



# National Security Law Report

Volume 18, Number 4 STANDING COMMITTEE ON LAW AND NATIONAL SECURITY May-June 1996

## Under Secretary Davis Reports on Korea and on Moscow Summit

*Dr. Lynn E. Davis, Under Secretary of State for Arms Control and International Security Affairs, addressed the 24 April breakfast meeting of the Standing Committee at the University Club in Washington, DC. Portions of her remarks follow:*

### North Korea

The last time I had the pleasure of meeting with you, we focused on North Korea's ongoing nuclear program. That program posed the possibility that by the end of this decade, the North Koreans could have produced a sizable nuclear weapons stockpile.

Today, as a result of the agreed framework, signed in October 1994, the North Korean nuclear program is frozen and that freeze is being closely monitored by the International Atomic Energy Agency (IAEA). North Korea's existing spent nuclear fuel is being stored under IAEA safeguards and will eventually be removed. As part of the framework, North Korea will receive two light water reactors, to be built and largely financed by South Korea, to replace its existing nuclear program.

Implementing the agreed framework will take many years, and we have ahead of us some critical tasks, including most importantly:

- getting underway the North-South Dialogue as the means of achieving the denuclearization of the Korean peninsula; and

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## A Special Tribute to William E. Colby (1920-1996)

Standing Committee member and former CIA General Counsel Elizabeth Rindskopf represented the Standing Committee at the memorial service for former Director of Central Intelligence William E. Colby, a beloved Counselor to our group. She pays a special tribute to Mr. Colby on page 5.

## Ambassador Kandemir's Remarks Turkey's Role in Security in the Balkans, the Caucasus, and Central Asia

*His Excellency Nuzhet Kandemir, Ambassador of the Republic of Turkey to the United States, addressed the Standing Committee's 16 May breakfast at the University Club in Washington, DC. We are pleased to reprint excerpts from his prepared remarks below.*

It is a pleasure to be here this morning among such a distinguished audience . . . . Today I would like to focus my brief remarks on the constructive role Turkey is playing in improving security and stability in the Balkans, the Caucasus and Central Asia.

Let there be no mistake about the importance of this region—an importance Turkey readily acknowledges. Freed from the yoke of Soviet domination, this area stretching from Bosnia to Armenia and Azerbaijan to the Turkic Republics of Kazakhstan, Tajikistan, Turkmenistan, Uzbekistan and Kyrgyzstan in Central Asia are in the midst of a massive

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- gaining DPRK full compliance with its IAEA safeguards agreement.

But the Agreed Framework is in place, and its implementation is on track. This sets the stage for removing the nuclear threat to regional and global stability posed by North Korea.

## NPT and CTB Treaty

Preventing the proliferation of nuclear weapons is one of President Clinton's highest priorities. And the Administration has some significant further accomplishments.

Just a year ago, we achieved the renewal of the Non-Proliferation Treaty (NPT), both indefinitely and unconditionally. The NPT is now a permanent feature of the international landscape.

The NPT parties also agreed to give priority in 1996 to negotiating a Comprehensive Test Ban Treaty (CTBT). That effort was given an important boost over the weekend in Moscow, when the P-8 countries—France, the United Kingdom, Italy, Canada, Germany, Japan, the U.S., and Russia—agreed to support a truly comprehensive test ban treaty, and to work toward its signing this September at the United Nations.

The CTBT will ban any nuclear explosion including weapons tests explosions. It will serve our disarmament goals, by constraining the development of new or improved nuclear weapons by the nuclear powers. It will serve our nonproliferation goals, by gaining the agreement of the nuclear threshold states to forego any nuclear testing.

U.S. leadership was critical in achieving the Agreed Framework with North Korea and in extending the Non-Proliferation Treaty. It will be essential if we are to conclude a CTBT in 1996.

## Moscow Summit: Nuclear Security

Over the past few years, we have succeeded in achieving dramatic reductions in nuclear weapons. But as a result, we have rendered excess hundreds of tons of weapons-usable uranium and plutonium.

At the Moscow Summit, we agreed among the P-8 to work more closely to keep nuclear materials from falling into the wrong hands. Prevention is the most important first step. The P-8 called for greater international cooperation to strengthen physical security for nuclear materials and to put effective accounting systems in place. U.S. assistance pro-

vides the foundation for this cooperation.

