

branch in recognizing this, will succeed in persuading this administration, although it failed to persuade the last one, that our objective in removing Saddam's murderous regime must be its replacement by democratic forces in Iraq and the way to do that is work with the Iraqi National Congress.

Mr. Chairman, it goes without saying that democracies that respect human rights, and especially the right to speak and publish and organize freely, are far less likely to make war or countenance terrorism than dictatorships in which power is concentrated in the hands of a few men whose control of the instruments of war and violence is unopposed. As a general rule, democracies do not initiate wars or undertake campaigns of terror. Indeed, democracies are generally loath to build the instruments of war, to finance large military budgets or keep large numbers of their citizens in military establishments. Nations that embrace fundamental human rights will not be found planning the destruction of innocent civilians. I can't think of a single example of a democracy planning acts of terror like those of September 11.

We could discuss at length why democratic political institutions and a belief in the rights of individuals militate against war and terror and violence. But the more difficult questions have to do with how effectively we oppose those regimes that are not democratic and deny their citizens those fundamental human rights, the exercise of which constitutes a major restraint on the use of force and violence.

Here the issue is frequently one of whether we "engage" them in the hope that our engagement will lead to reform and liberalization, or whether we oppose and isolate them. I know of no general prescription. Each case, it seems to me, must be treated individually because no two cases are alike. Take the three cases of the "axis of evil."

In the case of Iraq, I believe engagement is pointless. Saddam Hussein is a murderous thug and it makes no more sense to think of engaging his regime than it would a mafia family.

In the case of Iran, I doubt that the goals of democratization and human rights would be advanced by engaging the current regime in Teheran. There is sufficient disaffection with the mullahs, impressive in its breadth and depth, to commend continued isolation—and patience. The spontaneous demonstrations of sympathy with the United States are brave and moving. We owe those who have marched in sympathy with us the support that comes from refusing to collaborate with the regime in power. The people of Iran may well throw off the tyrannical and ineffective dictatorship that oppresses them. We should encourage them and give them time.

In the case of North Korea end the policy of bribing them. Such a policy invites blackmail, by them or others who observe their manipulation of us—and it certainly moves them no closer to democracy or respect for human rights. We must watch them closely and remain ready to move against any installation that may place weapons of mass destruction or long-range delivery within their reach.

Mr. Chairman, I have only one recommendation for the Committee and it is this: to support enthusiastically, and specifically with substantially larger budgets, the National Endowment for Democracy. On a shoestring it has been a source of innovative, creative programs for the building of democratic institutions, often working in places where democracy and respect for human rights is only a distant dream. It may well be the most cost-effective program in the entire arsenal of weapons in the war against terror and for a more secure world. The En-

dowment, and even more the organizations that benefit from the Endowment's support, need and deserve all the help we can give them.

REMARKS OF JORGE CASTAÑEDA, MEXICAN SECRETARY OF FOREIGN AFFAIRS

Mr. DODD. Mr. President, I rise today to publicly thank my good friend Jorge Castañeda, Mexican Secretary of Foreign Relations, for taking the time out of his busy schedule to address the U.S.-Spain Council last weekend.

I have had the pleasure of chairing the U.S.-Spain Council for two years now, and each year our annual meetings have been informative and thought-provoking. At these meetings American and Spanish members of the Council discuss U.S.-Spain bilateral relations, but we also focus on the unique triangular relationship between the U.S., Spain, and Latin America, particularly Mexico. Our meetings are always candid, constructive, and informative, and I believe that they are particularly valuable for our membership. Part of what makes our annual meetings so successful is the high quality of the speakers that attend our conferences. This was truly evident when Secretary Castañeda delivered the address at our closing dinner last Friday in the Senate Caucus Room.

Having been an elected public servant for over 25 years, I have attended numerous dinners and receptions, and have heard countless dinner speeches. I can honestly say that Secretary Castañeda's speech ranks among the best I have ever heard. In his insightful remarks, Secretary Castañeda detailed his analysis of Mexican political history, and outlined his vision for the future of democracy in Mexico while drawing several parallels between Mexican political liberalization and the democratization of Spain after the fall of Franco. Secretary Castañeda's remarks were astute, thought-provoking, and engaging. Indeed, they are among the most comprehensive analyses of modern Mexico to date. I think that my colleagues, especially those with an interest in the Western Hemisphere, would have enjoyed and greatly benefited from the substance of these remarks had they been present at the dinner.

