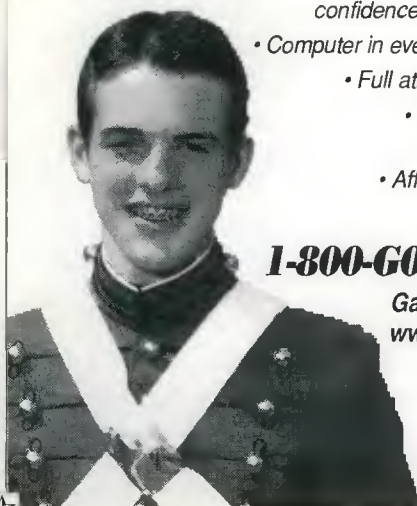


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IN MEMORY

Caroline Marshall Adair, 68, wife of retired FSO Charles W. Adair, died Oct. 9 in Martin Memorial Medical Center in Stuart, Fla.

She grew up in Greenwich, Conn., and lived in Washington, D.C., Virginia, Brazil, Belgium, France, Argentina, Panama and Uruguay.

She is survived by her husband, a former U.S. ambassador to Panama and Uruguay; a son, Marshall P. Adair, an FSO in Washington, D.C.; two daughters, Caroline Adair Finn of Silver Spring, Md., and Sarah Adair Shaps of London; and six grandchildren.



John Paul Barringer, 93, a retired FSO and chairman of the Cass County Iron Co. of Manhattan, died in Princeton, N.J., on Aug. 15.

A graduate of Princeton University, Mr. Barringer was born in Stafford, Pa. In 1946 he joined the Foreign Service, serving as a counselor and charge d'affaires in Haiti and Libya, and in Washington D.C. He retired in 1965.

Mr. Barringer is survived by his wife, Dorothy Allen Pray, of Princeton, N.J.; four daughters, Margaret Siebens of Princeton, Patrieia Silver of Sarasota, Fla., Beverly Wadsworth of New York City and Daphne Goodyear of Gibson Island, Md.; 14 grandchildren and eight great-grandchildren; and a brother, Philip, of Washington.

Ethel M. "Rusty" Byrne, 73, of Beaumont, Tex., wife of retired FSO Eugene A. Byrne, died of heart disease in November 1995.

Mrs. Byrne was born in Ross-on-Wye, England, and met her husband at the U.N. Relief and Rehabilitation Administration Displaced Persons Program in Austria after World War II. The couple was posted to Tripoli, Kathmandu, New Dehli and Washington, D.C.

Survivors include her husband; a son, Bryan, of Seattle, Wash.; a sister, Flora Hudson, of Honiton, England; and one granddaughter.



John Esterline, 80, a retired FSO, died in Claremont, Calif., on Sept. 27.

Born in Cincinnati, Ohio, Mr. Esterline attended Stanford University and then worked as a reporter for the *Alhambra Post Advocate* and the *Los Angeles Examiner*. Mr. Esterline served as an FSO in India, Sri Lanka, Egypt, Syria and the Philippines, and in Washington, D.C. After retiring in 1970, Mr. Esterline was a political science professor at California State Polytechnic University in Pomona, Calif., until his death.

Mr. Esterline is survived by his wife, Mae Handy Esterline; a son, Bruce Hanly, of Dallas, Tex.; a daughter, Marie Vance Hoy, of Duxbury, Mass., and five grandchildren.

Windsor G. "Greg" Hackler, 80, a retired FSO, died in Honolulu on July 16.

A graduate of Northwestern University and Harvard University, Mr. Hackler joined the Foreign Service in the 1950s, serving in Dhahran, Tokyo, Djakarta and Singapore. After retiring in 1965, he established the Overseas Career Program at the University of Hawaii.

Survivors include his wife, Rhoda E.A. Hackler; a son, Jeffrey; and two grandchildren.



John G. Heyn, 89, a retired FSO, died in MeLean, Va., on March 30.