This year, the U.S. will spend some \$85 million for security improvements at nuclear facilities in Russia and the other states of the Former Soviet Union. These facilities include some highly sensitive Russian weapons laboratories. The Russians are installing everything from upgrading locks and video monitors to sophisticated computer-based radiation detection systems.

Our assistance will also help improve the security of the nuclear materials themselves by:

- moving forward with construction of a safe, secure storage facility for material removed from nuclear weapons. The project is now on track, thanks in part to intensive high level attention;
- helping Russia, Ukraine, Kazakhstan, and Belarus to update laws, improve export licensing, enhance border control, and upgrade law enforcement capabilities; and
- supporting International Science and Technology Centers in Moscow and Kiev to provide non-weapons related employment for former weapons scientists.

The Summit also agreed to create a joint program to fight trafficking in nuclear materials, including greater cooperation and exchanges of information among law enforcement, customs and intelligence authorities. Starting from the P-8, we will seek to involve others in this program, and at the Summit, Ukraine announced its adherence.

This "action plan" caps a year of activities, demonstrating that our cooperation is already underway. One example of such activities is a recent meeting of the P-8 law enforcement experts to dis-

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### **Paul Schott Stevens**

*Chairman, Standing Committee on Law and National Security*

### **Holly Stewart McMahon**

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### **Robert F. Turner**

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## BOOK REVIEW

by Colonel James P. Terry, USMC (Ret)

*United Nations Peace Operations:  
A Collection of Primary Documents and Readings  
Governing the Conduct of Multilateral Peace  
Operations*

Edited with an introduction and commentary by  
Walter Gary Sharp, Sr.

New York, NY: American Heritage [(800) 242-8786]  
(1995).

Pages: 485. Price. \$39.95

This superb compilation of primary documents and readings governing the conduct of peace operations is an absolute must for both the national security law practitioner and the informed reader. For the first time in one volume of this genre, the documents included span the important multilateral agreements related to peace operations as well as those significant interpretive pieces which are critical to a full understanding of the intended effect of the agreements.

*United Nations Peace Operations* represents a carefully organized road map through the maze of issues which embody the law of peace-keeping and peace enforcement. Finding the right balance between law, U.N. and United States' policy statements, and commentary, the Editor's intersection of the three in each chapter leaves the reader with a full understanding of the intended outcome of the application of law to policy. The case study on Somalia provides the additional benefit of reviewing these strands in a real world scenario by an attorney who was on the ground advising the U.S. commander.

The 13 chapters are carefully organized to build on one another. Starting with the evolution and structure of United Nations peace operations, subsequent chapters address international legal authority, status and protection of involved personnel, and their responsibilities and liabilities. Funding issues and international logistics concerns are also carefully dissected.

Most interesting to this reviewer were the chapters addressing the legal issues involved in strengthening United Nations peace operations, and the inclusion of regional and non-governmental organizations as important players in this process. This, of course, is precisely what we are seeing in Bosnia with NATO involvement. Another important chapter addresses the Clinton Administration's new

policy for peace operations represented in Presidential Decision Directive 25, "Reforming Multilateral Peace Operations."

The critical importance of this volume is the richness of the selected commentary and the coherence of the volume as a whole, a tribute to the Editor. More importantly, this text has an important thesis concerning the role of law in shaping peace operations which is amply supported by the included documents. That is, a careful understanding of the legal authority underlying peace operations can only make the leaders of these operations more effective. The Editor, Colonel Sharp, says it more precisely in his commentary on page 469:

If the legal authority to conduct peace operations is not understood, then the end result may be indecisiveness and indirection; for the lack of perceived legal authority, the preferred course of action may be rejected. The decision makers and commanders may equivocate, and the operation may flounder. Member States who do not understand the significant differences in a chapter VI and a chapter VII mandate cannot adequately train or prepare its national contingents. In contrast, a firm grasp of the applicable law will allow an effective endstate to be developed and deterrent mechanisms to be set into place; a solid legal foundation will allow the force commander the flexibility to execute those tasks necessary to accomplish the mandate, and will facilitate a cohesive political resolve within the international community.

This is a carefully structured volume that belongs in every practitioner's library. Its importance is its cohesive and in-depth treatment of extremely complex issues, all incorporated in an understandable and usable manner. Colonel Sharp, who serves as Deputy Legal Counsel to the Chairman of the Joint Chiefs of Staff, has clearly published the pre-eminent text on this subject.

