

Kissinger Watch

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About This Issue

Dear readers,

On November 13, 2002, 11 victims who suffered grave human rights violations following Pinochet's bloody coup in Chile brought suit against Henry Kissinger in U.S. District Court in the District of Columbia. The suit alleges that Kissinger's involvement in the September 11, 1973 coup makes him responsible for crimes against humanity, forced disappearance, torture, arbitrary detention, and wrongful death (see article 1).

On November 27, 2000, the Chilean media reported that the U.S. Department of State had replied to a letter rogatory from Judge Guzman concerning the death of Charles Horman. (see KissingerWatch issues 7 & 8). The State Department claims that the U.S. had no foreknowledge of Horman's impending assassination and adds that Kissinger could not remember details of the events that happened 30 years ago. (article 2 in Spanish).

Also on November 27, 2002, George W. appointed Kissinger to head the 911 inquiry commission. We believe that Bush has opened a window of opportunity. We can capitalise on the media coverage and criticism which accompanied the appointment. Hundreds of articles on the appointment appeared worldwide. Many of these contained some criticism of Bush's choice and Kissinger's record. Kissinger was portrayed as a dubious character at best and a master of the culture of secrecy. Some commentators, among these a former CIA special analyst (article 3), observed that Kissinger himself should be the subject of an

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1. New lawsuit against Henry Kissinger by ICAI

On November 13, 2002, 11 victims who suffered grave human rights violations following Pinochet's bloody September 11, 1973 coup in Chile, brought a suit against Henry Kissinger in federal District Court in the District of Columbia for, among other things, crimes against humanity, forced disappearance, torture, arbitrary detention, and wrongful death. The suit alleges that Henry Kissinger knowingly provided practical assistance and encouragement to the Chilean repressive regime before, during, and after the coup, with reckless disregard for the lives and well-being of the victims and their families.

This lawsuit was brought pursuant to international and domestic law, including the Alien Tort Claims Act, which allows non-citizens to sue human rights violators in U.S. courts for violations of the law of nations. As a civil lawsuit, liability rests on, among other things, well-established federal common law tort principles of third-party liability as well as international law principles of aiding and abetting and accomplice liability.

Recently declassified U.S. government documents and Congressional reports provided the plaintiffs with the information necessary to bring this suit against Kissinger. The documents show that with the practical assistance and encouragement of the United States and the official and Kissinger's extra-official acts, the Chilean terror apparatus conducted systematic human rights violations against the plaintiffs and their relatives. The documents illustrate, for example, that on September 11, 1973, the Chilean military, with Kissinger's ongoing and continuous knowledge, funding, assistance and encouragement, conspired to stage a coup d'état that overthrew the democratically-elected President of Chile, Dr. Salvador Allende, forcing the nation of Chile into the foreseeable and actual period of widespread violence and terror that lasted for seventeen years. Kissinger's assistance to the repressive regime continued in the years following the coup. The plaintiffs in the lawsuit are victims of that violence and terror.

2. Las dos respuestas que EE.UU. entregó en el Caso Horman Primera Línea, Miércoles, 27 de Noviembre de 2002.

El Departamento de Estado norteamericano envió dos
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inquiry, – noting suspicions of war crimes, complicity in genocide and in the overthrow of a democratically elected government on 9/11, 1973 (article 4,5.). The Financial Times reports on angered 9/11 families who call upon Kissinger to disclose the identity of his business clients (article 6)

Kissinger's new job does not seem to consume him entirely. He still finds the time to comment on international affairs. Recently he felt compelled to express once more his concerns over the establishment of the International Criminal Court.

“For its part, America defines its national interests in more strategic terms. Europe defers worries about the operation of such new institutions as the International Criminal Court partly because of the lower priority it gives to foreign policy altogether. The United States is concerned with the immediate impact of an institution with a vague charter, unsettled procedures and subject to no system of checks and balances, which can affect the many Americans engaged in global responsibilities.” (Article 7)

Ever faithful to his fight against the “Tyranny of Judges” (see KissingerWatch 1), Kissinger ignores his self-interest. As the New York Times concluded recently: The U.S. administration is more concerned about possible indictments of high-ranking public officials rather than its foot soldiers. And that the U.S. opposition to the ICC should be viewed in the context of the multiple efforts to bring Kissinger to justice. (KissingerWatch 10)

Finally, our website is becoming increasingly popular. In the days after Kissinger's appointment we had on average about 8000 hits per day – more than 10 times as many as before. Kissinger Watch editors recently participated in several radio interviews as well. These are strong indications that there is growing uneasiness about Kissinger's continued presence in the public realm.

