

**NOMINATIONS OF THE 110TH  
CONGRESS—FIRST SESSION**

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**HEARINGS**

BEFORE THE

**COMMITTEE ON FOREIGN RELATIONS  
UNITED STATES SENATE**

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

—  
JANUARY 30 THROUGH DECEMBER 19, 2007  
—

Printed for the use of the Committee on Foreign Relations



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COMMITTEE ON FOREIGN RELATIONS  
110TH CONGRESS—FIRST SESSION

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ROBERT P. CASEY, Pennsylvania	JOHNNY ISAKSON, Georgia
JIM WEBB, Virginia	DAVID VITTER, Louisiana

ANTONY J. BLINKEN, *Staff Director*

KENNETH A. MYERS, Jr., *Republican Staff Director*

\*Note: Reassigned to Committee on Finance January 24, 2008.

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COMMITTEE ON FOREIGN RELATIONS  
110TH CONGRESS—SECOND SESSION

JOSEPH R. BIDEN, Jr., Delaware, *Chairman*

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ANTONY J. BLINKEN, *Staff Director*

KENNETH A. MYERS, Jr., *Republican Staff Director*

\*Note: Appointed February 12, 2008.

## NOMINATIONS

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THURSDAY, JUNE 21, 2007

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

English, Charles L., to be Ambassador to Bosnia and Herzegovina  
Kennedy, J. Christian, to be Special Envoy for Holocaust Issues  
Moore, Roderick W., to be Ambassador to the Republic of Montenegro  
Munter, Cameron, to be Ambassador to the Republic of Serbia  
Withers, John L., III, to be Ambassador to the Republic of Albania

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The committee met, pursuant to notice, at 2:01 p.m., in room SD-419, Dirksen Senate Office Building, Hon. Barack Obama presiding.

Present: Senators Obama, Nelson, and DeMint.

### **OPENING STATEMENT OF HON. BARACK OBAMA, U.S. SENATOR FROM ILLINOIS**

Senator OBAMA. The hearing will come to order. The Foreign Relations Committee is convening this confirmation hearing. We have Dr. John L. Withers II, to serve as Ambassador to the Republic of Albania; Mr. Charles Lewis English, to serve as Ambassador to Bosnia and Herzegovina; Dr. Cameron Munter, to serve as Ambassador to the Republic of Serbia; Mr. Roderick W. Moore, to serve as Ambassador to the Republic of Montenegro; and Mr. J. Christian Kennedy, for the rank of Ambassador during his tenure as Special Envoy for Holocaust Issues.

Four of these posts are in Southeast Europe, a region that faces a dual challenge. As people of this region reconcile themselves with a troubled past, they must now chart a shared course toward a better future. If confirmed, these individuals will be called upon to build on the best traditions of American diplomacy to facilitate these countries' integration into the Euroatlantic community.

With respect to Mr. Kennedy, the crimes he will try to rectify are not as recent as the genocide in Srebrenica, but the shadows they cast across Europe are every bit as dark. Finding justice for victims of the Holocaust remains a moral imperative, and I hope Mr. Kennedy will do everything in his power to right the wrongs stemming from that unconscionable era.

I'm pleased that the administration has put forward five capable career Foreign Service officers to fill these positions. I welcome you all, and your families who are also with us here today.

In the interest of time, I'll place my full statement in the record.  
[The prepared statement of Senator Obama follows:]

PREPARED STATEMENT OF SENATOR BARACK OBAMA,  
U.S. SENATOR FROM ILLINOIS

The hearing will come to order.

The Foreign Relations Committee is convening this confirmation hearing on the following nominees:

- Dr. John L. Withers II to serve as Ambassador to the Republic of Albania;
- Mr. Charles Lewis English to serve as Ambassador to Bosnia and Herzegovina;
- Dr. Cameron Munter to serve as Ambassador to the Republic of Serbia;
- Mr. Roderick W. Moore to serve as Ambassador to the Republic of Montenegro;
- and
- Mr. J. Christian Kennedy to serve as Special Envoy for Holocaust Issues;

Four of these posts are in Southeast Europe, a region that faces a dual challenge—as the people of this region reconcile themselves with a troubled past, they must now chart a shared course toward a better future. If confirmed, these individuals will be called upon build on the best traditions of American diplomacy to facilitate these countries' integration into the Euro-Atlantic community.

With respect to Mr. Kennedy, the crimes he will try to rectify are not as recent as the genocide at Srebrenica, but the shadows they cast across Europe are every bit as dark. Finding justice for victims of the Holocaust remains a moral imperative, and I hope Mr. Kennedy will do everything in his power to right the wrongs stemming from that unconscionable era.

I am pleased that the administration has put forward five capable, career Foreign Service officers to fill these positions. I welcome them and their families who are also with us here today.

Let me now address some of the issues that some of the nominees will face, if confirmed.

SPECIAL ENVOY FOR HOLOCAUST ISSUES

Mr. Kennedy, you have been serving as the Department's Special Envoy for Holocaust Issues for some 11 months now, so I know you have already been deeply engaged with the issues your office addresses. But I am pleased to have you come before the committee for confirmation, and I look forward to your testimony.

As the Holocaust recedes in history, and the generation that survived it begins to pass on, it is incumbent on all of us to keep the torch of memory lit. But while those brave survivors are still with us, we have an obligation to help achieve a small measure of justice for them, where details of crimes against them and their families can be documented.

I know you and your predecessors have been actively engaged in efforts to seek restitution for unpaid Holocaust-era insurance claims, to restore stolen works of art to their rightful owners, and to negotiate the settlements of other outstanding claims. I will be interested in hearing about these efforts, and also about where we stand on gaining access for survivors and researchers to the Bad Arolsen archive of Nazi records.

ALBANIA

Dr. Withers, as you know, Albania has been an American ally since the fall of communism. Albania began working toward NATO membership in 1993, it supported United States operations in Kosovo in 1999, and it has sent troops to both Afghanistan and Iraq.

The transition from communism to democracy has not been easy for Albania. The country went through a terrible economic crisis in 1997, followed by a political crisis in 1998. Despite these problems, Albanians have managed to put themselves on the right track over the last decade. They have reformed their constitution and stabilized their economy. Growth is high, inflation is low, and unemployment is beginning to edge downward.

Albania's progress deserves recognition, but more needs to be done. Albania is seeking membership in NATO and hopes, along with Croatia and Macedonia, to get a clear signal of support for its candidacy at the NATO summit in April 2008. Before that happens, however, it must consolidate the gains of recent years and stamp out the scourge of public and private corruption.

Dr. Withers, if confirmed, you will be positioned to help shape these events, and with them Albania's future for decades to come. I will be interested in hearing your views on the United States-Albania relationship.

## BOSNIA AND HERZEGOVINA

Mr. English, it has been almost 12 years since the signing of the Dayton Accords and key issues remain unresolved in Bosnia and Herzegovina. Differences between the "Bosniak and Croat Federation of Bosnia and Herzegovina" and the Serbian "Republika Srpska" continue to diminish the effectiveness of the central government and thwart the ambitions of the country as a whole. Failure to engage in constitutional reform—and particularly reform of the police services—has put the process of accession to the European Union on hold. Resolving these key issues will be essential if Bosnia is to gain membership in NATO and the European Union.

Despite the proliferation of new challenges around the globe, we cannot lose focus on Bosnia and Herzegovina. The European Union is planning to close down the office of its High Representative and to end the country's status as an international protectorate. If that process is managed well, Bosnia could emerge as a powerful example to the world—a largely Muslim, multiethnic country that went from civil war to European democracy in a single generation. If it fails, Bosnia could remain a hostage to the ethnic tensions that hijacked the region in the 1990s.

Mr. English, if confirmed, you will face the formidable challenge of ensuring robust United States and international engagement in the country while helping Bosnians of all ethnicities address the problems facing their country. I will be interested in hearing how you will face this challenge.

## MONTENEGRO

Mr. Moore, Montenegro is the latest addition to the family of European democracies. Since declaring sovereignty on June 3, 2006, Montenegro has worked energetically to make a place for itself in major international organizations. It joined the IMF and the World Bank in January of this year, and it has set its sights on membership in the European Union and NATO as well.

Despite the country's early achievements, it still faces many of the hurdles familiar in new democracies. Montenegro successfully held legislative elections last November and yet it still has not agreed on a new constitution to replace the one that was drafted in 1992.

In addition, Montenegro must find a new way to live together with Serbia as the two countries finish the process of moving apart. And it must also learn to adapt to a final status for Kosovo.

Mr. Moore, if confirmed, you will participate in the consolidation of this new democracy in the Balkans. I will be interested in hearing your views on how we can help Montenegro complete this process.

## SERBIA

Dr. Munter, Serbia has made significant progress since the end of Slobodan Milosevic's reign of terror. However, the country is still struggling to overcome its troubled past—both as it relates to Kosovo and its failure to deliver fugitives to the International Criminal Tribunal for the former Yugoslavia in The Hague. United Nations envoy Maarti Ahtisaari has offered a path forward on Kosovo. Prompt implementation of his recommendations is the best way for Serbia and Kosovo to ultimately realize the European future that their people deserve. However, Kosovo's independence will be traumatic for Serbia and pose a severe challenge for United States relations with the country.

The United States' Ambassador to Serbia will have to nurture Serbia's democracy and our countries' bilateral relationship during the uncertain times ahead. I look forward to working with you on this undertaking and will be interested to hear from you about how you would address the challenges facing Serbia.

With that, I now call on the distinguished ranking member of the European Affairs Subcommittee, Senator DeMint, for his opening statement.

Senator OBAMA. Senator DeMint is not yet here, and so, what I'd like to do is to ask all the nominees to begin with their opening statement. When Senator DeMint arrives, we may interrupt your opening statements to allow him to make his statement.

And if you would like to introduce your families, feel free to do so, because we know that they are signing on, as well, and should be congratulated and commended for their public service.

My wife did not ask me to write that. [Laughter.]

That was something I thought of all on my own. [Laughter.]

Senator OBAMA. So, what I'd like to do is—let's start with Mr. Withers.

**STATEMENT OF DR. JOHN L. WITHERS II, NOMINEE TO BE  
AMBASSADOR TO THE REPUBLIC OF ALBANIA**

Dr. WITHERS. Mr. Chairman, let me begin by introducing my mother and my father, Dr. John Withers, Sr., who is soon to turn a youthful 91 years old, and my mother, Daisy Withers. My wife, who is a Foreign Service officer, is in Slovenia, where her duties as deputy chief of mission have kept her.

Mr. Chairman, members of the committee, I'm privileged to be here today. I appreciate President Bush's and Secretary Rice's confidence in supporting me as their nominee as the next Ambassador to Albania. Should you confirm my nomination, I will do my utmost to advance our Nation's goals and to represent our country well. I also promise to work closely with this committee, its staff, and your congressional colleagues in pursuing our common objectives.

Albania, Mr. Chairman, is a country determined to better itself. As President Bush, the first President of the United States to visit Albania while in office, said in Tirana 10 days ago, "The Albanians are working hard to establish the institutions necessary for a democracy to survive."

Today, the United States and Albania are partners on the major issues of our time. Today, Albanian soldiers stand side by side with Americans in Iraq and Afghanistan and in the European Union stabilization force in Bosnia. Albania plays a positive leadership role on Kosovo and fully supports the Ahtisaari plan for Kosovo.

Albania's cooperation with the United States on counterterrorism is second to none. It is the only country to date that has accepted Guantanamo detainees from third-world countries. Albania has also made steady progress in combating crime, trafficking, and corruption, although there is more work to be done in these areas. I am pleased to say that the United States sponsors programs aimed at assisting Albania in these areas.

Albania now needs to extend these successes to its domestic political program. Although this young democracy has made important strides, its leaders and political parties must demonstrate maturity in the interest of their society, as a whole. This summer's presidential election by the parliament will provide Albania with an early opportunity to show that electoral reform is alive and well.

Mr. Chairman, if confirmed, my first and foremost priority as Ambassador will be promoting United States interests in Albania while maintaining a solid partnership with the host country. I will support and work with the Albanian Government as it pursues its goals of NATO membership and a Balkans free and at peace.

I will encourage our thriving development programs which seek to assist Albania toward a vibrant market economy. I will focus on increasing trade between the United States and Albania, and on



assisting American companies interested in investing in, and bringing international commerce to this long isolated Balkan country.

I promise to manage our Embassy responsibly, and, if confirmed, Mr. Chairman, I look forward to working closely with you, the members of the committee, and your congressional colleagues to make a difference in this vital region of the world.

Thank you.

[The prepared statement of Dr. Withers follows:]

PREPARED STATEMENT OF DR. JOHN L. WITHERS II, NOMINEE TO BE  
AMBASSADOR TO THE REPUBLIC OF ALBANIA

Mr. Chairman and members of the committee, I am privileged to appear before you today. President Bush has honored me as his nominee to be our country's next Ambassador to the Republic of Albania. I appreciate his and Secretary Rice's confidence in supporting me for this assignment, and hope to gain yours as you consider me for this important position. Should you see fit to confirm my nomination, I promise to validate your trust by doing my utmost to advance our Nation's goals in Albania and in the Balkans, and to represent our country well. I also promise to work closely with this committee, its staff, and your Congressional colleagues in pursuing our common objectives.

Mr. Chairman, I am accompanied today by my parents, John and Daisy Withers, and by my dear friends and mentors, Ambassador Johnny and Angie Young. I am literally a child of the Foreign Service. My father, who will soon turn a youthful 91 years of age, made his career in the Foreign Service. My wife, Maryruth Coleman, whose duties as Deputy Chief of Mission at our Embassy in Slovenia keep her from being here today, and I have been diplomats for some 20 years. Mine was an upbringing in places as diverse as Laos, Ethiopia, Korea, and India, and a professional career in the Netherlands, Nigeria, Latvia, and Russia. No one knows better than I the vital work that our Nation does abroad nor has witnessed more closely the contributions that America makes to the world.

Albania, Mr. Chairman, is a country determined to better itself. Despite decades of repression under the most tyrannical of dictatorships and the years of instability that ensued, the Albanian people strive to bring a bright future from a dark past. They, better than most of us, understand the value of the democracy, economic prosperity, and rule of law so long denied them. They, more than most, know the need for peace in a region so often beset by conflict. They, after so many years of enforced isolation, uniquely appreciate the importance of integrating their country and their region into the broader European and transatlantic communities. And they are, as President Bush, the first American President of the United States to visit Albania while in office, said in Tirana 10 days ago, "working hard to establish the institutions necessary for a democracy to survive."

Today, the United States and Albania are partners on the major issues of our times. Today, Albanian soldiers stand side-by-side with Americans in Iraq and Afghanistan, and in the international European Union Force's (EUFOR) stabilization force in Bosnia. As Kosovo's long-awaited final status determination approaches, Albania continues to play a positive leadership role by urging calm and restraint among the parties involved. The Government of Albania expressed immediate and full support for U.N. Commissioner Martti Ahtisaari's peace plan for Kosovo.