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*Colonel Terry, a judge advocate, retired from the Marine Corps on July 1, 1995, following three years as Legal Adviser to the Chairman of the Joint Chiefs of Staff. He now serves as a senior official in the Department of the Interior. The views expressed are his own.*

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cuss forensic laboratory procedures to help identify the origin of nuclear materials seized as evidence in criminal cases. Another example is a program sponsored by the U.S. Customs Service with countries in Central Europe and the newly independent states, in which we have provided training and nuclear detection equipment to help detect smuggling closer to the source.

Over the longer term, we must reduce the large stockpiles of excess nuclear materials, so as to reduce the risk both of proliferation and of illicit nuclear trafficking. Under a bilateral U.S.-Russian agreement to purchase low-enriched uranium derived from 500 tons of HEU extracted from former Soviet nuclear weapons, Russia delivered in 1995 six tons (on the order of 250 warheads). This represents the first ever use of weapons HEU for peaceful purposes.

In Moscow last week, we achieved Russia's final approval to transparency measures that will give us confidence that the material provided under this contract originated from dismantled Russian nuclear weapons. Let me note that implementing this HEU contract has been highly complex, involving financial and trade law considerations, as well as sensitive national security issues. The deal is now on track, and functioning, to the benefit of both the United States and Russia.

Disposing of excess plutonium will be harder still, since there is no viable commercial market for this material. At the summit, the P-8 leaders took the first step toward multilateral cooperation to deal with the hundreds of tons of excess plutonium now accumulating.

Working together on small scale technology demonstration projects, and in an experts meeting scheduled for October 1996, the P-8 countries will explore options for the safe and secure long-term disposition of plutonium. Some countries—particularly Russia—favor burning plutonium in civil power reactors (the so-called mixed oxide fuel or MOX option). The United States, while not ruling out this option, is also actively evaluating the possibility of mixing plutonium with high level radioactive waste to create a material similar to the spent fuel from nuclear power plants that already exists in large quantities. We will use the upcoming P-8 conference to ensure that all reasonable technical possibilities are looked at carefully, with due regard to nonproliferation, security, environmental and economic considerations.

## Moscow Summit: Nuclear Reactor Safety

In Moscow, the P-8 took important steps to make the civilian use of nuclear energy safer and to prevent from happening another tragedy as Chernobyl. The anniversary reminds us of the danger—as do reports today of fires erupting in the areas surrounding Chernobyl.

At the Summit, Russia announced its adherence to the International Nuclear Safety Convention, and for the first time joined the G-7 in asserting the importance of safety first in nuclear power operations. It committed to the highest internationally recognized safety level for construction, operation, and regulation of nuclear power facilities.

The Summit preparations led both Russia and Ukraine to take the necessary steps to join the Vienna Convention on Third Party Nuclear Liability. Thus, if another accident takes place, they recognize their responsibility for compensating victims even beyond their borders.

The P-8 also endorsed the importance of the efforts ongoing through the IAEA in Vienna to draft an international convention on the safe management of nuclear waste. Russia joined in affirming the importance of stopping all dumping of nuclear material in the ocean.

In an additional important step, Russia supported the G-7 agreement to close the Chernobyl reactor by the year 2000. We also agreed with President Kuchma to tackle one of the most severe safety problems Ukraine faces, the threat of a sarcophagus collapse, and to do this based on an international experts study which will be completed by year's end.

At the same time, we have more to do with Russia in this area of nuclear reactor safety. Russia maintains that its reactors can be raised to internationally acceptable standards and continues to press the West to help them fix rather than shut down their older reactors. We have, nevertheless, achieved some Russian recognition of the problems their reactors represent and agreed to expand our cooperation with them on reactor safety projects

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### Calendar of Events

**August 1-7**—ABA Annual Meeting  
(See box on page 9)

**September 19-20**—Conference on "Law Enforcement and Intelligence for the 21st Century,"  
Hotel Washington, Washington, DC.

## William E. Colby (1920-1996)

by Elizabeth Rindskopf

During the last twelve months, friends and supporters of the Intelligence Community have marked the sad passing of far too many intelligence giants—legends like Dr. Louis Tordella, NSA's historic Deputy Director, and Larry Houston, the first and longest serving General Counsel of the CIA. Yet none of these losses prepared us for the shock and grief occasioned by the sudden death last month of our Committee's Counselor and long time friend, William E. Colby.