With Kissinger in the spotlight again and likely to remain there for a considerable period of time, let us make sure that in the course of the next months he will be viewed with ever more critical eyes. Our immediate goal ought to be his removal from his new and prestigious office.

Thanks for your readership,

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Las dos respuestas — continued from page 1

comunicaciones formales al ministro Juan Guzmán con detalles de los interrogatorios a que fue sometido Henry Kissinger. Los documentos conforman una suerte de declaración prejudicial en la que el ex hombre fuerte del gobierno de EE.UU asegura tener antecedentes posteriores de la muerte de Charles Horman y se encierra en el olvido cuando las preguntas comprometen el rol de su gobierno en el asesinato del periodista.

por Mercedes Castro

Fuente:...PrimeraLínea

El extenso exhorto que despachó el ministro de fuera Juan Guzmán al ex secretario de Estado norteamericano Henry Kissinger ha surtido frutos parciales con el arribo de dos respuestas que se asemejan a declaraciones prejudiciales. En ellas, el Departamento de Estado entrega señales sobre la muerte del periodista Charles Horman e incluye contestaciones del propio Kissinger en las que asegura conocer antecedentes sobre el deceso del profesional extranjero y olvidar otros aspectos.

La respuesta llegó a manos de Guzmán en momentos que la Corte Suprema ordenó la reorganización de las causas, traspasando el caso Horman al ministro Jorge Zepeda. Apenas recibió los expedientes, el juez ordenó la traducción de la primera comunicación y a los pocos días recibió una segunda que también fue verificada por peritos.

De este modo se ha demorado la entrega de antecedentes al punto que se estima que podría recibirse un nuevo documento. Fuentes vinculadas al proceso detallaron a Primera Línea los datos principales que recogen estos escritos.

En primer lugar, el Departamento de Estado precisa que existe «información fundamental e importante» que conocía el organismo sobre la muerte de Charles Horman, la que se obtuvo por medio de los archivos desclasificados. Se aclara que existen cerca de doce mil documentos que versan sobre el caso, todos los cuales se encuentran en Chile. Sin embargo, la respuesta no es clara a la hora de señalar si existen otros documentos que aborden el asesinato del periodista y que aún no hayan sido

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a joint project of:

East-Timor Action Network
(www.etan.org)

International Campaign against Impunity
(www.icai-online.org)

Instituto Cono Sur
(<http://groups.yahoo.com/group/politicaconosur/>)

desclasificados.

También el organismo estadounidense cita a declarar a diferentes personeros del gobierno norteamericano que son requeridos por el exhorto. La carta rogatoria de Guzmán no sólo se refiere a Kissinger, sino que incluye una serie de diligencias, entre ellas interrogatorios a otros funcionarios del gobierno de la época.

Estos últimos afirman que tuvieron antecedentes del caso sólo por medio de información residual que manejaron a través de la Embajada de Estados Unidos con sede en Santiago, y sobre este punto existe un antecedente, pues el propio Kissinger -interrogado por el Departamento de Estado- confirma su conocimiento del caso.

Precisa que tuvo información «inmediata» de lo acaecido por Horman y que estos antecedentes los obtuvo por medio de la sede diplomática. Al momento de ser consultado por detalles del caso, de la muerte de Horman y las personas que pudieron tener antecedentes previos a los hechos del Estadio Nacional -lugar donde fue visto por última vez- el ex personero de gobierno recurre al olvido. Así, Kissinger nada aclara sobre las investigaciones que realizaba Horman en los días previos al Golpe de Estado, su detención en el estadio, las agresiones que sufrió por parte de efectivos del Ejército vinculados al Servicio de Inteligencia Militar y el trabajo de la comunidad de inteligencia.