Albania's cooperation with the United States on counterterrorism is second to none. The government has moved quickly to freeze terrorist assets and has been vigilant in monitoring foreign attempts to radicalize its domestic Muslim population. Albania must also be commended for granting political asylum in May 2006 to five ethnic Uighurs previously held at Guantanamo Bay and for admitting three additional detainees last fall. Albania is the only country, to date, that has accepted Guantanamo detainees from third countries.

Albania has also made steady progress in combating organized crime, trafficking, and corruption. There is more to be done and these issues remain the country's most serious obstacles to economic and democratic development, but it is satisfying to note the recent progress. Albania has reduced cross-border crime through joint border monitoring programs with neighboring states, passed key legislation on witness protection and criminal asset seizure, mandated asset disclosure by government officials, and implemented the use of special investigative techniques in pursuing organized crime and corruption. I am pleased to say that the United States sponsors multiple programs aimed at assisting Albania in the struggle against crime and cor-

ruption that have helped bring Albania closer to fulfilling its Euro-Atlantic aspirations.

Albania now needs to extend its successes in these areas—successes built on patient negotiation and open dialog—to its domestic political system. Although this young democracy has made important strides in establishing representative government, the lack of clear, consensus-based rules and procedures for voting means its democratic institutions are not as robust as they should be. Albania's leaders and its political parties must all work together on this issue and demonstrate the maturity needed for the interest of their society as a whole. This summer's Presidential election by the Parliament will provide Albania with an early opportunity to show that electoral reform is alive and well.

Mr. Chairman, the United States is committed to helping Albanians achieve the democracy, free market economy, and rule of law they so desire. Although Albania enjoys economic stability characterized by healthy growth, low inflation, and a budget deficit well within targets set by government and international institutions. It is still one of the poorest countries in Europe. Endemic corruption, a weak infrastructure, high business registration costs, and an unstable legal environment are serious deterrents to foreign and domestic investment. It is an encouraging sign that United States investment has recently increased in response to Albania's efforts to improve its business climate. Bechtel's \$550 million highway project and Lockheed Martin's multimillion dollar coastal surveillance system are both positive examples of increased U.S. business engagement—a trend I hope to foster, if confirmed to this position.

Mr. Chairman, if confirmed, my first and foremost priority as ambassador will be promoting United States interests in Albania while maintaining a solid partnership with the host country. I will strongly encourage the Albanian Government to continue its support of international efforts in Iraq, Afghanistan, and Bosnia, and persist in its good work in combating terrorism abroad and in countering extremism within its borders. I will continue our efforts to promote democracy and the rule of law in Albania, and work closely with the Albanian Government to sustain progress in the democratic institution building, electoral and judicial reforms, and anticorruption and antitrafficking programs that are so critical to the country's future. There would be no better way to demonstrate commitment to these changes than through several high profile apolitical arrests for crime and corruption. I will also encourage Albanian leaders to uphold freedom of speech for both an independent media and individual citizens, and to welcome the open exchange of ideas as a crucial component of democratic discourse. And I will maintain open lines of communication with all key political actors to encourage dialog and consensus in the name of doing what is right for the people of Albania as the hallmark of a mature democracy.

If confirmed, I will support and work with the Albanian Government as it pursues its goal of NATO membership. Together, we will do all we can to help Albania be the best candidate it can be. Together, we must also work toward our shared goal of a Balkans free and at peace. I will encourage our thriving development programs which seek to assist Albania as it moves further away from the burdens of poverty and closer toward a vibrant market economy through the creation of sustainable economic growth. I will focus on increasing trade between the United States and Albania and on assisting American companies interested in investing in, and bringing international commerce to, this long-isolated Balkan country.

As Albania develops politically and economically, our embassy must also develop to meet changing circumstances. I promise to manage our Mission responsibly, focusing on the innovation, security, and enhanced quality of life necessary to attract a talented workforce and meet the needs of families who choose to serve in this rapidly transforming nation.

In sum, Mr. Chairman, should my nomination be confirmed, I will do my utmost to maintain the distinguished record of service of the men and women who have held this position before me, especially my predecessor, Ambassador Marcie Ries, who contributed so outstandingly to bettering American-Albanian relations. I look forward to working closely with you, the members of the committee, and your Congressional colleagues to make a difference in this vital region of the world.

Senator OBAMA. Thank you very much, Doctor.  
Mr. English.

**STATEMENT OF CHARLES L. ENGLISH, NOMINEE TO BE  
AMBASSADOR TO BOSNIA AND HERZEGOVINA**

Mr. ENGLISH. Thank you very much, Mr. Chairman.

May I also begin by introducing my wife, Patti Espey-English, and my daughter, Catie. My son, Matt, unfortunately, was unable to be with us today. And I just want to thank them for all the help and support they've provided throughout my career.

Mr. Chairman, I am very honored to be before you today as President Bush's nominee to be U.S. Ambassador to Bosnia and Herzegovina. I am deeply grateful for the trust and confidence that the President and Secretary Rice have placed in me. And, if confirmed, I will look forward to a close working relationship with this committee and with all of your colleagues in Congress to advance United States interests in Bosnia and Herzegovina.

If you will allow, Mr. Chairman, I will summarize my statement and submit a full written version for the record.

Just to note, Bosnia and Herzegovina has now been at peace for over a decade. Twelve years ago, some 60,000 NATO troops, including 20,000 Americans, deployed to secure the peace, and now fewer than 5,000 European Union troops remain. The Dayton Peace Accords are now nearly completely implemented, and enormous progress has been made. However, much more must be done before Bosnia and Herzegovina enjoys lasting stability.

Broad reforms, including constitutional reform, will be needed for the country to advance toward Euroatlantic integration. Ratko Mladic and Radovan Karadzic, the architects of the genocide at Srebrenica, remain at large. They and the two other remaining fugitives from the International Criminal Tribunal for the former Yugoslavia must face justice.

Unfortunately, and despite the urgent need for progress, Bosnian politics remains somewhat backward-looking, blocking consensus on critical issues, such as police reform, and preventing the conclusion of an—European Union Stabilization and Association Agreement. Our critical challenge lies in convincing Bosnia and Herzegovina's leaders to show leadership through compromise.

Mr. Chairman, to conclude, if I am confirmed by the Senate, my highest priority will be furthering the values, goals, and security of the United States and its citizens. If confirmed, I will work in partnership with the leaders of Bosnia and Herzegovina to counter extremism and terrorism.

If confirmed, I will promote the reforms Bosnia and Herzegovina needs to become a full member of the Euroatlantic family.

Thank you, Mr. Chairman. I'm grateful for the opportunity to appear here today, and I await your questions, later.

Thank you.

[The prepared statement of Mr. English follows:]

PREPARED STATEMENT OF CHARLES L. ENGLISH, NOMINEE TO BE  
AMBASSADOR TO BOSNIA AND HERZEGOVINA

Mr. Chairman and members of the committee, I am honored to be before you today as President Bush's nominee to be United States Ambassador to Bosnia and Herzegovina. I am deeply grateful for the trust and confidence that the President and Secretary Rice have placed in me, and if confirmed by the Senate, I will endeavor to serve my country with honor and dignity. If confirmed, I will look forward to a close working relationship with this committee and with all of your colleagues in Congress to advance United States' interests in Bosnia and Herzegovina and throughout Southeastern Europe.

Mr. Chairman, my wife, Patti Espey-English, is here with me today. She has been a great source of support and strength for me throughout my career, and I would

like to take the opportunity to acknowledge that fact here and to thank her for it. My children—Catie, who is here, and Matt, who could not be—have handled Foreign Service life with grace and humor and I would like to thank them also.

Mr. Chairman, throughout the course of my career at the State Department, I have had numerous opportunities to further the values of the United States. Much of my work for the past 15 years has been focused on the Balkans and neighboring countries. I believe my experiences are relevant to the responsibilities I seek to assume in Bosnia and Herzegovina, if confirmed by the Senate. I served as Director of the State Department's Balkans office—the Office of South Central European Affairs—and as Deputy Chief of Mission in our Embassy in Zagreb, Croatia. In my various roles I have helped broker dialog between Serbian and Albanian leaders in Kosovo, in an effort to find compromise and avoid conflict there; pressed Balkan leaders to surrender indicted war criminals to the International Criminal Tribunal for the former Yugoslavia (ICTY); and worked with officials in the region to help refugees displaced by its wars return to their homes. As Counselor for Economic Affairs at our Embassy in Budapest in the early 1990s, I aided successive post-Communist governments in Hungary in their efforts to privatize state-owned assets and advance reforms toward a market economy. I believe these efforts have prepared me to address, if confirmed, serious challenges still to be met in Bosnia and Herzegovina.

Bosnia and Herzegovina has now been at peace for over a decade. The Dayton Peace Accords that ended the brutal 1992–1995 war are nearly completely implemented. The international community, under strong leadership from the United States, has helped the people of Bosnia and Herzegovina rebuild their institutions, infrastructure, economy, and society. Enormous progress has been made. Today Bosnia and Herzegovina protects its borders, fights terrorism, and combats domestic and transnational crime. Soldiers who fought each other 12 years ago now wear the same uniform, serve under the same flag, and report to a single Minister of Defense. This country that was once a threat to international stability is now a contributor to global security, with a multiethnic Explosive Ordnance Disposal unit serving with distinction alongside United States forces in Iraq. While just over a decade earlier NATO intervened to halt a brutal conflict, last November, NATO offered Bosnia and Herzegovina membership in Partnership for Peace, a first step toward Bosnia and Herzegovina's goal of achieving full membership in the Alliance.

These reforms are the result of dedicated Bosnians of all ethnicities working to change their society with the support of the international community. In the dozen years since Dayton, much has been accomplished that, at the time, would have seemed impossible. However, much more must be done before Bosnia and Herzegovina enjoys lasting stability. Broad reforms, including constitutional reform, will be needed for the country to advance further towards Euro-Atlantic integration. Bosnia and Herzegovina need to make new efforts to combat high levels of joblessness, to reduce corruption, and to ensure that state institutions are fully staffed and functioning in a depoliticized and professional manner.

Unfortunately, the legacies of war that remain embedded in the Bosnia and Herzegovina psychological landscape still must be addressed. Ratko Mladic and Radovan Karadzic, the two architects of the genocide at Srebrenica, remain at large. They and the two other remaining fugitives from the ICTY must face justice so that the people of Southeast Europe can truly put the past behind them.

Despite the urgent need for reform and progress, Bosnian politics remains mired in the past. Zero-sum ethnic nationalism is the norm. Inflammatory rhetoric characterized the October 2006 Parliamentary election campaign and has yet to dissipate even now, some 9 months later, blocking consensus on urgent issues such as police reform and preventing the conclusion of an European Union Stabilization and Association Agreement. Our critical challenge lies in convincing Bosnia and Herzegovina's leaders to show leadership through compromise and coalition-building, rather than pursuing ethnic advantage through polemics and prejudice.

The United States has invested great amounts of human, financial, and institutional resources to help rebuild and transform Bosnia and Herzegovina. We have seen dividends from those efforts. Twelve years after 60,000 NATO troops—including 20,000 Americans—deployed to secure the peace, fewer than 5,000 European Union troops remain. The international civilian presence also continues to evolve. The Office of the High Representative has downsized and is focused on concluding its core tasks of implementing Dayton. We hope to be in a position to return full sovereignty to the Bosnians by the summer of 2008 and replace the Office of the High Representative with a customary European Union mission to guide Bosnia and Herzegovina through the European Union integration process.

Mr. Chairman, if confirmed, my highest priority will be furthering the values, goals, and security of the United States and its citizens, including all American per-

sonnel assigned in Bosnia and Herzegovina as well as private American citizens living, traveling, and doing business there. If confirmed, I will work in partnership with the leaders of Bosnia and Herzegovina to counter extremism and terrorism. If confirmed, I will guide the transformation of the international presence, while promoting the reforms Bosnia and Herzegovina need to fully transition to a stable, productive member of the Euro-Atlantic family of nations.

Mr. Chairman, I am grateful for the opportunity to appear before this committee today. I look forward to answering your questions.

Thank you.

Senator OBAMA. Thank you, Mr. English.

Mr. Kennedy.

**STATEMENT OF J. CHRISTIAN KENNEDY, NOMINEE FOR THE RANK OF AMBASSADOR DURING HIS TENURE AS SPECIAL ENVOY FOR HOLOCAUST ISSUES**

Mr. KENNEDY. Thank you very much, Mr. Chairman.

Let me begin by introducing my wife, Luz Marina, who accompanies me today. Our three children could not be with us. Two of them are overseas, and one of them is not in town.

Mr. Chairman, it is an honor to appear before you on behalf of my nomination for the rank of ambassador. I am very grateful to President Bush and Secretary Rice for nominating me for this title while I am serving as Special Envoy for Holocaust Issues.

If the Senate confirms me for this rank, I will be better armed to pursue the objectives that our two branches of government and the American people care so deeply about: To help right past wrongs, to bring a measure of dignified justice to Holocaust survivors, and making sure that the world remembers the lessons of the Holocaust.

My own professional contact with Holocaust issues began while I was consul general in the city of Poznan, Poland, shortly after the fall of the Berlin Wall. Since starting in August of this year, I have been, several times, to Poland again, as well as France, Germany, Austria, Slovenia, and Romania, all with the objective of pursuing property compensation or property restitution for Holocaust victims and their heirs.

Financial restitution has also been a very important component of our work. We are in the process right now of transitioning the German Slave and Forced Labor Foundation, which has paid out nearly 5 billion euros to 1,600,000 victims, to a foundation that will focus on Holocaust remembrance and on tolerance education.

Education is another major focus of our office. I am the delegate to the International Task Force on Holocaust Education, a 24-nation international organization that supports NGOs, universities, teachers, and academics.

Remembrance is also one of the reasons why we have worked so hard on gaining greater access to archives for Holocaust survivors, and, to that end, we are in the process now of helping bring an electronic copy of the Holocaust archives at Bad Arolsen, Germany, to the Holocaust Museum. That is about 50 million pages of documentation.

In pursuing these goals of compensation, restitution, education, and remembrance as Special Envoy for Holocaust Issues, the rank of Ambassador will be especially valuable, if I am confirmed.

In closing, I want to thank the members of the Senate Foreign Relations Committee for considering me for this unique position and high honor. If confirmed, I will continue to work diligently on helping Holocaust survivors and their families obtain the support and assistance they deserve.

Thank you for this opportunity to describe my background and review, briefly, the work that I have been doing and the challenges that lie ahead. I look forward to your questions.

Thank you, sir.

[The prepared statement of Mr. Kennedy follows:]

PREPARED STATEMENT OF J. CHRISTIAN KENNEDY, NOMINEE FOR THE RANK OF  
AMBASSADOR DURING HIS TENURE AS SPECIAL ENVOY FOR HOLOCAUST ISSUES

Good afternoon, Mr. Chairman, members of the committee, ladies and gentlemen. It is an honor to appear before you on behalf of my nomination for the rank of Ambassador. I am very grateful to President Bush and Secretary Rice for nominating me for this title while serving as Special Envoy for Holocaust Issues. If the Senate confirms me for this rank, I will be better armed to continue to pursue the objectives that our two branches of Government and the American people share: To help right past wrongs, to bring a measure of dignified justice to Holocaust survivors and their families, and to making sure that we and the international community remember the lessons of the Holocaust.

