

CONSULTATION ON NOMINATIONS

Mr. GRASSLEY. Mr. President, I have sent a letter to the majority leader requesting that I be consulted on certain nominations. I am asking to be consulted on the nominations of Anthony Harrington to be United States Ambassador to Brazil, Calendar No. 364, and for Charles Manatt to be United States Ambassador to the Dominican Republic, Calendar No. 361. Further, I ask to be consulted on all the promotion lists for career State Department foreign service officers.

I take this step reluctantly but believe it is necessary. The administration is required by law to submit to Congress on 1 November every year the so-called Majors' List, the list of major drug producing and trafficking countries that the President intends to certify on 1 March of the following year. The administration has never met this deadline, despite the fact that Congress extended it several years ago from 1 October to 1 November in order to give the administration more time in which to meet the requirement. Last year the list was over a month late. Despite repeated messages that this deliberate flouting of the law was not acceptable, the administration has again failed to submit the list or to offer any explanations. The list has yet to leave the State Department and must still wait for the laborious interagency review process. There is every likelihood that the list will be significantly late again this year.

With this as background, I have asked to be consulted on any unanimous-consent requests involving consideration of the nominations I have indicated until such time as the administration complies with the law. I will consider additional requests depending on the delay that is involved in the administration complying. I regret this course but I regret more the administration's failure to comply with the law.

TESTIMONY OF GENERAL KLAUS NAUMANN

Mr. LEVIN. Mr. President, yesterday the Armed Services Committee received testimony from recently-retired German General Klaus Naumann, the former Chairman of NATO's Military Committee. In that capacity, General Naumann was NATO's highest ranking military officer and headed the NATO organization which consists of the Chiefs of Defense, i.e. the Chairman of the Joint Chiefs of Staff General Hugh Shelton and his counterparts, of all 19 NATO countries and to which NATO's Supreme Allied Commander, Europe, General Wesley Clark, and Supreme Allied Commander, Atlantic, Admiral Harold Gehman, report.

The topic for the hearing was lessons learned from NATO's Operation Allied Force, the air campaign against the Federal Republic of Yugoslavia.

Mr. President, I ask unanimous consent that a copy of General Naumann's

opening statement be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. LEVIN. I hope that my colleagues will read General Naumann's thoughtful, straight-forward, and insightful statement. But, I want to highlight a few of General Naumann's conclusions—conclusions with which I agree and whose implications I believe merit careful consideration by us all.

First and most importantly, General Naumann concluded that "it was the cohesion of our 19 nations which brought about success." In the course of the hearing, he pointed out that this cohesion was maintained despite the fact that, for example, polls indicated that some 95 percent of Greek citizens opposed the operation.

General Naumann also concluded that "it will be virtually impossible to use the devastating power of modern military forces in coalition operations to the fullest extent" but that this disadvantage "is partly compensated by the much stronger political impact a coalition operation has as compared to the operation of a single nation." In that regard, I asked General Naumann for his reaction to a lesson that, I believe, applies. The lesson is not that we ought to use less than decisive force but that if that is not an option, then the judgment that must be made is whether or not the risk in utilizing what I call "maximum achievable force," i.e. the maximum force that is politically achievable and which is less than decisive force, whether the risk involved outweighs the value of proceeding. General Naumann, as General Clark did in a prior hearing, agreed that it was a lesson learned from NATO's air campaign and that the question or balancing test that I posed was the proper one.

General Naumann had a number of other lessons and sage advice for us, such as that the United States should fully support the European Security and Defense Identity (ESDI) within the Alliance and that ESDI can strengthen the transatlantic link. Once again, I strongly urge my colleagues to read General Naumann's statement.

EXHIBIT 1

STATEMENT OF GENERAL (RET) KLAUS NAUMANN, GERMAN ARMY, FORMER CHAIRMAN NATO, MC

(Senate Armed Services Committee Hearing on Kosovo After-Action Review, November 3, 1999)

Mr. Chairman, Senator Levin, Distinguished Senators, it is my honour and indeed a privilege to testify in the Senate Armed Forces Committee on the lessons learnt from Kosovo. I would like to congratulate you, Mr. Chairman, and your colleagues on your effort to review the operation. I feel this is wise and farsighted since the next crisis will come, for sure, although I am unable to predict when and where.