At the request of Standing Committee Chairman Paul Stevens, I represented the Committee at Bill Colby's memorial service on 14 May 1996. The service sought not to mourn Bill Colby, but rather to reflect upon and celebrate his life. And not surprisingly, its impact on the scores of family, friends, former colleagues and members of the Intelligence Community who attended was powerful.

Together, those who eulogized Bill Colby described a life of heroic proportions. They noted first his stellar academic and intellectual accomplishments: a Phi Beta Kappa Princeton degree, followed by Columbia Law School and in later life, countless articles and two widely acclaimed books (*Honorable Men* and *Lost Victory*); they noted, too, his great physical courage and legendary feats of "daring do" during World War II while a member of OSS (parachuting behind enemy lines to work with French and Norwegian resistance forces); and finally, they reflected on the integrity and moral courage which characterized all Bill Colby did, from his service in Vietnam to his controversial testimony when, as DCI, he revealed to Congress the truth about many previously unknown CIA activities.

Yet even more impressive than this array of stunning accomplishments was the manner in which Bill Colby handled the challenges handed to him by fate. A warm and touching portrait emerged of Bill Colby as a human being. Low key, self-effacing, kind and unflappable, he was described in the tribute by General Vernon A. Walters as consistently thoughtful of subordinates even during the tension of countless days of highly charged political scrutiny. In short, Bill Colby was a thoroughbred in the best sense of the word. Many of us benefited directly from these qualities: here, abroad, at planned events and chance meetings—Bill Colby was always

prepared to spend time on the issues of intelligence and law about which he cared equally and deeply; and no one was too inconsequential to merit his time and attention.

Over the years our Committee has profited greatly from Bill Colby's efforts. A Standing Committee Counselor, Bill Colby gave unstintingly of his time and energy to Committee activities whether great or small. He seemed incapable of saying "no." I would like to think that his generosity to the Committee reflected his own belief in what the Committee



*Standing Committee Counselor William E. Colby*

stands for. Certainly, the Standing Committee could find no finer example of its goals and ideals than William E. Colby. And although we will each miss him greatly in the years to come, I am sure we all share the view, expressed by General Walters, that "his service will be acknowledged and remembered from generation to generation."

*Elizabeth Rindskopf served as General Counsel to both the National Security Agency (1984-89) and the Central Intelligence Agency (1990-95). She currently serves on the Standing Committee.*



## ABA Seeks Cambodian Legal Adviser

The ABA Cambodian Law and Democracy Project is seeking an experienced attorney to spend two-to-four months in Cambodia advising the Ministry of Foreign Affairs on issues involving border disputes. The individual selected for this position will be employed as an ABA consultant at a salary level commensurate with experience and an in-country support package that includes housing and transportation. For further information, contact Project Director Mollie Miller at (202) 298-6681 or by fax at (202) 662-1669.

### Under Secretary Davis . . .

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with Soviet-designed reactors in Central Europe and the NIS. And we will continue to press the Russians to agree to concrete steps toward the decommissioning their older reactors.

### The Security Agenda with the Russians

Following the P-8 Summit, President Clinton and President Yeltsin met to pursue their bilateral agenda, which focused in part on security and arms control issues. Let me turn just briefly to some of these.

We continue to urge the Russians to ratify the START II Treaty. But it is clear that nothing will happen until after the Russian election. At the same time, we were able to make important progress in distinguishing between antiballistic missile systems that are limited by the ABM Treaty and theater missile defenses which are not. We'll send our negotiators back to Geneva next month with the aim of concluding an initial demarcation agreement covering low velocity systems this June. Such an agreement will ensure that we maintain the integrity of the ABM Treaty—in our view the cornerstone of strategic stability—and the ability to go forward with all of our planned TMD programs.

In the case of the Treaty on Conventional Forces in Europe, we moved closer to a solution to the flank issue, within the framework that has been agreed among the 30 parties, namely a map change and limits on equipment in areas removed from the flank. We hope to be able to reach an agreement acceptable to all parties prior to the upcoming treaty review conference in mid-May.

But we still have differences with the Russians, and an important one has to do with their continuing nuclear cooperation with Iran. The President

made clear that we believe that any such cooperation contributes to Iran's efforts to acquire nuclear weapons and that it should end.

### Conclusions

Let me conclude with a few brief observations.

As President Clinton noted in Moscow this weekend, the work that we did is a "part of my most important duty as president—increasing the safety and security of the American people." We took some important steps.