My own professional contact with Holocaust issues began while I was consul general in the city of Poznan, Poland, from 1990 to 1994, a tour that everyone in my family still looks back on with nostalgic fondness.

My wife, Luz Marina, had learned Polish with me, and using this new language and her own great people skills, she helped establish two NGOs in Poznan. She's always created a positive legacy for the United States in each country where we have served during a 27-year career in the United States Foreign Service. Be that assignment in Poland or Mexico or Panama. Our three children, Mary Kathryn, Veronica, and Jack all attended different schools in Poznan. I thank all my family, and especially Luz Marina, for the support and love they've given me throughout these years.

My father, Jack, was the Chairman of the Political Science Department at the University of Notre Dame for several years and taught there most of his professional life. From him I learned early on that a fascinating and complex world lay not just within the United States but also beyond our borders. My mother, Carol, taught me fairness is vital in human relations, and I learned from her enormous practicality about the need to get things done.

Let me touch again on Poland where my prior experience has served me well in this assignment. Since starting in August 2006 as the Special Envoy for Holocaust Issues, I have traveled to Poland several times to meet with members of the parliament and government officials to urge that they take action on a draft private property compensation bill.

Generally, a key focus of my office is encouraging foreign governments to return in kind or pay compensation for private property taken by the Nazis and their collaborators. In this regard, I have also worked with officials in France, Germany, Austria, Slovenia, Croatia, and Romania to push for concrete solutions for survivors and heirs. Besides real estate holdings, art looted during World War II has become a more frequent topic in Holocaust-era restitution. On this theme, I recently addressed an international gathering of experts and government officials in Potsdam, Germany.

Financial property restitution has been another important focus for my colleagues and me. The German Foundation for Forced and Slave Labor has paid out nearly 5 billion euros to about 1.6 million victims of these heinous practices. As a member of this foundation's board of trustees, I look forward to working with my foreign counterparts and American NGOs on developing the structure of its successor organization. The new foundation, the Future Fund, will work in the areas of Holocaust remembrance and tolerance education.

Education is another major focus of my office. I am the U.S. delegate to the Task Force for International Cooperation on Holocaust Education, Remembrance and Research. This international organization of 24 countries provides a far-reaching platform for academics, researchers, teachers, and NGOs that work in making sure that the Holocaust is remembered and that it is taught in schools and universities throughout the world. Founded in 1998 by the United States, the U.K., and Sweden,

it continues growing. Six new countries are in various stages of membership. Like my work on the United States Holocaust Memorial Museum Council, the Task Force provides a clear example of our country's commitment to honoring victims and survivors of this terrifyingly grim chapter in human history and to ensuring that its lessons are never forgotten.

Remembrance has also driven the United States' leadership in making the archives of the International Tracing Service (ITS) more accessible to Holocaust survivors and heirs of victims. At the ITS International Council meeting in May, the 11 member states agreed to make an advance electronic copy available of the collection for countries that need to harmonize their national repository's computer system with the ITS data—in our case the U.S. Holocaust Memorial Museum. This will be the first time that ITS's archival data will be available outside of Germany, and we will continue to encourage the two countries that must still approve the provisions for greater accessibility to data for survivors.

In pursuing these goals of compensation, restitution, education, and remembrance as Special Envoy for Holocaust Issues, the rank of Ambassador will be especially valuable, if I am confirmed. The rank would underscore clearly the importance that the U.S. Government and the American people place on acknowledging the horrors of the Holocaust and the respect and dignity owed to its survivors.

In closing I want to thank the members of the Senate Foreign Relations Committee for considering me for this unique position and high honor. If confirmed, I will work diligently on helping Holocaust survivors and their families obtain the support and assistance they deserve. I will also strive to promote the study and understanding of the tragedy of the Holocaust and its bitter lessons.

Thank you for the opportunity to explain my background and review briefly the work that I have been doing and the challenges that lie ahead. I look forward to your questions.

Senator OBAMA. Thank you.  
Dr. Munter.

**STATEMENT OF DR. CAMERON MUNTER, NOMINEE TO BE  
AMBASSADOR TO THE REPUBLIC OF SERBIA**

Dr. MUNTER. Thank you.

Please allow me to introduce my wife, Marilyn Wyatt, who's here behind me, my son, Daniel, my daughter, Anna. Anna and Marilyn will, if I am confirmed, accompany me to Belgrade.

Mr. Chairman, I greatly appreciate the honor—the opportunity to appear before you as the President's nominee to be America's next Ambassador to Serbia. I'm honored that President Bush and Secretary Rice have expressed their confidence in me. And, if confirmed, I pledge to consult closely with this committee, with other Members of Congress, on the President's foreign policy agenda or Serbia and for the entire Balkans region.

I, too, will summarize my statement for the record.

My top priority, if confirmed, will be to protect the security and interests of the United States and its citizens, including all Americans in Serbia. I also look forward to working with the democratic government of the people—and the people of Serbia as they seek to overcome the difficulties of their recent history and complete their integration into a Europe, whole and free.

Serbia has continued its progress away from the disasters of the Milosevic era. It is now led by a democratic coalition. Small ethnic populations have been accorded full representative status in parliament. Serbia's military services continue their positive reforms. Serbia's economy continues to grow at a healthy rate, and reforms underpin our efforts to bring stability and prosperity to the region.

Successive governments in Belgrade have apprehended and transferred many war crimes indictees to The Hague, including facilitating, in recent weeks, two major arrests. Four ICTY indictees



remain at large, including Ratko Mladic and Radovan Karadzic, so Serbia's work is not done on this key issue.

Indeed, our own role in supporting and promoting a democratic transition in Serbia is far from complete. More needs to be done eliminating corruption, ensuring that privatization continues apace with transparent rules and no undue political interference. Our assistance efforts focus on these and other crucial tasks.

Of course, the imminent resolution of Kosovo's status remains a great challenge, but we and our friends will face it. Kosovo's independence will bring stability to Serbia and to the region.

American interests in Serbia are clear. We want a strong Serbia as our friend, working with us on a common agenda, integrated into the institutions of the West. The challenges for U.S. policy are equally apparent. We want to offer our friends in Serbia hope for a better future while expressing our expectations very clearly and very firmly. I look forward to these challenges and to serving American interests and American values if you confirm me.

Thank you, again, for allowing me to appear in front of this committee, and I, also, look forward to your questions.

[The prepared statement of Dr. Munter follows:]

PREPARED STATEMENT OF DR. CAMERON MUNTER, NOMINEE TO BE  
AMBASSADOR TO THE REPUBLIC OF SERBIA

Mr. Chairman and members of the committee, I greatly appreciate the opportunity to appear before you today on behalf of my nomination by the President to be our country's next Ambassador to Serbia. I am honored by President Bush's and Secretary Rice's expression of confidence. If confirmed, I look forward to consulting closely with this committee and other Members of Congress on the President's foreign policy agenda for Serbia and the entire Balkans region.

Mr. Chairman and members, I believe that two decades in our country's diplomatic service have prepared me and my wife, Marilyn, for this challenge. Marilyn, our daughter Anna, and our son Daniel are here today to continue in what has been a family affair in the Foreign Service. My top priority, if confirmed, will be to protect the security and interests of the United States and our citizens, including all Americans in Serbia. I also look forward to working with the democratic government and the people of Serbia as they seek to overcome the difficulties of their recent history and complete their integration into a Europe whole and free.

Since this committee presided over the nomination of my predecessor over 3 years ago, Serbia has continued its progress away from the disasters of the Milosevic era and toward integration with Euro-Atlantic institutions. Having conducted free and fair Presidential elections in 2004 and Parliamentary elections in 2007, Serbia is now led by a new democratic coalition. Small, ethnic populations have been accorded full representative status in parliament and share in the balance of power Serbia has normalized diplomatic relations with its neighbors, exchanging high-level visits and pursuing regional trade liberalization. When faced with the separation of Montenegro from the State Union of Serbia and Montenegro last year, Serbia avoided the mistakes of the past and, along with the rest of the international community, welcomed Montenegro's return to independence. Serbia's military services continue apace with positive reforms, making notable progress in modernization, transparency, and civilian control that will help it move forward in NATO's Partnership for Peace.

Serbia's economy continues to grow at a healthy rate. Continued economic reform is a top priority of the new government. Fostering a business environment that creates jobs and encourages the growth of small and medium enterprises is key to addressing public dissatisfaction with the economy. Privatizations and institutional reforms have led to increases in foreign investment, bringing more jobs to Serbia, underpinning our efforts to bring stability and prosperity to the region. In the private sector, the United States is currently the second largest foreign investor in Serbia.

Cooperation on war crimes continued over the last 3 years, albeit in short bursts. Successive governments in Belgrade have apprehended and transferred 17 war crimes indictees to The Hague. This includes facilitating the arrest 3 weeks ago of



Zdravko Tolimir, a close associate of Ratko Mladic, and Sunday's arrest, in Montenegro, of Vlastimir Djordjevic, wanted not only by the Hague Tribunal but by Serbian courts on charges stemming from the execution of three Albanian-Americans in 1999. Due in part to a recent positive trend in ICTY cooperation, the European Union last week restarted negotiations with Serbia over its Stabilization and Association Agreement—a necessary step before beginning talks to join the European Union. Four ICTY indictees remain at large, including Mladic and Radovan Karadzic, so Serbia's work is not done on this issue.

The United States plays a crucial role in Serbia in supporting and promoting a democratic transition, which is far from complete. Unreformed nationalist parties continue to wield considerable influence in the Parliament and regularly block needed reforms. The new constitution brings with it an ambitious legislative agenda that will be key in defining democratic standards and the rights of Serbia's citizens. More needs to be done in eliminating corruption and ensuring that privatization continues apace with transparent rules with and no undue political interference. The media, while generally free and independent, are overly sensationalist and often at the service of anti-reform interests who confuse and distort public debate. In short, serious challenges remain—the imminent resolution of Kosovo's status foremost among them, and finding durable solutions for refugees and internally displaced persons not the least of them. Many Serbs feel that, having overthrown Milosevic in 2000, they should not now be penalized for the mistakes of his rule. Independence for Kosovo, with its deep historical, cultural, and religious significance to Serbia—and as a reminder of the bloody, painful disintegration of Yugoslavia—will lead some Serbs to challenge all other aspects of our bilateral relationship as well as Serbia's relations with its neighbors and the rest of Europe.

While understandable, such emotional responses serve no one, least of all the people of Serbia. In the end, the country will only be ready for integration into the community of democracies when it comes to terms with the unfortunate legacies of its past. When it comes to war criminals and even Kosovo, much of the population is more forward-looking than public statements from Belgrade would indicate. I am optimistic that the decency and drive of the Serbian people, which have characterized our relations as friends and allies for 125 years, will prevail in the end; and that Serbia will indeed turn the corner and again look toward Europe.

By fully and forthrightly dealing with the past, not only by ensuring justice to the victims of misguided nationalism, but also by providing recognition to all those in Serbia who struggled to bring freedom, democracy, and humanity to their country, Serbia can realize its historic role as a regional leader and constructive member of the Euro-Atlantic community.

Mr. Chairman, members of the committee, American interests in Serbia are clear: We want a strong Serbia as our friend, working with us on a common agenda, integrated into the institutions of the West. The challenges for United States policy are equally apparent: Offering our friends in Serbia hope for a better future while expressing our expectations clearly and firmly. I look forward to these challenges, and to serving American interests and American values, if you confirm me.

Thank you again for allowing me to appear before this committee today. I look forward to answering your questions.

Senator OBAMA. Mr. Moore.

**STATEMENT OF RODERICK W. MOORE, NOMINEE TO BE  
AMBASSADOR TO THE REPUBLIC OF MONTENEGRO**

Mr. MOORE. Mr. Chairman, Senator, I, also, will provide a brief oral summary of the written statement which I've submitted for the record.

I, also, am very honored to appear today before you as the President's nominee to be the first American Ambassador to the Republic of Montenegro, the world's newest independent state.

Mr. Chairman, Senator, since its declaration of independence last year, Montenegro has already quickly established itself as a solid friend and partner of the United States. If I am confirmed, it would be a great honor to work with the talented team at our new Embassy in Podgorica to strengthen this partnership further.

Mr. Chairman, it is in our national interest to maintain a vigorous partnership with Montenegro. Having navigated its way

peacefully to independence, Montenegro has emerged onto the world stage as a dynamic democracy committed to the values we share with our Euroatlantic allies.

Moreover, although it is small in size, Montenegro can play an outsized role in partnership with us on the global arena, including in the war on terror and as a potential member of NATO and the European Union.

A prosperous and democratic Montenegro will also be a key ally in strengthening stability in historically unsettled Balkans, our top priority in this region. In this direction, Montenegro has committed itself to political and economic reform. It is zealously pursuing Euroatlantic integration and is building increasingly strong relationships with its neighbors. Montenegro is witnessing strong economic growth and a boom in tourism and real estate along its beautiful Adriatic Coast.

Nevertheless, many challenges do lie ahead for Montenegro. Like other transition countries, its youthful democratic institutions are still fragile. Montenegro can do more to cement the rule of law and to fight corruption and organized crime. Montenegro could do more to accelerate broad based economic development and attract more American and other foreign investors.

Although its ethnic groups peacefully coexist, Montenegro could do even more to become a model for multicultural harmony in a region too frequently divided along ethnic fault lines.

Mr. Chairman, I am convinced that Montenegro's rich history, demonstrated friendship toward the United States, commitment to reform, and keen determination to integrate fully into the Euroatlantic community offer fertile ground for cultivating a strong bilateral relationship through successful transformational diplomacy. We have a tremendous opportunity at this early stage to root into this ground a strong friendship between the peoples of our two countries, a friendship that will bear fruit for many decades to come.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Moore follows:]

PREPARED STATEMENT OF RODERICK W. MOORE, NOMINEE TO BE  
AMBASSADOR TO THE REPUBLIC OF MONTENEGRO

Mr. Chairman and members of the committee, I appreciate the opportunity to appear before you today on the occasion of my nomination by the President to be our country's first Ambassador to the Republic of Montenegro, the world's newest independent country.

Mr. Chairman, since its declaration of independence last year, Montenegro has already quickly established itself as a solid friend and partner of the United States. If I am confirmed, it would be a great honor for me to work with the talented team at our Embassy in Podgorica to strengthen this partnership further. Having worked for over 15 years of my 20-year diplomatic career on issues related to Southeast Europe, I believe I could bring a wealth of relevant experience and energy to this task. In recent years, I have also had the opportunity to work extensively on issues directly involving Montenegro. Following my arrival in January 2004 as Deputy Chief of Mission in Belgrade, then the capital of the State Union of Serbia and Montenegro, I directly supervised the former United States Consulate in Podgorica, overseeing United States policy and management issues in Montenegro until Montenegro gained its independence last year.