En estos puntos medulares, el ex secretario de Estado recurre a la fórmula del olvido y el desconocimiento, comprometiéndose sólo en los antecedentes muy posteriores a la muerte del periodista, cuando ya el caso era un secreto a voces y se comentaba en la trastienda cómo había intervenido el gobierno extranjero en la muerte del profesional.

Tampoco arroja luces sobre los requerimientos que hizo Horman ante la embajada de su país por los contactos entre Chile y Estados Unidos que propiciaron el golpe del 11 de septiembre de 1973.

Al mismo tiempo, en la respuesta del Departamento de Estado quedan pendientes diligencias vitales para el proceso, como la toma de declaración de dos periodistas estadounidenses y un abogado de esa misma nacionalidad

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que conocieron la suerte de Horman. Al respecto, el escrito simplemente señala que no fueron habidas estas personas, pero no entrega detalles que prueben si realmente se realizaron los peritajes para encontrarlos.

Las autoridades que respondieron la carta rogatoria concluyen señalando que estas dos respuestas, por lo extenso de las mismas, son suficientes y no es necesario esperar nuevos antecedentes de parte de la Corte Suprema de EEUU, que es en definitiva quien debe revisar y realizar las diligencias requeridas en el exhorto. El Departamento

de Estado también señala que las investigaciones deben avanzar en Chile, dejando ver la intención de olvidar o excluir la participación de norteamericanos en estos ilícitos de la dictadura.

Aunque la contestación no deja en absoluto conforme a los abogados querellantes en la causa, Fabiola Letelier y Sergio Corvalán, constituye una primera señal poderosa, una suerte de declaración prejudicial que estimula a los juristas y al magistrado instructor del proceso para seguir adelante.

Hasta el momento, Henry Kissinger jamás ha comparecido ante los tribunales, de ahí que se aguarde que el exhorto arribe definitivamente a la Corte Suprema de Estados Unidos, que sea acogido y se designe

un ministro para que realice los peritajes solicitados e interrogue definitivamente al ex hombre fuerte del gobierno estadounidense.

En tanto, se aguardan las primeras diligencias del juez Zepeda que se centrarán, a diferencia de su antecesor Guzmán, en la muerte de Horman y no tanto en las víctimas del Estadio Nacional.

Además, falta por transcribir una serie de videos que

Shakespeare on Kissinger

Why, I can smile, and murder whiles I smile,
And cry 'Content' to that which grieves my
heart,
And wet my cheeks with artificial tears,
And frame my face to all occasions.
I'll drown more sailors than the mermaids
shall;
I'll slay more gazers than the basilisk;
I'll play the orator as well as Nestor,
Deceive more slyly than Ulysses could,
And, like a Sinon, take another Troy.
I can add colours to the chameleon,
Change shapes with Proteus for advantages,
And set the murderous Machiavel to school.
Can I do this and not get a crown?
Tut, were it farther off, I'll pluck it down.

Henry [VI], Part 3, act 3, sc.3, l.156
(Thanks to Peter Weiss for this)

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recogen pesquisas del ministro Guzmán, antecedentes que podrían ayudar a la investigación que ahora sustancia Zepeda, magistrado que es reconocido en los tribunales por su agilidad para conocer causas, dictando rápidamente autos de procesamiento.

3. Choice of Kissinger discredits 9/11 probe By Melvin A. Goodman, December 5, 2002 The Baltimore Sun, December 5, 2002

Melvin A. Goodman, an author and a former senior analyst at the Central Intelligence Agency, is a senior fellow at the Center for International Policy.

WASHINGTON - The Bush administration's appointment of Henry A. Kissinger to head the commission to probe the intelligence and security flaws that allowed the Sept. 11 terrorist attacks is a cynical and dangerous maneuver.

The administration's explanation that "you need someone like a Kissinger because of his security clearance" is a puerile rationalization for an investigative position that calls for character and integrity.

Mr. Kissinger's government career was marked by significant lapses of judgment and calculated efforts to circumvent bureaucratic and even constitutional limits on the use of force and power. He was secretary of state to presidents Richard M. Nixon and Gerald R. Ford and was Mr. Nixon's national security adviser.

