

that the primary purpose of the resolution is to applaud the fact that someone credibly alleged to have been a primary instigator of heinous crimes be brought to justice. I applaud that sentiment. A number of similarly culpable persons from all the groups concerned should have to answer for what has occurred during the past ten years of war and strife in former Yugoslavia, and by all accounts Milosevic tops the list. His prosecution and, if he is found guilty after a fair and open judicial process, his severe punishment are very much in order.

However, despite my decision not to object to this resolution, I think it is important to point out that it contains several elements that do not serve United States interests. And some of what is stated in it is not even accurate. Indeed, when an effort was made to pass this resolution just prior to the July 4 recess, I asked that it be held up until some of these could be addressed. It was then sent to committee and some of the problematic portions were in fact made worse. I wish to address some of these briefly.

First, just as a factual matter—and this is new language added in committee—it is inaccurate to state, as the Resolution does in the second “Whereas” clause, that “the reformist Government of the Federal Republic of Yugoslavia freely exercised its sovereign right to cede jurisdiction to prosecute” Milosevic. Actually, as far as anyone knows, the federal Yugoslav government headed by President Vojislav Kostunica, an old-fashioned patriot, who, incidentally, was the translator of the U.S. Federalist Papers into Serbian, had nothing to do with the Milosevic handover and in fact strongly opposed it, but was circumvented by the Serbian republic government of Prime Minister Zoran Djindjic.

Second, one can hardly say that this was a “free exercise of sovereignty.” It is well known that the United States—mistakenly, in my view, continuing the policies of the Clinton administration—had threatened to boycott an international aid donors’ conference unless Milosevic were surrendered. It should be understood that this is not just a matter of the U.S. withholding foreign aid. Rather, it amounts to continuing a policy of sanctions against an economically devastated country, and threatening to destabilize its weak democratic government, until it disregarded its own laws and complied with our demands. I could call this many things, but “free exercise of sovereignty” is not one of them. Moreover, Prime Minister Djindjic’s compliance with this pressure is hardly an example of “courage,” as the resolution calls it, especially since it is well known the extent to which he has used the Milosevic handover to undermine his political rival, President Kostunica.

Third, the same clause says the handover fosters “the rule of law in

Yugoslavia.” Again the opposite is true. When we have here, to give an American analogy, would be as if an American State Governor violated provisions of the U.S. constitution and policies set by the President in order to comply with the wishes of foreign countries. Instead of the rule of law, what has been fostered in Yugoslavia—and in its two remaining republics, Serbia and Montenegro—is the idea that laws, constitutional government, and national sovereignty are meaningless, and that the only real authorities are the demands of foreign powers and the “jurisdiction” of global United Nations “justice,” represented by the tribunal to which Milosevic has been delivered. For a country trying to emerge from decades of dictatorship, this is exactly the wrong message to send.

Fourth and finally, the same clause applauds the notion that the Milosevic handover has fostered “international justice.” That unfortunately is true, but I don’t think it is reason for applause. As many of my colleagues know, I am strongly and unalterably opposed to the creation of a permanent International Criminal Court, of which the Yugoslavia tribunal and its Rwanda counterpart are precursors. In sending Milosevic to the U.N. tribunal—on charges arising in his own country, specifically Kosovo, which is a province of Serbia—we are helping to set a dangerous precedent for the ICC. We are saying to the world that when the will of a United Nations “court” clashes with a country’s laws and constitution, the latter go into the trash can. I cannot speak for my colleagues, but I would object to sending any American citizen, no matter how evil the acts of which he was accused and however guilty he might be, to a United Nations court, especially if his alleged crimes took place in the United States. But we have successfully demanded that Serbia and Yugoslavia do exactly that, and similar demands are being made against the Bosnian Serb republic and against Croatia. Serious crimes deserve serious punishment, but the question is not one of whether justice will be done but before what court and under whose authority.