I am proud that the United States was among the first countries to recognize independent Montenegro and welcome it into the family of democratic nations. After all, the rich and complex history of our relationship with this remarkable country boasts deep roots. The Kingdom of Montenegro was well established as a nation-

state by the late 1800s and the United States first established diplomatic relations with it just over 100 years ago. Although that official relationship ceased after the First World War, Americans and Montenegrins enjoyed strong ties until Montenegro again emerged as an independent state in 2006. By way of example, in 1919, the United States posthumously awarded Montenegrin-born Sergeant James Mestrovich with the Medal of Honor for his heroic service to the United States armed forces in World War I. Sixty years later, in 1979, the United States Air Force airlifted 139 tons of supplies to Montenegro, stricken by a devastating earthquake.

Mr. Chairman, we all know too well that the 1990s brought great tragedy to the peoples of the former Yugoslavia, a tragedy from which the countries that emerged from Yugoslavia are still healing. Although Montenegro is the republic of the former Yugoslavia that had the least conflict on its territory, its role as both protagonist and victim in the Yugoslav tragedy will no doubt be examined by historians for ages to come. There can be no doubt, however, that Montenegro played a key role in the latter stages of the Yugoslav crisis in helping the United States and its allies bring an end to that conflict and to the destructive policies of Slobodan Milosevic.

Mr. Chairman, our relationship with Montenegro entered a historic new phase on August 15, 2006, with the restoration of bilateral diplomatic relations between our two countries for the first time since 1918.

Mr. Chairman, it is in our national interest to forge an even stronger partnership with newly-independent Montenegro and to help it become an important source of stability in the Balkans. Having navigated its way peacefully to independence—in a referendum judged free and fair by the international community—Montenegro has emerged onto the world stage as a dynamic democracy committed to the values we share with our Euro-Atlantic allies. Already a member of the United Nations and OSCE, Montenegro will almost certainly have the opportunity, if it so decides, to seek membership in NATO, the European Union, and other international organizations in the years to come. Although it is small in size, I am convinced that Montenegro can play an outsized role in partnership with us in the global arena.

While Montenegro is on the right path, this young state is nevertheless still a society in transition. Many of its youthful, and still fragile, democratic institutions continue to be buffeted by challenges that grew out of the tumult of recent years. Like other transition countries in the region, Montenegro needs to do more to cement the rule of law. It needs to do more to fight corruption and organized crime. It needs to do more to reform and strengthen the judicial sector, steps that will build confidence in Montenegro's judicial processes and make the country even more attractive to United States and other foreign investors from a broader range of countries. It can do even more to strengthen interethnic bonds and to make itself a true model of multicultural harmony in a region that has too frequently been divided along ethnic fault lines. It can do more to accelerate broad-based economic development to ensure that all of its citizens have an equal stake in the success of independent Montenegro.

Mr. Chairman, Montenegro faces challenges on the foreign policy front as well, particularly in its immediate neighborhood. The wars of the former Yugoslavia scarred and destabilized the region, leaving legacies that the new countries that emerged are still struggling to overcome. Montenegro is no exception, facing challenges in building new relationships with its neighbors—Croatia, Serbia, Bosnia and Herzegovina, and Albania. Montenegro, host to over 16,000 refugees from Kosovo, must also keep a watchful eye on developments in neighboring Kosovo, with which it shares a 40-mile-long border. More broadly, the wars, propaganda, and isolation of the 1990s have bequeathed public skepticism about the aims of NATO and the United States.

Mr. Chairman, I am pleased to report that Montenegro has made great progress in meeting these challenges. A new government, elected in free and fair elections last year, has committed itself to reform and Euro-Atlantic integration. Montenegro is rapidly transforming its economy and is witnessing strong GDP growth, a booming tourism sector along its beautiful Adriatic coast, and substantial foreign investment. In a region that has been racked by interethnic conflict, Montenegro's rich mix of ethnic groups peacefully coexists.

Montenegro has already made great strides in building political, economic, and security links with its neighbors, including in areas such as antitrafficking and anti-smuggling. At the highest levels, its leaders regularly work with their counterparts in nearby states to resolve disputes peacefully and to seek new forms of cooperation. Montenegro has eagerly supported regional initiatives, even recently becoming the first country to ratify the Central European Free Trade Agreement (CEFTA), a free trade agreement that will open markets in the region to a degree unprecedented in history. Montenegro has established good cooperation with the ICTY and has agreed

to work with other countries in the region in investigating and prosecuting war crimes and organized crime.

The democratic leadership of independent Montenegro has also embarked on a zealous pursuit of Euro-Atlantic integration. Invited to join NATO's Partnership for Peace last November, Montenegro is moving swiftly ahead to strengthen its links with the Alliance. Likewise, it is moving full steam ahead toward closer association with the European Union, rapidly concluding talks on a Stability and Association Agreement earlier this year.

Our nascent bilateral relationship with Montenegro also shows great potential. Already, our two countries have exchanged a series of high-level visits, including separate visits to Montenegro last year by a senior delegation of U.S. Senators and by the U.S. Secretary of Defense. More recently, in early May, President Vujanovic conducted the highest-level visit to the United States by a Montenegrin official since the reestablishment of diplomatic relations. This visit significantly advanced, inter alia, our rapidly developing security relationship. In Washington, President Vujanovic signed with Secretary Rice a Status of Forces Agreement and committed to send military observers to Iraq or Afghanistan. Just before his visit, on April 19, Montenegro also became the 104th country to enter into an Article 98 agreement with the United States.

Mr. Chairman, we have a clear interest in ensuring that this new partner successfully carries out its political and economic reforms. The good news is that the United States has much to offer in helping this new country succeed. We have 17 years of experience in helping the new democracies of Central and Eastern Europe successfully implement political, economic, and military reforms. We have tremendous experience in helping these countries prepare themselves for membership in NATO, the European Union, and other institutions. Thanks to the Congress' continuing support for funding under the Support for East European Democracy (SEED) and other programs, we still have at our disposal substantial resources to help reformers in Montenegro overcome the challenges they face in building their post-communist society. If I am confirmed, I would be eager to bring fully to bear the experiences and resources of the United States to accelerate Montenegro's process of reform.

Mr. Chairman, my experience in working on issues relating to Montenegro and other countries in the Balkans has left me convinced that Montenegro's rich history, demonstrated friendship toward the United States, and keen determination to integrate fully into the Euro-Atlantic community combine to make it fertile ground for a success story in what Secretary Rice calls transformational diplomacy. With the appropriate resources, I believe that we have an outstanding window of opportunity at this early stage of our young relationship with Montenegro to deeply root into this fertile ground a friendship between the peoples of our two countries that will bear fruit for decades to come.

If I am confirmed, I would work hard with my team at the embassy to use the tools provided by the Congress and the administration to help Montenegro develop into a prosperous and democratic source of stability in South Central Europe. I would work hard to stimulate the economic and judicial reforms that will consolidate democracy and open the doors for much greater U.S. trade and investment. I would work hard to help Montenegro combat the corruption and organized crime that sap its progress and undermine public confidence in its institutions.

If confirmed, I would also invest great effort to build a partnership in which the United States and Montenegro work hand-in-hand in regional, European, and global fora to address challenges to international peace and security. I would work to strengthen our bilateral and multilateral security relationship and seek ways to support Montenegro's declared interest in participating more actively in the global war on terror. I would work hard to support the efforts of the Montenegrins themselves to strengthen their democratic institutions and pave the way for more rapid membership in Euro-Atlantic institutions.

Mr. Chairman, in short, we now have a rare opportunity to implement this vision, building our new relationship from the ground floor up. The goals I have laid out may sound lofty, but I believe that—with the appropriate amount of energy and attention—they are achievable.

Thank you, Mr. Chairman.

Senator OBAMA. Thank you very much, gentlemen.

What I'd like to do before we start a round of questions is to allow Senator DeMint to offer greetings and an opening statement.

**STATEMENT OF HON. JIM DEMINT,  
U.S. SENATOR FROM SOUTH CAROLINA**

Senator DEMINT. Thank you, Mr. Chairman.

I apologize for missing some of your opening statements. I appreciate your willingness to serve at, really, a challenging time for the United States. Our image abroad is certainly tarnished, in some ways, and, despite our willingness to help so many countries, sometimes that help is very misunderstood. So, your potential positions are very important to us.

I think, as we talk about spreading democracy and freedom abroad, I—as all of you know, that freedom involves much more than just the right to vote. And you have already referenced the importance of institutions and just the importance of rule of law and property and free enterprise and freedom of the press and freedom of religion, a lot of things that, in your positions, you'll need to encourage and help to guide. I think the big challenge we have as a world is trying to determine the difference between socialistic principles, which ultimately lead to big government and the dependency on government—things which often start out with good intentions, to help people, ultimately sap freedom, as we even find in our own country—and—but to be able to direct a government in how to help its people and to help the poor and to provide healthcare in a way that ultimately promotes freedom is a challenge to us, and hopefully you can help these countries learn from our successes, as well as, perhaps, some of our failures.

So, I'm very interested in supporting your nominations and hearing any additional ideas as we go through just a few questions, but I very much appreciate your willingness to serve our country, as well as the countries that you're looking at serving in.

So, thank you, Mr. Chairman.

Senator OBAMA. Thank you.

I would—what we'll do is, I think I'll try to restrict myself to one question each—for each of you, and then Senator DeMint can ask his questions; and if any others join us, then we'll go with them.

Let's start with you, Dr. Withers. You know, international observers have criticized Albania for failing to live up to democratic standards, which, as you know, is a prerequisite for NATO membership. What do you think the United States can and should do to help sustain Albanian democracy? And, you know, how ready do you think they are to join NATO, at this point?

Dr. WITHERS. Well, thank you very much for that question, Senator.

I believe that you must say, looking at Albania's difficult recent history and its long experience with the tyrannical regime of Enver Hoxha, that it has made important strides. There is a constitution. There is a parliamentary democracy. And the government is decided by elections, which, however, as you have said, have been flawed.

But I believe that the progress is such that we have moved away from many of the more dysfunctional parts of their electoral system. What we need them now to do really falls into two things. The February 7 local elections did not meet international standards. The OSCE and other groups have set forth a series of reform recommendations, and we strongly urge the Albanians to take these

recommendations to heart, to implement them, and to improve on the problems which they had recently.

Another element of their political difficulty is bickering between the parties, between the government and the opposition, which has prevented the type of rapid forward movement that I think we all hope for. And I think that the Albanians should—need to understand that they must begin to work in concordance for the larger interests of the society, as a whole. The presidential election, which will begin in just a few days, will give us a measure as to how seriously they have taken the advice of their friends to heart, and we hope that they can reach a consensus on the next president, and move forward in a smooth, fair, and internationally recognized manner.

In terms of NATO, the Albanians, again, have made considerable progress. They have modernized the military. They have undertaken many measures in the rule-of-law area. They have taken such measures as a joint investigative unit, which brings their prosecutors and their police together to investigate crimes. They have adopted laws on witness protections, special investigations, and many, many other things that are aimed at rooting out the corruption, which is one of the poisons that could affect their NATO membership.

We have made clear to the Albanian Government, as their friends and as their supporters, how important NATO is to us and how its standards are legitimately tough; and they must meet those standards, with our support, and with our help. If they undertake the measures that are required, they will be as strong a candidate as they can be, and we encourage them to take those steps.

Senator OBAMA. Okay.

Mr. English, you know, we've made tremendous progress in Bosnia and Herzegovina over the past decade, but obviously, the parties are still far from fully reconciled. There's still no integrated national police force, there are still issues with respect to the Republic of Srpska and Kosovo, and how we differentiate between those two situations. How do you see your role in a positive resolution in the antagonism between these two parts of the country?

Mr. ENGLISH. Thank you very much, Mr. Chairman. Thank you for the question.

I—the United States—first of all, Bosnia and Herzegovina has no better friend in the world than the United States, and our position there is a critically important one. And, if confirmed, I pledge to continue the vigorous leadership efforts that my predecessors have brought to the office of Ambassador in Sarajevo.

We do work with other partners in the international community very closely. As a matter of fact, our Deputy Assistant Secretary just came back from a meeting of the Peace Implementation Council in Sarajevo where many of these very critical issues were discussed, and where we worked with our European partners, in particular, to send a very strong message to the Bosnians, that they must put differences behind them and move forward. Bosnian politics, we've seen in the period since Dayton, are usually two steps forward and one-and-a-half steps back. And right now, unfortu-

nately, they seem to be a bit on the back foot. Nationalist rhetoric is very strong. There is no sense of consensus for the way forward.

If confirmed, I see my job, in terms of relating to the Bosnians, as going to them and helping to push them forward, helping them to understand that police reform is the path to Brussels. Brussels is the path to stability and prosperity for all citizens in Bosnia.

And one thing that we've told them, in particular, to get to your comment on Republic of Srpska and Kosovo and Srebrenica, is that the—all the questions that relate to Bosnia's integrity were resolved at Dayton, and we will not permit a reopening of Dayton. Dayton established—Dayton was the answer to the borders of Bosnia and Herzegovina, and Dayton is the answer that we're going to stay with.

If confirmed, Mr. Chairman, I will take a very firm and energetic approach to United States leadership in Sarajevo.

Thank you.

Senator OBAMA. Good.

I'll take one more question, then I'll turn it over to Senator DeMint.

But, before we do that, Senator Nelson, do you care to make an opening statement? Okay.

For you, Mr. Kennedy, within the last few months, the International Commission on Holocaust Era Insurance Claims concluded its work to help survivors receive some compensation from insurance companies who had long refused to pay on policies held by those who perished during the Holocaust. How do you rate the success of ICHEIC's efforts? How many survivors received compensation, and in what amounts? I know that some have criticized ICHEIC for cutting off the process before all the claims had a chance to be adjudicated. Do you share that criticism? And are there steps that you think our Government can take to improve the process?

Mr. KENNEDY. Thank you very much for that question, Mr. Chairman. It goes right to the heart of a lot of things that we're trying to do in the Office of Holocaust Issues.

If I could just put a little historical context on this. When ICHEIC was established, in 1997, and became largely a body controlled by State insurance commissioners, Holocaust survivors, NGOs, and the state of Israel, they began looking for a way to handle what was probably a large number of potential claims. Working with Yad Vashem, they came up with a list of about 500,000 possible policyholders who might have perished in the Holocaust. The process was then to publicize that list, notify people that there was a possibility of making a claim.

The total number of claims that were processed—and these are, I'd emphasize, claims without documentation, or with very, very little documentation, so people were asking for something they couldn't prove but they suspected was there—the total number processed was about 92,000 claims out of that potential list of 500,000. Roughly 8,000 people received payments, ranging from \$5,000 to \$20,000. Most of these policies were initially rather small. They were written as burial policies or dowry policies; some cases, education policies for daughters. So, they—the initial amounts were not great, but the ICHEIC process, which was an in-

dividual claims process, located a lot of policies, was able to make specific payments on them.

Another 40,000 people or so had a story that was credible, that had facts in it that matched up with a likely policy. And those people were paid about \$1,000 each.

The total payments were a little over \$300 million. When they had processed all the policies that they felt were credible, Chairman Eagleburger, last March, announced that ICHEIC would be closing its doors.

I hope that covers the issues you needed, Senator.

Thank you.

Senator OBAMA. Thank you.

Senator DeMint, do you want to take a stab at a couple of questions?