The secret bombing of Cambodia avoided constitutional checks and balances in order to expand the war in Southeast Asia, using a clandestine dual reporting system that was hidden from Congress, the public and most of the Pentagon for nearly five years. The secret bombing nearly became an issue in Mr. Nixon's impeachment inquiry in 1974, when the Senate Armed Services Committee conceded that it still had not learned how the dual bookkeeping system originated.

The same week that the government of Prince Sihanouk was overthrown in Cambodia, a direct result of the secret bombing, Mr. Kissinger approved a covert action to undermine the democratically elected government of Salvador Allende in Chile. He told the secret committee that approved all covert actions: "I don't see why we need to stand by and watch a country go communist due to the irresponsibility of its own people."

Several years later, Mr. Allende was overthrown and killed in a bloody coup. His successor, Gen. Augusto Pinochet, then sanctioned the assassination of Chilean dissidents, including a former Chilean foreign and defense minister on Embassy Row in Washington. Mr. Kissinger was familiar with Operation Condor, which sponsored such criminal violence, but he has consistently defended his record and that of General Pinochet in Chile.

At the time of Mr. Allende's ouster, Mr. Kissinger was being confirmed as secretary of state before the Senate
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Foreign Relations Committee, where he denied any U.S. involvement in the upheaval. CIA Director William E. Colby officially corrected the record several months later, after his predecessor, Richard M. Helms, also lied to the committee and faced perjury charges as a result.

Finally, Mr. Kissinger called the shots in 1975 in a Marine rescue of a U.S. merchant ship, the *Mayaguez*, with a crew of 40 men. More Marines and airmen were killed in the rescue attempt - 41 - than there were merchant marines on the ship. Moreover, a foreign government had informed the White House that the Cambodians were about to release the *Mayaguez* more than 12 hours before the Marine invasion began.

The heel-dragging of the Bush administration, which has been opposed to an independent investigation of 9/11 for more than a year, suggests that the White House may have had sufficient warning to pursue preventive measures against a terrorist attack. The administration delayed the start of the congressional investigation even though the Senate and House intelligence committees have not exactly been junkyard dogs in monitoring the activities of the intelligence community, particularly the CIA.

And the last time Mr. Kissinger chaired a bipartisan committee, he produced the National Bipartisan Commission on Central America (1983-84), which provided cover for the Reagan administration's secret war in Nicaragua.

More recently, as we gain access to declassified transcripts of Mr. Kissinger's conversations with world leaders, we learn about the many deceits and obfuscations that abound in his multi-volume memoirs as national security adviser and secretary of state. These memoirs were produced during a period when Mr. Kissinger prevented

4. Kissinger: Right Man for the Job?

New York Times
11/30/02

To the Editor:

President Bush's decision to name former Secretary of State Henry A. Kissinger, who spent his entire public career protecting the executive branch from public scrutiny of its actions, to head the 9/11 commission is bitterly ironic (front page, Nov. 28).

Perhaps Mr. Kissinger, who oversaw the illegal, secret bombing of Cambodia and acquiesced to Indonesia's 1975 invasion of East Timor is uniquely qualified to investigate the terrorist tragedy of Sept. 11. Not of 2001, however, but of 1973, when the democratically elected government of Salvador Allende in Chile was overthrown by Gen. Augusto Pinochet, a goal Mr. Kissinger had long supported.

Now the question is, who will investigate the investigator?

BRAD SIMPSON
New York, Nov. 28, 2002
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scholarly access to his papers from the 1960s and 1970s in order to thwart any challenge to his official record.

And those who serve on the Kissinger commission should not expect trustworthiness or even collegiality. Mr. Kissinger is known for wiretapping his closest colleagues on the National Security Council and for referring to Mr. Nixon as “our drunken friend” and the “meatball mind.”

It’s no surprise that Mr. Kissinger was a fan of Austria’s Prince Metternich, who was said to confuse policy with intrigue. The same can be said for Mr. Kissinger. His hostility toward the checks and balances of the American system and his consistent endorsement of secret government and secret war make him profoundly unsuited to head a commission on 9/11 at such a sensitive juncture in American history.

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Link to the article: <http://www.sunspot.net/bal-op.kissinger05dec05.story>

5. 9/11 Victims Deserve Better Than Kissinger **Newsday (New York, NY), December 1, 2002**

Les Payne

If Henry Kissinger had any shame he would decline his new appointment and, while on bended knee, also return his 1973 Nobel Peace Prize. This is the blind hope of his critics, and perhaps a few of what is left of his supporters.