Perhaps the most important step was the public recognition on Russia's part that there are serious nuclear security and safety problems that need to be addressed, and they agreed to cooperate with the G-7 to deal with these. Just a few years ago, Russia was resisting giving serious attention to these problems.

Our critics suggest that these nuclear security and safety problems are not being given sufficient priority. I take exception. We are addressing the full range of potential dangers involving nuclear security and reactor safety, and the United States has made major commitments of effort and resources, within those that are realistically available.

We cannot promise that the dangers are over. Indeed, much more still needs to be done. These are problems that will require attention and resources for many years to come.

The Moscow Summit was a critical step—indeed, a turning point in gaining Russian cooperation. American leadership has been critical to the Moscow Summit's success. Our leadership will be required in the years to come, if we are to meet these important challenges.

## Ambassador Kandemir . . .

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transformation. What path they elect to pursue will certainly impact the stability and security of the entire region.

Moreover, the strategic relevance of the Balkans, the Caucasus and Central Asia cannot be ignored. From Turkey's perspective, the Balkans are a gateway to Western Europe while the Caucasus are the bridge to Central Asia and to the emerging Asian reality full of enormous promise and potential. Turkey has long shared not only a geographic proximity to these areas, but historical, cultural and religious links with their peoples. It is only appropriate, therefore, that Turkey would take advantage of the opening created by communism's demise to forge bonds of economic, political and humanitarian cooperation throughout these areas. It is a mutually beneficial cooperation that helps these emerging republics recognize the advantages of choosing the path of democracy, economic liberalism and secularism. It is a relationship in which Turkey has become a trusted friend—a model—worthy of emulation. In return, Turkey has helped generate stability, security and peace throughout its region which naturally serves its own interests. Regional peace, especially in this volatile area, contributes, in turn, to international peace, which serves the interests of all.

So what exactly is Turkey doing in these areas? Let me illustrate:

- In the *Balkans*, where the tragic war in Bosnia-Herzegovina impeded the development of the region, Turkey has taken constructive steps to restore peace in Bosnia and, consequently, develop the economic potential of the whole area. By doing so, a sense of stability and security can take root in the Balkans.

- Turkey played a pivotal role in peacemaking and peacekeeping efforts in Bosnia. We provided 1,500 Turkish peacekeepers under UN command, and after the conclusion of the Dayton Peace Accords sent an additional force to participate in IFOR.

- We have provided desperately needed humanitarian assistance to ease the suffering in Bosnia and accepted many Bosnian refugees during the nearly four years of war there.

- We have accepted the role of coordinator of the Organization of Islamic Conferences's mobilization group for reconstruction and rehabilitation activities in Bosnia. This demonstrates Turkey's ability to arrange single and joint ventures to benefit all sides involved. Turkey is indeed a credible partner in Western markets, able and willing to direct much needed foreign investment—not to mention attention—to Bosnia. We serve, in many respects, as a bridge in this regard. This is especially evident when we consider the fact that not only is Turkey a leader of the OIC but also a member of the Steering Board for such efforts in Bosnia which includes the G-7 countries as well as the European Union.

- In the pursuit of this objective to rebuild Bosnia, the Turkish International Cooperation Agency—known as TICA—opened an office in Sarajevo, the first of its kind. Through TICA, Turkey will extend 80 million dollars for rehabilitation efforts during the initial stage. Moreover, given its on-site location, TICA will be able to assess the needs at hand and thus better define the ways and means to address them. TICA, which has also been very active in Central Asia, now has the

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### Standing Committee on Law and National Security

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## Ambassador Kandemir ...

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necessary experience and capabilities to contribute to the transition and rebuilding period in Bosnia. The Turkish presence, of course, is welcomed by the Bosnians, who share many ethnic, cultural and religious affinities with us.

- To further the cause of peace in the Balkans overall, Bosnia-Herzegovina and Croatia signed an agreement together with Turkey to set up a police force in Bihac so as to monitor the general security in the area and, consequently, to help facilitate the return of refugees to their homes. Turkey is instrumental in leading this police force.

- In addition, another agreement was signed among the leaders of Turkey, Albania, Macedonia and Bulgaria to realize a West-East corridor. This corridor is, in actuality, a one billion dollar project to build a highway from Durres in Albania, through Macedonia and the Bulgarian city of Burgas, ending in Istanbul. This four-year project will link four nations and join the Adriatic to the Black Sea. It will create a conduit for the free flow of people, goods, capital, ideas and contribute to peace and stability.