Senator DEMINT. Thank you, Mr. Chairman.

I'll start on the other side, since you worked on—starting on the right.

I'd really just—maybe Mr. Moore and Dr. Munter, just a perspective of your role as Ambassadors, to Montenegro and Serbia. I've often heard, as I've talked to people I've worked with around the world in various countries, that sometimes our State Department, regardless of the administration, can do more harm than good in, maybe, trying to direct the affairs of other nations. I would guess that you would see your role as not only doing the bidding of whatever administration is in power, but understanding and listening and trying to direct the policy of the United States in a way that would best serve the country that you are in, as well as our own country here, back home.

I would just be interested in your perspective of your role in how you would direct us and an administration to really understand other countries in a way that would help them—or help us work with them, rather than perhaps alienate them, which is apparently what we occasionally do. So, Mr. Moore—if that question makes any sense.

Mr. MOORE. Thank you, Senator. I fully understand the question. I appreciate it.

I think the good news with Montenegro is that we actually have a win-win situation. I say that, because I think that success on the part of the Montenegrin people, and the Montenegrin institutions themselves, to reform and transition their society, equals foreign policy success for the United States. I think we're pushing in the same direction. And let me define that a little bit more clearly.

It's my view that the United States can play an important role. We have 17 years of experience working with countries in Eastern Europe, former socialist countries, and we've gained a lot of experience and know-how, and we've applied, thanks to the generosity of the taxpayers and the Congress, a substantial amount of resources during these 17 years.

But I think that we have more work to do, in terms of supporting the success of political and economic reforms. And what I mean by that is strengthening the economy of Montenegro, creating jobs in Montenegro, strengthening democratic institutions, strengthening rule of law, fighting corruption, and so forth. These are all issues which I think will help strengthen Montenegro and are in the in-



terest of the United States, for two reasons, primarily—a successful Montenegro—a Montenegro which makes it through this transition and becomes a democratic and prosperous state in a region which has been traditionally unstable, unfortunately, over the last two decades or so—will be an important ally of ours in helping to export stability to other areas of this region.

Second of all, a successful Montenegro, which does make it through this transition, also has the potential to be an important partner of the United States as we try to advance our agenda, both within the region of South Central Europe, in the Euroatlantic area, and globally, as well. Montenegro is—if it so decides, is a prospective member of the European Union and NATO. It's already a member of the United Nations and the OSCE.

So, I think—again, to sum up, I think it's a win-win situation. I think we're all moving in the same direction.

Senator DEMINT. I thank you very much.

Dr. Munter, really the same question.

Dr. MUNTER. Thank you very much for the question, Senator, and I really appreciate it.

I think that the points Rod made are universal, in the sense that we have spent a number of the years, for the last 17 years in the transition countries in which many of us have served, gaining the experience we believe not only of giving our system—putting it forth as a model, but learning from these countries in transition what has worked and what has not. And I think this kind of partnership that is not only going out to speak, but also to listen, is a key part of our job. And I certainly pledge that, if confirmed, listening, as well as speaking, will be a central part of what I do.

Specifically, I think we have to create a partnership that bases the focus of our relationship with Serbia, which is a much more troubled relationship at this point, on our common goals and our long-term goals, defining them in a way that we can understand that, no matter how the process works getting us there, that we agree integration into the West—integration into Western institutions, creating more effective markets, creating the institutions that allow for the rule of law—are something that we're all going to be working for, not so much because the Serbs are being told by the Americans how to do this, but that it's a partnership for us, as well, that they are also working with us to help us define how those partnerships work.

In a broader sense, partnerships will be not only America, but this is a job for our European friends, as well. We'll work very closely with our European allies to make sure that this process of building the transition and setting of the long-term goals is a common one, not just something the Americans come up with, but that our European allies bear, in fact, a very large part of this burden, for this is, actual—after all, their backyard, and we want to work with them very closely.

Ultimately, this will come down, in a specific sense, to our ability to practice what we preach in public diplomacy, to make sure that the way in which we get our message across, and the way in which we understand our colleagues there, is effective, that the entire Embassy is mobilized to get the message across to listen to what others are saying, so that we are effective in trying to put together

a long-term plan that isn't swayed by what are clearly going to be some very difficult times that we will go through in the short term.

Thank you.

Senator DEMINT. So, you're comfortable, as far as just the organization and philosophy of the State Department, that you can be a true ambassador in the sense—on behalf of the United States, as well as on behalf of Serbia to us, and that there really is a two-way system within our structure that you can help direct what we do. I mean, do people listen, back home?

Dr. MUNTER. I would characterize it, Senator, as much more than—I'm working for America.

Senator DEMINT. Yeah.

Dr. MUNTER. And there's no doubt about that. What is nice about working for America, in my opinion, is that we represent more than interests, we represent values that are universal. And—as best we can espouse those values with the help of the colleagues we're working with—I think that's where we get traction, rather than simply coming and saying that we represent something, in a vacuum.

Senator DEMINT. Great answer. Great answer.

Mr. Chairman, I yield back to you.

Senator OBAMA. Senator Nelson.

Senator NELSON. Thank you, Mr. Chairman.

Mr. Kennedy, I want to follow up. In light of what you just testified about ICHEIC and Secretary Eagleburger, the issue has arisen, because of legislation filed over on the House side, that would go beyond the International Commission for Holocaust Era Insurance Claims Commission. And, since they have closed up shop, this legislation would require disclosure of Holocaust-era policies by insurers, beyond the 500,000 that you mentioned. And it would also allow insurers to be sued in Federal court.

The findings of that legislation, which I think is to be heard in a committee shortly in the House of Representatives, criticize ICHEIC for inadequate research and for limiting itself only to certain forms of insurance.

What do you think about that?

Mr. KENNEDY. Thank you very much for that question, Senator Nelson.

We have—the Department has been asked to comment on the draft legislation that you mentioned, and we are in the process of developing a coordinated position within the administration, and will certainly get back—I'll make sure that you're informed as soon as we have that coordinated position.

Senator NELSON. Well, do you have an opinion, now that ICHEIC has closed up business, do you have an opinion about the finding in the bill that ICHEIC only paid out less than 5 percent of the policies sold to Jews prior to World War II?

Mr. KENNEDY. Senator, the kinds of policies that ICHEIC looked at, I think—I'm not an insurance expert—would be called, probably, "whole life policies," in a broad category, but they were very specialized kinds of policies. They were largely for burial, to ensure that the insuree was—would receive a proper burial, or to provide a dowry for a daughter. There are other kinds of insurance that ICHEIC did not deal with—casualty policies, for example. So, I

really believe that the goal that ICHEIC set itself, it did a good job, it researched thoroughly, and it was an individualized claims process.

Thank you, sir.

Senator NELSON. So, you think, with what ICHEIC did and what it handled, that it did a reasonably good job.

Mr. KENNEDY. Yes, Senator, I think it basically did. It was—it's obviously sort of "a glass half full, a glass half empty" situation, about half the people whose claims could be processed received some kind of compensation. And these were difficult claims to process, in—to my understanding, because they—none of them had documents—almost none of them had documentation. This wasn't about processing claims where people had adequate documentation to make their claims.

Senator NELSON. Well, the question now is, as a matter of Federal policy, should survivors be able to go into Federal court? What is your opinion on that?

Mr. KENNEDY. Well, sir, on that one, I'm going to have to defer to the process that we're engaged in now, within the administration, examining the proposed bill that's coming up in the House committee.

Senator NELSON. So, basically, the administration is not ready to make a statement about whether or not this process ought to stop, or whether it ought to go forward and be facilitated in the Federal courts.

Mr. KENNEDY. I believe I received a copy of the bill yesterday afternoon, sir, or that was the first time I became aware of it, and we've tasked it out.

Senator NELSON. Well, somebody is pretty slow, then, because that bill's been filed for a couple of months.

Let me ask you—is this true? Now, this is a matter of what you've been dealing with, because you've been active as the Special Envoy for Holocaust Issues for—how long?

Mr. KENNEDY. Ten months, Senator.

Senator NELSON. Okay. It's my understanding that the German Insurance Association has agreed that it would continue to accept claims, provided that they're filed directly with German companies. Is that true?

Mr. KENNEDY. My understanding is that the German companies are willing to process claims for which some documentation could be provided, that the work that ICHEIC did with undocumentable claims was a different story. But I certainly hope that people who have some documentation will follow up on this, because I think we ought to hold the companies to their statements that they are willing to process claims. But I believe—my understanding is that those claims would have to be processed with some kind of documentation.

Senator NELSON. Does that hold for the Italian company, Generali, as well?

Mr. KENNEDY. Generali has told us the same, that they would process documentable claims. And, again, I certainly hope people who are not happy with the outcome of the class-action suit that's underway right now, if they feel they've got a claim that wasn't handled properly, that they would try to pursue a remedy.

Senator NELSON. How about the Austrian companies?

Mr. KENNEDY. Well, again, you've got a willing—an indicated willingness to handle claims that can be, as my—as I understand it, can be documented, that the undocumentable claims period is over, because ICHEIC has finished that—

Senator NELSON. So, all of them—German, Italian, and Austrian.

Mr. KENNEDY. That's my understanding, sir. But, of course, we're kind of moving into a new period of time here. ICHEIC finished its work about—well, a little over 2 months ago, on March 31 of this year.

Senator NELSON. Well, you're the point man for Holocaust issues, so I would think that we would need to know what the policy of these companies is after ICHEIC has shut its doors. And, since it has shut its doors, what do you think ought to be done to assist survivors to be able to proceed with their claims that they feel that are unfulfilled?

Mr. KENNEDY. Well, my office would certainly be willing to work with survivor groups to help them get the information they need from the insurance companies to proceed. As I say, this is—we have a stated willingness from the insurance companies to proceed with documentable claims, and we're certainly willing to help in that regard. We're not going to drop the issue.

Senator NELSON. When might I expect a reply from you as to the administration's position on this legislation?

Mr. KENNEDY. Well, I would hope, shortly, sir. I don't have an exact timeframe, but we would certainly try to do it in the next few days.

Senator NELSON. Okay. Thank you very much, Mr. Kennedy.

Mr. KENNEDY. Thank you, sir.

Senator NELSON. Thank you, Mr. Chairman.

Senator OBAMA. I want to appreciate Senator Nelson for—or compliment Senator Nelson for raising some important issues. I think it's—these are issues that all of us share. Obviously, given the unprecedented nature of the Holocaust and the fact that survivors are aging, the sooner that we can get some resolution to some of these issues, the better. And I think all of us are going to share a deep interest in this. So, thank you, Senator Nelson, for raising it.

Senator DeMint, do you have any further questions?

Senator DEMINT. No, Mr. Chairman.

Senator OBAMA. If not, I'd like to thank all the nominees for testifying today and for their willingness to serve our countries in these important positions. I want to thank you for your past service, because, as career Foreign Service officers, you all have exemplary records and have done outstanding work. And, you know, we know that you're going to be working in some difficult areas, but we also are confident that you will be up to the task.

So, we're going to keep the record open. We're going to—it will remain open through Friday, so that committee members can submit additional questions for the record. And I'd ask that the nominees respond expeditiously to those questions, should they arise.

Senator OBAMA. With that, if no one has any additional comments, then this hearing is adjourned.

Good luck.

[Whereupon, at 2:52 p.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

CORRECTION TO WRITTEN STATEMENT AND RESPONSE OF J. CHRISTIAN KENNEDY TO  
QUESTION SUBMITTED BY SENATOR JOSEPH R. BIDEN, JR.

In my written statement for the Senate Foreign Relations Committee, I noted that two members of the International Commission of the International Tracing Service (ITS) still had not approved the procedures for greater access to the archives. Following my June 21 confirmation hearing before the Senate Foreign Relations Committee, Senator Biden submitted a "Question for the Record" regarding the ITS. Based on the same information in my possession at the time, I mistakenly informed the Senator that 9 of the 11 signatories to the ITS agreement had already ratified the amended ITS protocols, leaving just France and Italy to do so.

Since then I have received information from the Greek Embassy that Athens has not yet completed its ratification procedure. It expects to do so in coming weeks.

I sincerely apologize to Senator Biden and other members of the Foreign Relations Committee for providing this incorrect information. I also would like to reassure the Senators that the Department remains steadfast in its efforts to press for expeditious ratification by the remaining three members of the International Commission of the ITS so that the amended protocols can enter into force as soon as possible.

RESPONSES OF J. CHRISTIAN KENNEDY TO QUESTIONS SUBMITTED  
BY SENATOR NORM COLEMAN

*Question.* Could you describe the role of the State Department and in particular your office with respect to ICHEIC?

*Answer.* As Special Envoy, I and my predecessors participated as observers on the board, not only as an advocate of the survivors but also with the responsibility to take appropriate steps to contribute to the success of ICHEIC. From the beginning, we have supported ICHEIC as an example of a forum for cooperative resolution of Holocaust-era claims. Within ICHEIC, we viewed our role as one that would facilitate resolution of issues and provide assistance. In this regard, we conducted demarches in European capitals advocating the opening of archives relating to insurance claims, and we sought to mediate any differences among ICHEIC participants, especially when they related to ICHEIC's interactions with entities created in Germany and Austria as a result of United States bilateral agreements.

*Question.* What U.S. bilateral and or international agreements govern the restitution of Holocaust-era insurance policies? How do these agreements relate to ICHEIC?

*Answer.* In July 2000 and January 2001, the United States entered into bilateral agreements with Germany and Austria, respectively, that include provisions relating to Holocaust-era insurance policies. The agreement with Germany led to the creation of the German Foundation "Remembrance, Responsibility, and the Future," which provided about half of ICHEIC's operating capital (about \$275 million) out of funds dedicated for insurance claims and for humanitarian purposes to those with unpayable insurance policies. Similarly, the Austrian General Settlement Fund (GSF), established pursuant to our January 2001 agreement with Austria, has earmarked \$25 million for insurance claims. ICHEIC and the GSF concluded an agreement in December 2003 relating to payment procedures.

ICHEIC concluded memoranda of understanding with American state insurance regulators, leading Jewish and survivor organizations, and European insurance companies, as well as with the German Insurance Association, although these are not binding international agreements.

*Question.* How would you characterize the work of ICHEIC? How would you characterize the cooperation of the insurance companies? Have the insurance companies participating in ICHEIC disclosed all of their Holocaust-era policies? If not why not? What about non-ICHEIC participating insurance companies?

*Answer.* ICHEIC's mandate was to identify and pay life insurance policies issued to Holocaust victims that were never paid to the beneficiaries. With ICHEIC's board consisting of representatives with disparate interests, finding a consensus on some issues took years rather than months. These issues included researching and identifying policyholders and establishing appropriate evidentiary and valuation stand-

ards. Nevertheless, what eventually emerged was a conviction among all parties in the process that the process worked as intended and provided meaningful compensation for unpaid life insurance policies from the Nazi period. And it only worked because at key moments all representatives, including insurance company representatives, were prepared to make pragmatic compromises on difficult issues.