The expectation, however, is that the man who once fancied himself the Metternich of U.S. foreign policy will reign as czar of the Sept. 11 probe. The gray eminence with much to live down will likely use his post to immunize himself against all further attempts to have him judged a “war criminal.”

This charge has gained at least left-radical currency with the recent release of the polemical movie, “The Trials of Henry Kissinger.” The documentary airs the charges that Christopher Hitchens floated in his two-part Harper’s magazine article and encased in his book of a similar title. The swashbuckling Hitchens holds the former U.S. secretary of State personally responsible for policy leading to murder and other excesses in Vietnam, Laos, Cambodia, East Timor, Cyprus, Bangladesh and Chile. Other more responsible observers have raised the same charges over the years, most notably Pulitzer-Prize-winning investigative reporter Seymour Hersh.

The “war crime” charge against Kissinger became something of a scare in London earlier this year. During Kissinger’s visit to Royal Albert Hall, human rights activists staged a protest, some banging drums and chanting “evil war criminal” outside. Peter Tatchell had just lost a court fight to have Kissinger jailed for the “killing, injuring and displacement” of some 3 million Vietnamese and Cambodians during America’s military involvement in Indochina. Earlier, the Spanish judge who prosecuted Gen.

Augusto Pinochet for crimes against humanity had tried to get permission to question Kissinger in the case. Specifically, the judge was interested in Kissinger’s possible

knowledge or involvement in a plan Latin America’s military regimes had employed to get rid of their opposition. The British Home Office denied the judge permission to question Kissinger during his visit to London.

“No one can say that he served in an administration that did not make mistakes,” Kissinger told the annual Institute of Directors conference in May. He was national security adviser and secretary of state, under Presidents Richard Nixon and Gerald Ford, serving from 1969 to 1977. Kissinger conceded that “mistakes were made.”

Last week, Kissinger was appointed to head an investigation of the terrorist attacks of Sept. 11. President George W. Bush recalled only the high points in the career of this former secretary under the disgraced Nixon administration, the diplomat some dare call a “war criminal.”

“[Kissinger’s] investigation should carefully examine all of the evidence and follow all of the facts wherever they lead,” Bush said. “We must uncover every detail and learn every lesson of September 11th.”

While few would doubt Kissinger’s intellect, his critics warn darkly that his mistakes of the past - and his documented deceit and secrecy - should not be overlooked.

“Lest anyone think that Kissinger’s critics are all to the left, or liberals,” said professor Stanley Kutler of the University of Wisconsin, Madison, “I would remind you that on the right in this country there has long been a very, very strong distrust of Henry Kissinger.” Kutler cited U.S.

Navy Commander Elmo Zumwalt’s “unforgettable” remark in his memoirs about Kissinger’s “deceit” and needless “secrecy” at the Paris Peace talks on Vietnam.

The cult of secrecy has been extended to Kissinger’s official papers, stored with the Library of Congress, and sealed until five years after his death. “Kissinger [has] made millions of dollars off his memoirs,” Kutler said. Yet, scholars are denied access to them.

As for Kissinger’s Nobel Peace Prize, all one needs to remember is that Le Duc Tho, his co-winner, refused to accept the award. Unlike his opponent, the North Vietnamese, a man capable of shame, found it unseemly to accept a prestigious award for peace while the civil war between the North and the South continued. The war raged on even as Kissinger accepted his \$57,500 share and made his acceptance speech in Oslo.

My own bone to pick with Kissinger concerns his insensitivity to racial matters. “Kissinger also repeatedly made clear his contempt for black people,” wrote Hersh, in his book, “The Price of Power: Kissinger in the Nixon White House.” In a documentation of Kissinger’s racism, Hersh wrote the following:

“Kissinger repeatedly made clear his lack of respect for the intelligence of blacks. When the State Department appointed C. Clyde Ferguson, a black law professor from Rutgers University, special relief coordinator during the

Nigerian civil war, Kissinger asked fatuously, 'Do you think he'll understand the cables?'