I will discuss first the lessons learnt during the crisis management phase, then the air campaign until the day on which I left

NATO, i.e., May 6, 1999 and end with a few conclusions.

With your indulgence I would like to start with a brief remark on the Military Committee (MC) which seems to be a largely unknown animal in the United States of America.

The MC consists of the Chiefs of Defense (CHOD) of all NATO countries and an Icelandic Representative of equivalent rank. The Strategic Commanders (SC), i.e. SACEUR and SACLANT, participate in the MC meetings. The meetings are chaired by an elected chairman who has served as CHOD of a NATO country and who is NATO's highest ranking military officer.

The MC meets three times a year and in its permanent session in which the CHODs/Commanders are represented by a permanent representative of three or two star rank once a week as a minimum. SACEUR and SACLANT report to the MC and through it to the Secretary General and the North Atlantic Council (NAC).

The MC is the source of ultimate military advice for the NAC and it has to translate the Council's guidance into strategic directives for the two SCs.

The MC played a crucial role during the Kosovo Crisis in keeping the NATO nations together. It was in the MC where the OPLANs were discussed and finalized in such a way that a smooth passage in the NAC was guaranteed and during the war the MC acted as the filter which helped to stay clear of micromanagement of military operations. It is my firm belief that this helped to avoid potentially divisive debates and it allowed SACEUR to concentrate on his superbly executed task to conduct the operation.

The Kosovo War itself deserves careful analysis for a couple of reasons.

It was after all the first coalition war fought in Europe in the information age, fought and won by a coalition of 19 democratic nations who did neither have a clearly defined common interest in Kosovo nor did they perceive the events in Kosovo as a clear and present danger to anyone of them. They fought eventually for a principle that is dear to all of them, the principles that Human Rights ought to be respected. They thus demonstrated that this is more important for them than the principle of territorial integrity which has governed International Law since the Westphalian Peace of 1648. This coalition fought without a clear cut mandate by the UNSC in a situation which was not a case of self defense and it stayed together and on course throughout the 78 days of the air campaign. It was the first war ever which at the first glance was brought to an end by the use of airpower alone. But it would be premature and indeed wrong to conclude from that that future conflicts could be fought and won from the distance by the use of airpower. One could say that only if we had clear evidence that it were the results of the campaign which made Milosevic eventually blink. That, however cannot be said by anyone on our side.

In my view the war proved once again the seasoned experience that we military will do best if we plan and fight joint operations and that it would be a deadly illusion to believe that the Revolution in Military Affairs will allow us to fight a war without any casualties.

What lessons did we learn during the Crisis Management Phase of the conflict?

Allow me to start with the rather straightforward statement that we could have done better in crisis management since we simply did not achieve what has to remain the ultimate objective of crisis management, namely to avoid an armed conflict. I do not know whether we ever had a fair chance to achieve it since Milosevic wanted to solve the

Kosovo problem once and for all in spring 1999. He saw presumably no alternative but force and violence after the Kosovars took advantage of the Serb withdrawal which General Clark and I had negotiated on October 25, 1998. Nobody knows when he took his decision but I have reasons to believe that it was in November 1998 and it was most probably a decision to not only annihilate the KLA but also to expell the bulk of the Kosovars in order to restore an ethnic superiority of the Serbs. One point has to be made with utmost clarity in order to destroy one of the myths the Serbs are about to create: It was not NATO's air campaign which started the expulsion of the Kosovars. It began well before the first bomb was dropped and it might have been the result of a carefully premeditated plan.

NATO began to be seized with the situation in Kosovo in early 1998. Again the background of the fighting in Kosovo in spring 1998 NATO ministers expressed their concern at their meetings in Luxembourg and Brussels and began to threaten the use of force in an attempt to stop violence and to bring the two sides to the negotiation table. NATO Defense Ministers decided in June to underpin that threat by a demonstrative air exercise although the NATO military had advised ministers that NATO as such was not ready to act and that any use of military instruments made only sense if there were the preparedness to see it through and to escalate if necessary.

Milosevic who was never unaware of NATO deliberations rightly concluded that the NATO threat was a bluff at this time and finished his summer offensive which led to a clear defeat of the KLA. My first lesson learnt for future crisis management is therefore that one should not threaten the use of force if one is not ready to act the next day. To achieve this is difficult in a coalition in which the slowest ship determines the speed of the convoy.