At a time when U.S. troops are facing danger every day in Bosnia and Kosovo—and may soon be sent, unwisely in my view, to Macedonia—the policy consequences of setting in motion political events that may destabilize non-democratic Yugoslavia and even help break up the federation are counterproductive to U.S. interests and a threat to the safety of our troops. For the reasons stated above, it has been a blow, not a benefit, to democracy and constitutionalism. But worst of all, it has lent credence to the principles supporting the ICC, which is a direct threat to the sovereignty of our own constitutional republic and our democratic institutions. I welcome the

day that Milosevic and comparable persons face justice for their deeds. But he should have been allowed to face justice at home, in front of a court of his own people, under his own laws and constitution, as President Kostunica wanted. The fact that we have ensured that this will not occur is not something for us to be proud of.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motions to reconsider be laid on the table, and that any statements relating to the resolution be printed in the RECORD.

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

The committee amendment was agreed to.

The resolution (S. Res. 122), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 122

Whereas Slobodan Milosevic has been transferred to the International Criminal Tribunal for Yugoslavia to face charges of crimes against humanity;

Whereas the reformist Government of the Federal Republic of Yugoslavia freely exercised its sovereign right to cede jurisdiction to prosecute Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia, thereby fostering both the rule of law in Yugoslavia and international justice;

Whereas corruption and warfare under the Milosevic regime caused Yugoslavia extensive economic damage, including an estimated \$29,400,000,000 in lost output and a foreign debt that exceeds \$12,200,000,000; and

Whereas democrats and reformers in the Federal Republic of Yugoslavia deserve the support and encouragement of the United States: Now, therefore, be it

*Resolved*, That (a) the Senate hereby—

(1) recognizes the courage of Serbian democrats, in particular, Serbian Prime Minister Zoran Djindjic, in facilitating the transfer of Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia;

(2) urges the Government of the Federal Republic of Yugoslavia, and other governments in the Balkans, to continue to cede jurisdiction over indicted war criminals to the International Criminal Tribunal for Yugoslavia; and

(3) calls for the release of all political prisoners held in Serbian prisons.

(b) It is the sense of the Senate that the United States should remain committed to providing foreign assistance to support the success of economic, political, and legal reforms in the Federal Republic of Yugoslavia.

#### CONGRATULATING THE BALTIC NATIONS OF ESTONIA, LATVIA, AND LITHUANIA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 85, S. Con. Res. 34.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 34) congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence.

There being no objection, the Senate proceeded to consider the concurrent resolution, which was referred to the Committee on Foreign Relations with an amendment, an amendment to the preamble, and an amendment to the title, as follows:

[Omit the part in black brackets and insert the part printed in italic.]

S. CON. RES. 34

Whereas the Baltic nations of Estonia, Latvia, and Lithuania were forcibly and illegally incorporated into the Soviet Union from 1940 until 1991;

*Whereas their forcible and illegal incorporation into the Soviet Union was never recognized by the United States;*

Whereas, from 1940 to 1991, thousands of Estonians, Latvians, and Lithuanians were executed, imprisoned, or exiled by Soviet authorities through a regime of brutal repression, Sovietization, and Russification in their respective nations;

Whereas, despite the efforts of the Soviet Union to eradicate the memory of independence, the Baltic people never lost their hope for freedom and their long-held dream of full independence;

Whereas, during the period of "glasnost" and "perestroika" in the Soviet Union, the Baltic people led the struggle for democratic reform and national independence; and

Whereas, in the years following the restoration of full independence, Estonia, Latvia, and Lithuania have demonstrated their commitment to democracy, human rights, and the rule of law, and have actively participated in a wide range of international structures, pursuing further integration with European political, economic, and security organizations: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) congratulates Estonia, Latvia, and Lithuania on the tenth anniversary of [the restoration of their full independence] *the end of their illegal incorporation into the Soviet Union; and*

(2) calls on the President to continue to build the close and mutually beneficial relations the United States has enjoyed with Estonia, Latvia, and Lithuania since the restoration of the full independence of those nations.