"Morris also recalls a disturbing conversation between Kissinger and Senator [William] Fulbright. It was the spring of 1970 and the White House gave a reception and dinner for ambassadors, most of them black, who were in Washington for a meeting of the Organization of African Unity. Kissinger asked Morris to join him at the dinner, and as Morris and Kissinger were strolling from their basement offices they bumped into Senator Fulbright, also on his way to the party.

"Henry walked up to him and initiated this racist conversation," Morris says. "He asked: 'I wonder what the dining room is going to smell like?'"

"During another conversation regarding the Nigerian war, Morris explained, in response to Kissinger's question, that the Ibos of Biafra were more Negroid in appearance and the Nigerians tended to be more Semitic.

"Kissinger, Morris later wrote, was visibly surprised and confused. 'But you always told me the Ibos were more gifted and accomplished than the others. What do you mean "more Negroid"?"'

This most powerful foreign policymaker in the Nixon White House is back in our lives as a wealthy creature from the bog.

One might think that the victims of Sept. 11 deserve better.

6. Kissinger to be asked to list clients **By Edward Alden in Washington** **Financial Times; Dec 05, 2002**

The families of the September 11 victims want Henry Kissinger, former secretary of state, and other members of an inquiry commission into the attacks to make a full, confidential disclosure of their consulting clients in order to avoid any conflicts of interest. The forthcoming demand is the first sign that the families - instrumental in pushing the White House to agree to the commission - are worried that Mr Kissinger's close ties to foreign and domestic corporate clients may hamper his ability to lead an aggressive investigation. The proposal is to be put forward at a meeting scheduled for next week between the families and Mr Kissinger, named by President George W. Bush last week to chair the inquiry. Stephen Push, who heads the group Families of September 11, told the FT: "We are going to demand he disclose his clients to the commissioners and let the commissioners decide [if there are conflicts], not the White House counsel. If he wants to maintain his credibility with us, he's going to have to do that."

Mr Kissinger's company, Kissinger McLarty Associates, is one of Washington's most powerful lobbying firms, trading on Mr Kissinger's reputation and access to the top people in government.

The White House last week said the job as inquiry chairman would be a part-time post, which, under govern-
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ment ethics rules, means he will not be required to disclose publicly his clients or halt temporarily his consulting work. Some members of Congress, however, have asked the Congressional Research Service to examine whether full disclosure may be legally required.

Mr Kissinger was travelling yesterday and could not be reached for comment. He told CNN at the weekend that he would not publicly disclose his clients, but would discuss those clients fully with the White House counsel and appropriate ethics groups. He also said he had no Saudi clients, and did not represent any Middle East governments, and called "outrageous" any suggestions that his commercial interests would compromise his independence. But the families want the other nine commissioners on the 10-strong investigation team, rather than White House lawyers, to control decisions about possible conflicts.

The tussle over Mr Kissinger's client base is the latest spat between the families and the White House, which had long resisted forming a commission to investigate why the US failed to head off the September 11 attacks. The families had put forward a list of five names to the White House as possible chairs of the commission, and were surprised by the choice of Mr Kissinger. George Mitchell, former Democratic senator, was also named last week as the vice-chairman. The fight over the committee has now turned to the naming of the other eight members, which must be completed by December 15. Congressional Democrats control five of the 10 appointments, but a majority of six commissioners is required to issue subpoenas that would legally force reluctant witnesses to testify.

7. NATO at the crossroads; NATO'S uncertain future in a troubled alliance **by Henry Kissinger** **The San Diego Union-Tribune** **December 1, 2002, Sunday**

Kissinger was national security adviser and later secretary of state under Presidents Nixon and Ford. He also advised the Kennedy, Johnson and Reagan administrations.

The summit in Prague to celebrate NATO's embrace of the Baltic states and the remaining Warsaw Pact nations marked both a triumph of the alliance's original purposes and an occasion to reflect about the long-term changes wrought by success.

NATO was created more than half a century ago to protect its members against the threat of aggression, specifically a Soviet invasion of Western Europe. That threat having disappeared for the foreseeable future, NATO is not so much expanding as transforming itself into a different institution. It has become more akin to a collective security organization like the United Nations than a traditional alliance.