Dr. Jorge Castañeda is uniquely qualified to speak about Mexico's political situation. He is a man of enormous talent and experience, a leading intellectual, and now an important diplomat. He has thought and written extensively about international relations, and particularly Mexico's role in the global community. He was a world renowned academic before joining the Fox Administration, and has taught at the National Autonomous University of Mexico and at New York University. He is the author of twelve books, published in English and Spanish, and he has been a frequent contributor to noted publications such as *Newsweek* magazine, *El País*, and *Reforma*.

As Secretary of Foreign Relations, Secretary Castañeda has worked to build the image of a safe, honest, and peaceful Mexico that respects human rights and engages in political and social reform. He has also sought very successfully to strengthen his government's involvement on the global stage, both in this Hemisphere and in Europe.

In light of the fact that my colleagues were not able to be present to hear Secretary Castañeda speak, I ask unanimous consent that his remarks be printed in the *RECORD*. I urge my colleagues to take the time to read them. I know that they will enjoy and be better informed having done so.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

Ladies and gentlemen: I want to thank the U.S.-Spanish Council and my good friend Senator Chris Dodd for inviting me to join you here this evening. I am grateful for this opportunity to share with you some thoughts on Mexico's foreign policy.

As a result of Mexico's far-reaching process of reform and renewal, the government of President Vicente Fox has acquired a legitimacy that is almost without precedent in our country. This has had a profound impact on President Fox's domestic agenda. It has also forced us to rethink and retool our foreign policy so that it responds to the needs and priorities of a new democratic Mexico. Times have changed. Things have changed. And, Lampedusa not withstanding, let me assure you that not everything will remain the same.

This process of reform and renewal is uncharted territory for us in Mexico, but it should not be unfamiliar to those who have lived through or have studied democratic transitions in other countries. In the past few decades, many authoritarian regimes have come to an end not as result of violence, but through a peaceful and orderly process of democratization. Several factors came into play to make these transitions possible. One of the most significant among them was the growing role of civil society as a source of moral and political pressure, both at home and abroad. Also prominent was the influence of the media, both national and international, constantly challenging and undermining authoritarian regimes through public exposure. And obviously, the most significant factor was the balance of political forces within each nation and their willingness to enter into agreements that would facilitate the transition to a democratic regime.

All these factors have also been at play in Mexico, and they deserve a detailed examination in order to fully understand the country's recent democratic transition and its prospects for consolidation. However, I wish to focus my remarks here today on another crucial issue that does not often receive the attention it merits, in spite of the potentially decisive role that it can play in the consolidation of a democratic regime: the influence of international affairs and foreign policy in strengthening democracy.

There is often a positive correlation between democracy and international engagement or conversely between authoritarianism and isolation. That is why undemocratic governments tend to be defensive in their engagement with others. The less democratic a country is, the more likely that it will view the outside world with suspicion and will interpret any criticism as an affront to its sovereignty and to the rule of

the few. Undemocratic governments today may pay utmost attention to domestic issues, while they regard international matters with mistrust, at best, or with fear and hostility, at worst.

The end of authoritarianism has a two-fold effect: it means building and consolidating democratic institutions and, at the same time, leaving behind the defensive and inward-looking attitude that had kept our country at a distance from the world community. This complex interplay between foreign policy and democracy has been part of other transitions, and I believe that Mexico can draw some important lessons from those experiences.

Perhaps the most relevant case for Mexico is the Spanish transition. In a recent book, aptly entitled "The Future is No Longer what it Used to Be," former President Felipe Gonzalez and journalist Juan Luis Cebrian provide a brilliant account of the political transition that allowed Spain to overcome its authoritarian legacy and consolidate a democratic regime. Some of the agonizingly complex issues that Spanish society had to resolve in this process are also pertinent, *mutatis mutandis*, to other countries: How to ensure that age-old authoritarian temptations would be effectively resisted and eventually eliminated? How to prevent new conflicts and long standing fractures within society from derailing the democratic process?

The Spanish transition to democracy boldly and creatively addressed these questions. The remarkably successful outcome of this process owed much to the responsible, stabilizing leadership of Spain's political elites and media. This was most singularly achieved through the 1977 Constitution and the celebrated "Pactos de la Moncloa", which brought all major Spanish political forces together to agree on a basic framework for the Spanish State and for economic and social policy. But equally important was the role played by Spanish foreign policy in deepening and strengthening democracy, as well as, change across the board.

They key to this process was Spain's decisive shift towards European integration, which contributed enormously to democratic stability. The first crucial step in this direction was the country's decision to become a full fledged Party to the NATO, which Spain joined on May 1982, submitting its continued membership to a national referendum in 1986. This effectively put an end to its relative isolation and promoted the modernization and democratization of the armed forces, which henceforth were obliged to adhere to the same professional standards in place throughout the NATO's member nations.