Born in Louisville, Ky., Mr. Heyn grew up in Jeffersonville, Ind., and worked in radio and silent movies in Arkansas from 1924-1927. In 1928 he graduated from the State Academy of Music in Munich, Germany, and became assistant conductor in the Municipal Opera House in Saxony until he returned to the United States in 1935 to become a pianist with the Meyer Davis Orchestra. After World War II, he joined the Foreign Service, serving in Czechoslovakia, Germany, Argentina, Uruguay, Bolivia, Jamaica and Mexico until his retirement in 1972.

Survivors include his wife, Margaret Warwick Heyn; a daughter, Deborah Heyn Workman, of Washington, D.C., and a son, John Warren Heyn, of Redwood City, Calif.

IN MEMORY

Kerim K. Key, 86, a retired State Department analyst who taught at the Foreign Service Institute, died in Chevy Chase, Md., on July 11.

Born the son of an Ottoman diplomat in Constantinople, Mr. Key immigrated to the United States in 1939. His four decades of government service included stints with the Office of Strategic Services and the departments of State and Commerce.

Mr. Key's wife, Elizabeth Key, who worked for the CIA, died in 1995. Survivors include a sister, Roxan Wise, of Framingham, Mass.

Alexander Latty Peaslee, 74, a retired FSO and co-founder of the *Charlottesville Observer* weekly newspaper in Charlottesville, Va., died May 25 of pancreatic cancer at a Charlottesville hospice.

Mr. Peaslee's 26-year Foreign Service career began in 1946 when he became agricultural attaché in Shanghai, China. He also served in Porto Alegre, Brazil; Hong Kong; Taipei; and as consul general in Halifax, Nova Scotia. After retirement in 1972, he earned a law degree at the University of Virginia Law School and became a partner in the law firm of Dvoskin and Peaslee, Ltd. He retired for a second time in 1978 to devote his time to the *Observer*, which he founded with his wife, Catherine Gorey Peaslee. They sold the paper in 1988.

In addition to his wife, survivors include four daughters and a brother.

Ruth Libbey Russell, 88, widow of retired FSO Francis H. Russell, died Aug. 13 of injuries received in a car accident in North Turner, Me.

Born in Boston, Mrs. Russell accompanied her husband to ambas-

sadorial posts in New Zealand, Ghana, Tunisia and Israel.

Survivors include a daughter, Arlie Russell Hochschild, of San Francisco, Calif.; a daughter-in-law, Deborah Simonds Russell, of Brookline, Mass.; and four grandchildren.

Mary E. Snapp, 75, a retired FSO, died in Tucson, Ariz., on June 18.

Mrs. Snapp grew up in Whiting, Ind., and graduated from Stratton Business College and Indiana University. She retired from the Foreign Service in 1978 after serving in Guatemala, Chili, Ecuador, Belgium, Ivory Coast, Pakistan and the Philippines.

Mrs. Snapp is survived by her sister, Marjorie S. Jackson, of Cincinnati, Ohio.

Louis F. Thompson, 92, a retired FSO and international business consultant, died in Charlotte, N.C., on July 15.

A graduate of the University of Notre Dame and Georgetown University Law School, Mr. Thompson joined the Foreign Service in 1955, serving in France, New Delhi and Switzerland. After his retirement in 1959, he worked for the International Executive Service Corps until 1980.

He is survived by his wife, Marceline, of Charlotte; two sons, James Thompson, of Rockville, Md., and John Thompson of Charlotte; two daughters, Susan Knight of Shelby, N.C., and Barbara Miles of Lady Lake, Fla.; 15 grandchildren and 18 great-grandchildren. His first wife, Florence, died in 1982.

George D. Tibbits, 85, a retired FSO, died in Washington, D.C., on

June 2 of complications from a stroke.

Before joining the Foreign Service, Mr. Tibbits worked for the U.S. Tariff Commission and the War Production Board. His Foreign Service posts included Argentina and Paraguay.