Amend the title so as to read: "Concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the end of their illegal incorporation into the Soviet Union."

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the title amendment be agreed to, the title, as amended, be agreed to, the motions to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD.

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

The committee amendment was agreed to.

The resolution (S. Con. Res. 34), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. CON. RES. 34

Whereas the Baltic nations of Estonia, Latvia, and Lithuania were forcibly and illegally incorporated into the Soviet Union from 1940 until 1991;

Whereas their forcible and illegal incorporation into the Soviet Union was never recognized by the United States;

Whereas, from 1940 to 1991, thousands of Estonians, Latvians, and Lithuanians were executed, imprisoned, or exiled by Soviet authorities through a regime of brutal repression, Sovietization, and Russification in their respective nations;

Whereas, despite the efforts of the Soviet Union to eradicate the memory of independence, the Baltic people never lost their hope for freedom and their long-held dream of full independence;

Whereas, during the period of "glasnost" and "perestroika" in the Soviet Union, the Baltic people led the struggle for democratic reform and national independence; and

Whereas, in the years following the restoration of full independence, Estonia, Latvia, and Lithuania have demonstrated their commitment to democracy, human rights, and the rule of law, and have actively participated in a wide range of international structures, pursuing further integration with European political, economic, and security organizations: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) congratulates Estonia, Latvia, and Lithuania on the tenth anniversary of the end of their illegal incorporation into the Soviet Union; and

(2) calls on the President to continue to build the close and mutually beneficial relations the United States has enjoyed with Estonia, Latvia, and Lithuania since the restoration of the full independence of those nations.

The title amendment was agreed to.

DEVELOPMENT OF STRATEGIES IN SUB-SAHARAN AFRICA

Mr. REID. Mr. President, I ask consent that the Senate proceed to the immediate consideration of Calendar No. 86, S. Con. Res. 53.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 53) encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BIDEN. Mr. President, I am very pleased that the Senate will unanimously pass Senate Concurrent Resolu-

tion 53: Africa Hunger to Harvest. I became a cosponsor of the resolution because I strongly believe that it is an important first step towards a renewed commitment to acting in concert with our African partners to significantly reduce poverty and hunger on the subcontinent in the next ten years. I saw to it that the resolution moved out of the Foreign Relations Committee expeditiously because I wanted this legislation to pass with all due haste. As you know, the G-8 members are preparing for their meeting in Genoa. I hope that President Bush will interpret the passage of Africa: Hunger to Harvest as a signal of the Senate's support for development in Africa, and obtain commitments from other members of the G-8 to devise comprehensive plans to increase the ability of African nations to feed their people.

Sub-Saharan Africa is a region with vast human and economic potential. There is a preponderance of natural resources, and a large enough population to provide the labor necessary to fuel industry. Yet Africa, for the most part, has not prospered. It is the only region of the world where hunger is increasing. In the past thirty years the number of hungry people in Africa has more than doubled to the point where one of every three Africans is chronically undernourished. There are many reasons why: war, natural disaster, corruption, and poor governance, to name a few. And while African themselves must take ultimate responsibility for the success or failure of their countries, we have the resources and opportunity to help improve the lives of millions of people living there.

This resolution lays out a preliminary blueprint for doing so. It directs the Agency for International Development to devise solid, concrete five- and ten-year strategic plans to help Africans reverse the current state of affairs for many living in the region, and asks that the plans focus on such key areas as the establishment of democratic institutions, private sector and free market development, access to education, improved health, and debt relief. The blueprint itself acknowledges that hunger and poverty must be attached along these critical fronts to be eliminated.

A necessary component to achieving development is stability in the region, but stability alone will not result in economic growth and improved living conditions. The establishment of the rule of law and democratic institutions is also necessary. Africans must have a say in the structure of their societies. They must be able to find a remedy through courts, they must have rules and regulations in place that provide an atmosphere of accountability. They must be able to put leaders in place that are dedicated and capable of imposing sound fiscal and economic policies. Leaders that work for the African