Regarding the disclosure of all Holocaust-era policies, ICHEIC published 500,000 names of likely insurance policyholders who were also Holocaust victims. The list of 500,000 names was produced with the cooperation of European insurance companies and foreign government archives, as well as the German Foundation "Remembrance, Responsibility, and the Future" and Yad Vashem, which was established by the Israeli Knesset to document the Holocaust. Yad Vashem has over 3 million names of victims stored in its electronic database as well as an extensive collection of documents. We and ICHEIC's commissioners believed that this list was a cost-effective approach to identifying all of the relevant life insurance policyholders who were Nazi victims. At ICHEIC's concluding meeting in March 2007, the leaders of American and Israeli survivor and claims organizations represented on ICHEIC's board expressed great satisfaction with the results of ICHEIC's work.

The Austrian General Settlement Fund employed its own researchers, and also used the ICHEIC list, to identify policyholders. Other funds in Europe had their own system for identifying policyholders and were able to take advantage of ICHEIC's research. The identification of names by insurance companies in cooperating nonmember companies in Belgium or the Netherlands was not an issue. The ICHEIC companies, and other companies in the countries cited above, issued the bulk of the life insurance policies in Europe.

*Question.* How many survivors presently reside in the United States and overseas? How many of the current survivors and or heirs (both United States and foreign) have had their claims paid through ICHEIC? How many have not? What are the principle reasons why restitution has not been made to some survivors and their heirs?

*Answer.* We are aware of one survey that estimated the total number of survivors worldwide to be just under 700,000 in the year 2003. If one assumes that 10 percent of survivors die every year, than the current number of survivors could be about 450,000 today. Using the same percentages for the country of residence of survivors as in the 2003 study, one would estimate that there are 170,000 in Israel, 70,000 in the United States, and about 210,000 in the rest of the world. This study, prepared by Ukeles Associates for ICHEIC, is available on the Claims Conference Web site ([claimscon.org](http://claimscon.org)).

We know that about 90,000 survivors or heirs filed claims and that 48,000 of these were eligible for payments that totaled \$300 million. Most of those applying for and receiving payments could provide no documentation beyond anecdotal information, yet ICHEIC was able to research their claims and submit them to insurers at no cost to the claimant. Even those with only credible stories and no documentation were eligible for a small payment. ICHEIC also made available an additional \$169 million for social welfare and related projects.

We estimate that \$500 million have reached Holocaust survivors and heirs as payments for claims via ICHEIC and via related agreements. No compensation program involving 70- or 80-year-old claims could ever be perfect, but ICHEIC's efforts to honor unpaid life insurance policies was thorough and comprehensive.

(A large category of ineligible claims applications came from countries in the former Soviet Union. Unfortunately, because no private sector insurance companies existed in that area, and therefore no insurance policies could be issued there during that time, a large number of claims applications from countries in the former Soviet Union were ineligible for payment.)

*Question.* What is the status of ICHEIC's compliance with section 704(a) of the fiscal year 2003 Foreign Relations Authorization Act (Public Law 107-228)?

*Answer.* Section 704(a) is a reporting requirement directed at the United States Government not ICHEIC. The Department of State has provided all the information called for by the section that is available to it in its biannual reports to the Congress, but not all the information was available at the time of the most recent report, as has been the case in years past. Some information about ICHEIC, including statistics on claims and appeals, however, is publicly available on ICHEIC's Web site ([www.icheic.org](http://www.icheic.org)). Moreover, additional information can be found in ICHEIC's Final Report, which is available at the ICHEIC Web site and at [www.naic.org](http://www.naic.org).

[NOTE: Section 704(a) requires, inter alia, a number of detailed questions. For example, whether the participating ICHEIC insurers provided claimants with a status report on their claim within 90 days and whether the appeals body of ICHEIC had

the resources to fully investigate each claim. This section also requested information on the adequacy of independent audits and administrative expenses and whether the companies complied with ICHEIC evidentiary and valuation standards and provided policyholder lists. Most of these questions were addressed at the end of the ICHEIC process in its Final Report.]

*Question.* What legal basis exists, if at all, for the preclusion of restitution-based lawsuits against insurance companies?

Answer. Lawsuits face numerous legal hurdles. Some lawsuits against insurance companies concerning Holocaust-era claims were resolved through a negotiated settlement of class actions. Those settlements precluded future claims. Other lawsuits may be precluded by well-established legal doctrines, such as statutes of limitations.

United States executive agreements with Germany and Austria concerning Holocaust compensation did not preclude lawsuits against insurance companies or other companies. Rather, in consideration of the significant payments those countries agreed to make, the United States agreed to file statements of interest in suits against German and Austrian companies arising out of the Holocaust urging courts to dismiss on any available legal ground, noting continuing litigation would be contrary to United States foreign policy interests and that those companies should instead have "legal peace." The United States has made these interests clear in numerous courts, all of which have dismissed litigation that would have undermined these important policy goals.

We believe litigation would be acrimonious, expensive, and ultimately unsuccessful. In addition, it would cause significant problems for the foreign relations of the United States, especially with respect to countries with which we have bilateral agreements. We facilitated and supported ICHEIC and agreements with Germany and Austria on Holocaust-related claims because they provided for \$500 million for insurance claims on the basis of relaxed standards of proof, and without any legal costs to the claimants and without any of the litigation risks. They also provided \$5.5 billion in payments for other losses or damages to Holocaust victims.

*Question.* While ICHEIC has provided more than \$306 million on Holocaust-era insurance policies to 48,000 survivors and their heirs, there are estimates that the value of unpaid policies is at least \$17 billion? How would you explain this difference?

Answer. The \$17 billion figure is well above the estimates we have seen in other studies and raises question about methodology and sources. We informally consulted with a historian at the U.S. Holocaust Memorial Museum about these estimates, and he was unaware of any data-based and document-based study that produced estimates of comparable size for the insurance assets of the entire Jewish population of Europe.

ICHEIC's Final Report (available at [naic.org](http://naic.org) and at [icheic.org](http://icheic.org)) provides a realistic picture of the European insurance industry between World War I and World War II, as well as of compensation programs available to Holocaust survivors and heirs following the Second World War (pages 6 to 15 and pages 33 to 37 of the Final Report). In addition, there are other experts who have written on the overall wealth of the Jewish population of Europe, broken down by country of residence and category of wealth, and the estimates of these experts are substantially lower than those cited in the question. One useful study was prepared by Helen B. Junz, who wrote at the request of the Independent Committee of Eminent Persons chaired by former Federal Reserve Board Governor Paul Volcker. (See appendix S on page A-127.) We can provide a citation: <http://www.ert-ii.org/ICEP/ICEP-Report-Appendices-A-W.pdf>.

Additional sources of information are the "Research Reports" that can be found at the "Document Center" on ICHEIC's Web site. One of these reports identified 78,000 life insurance policies belonging to 55,000 Jewish policyholders in Europe during the Nazi era. The policyholder lists came from noncompany files such as public archives and repositories, such as the Nazi regime's tax records and its Jewish property declarations.

In this regard, it is important to keep in mind that ICHEIC's mandate was to pay unpaid life insurance policies on the basis of claims filed by survivors or heirs. It is conceivable that the estimates relating to the \$17 billion in unpaid insurance policies include nonlife policies and policies where there are no survivors or heirs. For example, it could be based on the inclusion of property insurance (and possibly marine insurance) losses that have not been paid, but seeking to cover such losses would be problematic given the widespread destruction caused by military operations that took place during the Second World War and the typical exclusion of war-related damages in such policies.

*Question.* With the ICHEIC process now completed, what recourse do survivors and their families have in the event they should come into possession of information relating to Holocaust-era insurance policies?

*Answer.* If one has a claim involving an insurer that participated in ICHEIC, and that person could not file a claim before ICHEIC's closing dates of December 2003 and March 2004, then one can still file the claim directly with the insurance company that issued the policy. The German insurance association representative on ICHEIC's board stated that the association's members will continue to consider any Holocaust-era claim filed directly with a company.

Statement of German Insurance Association: "I believe that the process to work for a better future needs to continue, even as we hope that we have by now addressed all unresolved insurance policies from the Holocaust era. . . . Therefore let me assure you that our member companies intend to continue to address inquiries that are sent to a specific company and will honor legitimate claims."

There is also a way in which one can file a claim with the Italian insurer Generali under certain circumstance. More information is available at the claims settlement Web site: <http://www.nazierainsurancesettlement.com/?lang=en>.

[NOTE: The deadline for filing claims with Generali was also extended by the United States District Court for the Southern District of New York. The claims Web site states the following: "Claims based on documents obtained from the [Bad Arolsen] archive must be submitted no later than six (6) months after the opening of the archive, but in no event later than June 30, 2008. If the archive is not opened by May 1, 2008, the deadline for claims based on archival documents is 60 days after the opening, but no later than August 31, 2008."]

*Question.* Generally speaking, what sort of information is contained at the Arolsen Nazi archives? What can be reasonably expected about documents relating to insurance policies?

*Answer.* The archive consists primarily of three major sections: 1) camps, transports, ghettos, and arrest records; 2) forced and slave labor records; 3) displaced person camp records.

Approximately one quarter of the records deal with Holocaust victims. The remaining material covers non-Jewish forced laborers, political opponents, and other persons arrested, detained, or persecuted by Nazi authorities, and displaced persons. In addition, the ITS staff created a Central Name Index which consists of some 17.5 million names on approximately 40 million index cards. Some entries are redundant. For example, the same name appears on multiple documents and on multiple cards.

The files do not contain information on every survivor or every person who was victimized or killed. They only contain information on individuals whose names appeared on lists related to certain—not all—ghettos and concentration camps, forced or slave labor camps, or displaced persons camps. The name of someone who fled the Nazis or was hidden is unlikely to appear in these records unless the individual was registered at a displaced persons camp following the war. Similarly, the name of someone killed on arrival at a camp and not registered would be unlikely to appear in camp records.

There do not appear to be any collections at Arolsen that consist specifically of information about life insurance policies, although there may be some information within the archives. So far, the ITS staff has not encountered a significant number of such references, but the staff has not systematically looked for insurance information.

A survivor or heir who wishes to pursue this matter should file a request for a search of ITS records with the Holocaust and War Victims Tracing Service, American Red Cross, 4700 Mount Hope Drive, Baltimore, Maryland 21215-3231.

RESPONSE OF J. CHRISTIAN KENNEDY TO QUESTION SUBMITTED  
BY SENATOR JOSEPH R. BIDEN, JR.

*Question.* Why do you believe the process of opening the ITS archives at Bad Arolsen has taken so long? Has the United States done enough to allow Holocaust survivors, their descendants, and academic researchers access to these documents? What lessons should we take away from the process?

*Answer.* The International Tracing Service (ITS) is governed by an International Commission (IC) of 11 nations: the United States, Israel, the United Kingdom, France, Germany, Poland, the Netherlands, Luxembourg, Belgium, Italy, and Greece. The International Committee of the Red Cross manages the facility at Bad Arolsen.



Beginning in 1943, the core function of the ITS was to aid in family reunification; it has more recently assisted with slave labor settlements. But as a backlog in answering requests for information increased, momentum among survivors and scholars started to grow to open up the archives to the public. The U.S. Department of State and the U.S. Holocaust Memorial Museum led the diplomatic charge in pushing for greater openness.

For several years, however, a number of the other members on the International Commission and the ITS Director expressed concern that changes in procedures for accessing information would be inconsistent with European privacy practice and laws. Their opposition to changing the rules prevented action by the ITS to open the archives, despite intense pressure to do so.

In April 2006, German Justice Minister Zypries declared her country's readiness to accept new access procedures while she was visiting the United States Holocaust Memorial Museum. She also called on the other member states of the ITS International Commission to do the same, thereby finally opening up the door for real negotiations.

At its May 2006 meeting, the International Commission proposed draft protocols amending the 1955 Bonn Accords that have governed the ITS. By November 2006, all countries had signed the protocols and indicated their intention to move rapidly to ratify them. Early this year, the United States asked for an extraordinary meeting to assess and accelerate progress, which took place in The Hague in March 2007. The meeting emphasized the importance of rapid approval of the amendments by all IC member states and agreed to put on the agenda for the May 2007 annual meeting the authorization to the ITS administration to distribute an advance electronic copy of the Bad Arolsen data. The advance copy meant that repository institutions could harmonize ITS data with their computer systems while the full approval process took place.

In addition to a series of demarches in Washington by the Office of Holocaust Issues at the State Department, Germany and the United States made joint demarches in the capitals of the ITS countries urging prompt approval of the amendments.

By the time of the May annual meeting of the ITS International Commission, seven countries had finished their internal approval procedures. Also at this meeting the commission approved distribution of an advance copy and rules for access to the documents at Bad Arolsen. Since May, two more countries have approved their own internal procedures; only France and Italy still need to finalize the approval process. The State Department continues to press these countries to expedite their ratifications.

United States leadership on this issue has been vital to advancing greater access to the Bad Arolsen data. American-German cooperation helped overcome significant hurdles to progress as well. It is also important to note that during these long negotiations, the American Red Cross' Holocaust and War Victims Tracing Center aided survivors and next of kin in accessing information. This center continues to operate today. American citizen survivors and heirs can gain access to ITS materials by writing to the Holocaust and War Victims Tracing Center, American Red Cross, 4700 Mount Hope Drive, Baltimore, Maryland 21215-3231.

RESPONSES OF J. CHRISTIAN KENNEDY TO QUESTIONS SUBMITTED  
BY SENATOR BILL NELSON

*Question.* What is your position on H.R. 1746, the legislation introduced in the House by Representative Heena Ros-Lehtinen, to require disclosure of Holocaust-era policies by insurers and allow insurers to be sued in Federal court?

*Answer.* We oppose H.R. 1746. The information requirements set forth in H.R. 1746 have largely been met by the International Commission on Holocaust Era Insurance Claims (ICHEIC). This was achieved through publication of 500,000 names of likely insurance policyholders who were also Holocaust victims. The participants in the ICHEIC process, including survivor organizations, did not believe that a list of names similar to that required by H.R. 1746 would add further benefit to Holocaust survivors or their heirs.

ICHEIC has already achieved many of the objectives of the draft legislation. ICHEIC has paid \$300 million to 48,000 claimants and made available \$169 million in funds for social welfare projects. We estimate that \$500 million has reached Holocaust survivors and heirs as payments for claims via ICHEIC and via related agreements involving other countries, such as the one with Austria, as well as through social projects. None of this would have been possible if the foreign governments and companies providing these payments believed they would be subject to continuing

litigation in United States courts over Holocaust-era claims. In return for \$6 billion in payments to Holocaust victims, including to holders of Holocaust-era insurance policies, the United States agreed, with respect to German and Austrian companies, that continuing litigation would be contrary to its foreign policy interests and that those companies should instead have "legal peace." The United States has made these interests clear in numerous courts, all of which have dismissed litigation that would have undermined these important policy goals.

The proposed legislation would take the opposite course. Its primary effect would be to enable and facilitate renewed litigation, even where the claims at issue had already been explicitly settled in U.S. courts. We believe such litigation would be acrimonious, expensive, and ultimately unsuccessful. In addition, it would cause significant problems for the foreign relations of the United States, especially with respect to countries with which we have bilateral agreements and which will see enactment of this legislation as a repudiation of such agreements. If such legislation is enacted, we expect it will be extremely difficult to achieve cooperation from other countries in their taking additional domestic steps on Holocaust restitution matters.