Survivors include his wife, Jocelyne, of Bethesda, Md.; a brother, W.B.J. Tibbits, of Washington; six children and seven grandchildren.

John Wills Tuthill, 85, a retired FSO and ambassador to Brazil from 1966-1969, died in Washington, D.C., on Sept. 9.

Born in New Jersey, Mr. Tuthill joined the Foreign Service in 1940, serving in Mexico City, London and Brussels. After he retired in 1969, he became a professor at the Bologna, Italy, campus of The Johns Hopkins University's School of Advanced International Studies.

Mr. Tuthill is survived by his wife, Erna Leuders; a son, David Wills Tuthill, of Redondo Beach, Calif.; and seven grandchildren. A daughter, Carol Tuthill Battleson, died in 1979.

John Rhoden Wood, 102, a retired FSO, died June 30 in Savannah, Ga.

Mr. Wood joined the Foreign Service after World War I, serving in Paris. After World War II, Mr. Wood returned to Paris, where he served most of his 44-year career, including assignments as a consular officer and consul general. He retired in 1961.

Survivors include one daughter, Evelyn Wood Weaver, of Williamsburg, Va.; two sons, Jack G. Wood of Savannah, Ga., and James W. Wood of Rockville, Md.; eight grandchildren and six great-grandchildren. ■



BOOKS

100 YEARS' TURMOIL: A MORALIST'S VIEW

**At a Century's Ending,
Reflections 1982-1995**

George F. Kennan, W.W. Norton & Company, 1996, hardcover, \$27.50, 351 pages.

BY HUME HORAN

Statesman George Kennan has lived, observed and written about the great events of this century. But in these collected reflections, he speaks not as FSO, nor political scientist, nor historian. He speaks as moralist. What a corrective to any self-indulgent, linear view of history is Kennan's thought that all the unimaginable sufferings of this century — World War I, World War II and the Cold War — have only brought us back to 1914. Now, as then, we can hope for a better future shaped by democracy, free enterprise and decentralized relationships among the components of former empires like that of the Soviet Union.

Kennan warns against the collective hysterias of modern nationalism that lead "to the most egregious sort of self-righteousness and self-idealization ... something profoundly un-Christian." He urges us not to see opponents, presumably products of some "negative genetic miracle," as having a "monopoly on inequity." We must learn to see all people "as God's

creatures, embodying both good and bad, each one of our hearts the scene of a tiny part of the struggle between good and evil."

Kennan notes America has done many of the big things correctly, especially the Marshall Plan. But he is skeptical about America's ability to conduct a consistently mature, realistic foreign policy. He criticizes the "domestic political self-consciousness of the American statesman" that caused U.S. diplomacy "to degenerate into a series of postures struck before the American political audience ... [or before] particularly aggressive and vociferous minorities or lobbies."

Kennan would have America's example be universal, but before new responsibilities are undertaken, he'd have policymakers "bear in mind the limits of our national capabilities and the price we are obliged to pay." There are dilemmas in other of the world's regions where solutions will need to be found without U.S. involvement.

According to Kennan, a former U.S. ambassador to Yugoslavia, one of those regions is the Balkans. The region's conflicts of 1913 and 1993 are similar. Eighty years ago, and now, violence sprang "from religion, an aggressive nationalism, and the resentments of a distant tribal past." What's to be done? "The Balkans are primarily a problem for the Europeans ... and if they claim they lack the political unity to confront it successfully, the answer is that per-

haps this is one of those instances ... where one has to rise to the occasion."

As a corrective, Kennan would have us always remember that government is an agent, not a principal. Its primary obligation "is to the interests of the national society it represents, not to the moral impulses that elements of that society may experience," he writes.