The most significant foreign policy measure as far as the consolidation of democracy is concerned, however, was the decision to join the European Economic Community, as the European Union was known then. There was wide consensus among Social political leaders about the need to bind Madrid to Brussels, that is to say, to bring Spain into close association with the EEC nations, anchoring the modernization and democratization of the country within the regional institutions of a democratic Europe. Spain's request for entry had been submitted as early as 1977. But, it was President Felipe González and the *Partido Socialista Obrero Español*, who explicitly linked foreign policy and democratic consolidation as a State goal. They understood that the move towards Europe and the move towards democracy were complementary processes: if Spain was to be part of the European Economic Community and enjoy the benefits that this membership afforded in terms of trade and finance, it also had to maintain social policies and political institutions that were consistent with those of the EEC as a whole.

In assuming these responsibilities within the framework of NATO and the EEC, Spain was acting freely and on the basis of its own sovereign interests. The new demands placed on Spain by European membership were unquestionably binding, but were also the result of an internal and public debate and, as such, a deliberate choice by the Spanish people. It is in this sense that the importance of the foreign factor in the Spanish transition can contribute to understand the current process of change in Mexico.

The fact that foreign policy is a key element of Mexico's transition is neither a whim nor a fluke. Its source is the presidential election of 2000, which stands as a milestone in Mexico's recent political development. But it is also a purposeful response to the changes that have occurred in the international arena over the past decade, not least of which is the emergence of a growing international consensus regarding both the legitimacy of democratic institutions above all others and the respect for fundamental human rights, including basic civil and political rights, and the rule of law.

Under these new conditions, it is imperative to bring Mexico's relations with the rest of the world up to date, and in order to do so, President Fox established a two-pronged strategy. Firstly, it was necessary to provide greater depth to our long term relationship with the United States, which for historical as well as geopolitical reasons remains—and will continue to be in the foreseeable future—Mexico's most important and closest foreign partner. And secondly, given the hegemonic position of the US in the world area and the asymmetry of our bilateral relationship, Mexico needed to develop an additional major policy axis that would bring greater balance to our international agenda. This is the reasoning behind the country's more active engagement in regional and multilateral fora, such as the UN, the OAS, and other international mechanisms over the past year or so. But in addition to their own intrinsic merits and justifications these two external guidelines include fundamental domestic policy connotations.

They obviously face a series of constraints. Admittedly, our country today cannot rely, as Spain did, on an already existing institutional framework such as the one provided by the European Economic Community. There are no established supranational North American or regional institutions which may serve as an anchor for the process of democratization and modernization that we have undertaken; nor are there structural or cohesion funds through which financial assistance could be channeled to reduce inequalities between different countries and regions and foster socioeconomic convergence among European nations, as was the case within the EEC. In the absence of this framework, we need to actively and creatively develop new institutions that will promote North American prosperity and, in the process, help Mexico achieve a successful and definitive transition to democracy.

That is why we have, first, re-launched our bilateral relationship with the United States, introducing new issues, such as migration and energy seeking consistently and systematically to engage all actors across the spectrum of US society; and, most importantly, it explains why we are trying to establish a new conceptual framework for our relationship. What we envision is a new set of standing institutions that would allow for the free movement of capital, goods and services, and also people, so that we may gradually bring about a greater degree of uniformity in the levels of economic and social development within North America. This will require designing creative mechanisms to transfer resources for social cohe-

sion and infrastructure, opening up our borders, and North American institution building to regulate and oversee this process of integration between the three countries. This may sound overtly ambitious and even far-fetched. But it should be doable and, more importantly, it is a right step in the same direction that was chosen over a decade ago for not entirely the right reasons.

Indeed, NAFTA was meant—and largely sold—as a means to lock into place economic convergence and macroeconomic policies. This was done, however, in a typically authoritarian fashion in Mexico, without authentic debate, transparency or consensus and some of the Treaty's most obvious shortcomings may be attributed directly to this.

Playing a more active role in the multilateral arena is the other road we have chosen abroad to consolidate democracy domestically. We are convinced that it is in Mexico's best interest to adapt itself to the new rules-based international system that is gradually emerging and we therefore now subscribe to the argument that certain principles are universal and enforceable above and beyond the sovereignty of the State. In this regard, also, there are important precedents in Mexico's recent past. The so-called "democratic clause" that was part and parcel of Mexico's Free Trade Agreement signed with the European Union in 1999 is evidence that, even before the full onset of democracy in Mexico, the country was being compelled to adhere to certain basic international standards if it wanted to have a more active international profile.