An alliance defines a casus belli, a dividing line and a specific set of obligations; it assumes an unambiguous

threat. Collective security organizations define the threat from case to case and negotiate the method of resistance, if any, in light of circumstances. The various Berlin crises of the Cold War were dealt with in an alliance mode; the anti-terror campaign launched in September 2001 has been handled as a collective security matter, with our allies acting in their national capacities from case to case. NATO as an institution has not been involved.

This tacit transformation creates two potential fissures within the alliance: between East and West Europe, and between Europe and the United States. NATO expansion would have proceeded much more grudgingly, if at all, had the European nations still believed in a Russian threat or the possibility of a nuclear war over NATO's new frontiers — in other words, if our European allies had considered the alliance more needed.

Moreover, most of Western Europe views Russian membership in NATO as only a matter of time. In the meantime, a sort of halfway house has been arranged, giving Russia access to the NATO consultative machinery and weakening the purpose of the alliance for many of its new members.

For the attitude of the nations now entering NATO is that of Western Europe's in NATO's infancy. Having lived under Russian rule for decades, the new members see in NATO the instrument to prevent a recurrence of aggression or pressure from the East. Unlike some of their partners from Western Europe, they do not consider NATO a potential brake on American impetuosity; they seek to strengthen America's international commitments, not to restrain them.

No incentive for Europe

Similarly, the new international environment alters the relationship between Europe and the United States. So long as there was a uniform perception of threat, Europe had an incentive to keep up its defense expenditures though, even then, its domestic outlays always exceeded its security spending.

But in the absence of such a shared perception, European nations increasingly subordinate defense expenditures to domestic priorities; since the fall of the Berlin Wall, there has been a steady decline in European defense spending. At the same time, the massive American defense effort does not bolster allied cohesion, for it is widely perceived in Europe to be designed to deal with contingencies not related to European interests. Indeed, it magnifies the fear of many in Europe that the world is becoming unipolar while Europe would prefer it be multipolar.

Recognizing these trends, the Bush administration has abandoned pressures for increasing the overall European defense effort. Instead, it has concentrated on the creation of a relatively small intervention force of 20,000 under the NATO institutional umbrella to confront threats that used to be considered "out of area."

But the future of NATO depends less on its military structure than on the ability of its members to develop

common political purposes.

And therein lies reason for profound concern. European media and some political figures continue to present the United States as the land of the death penalty, rapacious capitalism, unilateral diplomacy and a cowboy mentality. The psychological gulf was evident when, in Prague, so staunch an advocate of Atlantic ties as Czech President Vaclav Havel asked for understanding of "the occasional insensitivity, clumsiness or self-importance that may come with this (global) responsibility."

Even the consensus on Iraq at the Prague summit will face a moment of truth when there is a need to define what constitutes a material breach of U.N. resolutions and what remedies are appropriate.

At the same time, many in the United States see Europe as a region of incipient neutralism, free-riding on American defense capabilities and seeking to protect its security by substituting multilateralism for alliance responsibilities. There is, therefore, a growing insistence on having the United States act as the sole arbiter of the global interest. These attitudes are at the heart of the dispute that goes under the heading of multilateralism vs. unilateralism. The time has come to put that debate into perspective.

The slogans obscure the underlying reality, which is over the relative importance to be given to domestic over foreign policy. Europeans are no more willing than Americans to subordinate their perception of vital national interests to multilateralism in the abstract — witness their behavior with respect to the Common Agricultural Policy of the European Union.

But they define their vital interests in more parochial terms and consider global issues as matters that can be used to gain the support of passionate national constituencies. In this way, European multilateralism often merges with new forms of self-righteous moralistic nationalism.

Different U.S. aims

For its part, America defines its national interests in more strategic terms. Europe defers worries about the operation of such new institutions as the International Criminal Court partly because of the lower priority it gives to foreign policy altogether. The United States is concerned with the immediate impact of an institution with a vague charter, unsettled procedures and subject to no system of checks and balances, which can affect the many Americans engaged in global responsibilities.

Hence it contests the ICC's provisions with the same intensity Europeans devote to Common Agricultural Policy. The difference in the European reaction to the Bush administration's rejection of the Kyoto Protocol and the International Criminal Court compared to its treatment of the policies of the Clinton administration shows that the controversy is more about style than substance.