*Question.* Do you think that it is a good idea, now that ICHEIC has concluded its work, for survivors and their families to sue for compensation on World War II era policies in Federal court?

*Answer.* No. ICHEIC has already achieved many of the objectives of the draft legislation. ICHEIC has paid \$300 million to 48,000 claimants and made available \$169 million in funds for social welfare projects. We estimate that \$500 million has reached Holocaust survivors and heirs as payments for claims via ICHEIC and via related agreements involving other countries, such as the one with Austria, as well as through social projects. None of this would have been possible if the foreign governments and companies providing these payments believed they would be subject to continuing litigation in United States courts over Holocaust-era claims. In return for \$6 billion in payments to Holocaust victims, including to holders of Holocaust-era insurance policies, the United States agreed, with respect to German and Austrian companies, that continuing litigation would be contrary to its foreign policy interests and that those companies should instead have "legal peace." The United States has made these interests clear in numerous courts, all of which have dismissed litigation that would have undermined these important policy goals.

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*Question.* Can you give me your assessment of the bill's disclosure and judicial review provisions in light of ICHEIC and the other efforts to address Holocaust insurance claims?

*Answer.* See answers to previous questions.

*Question.* How likely is it in your opinion that litigation that would be authorized under this bill would result in the actual payment of insurance benefits on Holocaust-era policies in a timely manner?

*Answer.* We believe such litigation would be highly unlikely to be successful. Particularly in the case of insurance companies that issued policies in Europe to European citizens some 70 or 80 years ago, the legal hurdles for plaintiffs would be numerous and significant. There would also be objections from foreign governments, which would argue that bilateral agreements with the United States require the United States to oppose such lawsuits. In addition, lawsuits may take years in lower courts and on appeal, and can involve huge costs.

*Question.* Findings in the bill state that the judicial review provisions of the bill would not be limited by any existing international agreements, court decisions, or settlement agreements (such as the Generali settlement). Do you agree or disagree with this statement?

*Answer.* We believe that the provisions of the bill that facilitate lawsuits are in direct conflict with existing international agreements, court decisions, and settlement agreements. For example, agreements between the United States and Germany and the United States and Austria commit the United States to oppose litigation against companies from those countries over Holocaust-era claims. Many U.S.

courts, including the Supreme Court, have recognized and given weight to U.S. policy interests in this regard. And there have been settlements of lawsuits involving Swiss companies and Generali (Italian) in our courts, and those settlements contemplate an end to litigation.

*Question.* If the bill doesn't override the agreements, what kinds of claims would be left to pursue and are Federal lawsuits the way to pursue them?

*Answer.* We support dialog, negotiation, and cooperation, not lawsuits, as the means to resolve matters relating to any Holocaust-era claims. If one has a claim involving an insurer that participated in ICHEIC, and that person could not file a claim before ICHEIC's closing dates of December 2003 and March 2004, then one can still file the claim directly with the insurance company that issued the policy. The German insurance association stated that its members will continue to consider any Holocaust-era claim filed directly with a company. In the case of Generali, one should go to the claims Web site for information on filing claims based on new archival research: <http://www.nazierainsurancesettlement.com/?lang=en>.

*Question.* Findings in H.R. 1746 criticize ICHEIC for inadequate research and for limiting itself to only certain forms of insurance. Do you agree with these findings? If not, why not?

*Answer.* We disagree with those findings. ICHEIC's mission was determined by its commissioners, who were American state insurance regulators, leading Jewish survivor organizations and representatives from the state of Israel, as well as major European insurance companies. The commissioners decided to focus on identifying and paying claims on life insurance policies. It is understandable that other kinds of policies were not part of ICHEIC's mission. For example, the inclusion of property insurance (and possibly marine insurance) would have been problematic given the widespread destruction caused by military operations that took place during the World War II and the typical exclusion of war-related damages in such policies.

ICHEIC established an extensive research apparatus for identifying claims so that a claimant could file a claim that was based on limited information, such as only the first and last name of the policyholder, and if possible also the dates of birth and residence of the policyholder. The list of 500,000 names was produced with the assistance of the German Foundation "Remembrance, Responsibility, and the Future" and Yad Vashem, which was established by the Israeli Knesset to document the Holocaust. Yad Vashem has over 3 million names of victims stored in its electronic database as well as an extensive collection of documents. The ICHEIC names list and other archival information was compiled using high technology, such as the Soundex system that uses phonetics to incorporate various spellings of names and places.

In addition, ICHEIC sent out researchers to archives in 15 countries throughout Europe, Israel, and the United States to compile evidence of insurance policies. These archives were located in insurance companies and in government records centers, and the researchers gathered evidence of nearly 80,000 life insurance policies. ICHEIC researchers also were able to develop a company-country matrix to track the transfer of policy liabilities from one company to the next, as one insurer went bankrupt or was sold and responsibility for paying the policy was taken over by another company.

*Question.* One finding states that ICHEIC only paid out on less than 5 percent of the policies sold to Jews at the beginning of World War II, and that the unpaid insurance theft actually is somewhere between \$17 billion and \$200 billion. Do you agree with that estimate? If not, why not?

*Answer.* We have not seen the methodology of the authors of these studies used to arrive at such figures. The wide range reflected by these figures raises questions about methodology and sources for this data. We informally consulted with a historian at the U.S. Holocaust Memorial Museum about these estimates, and he was unaware of any serious study that produced comparable estimates for the insurance assets of the entire Jewish population of Europe.

ICHEIC's Final Report (available at [naic.org](http://naic.org) and at [icheic.org](http://icheic.org)) provides a realistic picture of the European insurance industry between World War I and World War II, as well as compensation programs available to Holocaust survivors and heirs following the World War II (pages 6 to 15 and pages 33 to 37 of the Final Report). The ICHEIC report does not support the large estimates of insurance losses cited in the question, and certainly not for losses in life insurance. In addition, there are other experts who have written on the overall wealth of the Jewish population of Europe, broken down by country of residence and category of wealth, and the estimates of these experts are lower than those cited in the question. One useful study was prepared by Helen B. Junz, who wrote at the request of the Independent Com-

mittee of Eminent Persons chaired by former Federal Reserve Board Governor Paul Volcker. (See Appendix S on page A-127.) We can provide a citation:<http://www.crt-ii.org/ICEP/ICEP-Report-Appendices/A-W.pdf>.

ICHEIC's mandate was to process the claims of survivors and heirs for unpaid life insurance policies. European insurance companies cooperating with ICHEIC contributed the funds to pay claims that could be traced to a particular company and to establish humanitarian projects. The funds for the humanitarian and related projects were intended to honor the millions that perished in the Holocaust and to provide for needy survivors, including those who were ineligible to file a claim. In addition to paying \$300 million for all claims, ICHEIC allocated an additional \$169 million for humanitarian projects. At the outset, it was clear that this amount was never intended to cover the value of all insurance assets of those murdered in the Holocaust. Obtaining funds from European insurance companies to cover the insurance assets of all who perished in the Holocaust would not have been an achievable goal, and such a negotiation would have probably delayed further the possibility of elderly survivors receiving a measure of justice in their lifetimes.

*Question.* My understanding is that the German Insurance Association agreed, at the conclusion of ICHEIC, to continue to accept insurance claims now and forever provided that they are filed directly with the German companies. Is it your understanding that the German insurance companies will continue to accept insurance claims and if so, will they do so under ICHEIC's evidentiary standards?

Answer. German insurance companies through their association are committed to continuing to consider claims that are sent directly to the issuing company. However, the research apparatus of ICHEIC and the German Insurance Association will no longer be able to assist claimants in verifying a claim. At the concluding meeting of ICHEIC in late March, the Association representative did not address the issue of ICHEIC evidentiary standards (see his statement below). We intend to contact the association in the next few days and ask for a clarification of evidentiary standards.

Statement of German Insurance Association: "I believe that the process to work for a better future needs to continue, even as we hope that we have by now addressed all unresolved insurance policies from the Holocaust era. . . . Therefore let me assure you that our member companies intend to continue to address inquiries that are sent to a specific company and will honor legitimate claims."

*Question.* Generali also has extended the period during which it will accept claims. Do you know if they are doing so under the ICHEIC standards?

Answer. Yes. We understand that, as part of a court settlement, Generali agreed to follow ICHEIC valuation and eligibility standards. One can obtain more information by going to Generali claims settlement Web site: <http://www.nazierainsurance-settlement.com/?lang=en>.

[NOTE: The deadline for filing claims with Generali was also extended by the United States District Court for the Southern District of New York. The claims Web site states the following: "Claims based on documents obtained from the [Bad Arolsen] archive must be submitted no later than six (6) months after the opening of the archive, but in no event later than June 30, 2008. If the archive is not opened by May 1, 2008, the deadline for claims based on archival documents is 60 days after the opening, but no later than August 31, 2008."]

*Question.* What is the State Department doing to use its diplomatic leverage to get insurance companies, such as the German Insurance Association, Generali, and the Austrian insurance companies, to make good on their willingness to accept claims and to do so under the ICHEIC standards?

Answer. As an ICHEIC member company, Generali followed ICHEIC standards and paid all eligible claims. There was a separate issue involving the processing of claims by an Israeli subsidiary, the Generali Trust Fund (GTF), which failed to maintain ICHEIC processing standards. ICHEIC resolved the matter on its own by terminating its contract with the GTF and transferring the claims processing to Generali's in-house claims processing operation. In other words, this was a temporary problem that has been completely resolved. One can read a fuller description of the matter in ICHEIC's Final Report available at [naic.org](http://naic.org) (pages 29-30 and 54-55).

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Regarding the Austrian General Settlement Fund (GSF), an issue that has recently arisen is whether the GSF would cover claims on policies issued by Austrian subsidiaries outside the Austrian Republic's present-day territorial limits. ICHEIC believed that such claims were covered under its operating agreement with the GSF. Austrian officials cited the precise wording of the July 2001 agreement with the United States, indicating that the latter agreement explicitly excluded GSF payment of claims on policies issued by Austrian subsidiaries in such countries as the former Czechoslovakia and Hungary. Its reasoning was that the nonpayment of policies by such subsidiaries or affiliates was due to the actions of the post-war communist governments, which also confiscated the assets of the subsidiaries, and not the Nazi regime in Austria. At the request of ICHEIC Chairman Lawrence Eagleburger, the Department of State raised the matter with Austrian officials. As a result, we received a commitment that the GSF would take care to review each specific claim on a policy issued outside the present-day territory of Austria with the objective of determining whether nonpayment resulted from actions that occurred in Austria or outside of that country, and the GSF would pay the claim if actions within Austria led to nonpayment.

As this proposal was not full satisfactory to Chairman Eagleburger, he raised the possibility of Austria reimbursing ICHEIC for the \$4.5 million in payments made on the claims from outside Austria. The ICHEIC Final Report (pages 48 and 49) notes that no such reimbursement was forthcoming and ICHEIC continues to hope that the \$4.5 million will be made available to the Claims Conference, the entity responsible for disbursing ICHEIC's remaining humanitarian funds. In this regard, please refer also to the answer to the last question and response in this section.

Even following the close down of ICHEIC, the Department of State's Office of Holocaust Issues remains in regular contact with governments and the insurance companies and will continue to encourage them to meet their commitments regarding the further review of individual claims.

*Question.* What is your assessment of the humanitarian aid portion of ICHEIC?

*Answer.* ICHEIC struck a reasonable balance in dividing the use of its funds from insurance companies between evidence-based claims, humanitarian claims, and humanitarian projects. Some claims did not meet evidentiary standards, despite ICHEIC's extensive research and its relaxed standards of proof of a policy's existence. Nevertheless, these claims could be paid from one of ICHEIC's two humanitarian claims programs: one to cover claimants who could provide only credible anecdotal evidence; the other to pay evidence-based claims against East European insurance companies with no present-day successors. (Both humanitarian claims programs are covered on pages 46 to 48 of ICHEIC Final Report.) We regard both programs as successful.

The ICHEIC report also refers to \$169 million of its funds being allocated to humanitarian projects with the bulk of the funds administered by the Claims Conference. The issue among survivor organizations was which groups and countries to focus spending of the humanitarian funds. The consensus among survivor organizations and insurance regulators was to devote the bulk of payments to countries which lacked an adequate social safety net and also had a large population of destitute Holocaust survivors. Thus, a large portion went to the needy Jewish population in the former Soviet Union. However, there were also funds allocated to needy survivors in the United States.

*Question.* A recent op-ed in the New York Times described the fact that there are Holocaust survivors who are financially destitute and even homeless. What is being done to assist them? Is humanitarian aid that was given out through ICHEIC being directed to help these survivors? What is your office doing to help direct aid to these survivors?

*Answer.* ICHEIC discussed this issue at great length and concluded that most of the funds available for humanitarian purposes should be reserved for the benefit of needy Holocaust victims worldwide. ICHEIC's commissioners also believed strongly that it also was important to allocate a portion of the funds "... to support the strengthening of Jewish culture and heritage in recognition that the Nazis attempted to eradicate Jewish culture as well as the Jewish people. . . ." ICHEIC contracted with the Jewish Claims Conference to distribute \$132 million in social welfare benefits, including health care and home-care services, for needy Jewish victims of Nazi persecution. Given the weakness or absence of a social safety net in many countries of the former Soviet Union and given that Eastern Europe was where the Nazis sought to eradicate Jewish culture, ICHEIC's humanitarian programs have focused on this area. However, a significant portion of funds for home

care and for destitute survivors have also been spent in the United States. We recommend contacting the Claims Conference for details in this regard.

As observers on ICHEIC's board, we spoke out in favor of ensuring that a portion of the humanitarian funds be allocated for needy survivors in the United States.

*Question.* ICHEIC recently released its final report and that report contains a section on lessons learned. It is important to look at how ICHEIC worked so that future claims commissions can learn from the ICHEIC experience. What in your view are the most important lessons learned from the ICHEIC process and how can they be followed in the future?

*Answer.* The most important lesson in such matters is to determine whether one should have an individualized claims process or a mass claims process, as this decision will determine the cost and the time involved to process claims.

The ICHEIC process, similar to that for the Swiss bank claims settlement, researched each claim and created a vast research apparatus, including audits, to find policies which failed to name an insurance company. This step in turn led to the publication of a names list that was thoroughly vetted and a second research step to determine from company archives and state archives in Europe whether the claim had been paid in the past. The individualized process also created the need to establish a mechanism for valuing claims issued in different currencies, and addressing policy losses created by inflation and currency depreciation. There were also translation costs to deal with documents in over 20 languages. Given these requirements, it is understandable that the ICHEIC process faced some delays and was relatively costly. Administrative costs amounted to \$95.5 million, compared to the \$300 million paid in claims and \$169 million in humanitarian projects.

By contrast, some other Holocaust settlements involved lump-sum payments and required only a minimum of research or documentation to establish eligibility. The simpler, lump-sum payment processes often had the same level of payment for different levels of loss or suffering, but they also had lower administrative costs and made payments somewhat faster.

