

Egypt would like to reassert its traditional leadership in Arab affairs by bringing together those countries that have already made peace with Israel and those that have not.

The Palestinian leadership, for its part, has little choice but to proceed down the diplomatic road on which it has embarked. While Mr. Netanyahu has said he doubts the finality of Mr. Arafat's break with terrorism, the Israeli leader has no interest in pushing Palestinians into the arms of Mr. Arafat's chief rivals, Hamas and Islamic Holy War.

Despite Mr. Netanyahu's promise to expand West Bank settlements, and his opposition to Palestinian statehood, there remains much for Israel and the Palestinians to discuss, including economic and water issues, security and a timetable for Israel's partial withdrawal from Hebron.

With Mr. Netanyahu forming a government and Arab leaders regrouping, careless threat or provocative statement from either side could deepen the mutual distrust that already exists. Mr. Netanyahu has spoken with care and diplomacy since his election. The Arab leaders should do no less.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, today, Senator LAUTENBERG, the Senator from New Jersey, submits for himself, myself, and Senator LIEBERMAN a resolution that deals with the Arab summit that has been called for on June 21. It calls together a number of Presidents and leaders of countries in the Middle East. Presumably, included in their discussions will be the peace process and its progress thus far.

That meeting, taking place in Cairo, is an important meeting. The resolution that Senator LAUTENBERG and I and Senator LIEBERMAN have offered today expresses concerns about that. I think President Clinton expressed many of our concerns, as well, when he stated his hope "that the Arab leaders who attend the summit will give Mr. Netanyahu an opportunity to constitute his government and set policy and not presume that we cannot pursue peace."

I think that is terribly important. I had hoped this resolution would be considered today and adopted unanimously. Unfortunately, there have been some problems getting that unanimous-consent process today. I do not believe it relates to the substance of the resolution in any way.

Our resolution suggests three things, and I believe all Members of the Senate join in this.

One, that the governments in the Middle East should reaffirm their commitment to a comprehensive peace in the Middle East.

Mr. President, that is vital. If economic and civil rights progress is to be made in the Middle East, peace has to be the lubricant that brings it to the forefront.

Second, we believe that the Government should express their willingness to work with the democratically elected Government of Israel in the pursuit of meaningful peace.

Mr. President, we acknowledge and understand that countries disagree

over their policies. But the fact is that Israel has a democratically elected government. We believe they ought to be respected and given the opportunity to work with those other leaders for peace.

Third, the resolution calls on Middle Eastern governments to refrain from statements directed at the new Israeli Government that might create an atmosphere in the region that is unfavorable to the continuation of the peace process.

Mr. President, it is in everybody's interest to move ahead with peace and the peace process. We hope very much that not only the summit that takes place on the 21st, but the activities of all the governments will be to that end.

SENATE RESOLUTION 269—RELATIVE TO AUTHORIZING TESTIMONY AND REPRESENTATION OF FORMER SENATE EMPLOYEE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 269

Whereas, in the case of *Carol Ward v. United States*, Civil Case No. 95-WY-810-WD, pending in the United States District Court for the District of Colorado, testimony has been requested from William T. Brack, a former chief of staff to Senator Hank Brown;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

*Resolved*, That William T. Brack is authorized to testify in the case of *Carol Ward v. United States*, Civil Case No. 95-WY-810-WD (D. Colo.), except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent William T. Brack in connection with his testimony in *Carol Ward v. United States*.