He is eloquent, too, about the U.S. government's disinterest in its professional diplomats. Speaking of an early boss, a political ambassador, Kennan notes that he and his colleagues were "ashamed for him before our diplomatic colleagues because of his obvious unfitness for the job, his having been sent out as our chief seems like a gesture of contempt on the president's part for us and for our efforts — a revelation of how little the American political establishment knows or cares about the Foreign Service." How many Foreign Service professionals since have echoed these words as they tried to support an unfit non-career chief of mission? What effect, one asks oneself, might a half century of mostly non-career ambassadors in Western Europe have had on U.S. diplomacy in Europe and on Europeans' views of America? ■

Hume Horan, a career minister, is chairman of the Sub-Saharan African Studies Program at the Foreign Service Institute. He has served as U.S. ambassador to Cameroon, Sudan, Saudi Arabia and the Ivory Coast.

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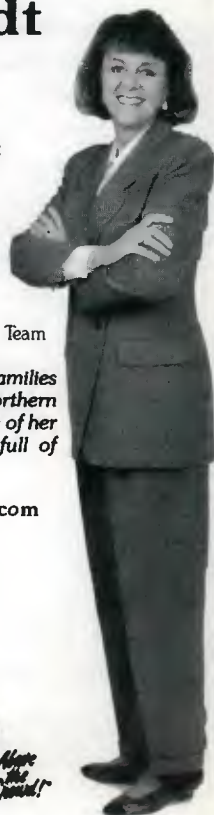
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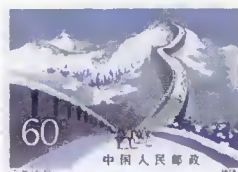
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POSTCARD FROM ABROAD

Hawking Christmas in China

BY ANNE STEVENSON-YANG

When I first lived in China in 1985, Christmas was a dreary time of year and Beijing was at its grayest. Most Chinese had not even heard of the holiday, much less knew how to celebrate it. With other Westerners, I would do my best to generate a little circle of mirth. I'd borrow a little convection oven and cook my extravagantly expensive frozen turkey, invite Chinese friends to a Christmas dinner — at which they would inevitably pour the egg nog over the turkey — and hang a few sprigs of evergreen on a string of medicinal berries.

A decade later, the Avenue of Lasting Peace that winds through Tiananmen Square looks like an FAO Schwartz display. China's big coastal cities become virtual Santa's villages during the Christmas season, driven in equal parts by the growing expatriate market for local celebrations, the overflow of toys and Christmas decorations from assembly factories in China's south, and, perhaps, a dearth of really good holidays, the grinch of communism having frowned upon the religious, the lavish and the just plain fun. Still, the average Chinese still doesn't know when Christmas falls or why it's celebrated.

On Beijing's main shopping streets, Dongdan and Wangfujing, wholesale

Anne Stevenson-Yang, director of China operations of the U.S.-China Business Council, is a former editor of the Foreign Service Journal. She lives in Beijing.

*Is the holiday no
more than a
Hallmark
transplant
designed to tease
money out of
Chinese pockets?*

shops hawk pine cone wreaths, plastic pine boughs, Christmas tree balls, strings of lights and snow-frosted Santas. Upscale department stores devote counters to Christmas decorations presumed to be lovingly built by ancient craftsmen in the mountains of Austria, wind-up candelabras with skaters circling silver ponds to the tune of "Oh Christmas Tree" and Christmas balls with hand-painted drawings of fat-cheeked Victorian children singing carols.

Last year, the Friendship Store in the financial district put up a jolly, hot-air-filled Santa nearly the size of a Macy's Thanksgiving Day Parade balloon. Beijing No. 1 Kindergarten, somewhat confused, painted a mural of an angel descending to the earth among animals of the African veldt. Catering to a mix of Western stragglers

who did not manage to get home for Christmas and well-to-do Asians interested in sampling a new form of sanctioned fun, hotels have begun to organize elaborate, if synthetic, Christmas celebrations. They throw masquerade balls at which the wannabe elite wear fancy dresswear and masks, smoke cigars and sip pink champagne.