The responsibility for crisis management did not rest with NATO throughout the crisis. NATO began but then the US took the lead and introduced Ambassador Holbrook to be followed by the OSCE and eventually the Contact Group. When the Contact Group, not surprisingly, failed at Rambouillet and Paris NATO was given back the baton but there was no peaceful solution left. My second lesson learnt is that one should never change horses midstream in crisis management. Whenever possible the responsibility should remain in one hand, preferably in the hands of those who have the means to act. As a minimum one has to make sure that those who have the lead in crisis management efforts of a coalition share the objectives the coalition is committed to.

Another time seasoned experience gained during our successful efforts to prevent a war during the days of the Cold War is that one of the keys to success is to preserve uncertainty in our opponent's mind on the consequences he might face in the case of his rejection of peaceful solutions. NATO nations did not pay heed to that experience during the Kosovo Crisis. It became most obvious when NATO began to prepare for military options but some NATO nations began to rule out simultaneously options such as the use of ground forces and did so, without any need, in public. This allowed Milosevic to calculate his risk and to speculate that there might be a chance for him to ride the threat out and to hope that NATO would either be unable to act at all or that the cohesion of the Alliance would melt away under the public impression of punishing airstrikes. My third lesson learnt is therefore that we need to preserve uncertainty as one of the most powerful instruments of crisis management which does not mean to agree to an esca-

lation ladder without limits and without rigid political control but which means not to speak in public about these limits. To keep publicly all options under consideration and to allow the military to go ahead with planning for joint operations would allow for uncertainty without the hands of politicians being tied.

During the air campaign we had to learn some lessons as well.

First we learnt that even a tiny ambiguity in the formulation of political objectives could have adverse effects on military operations.

The OPLANs for Operation Allied Force had been developed in fall 1998. Both ingredients, the Limited Air Response and the Phased Air Operation had been designed to meet the objective to bring Milosevic back to the negotiation table. When we began the air strikes, however, we faced an opponent who had accepted war whereas the NATO nations had accepted an operation. Consequently it seems advisable to set a political objective such as "To impose our will on the opponent and to force him to comply with our political demands". This would allow, first, to use all the elements of power not just the military means to secure our objectives and, secondly, to move as rapidly as possible to the decisive use of force within the political constraints which drive a coalition war.

Translated into military operations this would not change phases 0 and 1 of Operation Allied Force but it would lead to a phase 2 which focuses more and earlier on those targets which hurt a ruler such as Milosevic and which constitute the pillars on which his power rests, namely the police, the state controlled media and those industries whose barons provide the money which allows Milosevic to stay in power.

Secondly, we had to learn how to conduct coalition operations which is of particular interest since most if not all of our future operations will most likely be coalition operations. Coalition operations mean to accept that the pace and the intensity of military operations will be determined by the lowest common denominator and that there will be restrictions due to differing national legislation which could affect air operations in particular. Consequently it will be virtually impossible to use the devastating power of modern military forces in coalition operations to the fullest extent. This is a lasting disadvantage which is on the other hand partly compensated by the much stronger political impact a coalition operation has as compared to the operation of an individual nation.

Looking at Operation Allied Force it is fair to say that the politicians of all NATO nations met most of our military demands and most of them did not embark on micro-management of military operations. In this context I have to state that the NAC never imposed a limitation which ruled out to bomb any target in Montenegro. On the contrary, the NAC explicitly accepted that we could strike targets on Montenegrin soil if they posed a risk to our forces. I also have to say that the gradualism of the air campaign was much more caused by the political objective which soon saw revision against the background of the dynamically unfolding situation than it was influenced by politically motivated interference.

My lesson learnt from that is that coalition operations will by definition see some gradualism and possibly some delays in striking sensitive targets. The likelihood that this could happen will be the more restricted the clearer the political objectives will be formulated. Coalition operations do, however, not mean that nations can block or veto any operation which is conducted in

execution of a NAC approved and authorized Oplan. The only option open to a nation in such a case is to instruct its national contingent not to participate in the respective activity unless the nation would wish to formally withdraw its agreement to the Oplan. It is also noteworthy to state in this context that there are no NATO procedures which could be called a red card rule.