SENATE RESOLUTION 270—RELATIVE TO THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Mr. LIEBERMAN (for himself, Mr. LUGAR, Mr. BIDEN, Mr. SPECTER, Mrs. FEINSTEIN, and Mr. MOYNIHAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 270

Whereas the United Nations, recognizing the need for justice in the former Yugo-

slavia, established the International Criminal Tribunal for the former Yugoslavia (hereafter in this resolution referred to as the "International Criminal Tribunal");

Whereas United Nations Security Council Resolution 827 of May 25, 1993, requires states to cooperate fully with the International Criminal Tribunal;

Whereas the parties to the General Framework Agreement for Peace in Bosnia and Herzegovina and associated Annexes (in this resolution referred to as the "Peace Agreement") negotiated in Dayton, Ohio and signed in Paris, France, on December 14, 1995, accepted, in Article IX, the obligation "to cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law";

Whereas the Constitution of Bosnia and Herzegovina, agreed to as Annex 4 of the Peace Agreement, provides, in Article IX, that "No person who is serving a sentence imposed by the International Tribunal for the former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may stand as a candidate or hold any appointive, elective, or other public office in Bosnia and Herzegovina";

Whereas the International Criminal Tribunal has issued 57 indictments against individuals from all parties to the conflicts in the former Yugoslavia;

Whereas the International Criminal Tribunal continues to investigate gross violations of international law in the former Yugoslavia with a view to further indictments against the perpetrators;

Whereas on July 25, 1995, the International Criminal Tribunal issued an indictment for Radovan Karadzic, president of the Bosnian Serb administration of Pale, and Ratko Mladic, commander of the Bosnian Serb administration and charged them with genocide and crimes against humanity, violations of the law or customs of war, and grave breaches of the Geneva Conventions of 1949, arising from atrocities perpetrated against the civilian population throughout Bosnia-Herzegovina, for the sniping campaign against civilians in Sarajevo, and for the taking of United Nations peacekeepers as hostages and for their use as human shields;

Whereas on November 16, 1995, Karadzic and Mladic were indicted a second time by the International Criminal Tribunal, charged with genocide for the killing of up to 6,000 Muslims in Srebrenica, Bosnia, in July 1995;

Whereas the United Nations Security Council, in adopting Resolution 1022 on November 22, 1995, decided that economic sanctions on the Federal Republic of Yugoslavia (Serbia and Montenegro) and the so-called Republika Srpska would be reimposed if, at any time, the High Representative or the IFOR commander informs the Security Council that the Federal Republic of Yugoslavia or the Bosnian Serb authorities are failing significantly to meet their obligations under the Peace Agreement;

Whereas the so-called Republika Srpska and the Federal Republic of Yugoslavia (Serbia and Montenegro) have failed to arrest and turn over for prosecution indicted war criminals, including Karadzic and Mladic;

Whereas efforts to politically isolate Karadzic and Mladic have failed thus far and would in any case be insufficient to comply with the Peace Agreement and bring peace with justice to Bosnia and Herzegovina;

Whereas in the so-called Republika Srpska freedom of the press and freedom of assembly are severely limited and violence against ethnic and religious minorities and opposition figures is on the rise;

Whereas it will be difficult for national elections in Bosnia and Herzegovina to take

place meaningfully so long as key war criminals, including Karadzic and Mladic, remain at large and able to influence political and military developments;

Whereas on June 6, 1996, the President of the International Criminal Tribunal, declaring that the Federal Republic of Yugoslavia's failure to extradite indicted war criminals is a blatant violation of the Peace Agreement and of United Nations Security Council Resolutions, called on the High Representative to reimpose economic sanctions on the so-called Republika Srpska and on the Federal Republic of Yugoslavia (Serbia and Montenegro); and

Whereas the apprehension and prosecution of indicted war criminals is essential for peace and reconciliation to be achieved and democracy to be established throughout Bosnia and Herzegovina; Now, therefore, be it

*Resolved*, That (a) the Senate finds that the International Criminal Tribunal for the former Yugoslavia merits continued and increased United States support for its efforts to investigate and bring to justice the perpetrators of gross violations of international law in the former Yugoslavia.

(b) It is the sense of the Senate that the President of the United States should support the request of the President of the International Criminal Tribunal for the former Yugoslavia for the High Representative to reimpose full economic sanctions on the Federal Republic of Yugoslavia (Serbia and Montenegro) and the so-called Republika Srpska, in accordance with United Nations Security Council Resolution 1022 (1995), until the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnian Serb authorities have complied with their obligations under the Peace Agreement and United Nations Security Council Resolutions to cooperate fully with the International Criminal Tribunal.