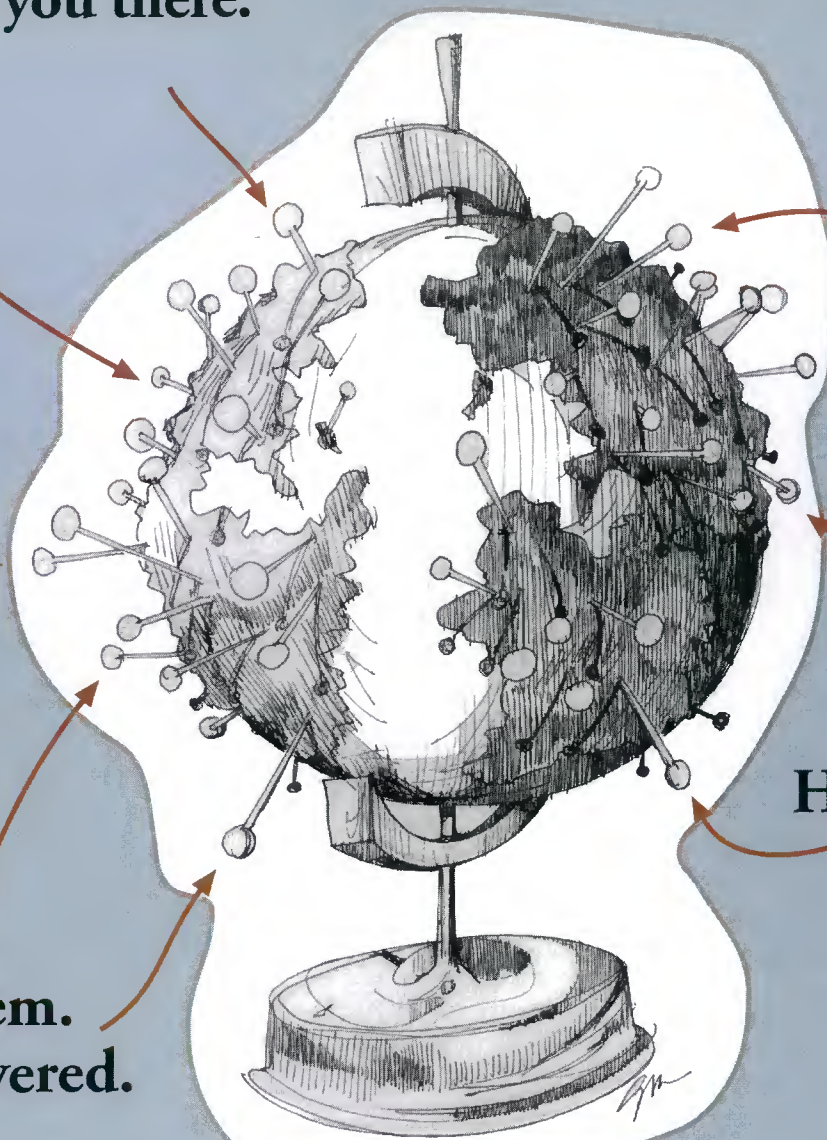
To be sure, there are church services as well, so popular that most churches have resorted to issuing tickets for crowd control. The churches have a hard core of worshippers, mostly elderly people whose worshipping was merely suspended during China's bleakest era, but most of the pews are filled by young people who find it fashionable to appear at church on Christmas.

Christmas has come to China on the wing of commercialism. Does that mean the holiday is nothing more than a Hallmark transplant designed to tease money out of Chinese pockets? There's more to it. Christmas is the opposite of a Chinese holiday: It involves family reunion, friends, intricate observances stretching over several days; it represents regeneration and hope. The big Chinese festivals as now observed in Beijing entail mostly cooking, eating and playing mah-jong. They just can't compare. So this year, while the rest of the business and diplomatic community return home or flood the beaches in Thailand and Australia, I think I'll stay in China again to celebrate Christmas. Pretty soon, this holiday may become a bigger celebration here than at home in Washington, D.C. ■

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