Kosovo taught also and again that NATO's force structure is in contrast to NATO's Integrated Command Structure no longer flexible and responsive enough to react quickly and decisively to unforeseen events. That we saw when Milosevic accelerated his expulsion of the Kosovars in an obvious attempt to counter NATO in an asymmetric response and to deprive NATO of its theoretical launching pad for ground forces operations through a destabilization of FYROM and Albania. Luckily we still had the Extraction Force in FYROM and were thus able to react immediately. Without it, it would have taken NATO weeks to deploy and assemble an appropriate force. The lesson learnt is that we have increasingly to be prepared for asymmetric response, the more so the stronger and hence invincible NATO is. To cope with these threats will be necessary and hence it is critical for NATO's future successes to enhance mobility, flexibility and deployability of its forces which are inadequate at this time.

The NATO Summit drew the right conclusion and agreed the DCI and the European allies did the same when they decided in Cologne that the EU has to improve defense. My next lesson learnt is that there is a totally unacceptable imbalance of military capabilities between the US and its allies, notably the Europeans. With no corrective action taken as a matter of urgency there will be increasing difficulties to ensure interoperability of allied forces and operational security could be compromised. Moreover, it cannot be tolerated that one ally has to carry on an average some 70%, in some areas to 95% of the burden. This imbalance needs to be redressed and therefore ESDI which is after all an attempt to improve European efforts within NATO deserves the full support of the US and should be used to encourage those allies who are reluctant to implement to live up to their commitments.

What conclusions can be drawn? (1) The integrated Command Structure worked well. What needs to be improved are procedures to achieve unity of command to be exercised by NATO there where parallel existing national and NATO command arrangements are unavoidable. (2) There is a need to think through how crisis management can be improved. Simulation technics may be a helpful tool to be considered. (3) There is an urgent need to close the two gaps which exist today between the US and the European/Canadian allies. The technological gap in the field of C 41 and the capability gap caused by the lack of investment in modern equipment. The DCI is designed to provide some remedy. It should be speedily implemented and the European/Canadian allies should be strongly encouraged to take appropriate action. (4) There is a need to study how NATO can perform better in the field of Information Operations to include better information of the public both in NATO countries and in the adversary's country. (5) Most importantly, it can and it should be said that Operation Allied Force was a success since it contributed substantially to achieve the political aims set by the Washington Summit.

It would be desirable that NATO stated simultaneously that the Alliance will act again should the necessity arise. To do so could help to deter potential opponents and could possibly restrain the one or the other ruler in this world to seek protection against

intervention through increased efforts to acquire weapons of mass destruction.

I would be remiss did I not close by commending the commanders from SACEUR down the chain of command, our forces in the theatre and those back home who supported them so splendidly. They all performed extremely well and you have every reason to be proud of them and your great nation's contribution.

Allow me to close by saying that I was proud to serve this unique Alliance as the Chairman of the Military Committee in such a crucial time and I felt privileged to serve with a man whose superb contribution was crucial for our common success, Javier Solana. This brings me to my final point which we should never forget: It was the cohesion of our 19 nations which brought about success.

Thank you, Mr. Chairman.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

HONORING GOVERNMENT CONTRACTS

Mr. MURKOWSKI. Mr. President, I congratulate my colleague for his remarks on the bankruptcy bill.

I think one thing—while it is not necessarily appropriate to recognize on the bankruptcy bill—we should recognize is the inability of our Federal Government to honor the sanctity of contractual commitments. I can think off-hand of the agreement that was made by the Federal Government some two decades ago to take the high-level nuclear waste by the year 1998. The rate-payers paid something in the area of \$15 billion into that fund for the Federal Government to meet its contractual obligation. The pending lawsuits are somewhere between \$40 billion and \$80 billion. Obviously, the Federal Government doesn't set a very good example.

This is not necessarily apropos to bankruptcy, but it is apropos to the theory that we pay our bills, that we honor the sanctity of our contracts. The old saying is, "Charity begins at home." The Government should set the example.

Mr. President, I ask unanimous consent to speak in morning business for approximately 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

TRADE AND FOREIGN POLICY

Mr. MURKOWSKI. Mr. President, with the recent passage of a Senate Finance Committee trade package aimed at liberalizing trade with African and Caribbean countries, and providing Trade Adjustment Assistance for American workers who need help transitioning into different jobs, I thought it an appropriate time to come to the floor of the Senate to discuss the insidious propaganda campaign the Clinton Administration is orchestrating over the phoney charges of "isolationism" he has leveled at Congress.