(c) It is further the sense of the Senate that the NATO-led Implementation Force (IFOR), in carrying out its mandate, should make it an urgent priority to detain and bring to justice persons indicted by the International Criminal Tribunal.

(d) It is further the sense of the Senate that states in the former Yugoslavia should not be admitted to international organizations and fora until and unless they have complied with their obligations under the Peace Agreement and United Nations Security Council Resolutions to cooperate fully with the International Criminal Tribunal.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President of the United States.

Mr. LIEBERMAN. Mr. President, I do rise today on a serious matter. That is to submit, along with several colleagues, a resolution which we hope will advance the twin causes of peace and justice in the former Yugoslavia. I am very proud to be joined in introducing this resolution by a bipartisan group of colleagues, Senator LUGAR, Senator BIDEN, Senator SPECTER, Senator FEINSTEIN, and Senator MOYNIHAN.

Unfortunately, because of the ups and downs of Senate scheduling, I do not think that any of these distinguished colleagues are able to be here today to join me to speak on this resolution, though Senator BIDEN did address the subject generally and mentioned the imminence of this resolution when he spoke on the floor on Wednesday. I hope my colleagues will have the opportunity to speak to the resolution in the days and weeks ahead.

Last October President Clinton honored us in Connecticut by speaking at the University of Connecticut, at the opening of the Thomas J. Dodd Library and to commemorate the 50th anniversary of the Nuremberg trials that followed World War II. At that time, last October, while war still raged in the former Yugoslavia, in Bosnia, President Clinton spoke these very eloquent words. "Some people," he said, "are concerned that pursuing peace in Bosnia and prosecuting war criminals are incompatible goals. But I believe," President Clinton said, "they are wrong. There must be peace for justice to prevail, but there must be justice when peace prevails."

I could not agree more. A very powerful principle stated very eloquently by President Clinton.

Later last year, a few months later, the United States, led by former Assistant Secretary of State Richard Holbrooke, in an extraordinary act of diplomacy, following the force that the United States operation had applied to the forces on the ground, particularly the aggressive forces in Bosnia, the parties to the conflict were brought together in Dayton, OH.

The peace agreement for Bosnia resulting from those talks in Dayton was signed in Paris just about 6 months ago. There followed the deployment of the NATO-led Implementation Force, or IFOR, including within it 20,000 of America's finest soldiers. The work of IFOR has been a clear success in ending the war, in separating the forces, and in monitoring the actual withdrawal of the previous combatant forces to within agreed areas under the Dayton peace agreement.

But, Mr. President, unfortunately the process of rebuilding Bosnia as a unified, multiethnic state has been much slower and much more difficult. I suppose that should not be shocking when one considers the scars of war, the way in which the war took a country that had become in so many parts of it so magnificently multiethnic and brought out and raised to the surface historic ethnic antagonisms that had previously existed.

But even in that effort toward recreating Bosnia, progress has been made. Yet many, understandably, have called for the elections that are planned, pursuant to the Dayton agreement, for September 14 to be delayed because the conditions do not yet exist for them to be free and fair. War criminals are still in power, refugees and displaced persons are unable to return to their homes, and freedom of movement is still severely limited by the nationalistic barriers that have been created in one community or another within Bosnia.

But I believe strongly that our focus should not be on when the elections should take place. Rather we, together with the majority of people in Bosnia and in the international community who favor peace and reconciliation, must redouble our efforts to create the

right conditions for the elections to go forward as scheduled.

Mr. President, to do so, to rebuild that peace and reconciliation that I am convinced the overwhelming majority of Bosnians long for so deeply, we must deal with the problem of indicted war criminals, particularly Karadzic and Mladic, former President and military chief of the Bosnian Serb aggressors.

These two, as is well known, remain at large. They are able to influence political and military developments. As the President said so well in the statement that I quoted, there can be no peace without justice in the long term. To secure that peace the time has come for this body to restate that the apprehension of these indicted war criminals must be an urgent priority. It is time for concerted action to bring these indicted war criminals to justice.