- Moreover, Turkish companies have entered the markets of the Balkans in a big way. For instance, in Romania alone, more than 4,000 Turkish companies are in operation.

Similar to the Balkans, the economic development and political stability of the *Caucasus* has been comprised by Armenia's aggression against Azerbaijan. Turkey, for its part:

- accepted thousands of refugees from Azerbaijan and extended significant amounts of humanitarian relief;
- plays an indispensable and active role as a founding member of the Minsk Peace Process, which seeks peace in the Caucasus between Azerbaijan and Armenia; and
- looks forward to the day when it can resume good neighborly relations with Armenia, once its campaign of aggression ends.

The Caucasus, though presently volatile, remain the gateway to *Central Asia*, where the republics

are grappling with the enormous challenges of nation-building, political and social stabilization and economic development. Turkey's role in Central Asia is unparalleled:

- Turkey shares historical, linguistic, religious and cultural bonds with the Central Asian republics and was among the very first nations to establish diplomatic, political and commercial relations with each new nation.

- The Turkish private sector has taken advantage of the 250 agreements and protocols which have been signed between the newly independent States and the Turkish Government, designed to promote relations, strengthen sovereignty, assist in international integration, ensure effective participation in multilateral institutions and facilitate trade, economic cooperation, as well as communications, transportation and educational ventures.

- Indeed, the Turkish private sector alone has invested a total of five billion dollars in Central Asia and Azerbaijan. Nearly 400 Turkish companies are represented.

- Turkey has built schools in the area and granted nearly 8,000 scholarships.

- Turkey has taken the lead in funneling the rich natural resources of the Central Asian region and Azerbaijan, specifically unexplored deposits of lucrative gas and oil reserves, to Western markets. Turkey has been working to ensure that the most stable and secure route, involving minimum environmental risks, is constructed to transport oil from this region to the West. In fact, the proposal for an oil pipeline would assure the West of a stable alternative energy source to that of the Persian Gulf and will promote economic interdependence among the newly independent States of the Caucasus and Central Asia, further enhancing their ties with the West and providing a measure of economic development that will strengthen democracy and promote stability and security throughout the region as a whole.

- As another means of integrating the Central Asian republics into the family of nations, Turkey has encouraged their participation in the Economic Cooperation Organization, or ECO, a model of regional economic cooperation. Once a trilateral economic partnership between Turkey, Iran and Pakistan, it has since reached out



to the Central Asian republics in the hope of including their markets in the web of economic interdependence.

As another grander model of regional economic cooperation, the Black Sea Economic Cooperation Zone not only includes the Central Asian republics but those of the Caucasus and Balkans as well. Turkey assumed the lead in forming the BSEC in 1992 as a new and elaborate model of economic cooperation. The Zone consists of 11 participating countries—namely, Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Turkey and Ukraine—and incorporates some 400 million people—entrepreneurs, skilled laborers and consumers—in and around the Black Sea basin.

Its aims to facilitate and expedite the integration of these economies into the international economic order by first creating a powerful regional market

which taps into the wealth and strength of each participating State. Admittedly, tensions—and worse—exist among many of the member nations; but economic cooperation is a perfect means to alleviate such tensions and to facilitate the realization of peace and prosperity, security and stability.

Ladies and gentlemen, I have exemplified quite extensively how Turkey's role in the Balkans, the Caucasus and Central Asia is proactive and constructive in establishing the necessary foundation to cultivate stability and security throughout the region. We see our neighbors in this area as worthy partners not only in the community of nations, but also in joint economic ventures. We recognize the importance of including, rather than excluding, these republics and exposing them to our model—our Turkish model—of stability, secularism, democratic principles and economic liberalism. We believe this is one of the best approaches for securing long term peace throughout the region.

## ABA Annual Meeting Programs

The Standing Committee will cosponsor two events at the 1996 ABA Annual Meeting, which will be held from August 1-7 in Orlando, Florida.