In some ways, I am reluctant to get into this name-calling argument. As I told my six children as they faced the normal school yard taunts, you shouldn't dignify the name caller with a response. Something like the old adage, "Sticks and stones will break my bones, but names will never hurt me."

The difference between Washington and the school yard, however, is that it seems that if you repeat a lie long enough, and in enough places, the media will parrot it out to the country and around the world as if it were true. And that is very, very serious for two reasons.

First, it distorts the political process and deceives the American public. More importantly, it sends a false and dangerous signal to the enemies of America that their dream of disengaging America from world leadership may, in fact, be happening. Nothing could be further from the truth, but when the President of the United States, and his flunkies, says it, terrorists around the world applaud.

Certainly there are Republicans, Democrats, Reform Party members and independents who proudly wear the isolationist label, but to try and smear Congress with that label is reprehensible.

So I want to look at what actions the Clinton Administration calls isolationist, and to separate fact from fiction.

Two weeks ago, National Security Advisor Sandy Berger gave a speech to the Council on Foreign Relations decrying as "isolationist" and "defeatist" such actions as the Senate's refusal to ratify the Comprehensive Test Ban Treaty ("CTBT") and, as Mr. Berger characterized it, a Congress "reluctant to support the Climate Change Treaty."

Mr. President, it should not even pass the straight face test to label Senators such as RICHARD LUGAR and CHUCK HAGEL, among others, as isolationists just because we voted against a treaty that we did not think would preserve our national security in the years and decades ahead.

Would Sandy Berger have the audacity to call former Secretary of State and Nobel Peace Prize Winner Henry Kissinger an isolationist because he was "not persuaded that the proposed treaty would inhibit nuclear proliferation" and therefore recommended voting against the treaty?

Does Berger's isolationist tag also apply to six former Secretaries of Defense—James Schlesinger, Dick Cheney, Frank Carlucci, Caspar Weinberger, Donald Rumsfeld and Melvin Laird because they wrote the Senate leadership and stated:

We believe . . . a permanent, zero-yield Comprehensive Test Ban Treaty incompatible with the Nation's international commitments and vital security interests and believe it does not deserve the Senate's advice and consent.

Mr. President, the Senate rejected a flawed treaty; the fault lies not with

so-called isolationists in Congress, but with the appeasers and former "nuclear freeze" people who are now in the Clinton Administration and negotiated this treaty which was not in America's national security interest.

As to the Climate Change Treaty, Congress is not reluctant to consider the Treaty. In fact, we have been asking this President to send the Treaty up, but he refuses. And he refuses because 95 Senators expressed the strong sense of the Senate that the Kyoto protocol contain commitments from developing countries to limit or reduce greenhouse gas emissions. Of course, this has not happened. This is not an isolationist fear of technological change. This is a realistic assessment of how you accomplish your goals.

On Monday, USTR Barshefsky also took up the isolationism call. At a speech to the foreign press describing the U.S. agenda for the upcoming WTO ministerial meeting in Seattle, Ambassador Barshefsky said that isolationists "at times believe that a growing economy and a clean environment cannot coexist."

Mr. President, I hope the Ambassador does not mean to imply that simply because Congress has not signed off on loading up trade agreements with the baggage of the extreme environmentalist agenda that we are isolationists?

In fact, I wonder if this cry of isolationism is not simply to divert attention from the failures of this Administration to pursue trade opening measures in the face of domestic pressure from Unions?

If expanding trade is so important to the President, he could have welcomed the April 8 offer by the Chinese Premier to make extraordinary concessions to bring China into the World Trade Organization.

But he did not.

If expanding trade is so important to the President, he could have directed his Administration to work with the Finance Committee to craft a compromise on fast track trade negotiating authority that would address the legitimate concerns of those who do not want to see labor and environment slogans used as smoke screens for protectionist measures.

But he did not lift a finger to support fast track for fear of offending his protectionist political supporters in organized labor.

So Mr. President, I don't think President Clinton should have sent his National Security Advisor or his USTR out to falsely label my party as the one turning its back on the world.

This is not to say that there are not some countries who should receive a cold shoulder rather than a warm embrace. I do not support aiding and comforting our enemies—like Iraq and North Korea. This is not about a choice between isolationism or engagement. This is about what form of engagement will bring the desired results.