This is why Mexico has recently taken a more proactive role in international fora fighting racial discrimination and promoting the rights of indigenous peoples in the World Conference held in Durban last year; or strengthening democratic values and institutions in the Americas through the Interamerican Democratic Charter and throughout the world by joining the Community of Democracies; or adopting a more consistent stance in the proceedings of the UN Human Rights Commission; or actively working to increase transparency and combat corruption during the recent International Anti-Corruption Conference held in Prague; or hosting the UN sponsored International Conference on Financing for Development to be held next month in Monterrey; or hosting the forthcoming Ministerial Conference of the World Trade Organization in 2003.

These actions and the commitments not only promote key foreign policy interests, but they also, and most crucially, help to anchor Mexico's emerging democracy and process of change. They will contribute to prevent a future dislocation of the democratic process or the temptation to return to the authoritarianism of previous decades.

Let me give you an example. The government of President Fox has radically altered the country's traditional international stance on human rights, and has recently taken a number of important steps to guarantee their full observance within the country. Prominent prisoners, such as activists Teodor Cabrera and Rodolfo Montiel, fishermen Leocadio Ascencio and Aurelio Guzmán, and Mr. José Gallardo, a former member of the Mexican armed forces, were released from jail as a result of the President's decision to review their cases and find adequate solutions that fully respect the rule of law. They are part of an ambitious agenda for reform that has already allowed for the liberation of nearly a hundred other prisoners who had been detained because of their activities during the Chiapas uprising; the appointment of a Special Prosecutor to investigate past human rights violations, the subscription or ratification of 13 international treaties on issues such as discrimination against

women, the exploitation of children or crimes against humanity or asking the Mexican Congress to ratify the Statute of Rome creating the International Criminal Court; and an agreement for the establishment of a regional delegation of the International Committee of the Red Cross in Mexico. But they are also, first and foremost, actions that seek to guarantee that international surveillance on these issues will strengthen democracy and human rights at home.

Ladies and Gentlemen: By overcoming authoritarian rule, Mexico is leaving behind its former defensive attitude and reaching out to the world in search for a new identity, just as Spain did more than 25 years ago. But while the similarities between the Spanish and the Mexican transitions are significant, the differences are equally revealing.

Whereas Spaniards were able to come to terms with their authoritarian past, Mexicans have yet to achieve reconciliation and a common sense of purpose of its real and longstanding democratic institutions by addressing the grievances of recent past history. Whereas the Spanish people immediately experienced the tangible benefits afforded by EEC membership, through infrastructure and cohesion funds aimed at overcoming backwardness and establishing a level playing field within the Community, Mexican society has yet to fully realize the enormous advantages to be gained by establishing similar mechanisms to boost economic and social development in Mexico and by embracing the idea of a North American community. Whereas Spain was able to anchor its democratic transition in an existing European Community, Mexico must strive to build the institutions of true North American Community. And whereas Spain's entry in the EEC impinged upon Spanish sovereignty, as indeed it affected the sovereignty of all other EEC members, NAFTA, a truly Anglo-Saxon institution, left domestic politics and social policy, two fundamental attributes of sovereignty, largely untouched.

This latter point is crucial. Mexico, today, as Spain purposefully did back in the eighties, seeks supranational rules and regulations that bind and ensure its democratic transition and enhance its prosperity and ensure its democratic stability. This seems to me a more than fair trade off.

The jury is still out on Mexico's democratic consolidation. If we are to succeed, the leaders of all major political parties in Mexico must have the courage to put some of their differences aside and work together for a common purpose. But our North American partners must also show themselves willing to take on the challenge of developing a new vision for our region, one that can radically change for the better the lives of millions of people throughout Mexico, the U.S. and Canada.

If there has been a clear and consistent trait throughout the world in recent decades, it is the tendency towards integration, which in turn has resulted in stronger democratic institutions and the adherence to basic universal standards of behavior. This is not a spontaneous or natural process, even though there may be historical forces at play. Rather, it must be complemented by deliberate action. This is exactly what the government of President Fox has set out to achieve: to use foreign policy as a crowbar to open up our country and help consolidate democracy and change human rights in Mexico. Succeeding in this endeavor is not only critical for Mexico; it is an issue of central importance to the future of North America, to our hemisphere and to the rest of the international community.