**Saturday, August 3**—The Standing Committee will cosponsor the 1996 Central and East European Law Initiative (CEELI) Awards Ceremony and Luncheon to honor His Excellency Leonid D. Kuchma, President of Ukraine, and the more than 4,000 U.S. lawyers, judges, and academicians who have provided CEELI *pro bono* legal assistance in more than twenty countries over the last six years. Ambassador Madeline K. Albright, U.S. Permanent Representative to the United Nations, will deliver the keynote address. The event will be held at 12:00 noon in Southern Hemisphere III, IV, V of the Walt Disney World Dolphin Hotel. Tickets are \$30 and advanced reservations are essential. For further information, call 1-800-98CEELI.

**Sunday, August 4**—The Standing Committee will cosponsor a program on "Application of the Administrative Procedure Act (APA) to National Security Issues" with the ABA Section of Administrative Law and Regulatory Practice. The event will take place from 1:30-3:30 P.M. in the Saybrook Room, Lobby Level, Walt Disney Dolphin Hotel. The program will be moderated by Standing Committee member (and former NSA General Counsel) Stewart Baker, and will include presentations by FBI General Counsel Howard M. Shapiro, Defense Investigative Services General Counsel Thomas N. Willess, ACLU National Security Law Project Director Kate Martin, and representatives from the private sector. Issues to be addressed will include APA application to such issues as: personnel security clearance and facility clearances under the National Industrial Security Program, export license applications, bid protests, trade secrets and presidential determinations under the Exon-Florio Amendment to the Defense Production Act. For further information, contact Standing Committee Staff Director Holly Stewart McMahon (see box on page 7 for address and numbers).



# ***The National Security Agenda . . . .***

by Daniel L. Richard

**House Passes Iran-Libya Foreign Oil Sanctions Act (H.R. 3107)**—On June 19, the House passed H.R. 3107 overwhelmingly by a vote of 415-0. This measure imposes sanctions against foreign companies that invest in the petroleum infrastructure of Iran and Libya. Proponents of the measure argue that Iran and Libya's oil industries help fund terrorist activities and enable both countries to continue modernizing their military. Cutting off foreign investment from European and Asian firms is seen by many as a way to enhance America's attempts to isolate both countries and hinder Iran and Libya's efforts to destabilize the Middle East. American allies have criticized the use of multilateral economic sanctions and several nations have suggested that these secondary boycotts could invoke retaliatory economic actions. The Senate is expected to bring H.R. 3107 to the floor without referring it to committee.

**1997 Foreign Operations Appropriations Bill Approved by Senate Subcommittee**—On June 18, the Senate Appropriations Subcommittee on Foreign Operations approved by a 12-0 vote a \$12.2 billion foreign operations spending bill. Coming quickly after the full House passed a foreign operations measure (H.R. 3540), it appears headed for a quick mark-up in the full Committee before it is sent to the Senate floor for a vote. It differs from the House version in several areas, including omitting a House provision that conditions U.S. aid to Turkey on that country's policy towards Armenia. Most importantly, the Senate version fails to include restrictions on international family planning. Subcommittee Chairman Senator Mitch McConnell (R-KY) originally included the House-passed restrictions in the bill's text, but Senator Patrick Leahy (D-VT) offered an amendment striking the language which passed 8-5. As witnessed during last year's debate, this dispute could hold up the entire bill when it eventually reaches the conference committee.

**Most Favored Nation Trading Status for China Set for Vote**—The annual congressional review of China's trade status (H.J. Res. 182) is scheduled to hit the House floor before the July 4th recess. During the June 18th mark-up, the MFN disapproval resolution was soundly defeated in the House Ways and Means Committee by a vote of 31-6. Nevertheless, fast-track procedures will ensure that this resolution will be brought up to the House floor for a vote. Although the House vote appears likely to extend MFN status to China for another year, critics of China have used this opportunity to highlight China's unwillingness to cooperate with the United States in several areas. They have cited China's poor human rights record, its repeated military threats against Taiwan, and its sale of nuclear components to Pakistan as reasons for not granting MFN trade status to China. Nevertheless, the Administration has lobbied extensively on the issue and appears to have convinced most lawmakers that it would not be in the economic or strategic interest of the United States to isolate China by revoking MFN.

**Senate Panel Approves Defense Authorization**—On June 20, the Senate Appropriations Committee approved a \$244.7 billion defense authorization package by a vote of 24-3. The bill would increase the Administration's request by \$10 billion, including additional funding for four new Navy destroyers, eight additional F/A-18 fighters, and additional spending for theater missile defense. The Administration has threatened a veto if these, or similar additions added earlier to the House-passed bill, are included in the final version of the bill.