The Europeans were pacified by the multilateral process of negotiation even though they must have known that what was being negotiated would never be imple-

mented. The Senate, by a vote of 95-0, had made clear its refusal to ratify the Kyoto Protocol. And President Clinton, in signing the ICC convention three weeks before leaving office, emphasized that he had no intention of submitting the International Criminal Court to the Senate for ratification or of recommending that his successors do so.

Similarly, the furor surrounding the notion of preemption concerns procedure probably far more than substance. Put forward as part of the national strategy of the United States in September, the doctrine involves two issues: its inherent validity, and the manner in which it was being introduced.

The administration was surely right in pointing out that the defining characteristic of the traditional international system has been fundamentally altered by contemporary ideology and technology. That system assumed that the domestic jurisdiction of states was beyond international challenge; hence the principal threat to international stability was perceived to be the attempt to change frontiers by force of arms. Neither assumption is still valid.

Terrorist threats challenge the social cohesion, and weapons of mass destruction can alter the balance of power and threaten devastation primarily through technological developments within the territory of a sovereign state. In those circumstances, the potential victims cannot wait until the threat has been implemented. Preemption is inherent in the technology and ideology of the 21st century international system.

The administration erred in presenting what is an international reality as if it were an American dispensation. Our allies will not acquiesce in leaving the definition of preemption to an ally, however close and powerful. Nor can it be in America's interest to encourage every nation to define pre-emption in purely national terms. The solution to this dispute is to seek to narrow the gap between substance and procedure to develop together, at least with long-standing allies, some principles of preemption.

But to make this work, it is necessary that our allies treat such an effort as having purposes beyond restraining the United States and that they take seriously the need to redefine the threat environment. In the end, pre-emption is not so much a new concept as the application of a norm long recognized in international law: the right of self-defense. What the argument is about is rules for lowering the threshold of when this principle can be applied.

Why NATO is still important

As the alliance shifts its emphasis from the military to the political arena, from defending a geopolitical dividing line to what in NATO parlance used to be called "out of area" conflicts, both sides of the Atlantic need to define for themselves why NATO is still important.

The United States must resist the siren song of basing foreign policy on hegemonic power. Many of the problems

affecting world order are not susceptible to solution by military means. History shows that, sooner or later, every powerful country calls into being countervailing forces. And at that point — and I would insist even now — the United States will not be able to sort out every international problem alone without exhausting itself physically and psychologically.

We will need allies, and the countries that most share our values and history are the NATO countries. And however much conventional wisdom balks at the concept of a clash of civilizations, that is what Western societies face together from the radical crusading version of Islam.

The ultimate challenge for American foreign policy is to turn dominant power into a sense of shared responsibility; it is to conduct policy, as the Australian scholar Coral Bell has written, as if the international order were composed of many centers of power, even while we are aware of our strategic preeminence. It implies the need for a style of consultation less focused on selling immediate policy prescriptions than on achieving a common definition of threats and long-range purposes.

By the same token, Europe must resist the temptation of "distinctiveness" for its own sake. Criticism of American culture and policy has been a staple of European opponents of NATO for 50 years. What is unusual now is that the governments in key countries are making no efforts to stem the tide and occasionally even stir it up.

The alliance needs a clearer declaration of what is intended by a "European" foreign policy and one less geared to pacifying domestic pressure groups. Europe must be allowed scope for disagreeing with its partner. But if distinctiveness is defined by disagreement for its own sake, Western civilization is on the road to destroying its substance as it did in the first half of the 20th century. Europe must take seriously that America's attempt to shape a world order reflects a sense of global responsibility and not the psychological orientation of particular leaders.

In this context, the debate between multilateralism and unilateralism assumes a different dimension. Abstract multilateralism is as incompatible with a new Atlantic relationship as abstract unilateralism. The former absorbs purpose in a quest for a general global consensus, the latter in overemphasis on a special national character.

But NATO, to be meaningful, needs to have a special character between these two extremes. It must be able to define common purposes more precise than the attainable international consensus and more embracing than the national interest of an individual partner, however powerful.

Is this possible? Or are we condemned to drift apart? We cannot know the answer today, but the future of our civilization requires that we make the effort to find it.