So the resolution we are introducing today is really quite direct and simple. It restates the clear obligation under the Dayton peace agreement and U.N. Security Council resolutions of all the parties in the former Yugoslavia, including in particular both the Federal Republic of Yugoslavia, with its capital in Belgrade, and the Bosnian Serb entity called Republika Srpska, to cooperate with the International Criminal Tribunal.

Mr. President, the most urgent element of that requirement is that the indicted war criminals, particularly Karadzic and Mladic, must be detained and brought to justice. That must be reaffirmed and remain an urgent priority, in the words of the resolution we have introduced. To do that, the resolution calls for four separate actions.

First, it finds and urges that the International Criminal Tribunal, the war crimes tribunal, merits continued and increased American support to do its work. The tribunal faces daunting challenges in collecting and analyzing evidence to ascertain exactly what crimes were committed and by whom. But if this work is not done, the peace that is enjoyed in Bosnia will forever be a hollow peace and in fact it will not be a lasting peace.

Second, the resolution expresses the sense of the Senate that the President should support the request of the President of the International Criminal Tribunal, the war crimes tribunal, for reimposition of economic sanctions on the Federal Republic of Yugoslavia with its capital in Belgrade and on the Bosnian Serbs for their clear failure to carry out the responsibilities they accepted in signing the Dayton peace agreement, which is to say, their failure to cooperate with the tribunal in the apprehension and the bringing to justice of these indicted war criminals.

There are many flagrant pieces of evidence of this. Some months ago there were television pictures of General Mladic in a parka skiing as if he was some American on a weekend jaunt in the winter to northern New England, in my part of the country, or perhaps Colorado or Utah or other

parts of the country. An indicted war criminal, a man with blood on his hands, specifically indicted for being the leader involved in the slaughter of at least 6,000 people—6,000 people—in Srebrenica after the fall of that undefended city, allegedly a safe haven in Bosnia.

Most recently, of course, Karadzic has been seen repeatedly walking around, seemingly free, in the Republika Srpska. General Mladic recently carried out the responsibility of attending a funeral in Belgrade—quite publicly. Authorities clearly knew he was coming, and he was not arrested.

I think it is clear that the Serbian authorities, in this case, particularly President Milosevic, have failed to act. That failure to act is clear, and it is inexcusable.

The High Representative, Carl Bildt, overseeing so much of the civilian reconstruction effort, has the clear authority to reimpose sanctions if the Federal Republic of Yugoslavia or the Bosnian Serbs, are failing significantly—that is the term used—to meet their obligations under the peace agreement.

There can be no doubt that the continued leadership roles of Karadzic, Mladic, and others are a significant violation of the Dayton agreement. Mr. President, this resolution calls for reimposition of full economic sanctions, which we believe is long overdue.

Third, the resolution expresses the sense of the Senate that the NATO-led implementation force, or IFOR, in carrying out its mandate, should make it an urgent priority to detain and bring to justice persons indicted by the International Criminal Tribunal. I know that some will be concerned that this call for IFOR action to arrest war criminals could lead to a situation similar to the hunt for Aided in Somalia, which had tragic consequences. That, Mr. President, I assure my colleagues, is not the intention of those of us who have sponsored the resolution. The resolution is drawn with real clarity and concern to make sure that is the case. The detention of war criminals, in fact, has always been part of the IFOR mandate. The IFOR's authority to arrest war criminals has never been in doubt. But the kind of house-to-house search carried out in Somalia is not called for by this resolution.

In fact, from what I have heard Secretary Perry and General Shalikashvili say, IFOR is already mandated and, in fact, is doing just what it should be: patrolling more widely and aggressively to restrict the freedom of movement of war criminals, as well as to improve the freedom of movement of ordinary, peaceful citizens. If an IFOR patrol encounters Karadzic or Mladic or any other indicted war criminal, IFOR personnel should bring to bear the necessary resources to effectively detain those war criminals and to bring them to justice.