Let me conclude by quoting the Spanish-British historian Charles Powell, who ends his splendid work on the history of Spain after Franco by stating—not without some

British reserve and understatement—that “it would be unfair not to acknowledge that what was achieved [by this transition] undoubtedly constitutes a cause for collective pride”.

I sincerely hope that, 26 years from now, a future historian of Mexico can express similar feelings about our transition to democracy. It is this hope that spurs many of us in government, and throughout society at large, to do everything we can to ensure that our country lives up to its present challenge. And I am sure that all of you will understand why we in Mexico wholeheartedly believe that it is a cause that our partners should also embrace.

Thank you.

THE PENSION SECURITY ACT OF 2002

Mr. GREGG. Mr. President, the spectacular collapse of the Enron Corporation has broken lives, shattered dreams and shaken confidence in our financial markets and in several professions. From what we know so far, it appears that the fall of Enron involves malfeasance, misfeasance and nonfeasance on the part of very many people. There may ultimately be criminal prosecutions, civil fines, and partial restitution. It may take years to sort out all of the problems and for Congress to enact appropriate solutions.

Although the Enron investigations and lawsuits are ongoing, we have learned several lessons in the area of employee retirement security that can be addressed swiftly and responsibly. I am pleased to join my colleagues Senators TIM HUTCHINSON and TRENT LOTT in introducing the Pension Security Act of 2002. This legislation creates important new protections and rights for working Americans that give them the tools to enhance their own retirement planning and security.

The measure includes new safeguards and options to help workers preserve and enhance their retirement security, and insists on greater accountability from companies and senior corporate executives during “blackout” periods when rank-and-file workers are unable to make changes to their retirement accounts.

Under the Pension Security Act, workers would have more freedom to diversify their investments, much greater access to high quality investment advice, advance notice before blackout periods, more information about their pensions, and other tools they can use to maximize the potential of their 401(k) plans and ensure a secure retirement future.

The bill also clarifies that employers have a fiduciary responsibility for the security of workers' investments during “blackout” periods and bars senior corporate executives from selling their own stock at times when rank-and-file workers cannot make changes to their 401(k) accounts.

The bill strikes an important balance between preserving employee free choice and opportunity in the voluntary retirement savings system and protecting individuals from the wrongful acts of others. I look forward to working with all of my colleagues to

join with us in enacting these important reforms.

SENATOR TED KENNEDY'S 70TH BIRTHDAY

Mr. INOUE. Mr. President, I am most honored to express my congratulations to my dear friend, Senator TED KENNEDY, as he celebrates his 70th birthday. He and I joined the Senate chamber 40 years ago, and it has been my privilege to serve alongside this great man over the years.

Senator KENNEDY has championed health insurance and education reform, defended the rights of the elderly and workers, strengthened civil rights, and protected our natural resources. He has proudly and ably carried on his family's legacy of public service.

I wish to thank Senator KENNEDY for his outstanding service to his home State of Massachusetts and to our Nation. I extend my best wishes to him for many more years of good health, memorable experiences, and continued success.

Mr. AKAKA. Mr. President, I wish to join my colleagues from both sides of the aisle who have taken to the Senate floor to offer heartfelt tributes and best wishes to our esteemed colleague and friend, the senior Senator from Massachusetts (Mr. KENNEDY) as he celebrates his 70th birthday. While prior commitments precluded my participation in yesterday's bipartisan tribute, I wanted to take a moment to offer my congratulations to Senator KENNEDY.

For 40 of his 70 years, TED KENNEDY has worked for the people of Massachusetts and America in the United States Senate. During that time, through hard work, consensus building and perseverance, with great wit and charm, and, on many memorable occasions, passionate oratory, TED KENNEDY has established himself as one of the most effective legislators of the 20th century and a champion for equality, opportunity, and justice for all Americans.

When I was appointed to the Senate in 1990, we were considering the Americans With Disabilities Act, one of the many landmark civil rights bills that TED KENNEDY has helped to inspire and craft, guide through Congress, and become law. For as long as I have been in public service, TED KENNEDY has been a powerful voice and an advocate for those who are most vulnerable in our Nation. On issues ranging from civil rights, voting rights, equal rights for women, equal protection for all Americans regardless of gender, race, religion, or sexual orientation, Americans with disabilities, access to health care, quality education for all children, workers' rights, patients' rights, a decent minimum wage, food stamps, or equal justice for all Americans, TED KENNEDY has been at the forefront of the battles for equal opportunity for all Americans, for fairness, for justice.

In 1963, speaking on civil rights for African Americans, President Kennedy