We did not want to go into this level of detail in this resolution because,

frankly, we do not believe the Senate should be expressing such detailed directions about on-the-ground military operations. The intention of this resolution is to make clear that an agreed upon aspect of the IFOR mission—to detain war criminals and bring them to justice—must remain an urgent priority and must be carried out effectively.

Mr. President, the reason this function is so critical, so central, to the IFOR mission is that otherwise all the extraordinarily courageous and effective work done by this 60,000-person force, 20,000 of whom are Americans, all the work they have done to separate the parties, to move them back into agreed upon areas, to create the context for peace, will all be for naught. All the effort, all the money spent, in my opinion, will all be worth nothing and have no lasting affect unless these war criminals are apprehended, because so long as they are free, their freedom makes a mockery of the Dayton agreement. It is an insult, a wound, to those hundreds of thousands of people who lost relatives or who were forcibly removed from their homes during the war.

The fact is that so long as people like Karadzic and Mladic, indicted war criminals, remain free, peace will not take hold in the former Yugoslavia. That is why we are restating, as this resolution does, that the apprehension, the detention, and bringing to justice of these war criminals must remain an urgent priority as part of the IFOR mission in the former Yugoslavia.

Fourth, finally, recognizing that the lack of full cooperation on war crimes goes beyond the so-called Republika Srpska, the resolution calls for all States in the former Yugoslavia—this involves people on all sides ethnically—to be denied membership and participation in international organizations until and unless they are operating fully with the tribunal.

Mr. President, as we have found over the course of the conflict in the former Yugoslavia, which threatened to grow wider and threaten stability more broadly in Europe, if the sound of the trumpet—if I may paraphrase the Bible—is uncertain, who will follow into battle? If the sound of the trumpet is uncertain, who will hear what is behind the trumpet?

If we allow these outrageous, provocative acts by indicted war figures roaming free to go unresponded to, they will act more outrageously. The latest proof of this is in the newspaper this morning. Page A-30 of the Washington Post carries a Reuters story from Belgrade: "A local board of the Serb Democratic Party nominated Radovan Karadzic today as candidate for president of the Bosnian Serb Republic in elections to be held later this year, Serb media reported."

Can you imagine that? Can you imagine the outrage here? This is as if, at the end of World War II, someone in one of the countries that the allies de-

feated nominated a leader in that country who had fought the war against us to be a leader of the postwar country. Can you imagine the reaction in the United States of America if that had happened?

Here these people are nominating Karadzic, in direct and outrageous violation of the Dayton agreement, to run for President. This is specifically prohibited by the Dayton agreement, but reminds us that unless we continue to keep the apprehension of these criminals as an urgent priority, unless we begin to tighten the screws again by reimposing economic sanctions on Belgrade and tightening the area of mobility that these war criminals have enjoyed in the past, as I am encouraged to believe we are now doing, this whole effort will have been for naught.

This resolution, my cosponsors and I believe, gives the Senate an opportunity to make clear the importance we place on the full and successful completion of the IFOR mission, which is to say to remove the conditions that will bring about clearly a return of war and genocide and the absence of peace with true justice in Bosnia.

In closing, I want to thank my colleagues who joined me in cosponsoring this resolution. I hope that other colleagues of both parties—there is nothing partisan about this at all—will take a look at the resolution and decide to cosponsor and join us as supporters.

Mr. President, I do also want to offer personal thanks to Frederic Baron who is working in my office as a fellow on loan from the State Department, who really represents a quality of service, as I have seen in my office, the highest standards of intellect and of principle that characterizes the American Foreign Service. I thank Frederic for the role he played in assisting me in putting this resolution together.

#### NOTICE OF HEARING

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, July 11 at 9:30 a.m. in SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the issue of competitive change in the electric power industry. It will focus on the FERC wholesale open access transmission rule, Order No. 888.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation. For further information, please contact Shawn Taylor or Howard Useem at (202) 224-6567.