The ICHEIC participants determined fairly early in the process that the processing of claims must be handled on an individual basis. This meant that the process depended also on finding a consensus among various board members with different interests: the European insurance companies that contributed the funds in exchange for legal protection from further claims; the American state insurance commissioners who were strong advocates for the victims and heirs; and, of course, the representatives of the survivors and the state of Israel. The United States participated as an observer on the board, not only as an advocate of the survivors but also had to view the decision of ICHEIC in the context of other agreements settling Holocaust claims.

Thus, with ICHEIC's board consisting of representatives with disparate interests, finding a consensus on some issues took years rather than months. Nevertheless, what eventually emerged was a conviction among all parties in the process that the process worked as intended and provided meaningful compensation for unpaid life insurance policies from the Nazi period. And it only worked because at key moments all representatives were prepared to make pragmatic compromises on difficult issues.

*Question.* In order to learn from the ICHEIC process, it is essential that members of the public have the information they need to assess ICHEIC. Are you doing everything you can to ensure that the records from ICHEIC are preserved and made available?

*Answer.* ICHEIC has made an excellent decision to send to the U.S. Holocaust Memorial Museum its records for safekeeping relating to the 92,000 claims filed and decisions regarding payment offers and payments. Following a reasonable period and in order to protect privacy, the documents will be open to historical research and the public. ICHEIC's decision documents will eventually also be stored at the Museum.

The U.S. Holocaust Memorial Museum has also agreed to maintain indefinitely the ICHEIC Web site, which contains a valuable record of its key decisions as well as a wealth of information relating to the claims process. ICHEIC's complete 66-page Final Report appears on the ICHEIC Web site and on the NAIC Web site. Thus, we will direct any interested party to these Web sites as part of our continuing efforts to educate the public about the ICHEIC process.

The Special Envoy for Holocaust Issues and his staff are prepared to brief the staff of Senate and House members, and we will be available nation-wide for speaking tours and interviews with local media wherever there are Jewish communities



seeking information about ICHEIC. It is important that the success of ICHEIC is well-known.

*Question.* Now that ICHEIC has shut its doors, what more can and should be done to assist survivors who have yet to get a measure of justice. What is the State Department doing? What can we do here in Congress?

*Answer.* Survivor organizations are in an extremely important position to recommend what the greatest continuing needs are for survivors. From what we are hearing, it appears that the greatest need remains health care, home care, and long-term care.

In recent years, the Department of State has facilitated agreements with companies and governments that made available \$8 billion in payments related to labor claims, personal injury, and property losses, including insurance. All of these agreements have been implemented or their implementation is nearing completion. These agreements involved Swiss banks, Germany, Austria, France, and European insurance companies.

The one area which continues to require the high-level attention of the Department of State is compensation for property claims in the new democracies of Central and Eastern Europe, particularly in Poland, which had Europe's largest Jewish community. Poland, and many other countries in this area as well, have not yet implemented an effective compensation law to cover the confiscation of property during the Nazi occupation. The Special Envoy for Holocaust Issues has given this matter the highest priority.

In contacts with counterparts, all branches of the government may want to consider how to emphasize the importance Americans place on this issue of fundamental fairness.

*Question.* What is the status of the Austrian claims process?

*Answer.* After a 4-year delay due to problems in obtaining a dismissal of certain lawsuits in United States courts, the \$210 million Austrian General Settlement Fund (GSF) began making payments to claimants in January 2006. This fund was created pursuant to a January 2001 agreement with Austria and covers compensation for property losses, as well as the physical return of some properties that were once confiscated from Holocaust victims and recently, through historical research, were found to be still in the Austrian Government's possession. The Austrian Fund anticipates making payments on about 20,000 claims and has processed about half of the claims to date. The GSF is expected to complete all payments by 2008.

We should note that the Austrian labor fund of \$330 million has completed its payments, as has the \$150 million special fund for paying compensation to Jewish victims for household property, long-term apartment leases, and business leases and property. Moreover, the Austrian pension system has been paying nursing home benefits to Holocaust victims and Austrian Jewish emigres in the United States (benefits over 10 years from 2001 to 2010 are estimated to be some \$112 million).

*Question.* Do you know if the Austrian claims process has paid 100 cents on the dollar for the insurance claims that they have recognized? If not, how much have they been paying on the dollar for claims? Is that an adequate level of compensation in your opinion?

*Answer.* The Austrian payments under the \$210 million General Settlement Fund (GSF) are regrettably in the range of 10 to 15 percent on the dollar. This is due to several factors, including primarily the unexpected high value of claims.

We have always taken the view that no level of payment can ever be adequate to compensate survivors for their suffering and losses during the Holocaust. The amount allocated to the GSF in 2001 was negotiated among survivor groups, attorneys, companies, and governments to ensure that the elderly victims of the Holocaust received a measure of justice in their lifetimes. Had this been the only Austrian Government compensation program, the payment amounts would cause much greater concern. But one must place the shortcomings of the GSF in the broader context of other recent Austrian programs listed below:

- Austrian National Fund: \$150 million to 30,000 victims;
- Slave and Forced Labor Fund: \$330 million;
- Household and Business Tenancy Rights: \$150 million to 23,000 victims; and
- Nursing Home Care to former Austrian citizens residing abroad: \$112 million.

We should also note that the GSF also provides for the physical return (in rem) of several valuable properties confiscated during the Nazi period and held by the government or public entities until historical research revealed their rightful owners. We will be able to provide more details on the value of these properties at a later date.

RESPONSES OF CHARLES ENGLISH TO QUESTIONS SUBMITTED  
BY SENATOR JOSEPH R. BIDEN, JR.

*Question.* Please describe in detail what steps you plan to take, if confirmed, to support the work of the State Court of Bosnia-Herzegovina? How will you work to facilitate construction of a state prison?

*Answer.* Ensuring that the State Court of Bosnia and Herzegovina is a fully functional, depoliticized institution capable of efficiently rendering just and fair verdicts is a key policy priority for the administration. If confirmed, I will fully support all of the efforts already underway to build this institution's capacity, such as financial contributions, technical assistance, and the seconding of talented American judges and prosecutors to the court. I will also, if confirmed, seek to improve the court's performance and cement it as the institution capable of delivering domestic justice to perpetrators of war crimes, organized crime, terrorism, and other grave offenses. For example, the administration is working to enhance the state court's capacity by supporting the development of a prosecutorial strategy that emphasizes better case management and makes the process of case prioritization and selection more systematic and transparent. If confirmed, I will seek similar ways to advance the objectives we share with Bosnia and Herzegovina in this area.

The recent escape of Radovan Stankovic, the first war crimes case transferred from the International Criminal Tribunal for the Former Yugoslavia and tried to completion in the Balkans, highlights Bosnia and Herzegovina's need for a state prison. The current proposal for a prison is quite expensive and no donors have stepped forward to pledge sufficient funds. If confirmed, I will encourage the Bosnians to find a way to lower the current 14.4 million Euro price tag without sacrificing security or safety. Additionally, if confirmed, I will work with Bosnian Government officials and members of the international community to develop a realistic and sustainable funding strategy.

*Question.* What, in your view, are the most pressing human rights issues in Bosnia-Herzegovina? What are the steps you expect to take—if confirmed—to promote human rights and democracy in Bosnia and Herzegovina? What do you hope to accomplish through these actions?

*Answer.* Despite considerable progress over the last 12 years, there are still significant human rights issues in Bosnia and Herzegovina. Annex 7 of the Dayton Accords, which mandates the safe and secure return of all displaced persons to their pre-war homes, has yet to be fully implemented. Bosnians who have returned to communities where they are not the ethnic or religious majority deserve acute attention. If confirmed, I will work hard to ensure that minority returnees are a fully integrated and thriving part of Bosnia and Herzegovina's multiethnic communities.

Respect for religious freedom is another urgent issue. Unfortunately, incidents of crimes targeting minorities' religious symbols increased in the run-up to the October 2006 national elections. To address this, I will, if confirmed, work with the leaders of the four main religious communities in Bosnia and Herzegovina to promote reconciliation, mutual respect, and dialog. I will make clear that disrespecting religious property or symbols will not be tolerated by this administration or the international community. I will also support the full implementation of the State Law on Religious Freedom.

Building the capacity of institutions in the law enforcement and judicial sectors, and specialty offices such as the Office of the State Antitrafficking Coordinator, will serve to further promote human rights and democracy in Bosnia and Herzegovina. These institutions serve as important deterrents to possible human rights violations and help to investigate, protect and bring justice to victims when violations do occur. If confirmed, I will oversee the development of these institutions, working closely with Bosnian leaders and international community partners to point out instances of human rights violations, hold the perpetrators accountable, and build institutional mechanisms to safeguard against future violations.

*Question.* If confirmed, what challenges will you face in Bosnia-Herzegovina in advancing human rights and democracy in general?

*Answer.* Following the February 26, 2007 decision of the International Court of Justice in *Bosnia v Serbia*, political rhetoric in Bosnia and Herzegovina has seriously deteriorated. The court's finding that genocide occurred in Srebrenica, while at the same time finding that Serbia was not accountable for perpetrating genocide, has prompted a focus on the roles played by institutions within Bosnia's Republika Srpska entity, and has led to calls for drastic constitutional change that challenges the fundamental principles of Dayton. Reversing this climate of heightened nationalism and refocusing the public conversation on ways to improve the lives of victims



and all Bosnian citizens will be my first significant challenge, if I am confirmed. The victims of the Srebrenica genocide should live safe, secure lives free from any fear that they might suffer such tragedy again. They should also be afforded economic opportunities to improve their lives. If confirmed, I will focus much effort on ensuring that the conversation in Bosnia and Herzegovina is a constructive dialog that addresses the horrors of the past while focusing on improving people's lives in the immediate future.

Establishing accountability for past actions helps establish fundamental acceptance of the rule of law that reinforces all other reforms in Bosnia and Herzegovina. Toward that end, another significant challenge I will face, if confirmed, will be ensuring that the remaining fugitives from the International Criminal Tribunal for the Former Yugoslavia are captured and extradited to The Hague. Namely, Ratko Mladic and Radovan Karadzic, the architects of the Srebrenica genocide, must face international justice. The principles of individual accountability and no impunity for war crimes or serious violations of humanitarian law must be a core part of a just, democratic, and stable Bosnia and Herzegovina.

*Question.* In your new position, what steps will you take to ensure that promotion of human rights objectives will be an integral part of the U.S. Embassy's activities? If confirmed, what steps will you take to ensure that Foreign Service officers who engage in human rights activities are encouraged and professionally rewarded for superior service?

*Answer.* The promotion of human rights objectives under the Dayton Accords has been central to this administration's agenda in Bosnia and Herzegovina. If confirmed, I will ensure that the focus on human rights remains a key element of Embassy Sarajevo's work. Promoting American values and interests go hand-in-hand with promoting respect for human rights and a democratic society in Bosnia and Herzegovina. Much of the administration's reform agenda is aimed at creating a stable and just society that will permanently move Bosnia and Herzegovina away from the tragic past and toward the community of nations that embraces the United States' key democratic principles such as freedom of speech and the press, rule-of-law and respect for minority communities. If confirmed, I will use the many tools at my disposal to communicate to the leaders and public of Bosnia and Herzegovina the benefits of fully embracing democratic principles.

Public diplomacy opportunities, such as U.S.-funded exchange programs, press and media outreach, American celebrity speakers, and civil society events will all provide opportunities to engage the local community in conversations about human rights, and to press for action on specific issues. If confirmed, I will lead the embassy community by example by constantly returning to human rights principles as guideposts for good policy and by being a vocal critic of any abuses.

If confirmed, I will assure that officers who show commitment to using their diplomatic voice to encourage tolerance, accountability, transparency, and justice throughout the institutions and social fabric of Bosnia and Herzegovina receive recognition for their work. If confirmed, I will encourage officers to think creatively about how the administration can support local organizations and/or projects aimed at providing opportunities and voice to minority communities. If confirmed, I will work closely with my officers to identify a handful of immediate changes that, if enacted, would tangibly benefit Bosnian communities and would immediately demonstrate the administration's commitment to human rights.

*Question.* What are the most significant actions you have taken in your career to promote human rights and democracy? Why were they important? What was the impact of your actions?

*Answer.* My work over the past 15 years has largely been focused on countries in transition, and in particular on the Balkans. Promotion of human rights and democracy has been at the top of our policy agenda, and I have been active in promoting that agenda.

While I was in Croatia from 1998 to 2001 as Deputy Chief of Mission (DCM) and as Charge d'Affaires, we sought to help Croatian society heal the wounds from Yugoslavia's bloody wars of secession and return the country to normalcy. Two items topped our agenda—promoting return of those displaced by the war, and holding accountable those charged with war crimes. I coordinated embassy assistance programs that helped refugees reclaim property and return to their homes. I pressed a sometimes reluctant Croatian Government to provide the same reconstruction assistance to the ethnic-Serb minority as they did for ethnic-Croat returnees. As Charge, I led the diplomatic community's concerted effort to push for equal justice for minorities seeking redress in Croatian courts. My public message to the Croatian people emphasized the need for reconciliation and respect for the rights of all citi-

zens. I believe my contributions helped push the "returns agenda" toward completion, and thereby advanced Croatia's efforts to take its rightful place in Euro-Atlantic institutions.

Full normalcy cannot be restored to the nations of the former Yugoslavia until those responsible for the terrible crimes committed in nearly a decade of war there are brought to justice. As Director of the State Department's Office of South Central European (i.e., Balkan) Affairs from 2003 to 2006, I met frequently with leaders in Belgrade, Sarajevo, Zagreb, and Pristina, and pressed them to cooperate fully with the International Criminal Tribunal for the former Yugoslavia (ICTY). As DCM and Charge in Croatia, I helped to promote a positive climate between the ICTY Prosecutor and the Croatian leadership.

Restoring rule of law to these societies is a paramount concern. As Policy Director for the State Department's Bureau of International Narcotics and Law Enforcement Affairs from 1995 to 1998, I directed comprehensive programs aimed at building democratic police structures in countries emerging from war or other trauma. Our efforts supported the beginnings of such reform in Croatia and in Bosnia and Herzegovina.

These are just a few examples of actions I have taken to promote human rights and democracy. If confirmed, I will continue to pursue a vigorous reform agenda in Bosnia and Herzegovina.

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RESPONSES OF RODERICK W. MOORE TO QUESTIONS SUBMITTED  
BY SENATOR JOSEPH R. BIDEN, JR.

*Question.* Regarding United States assistance to Montenegro, the President's 2008 Congressional Budget Justification states that "U.S. funding for democratic reform will decline relative to security and law enforcement assistance to help Europe's newest nation build capacity to secure its people and its borders." Can you comment on the priorities of the administration toward Montenegro? If confirmed as the first United States Ambassador to Europe's newest nation, what will be your top priority?

*Answer.* Our top priority in Southeastern Europe is to achieve enduring stability in a region that has been racked too often by conflict. In achieving this, we can help integrate the countries of the Balkans into the President's vision of a Europe "whole, free, and at peace."

If confirmed, my top priority will be to ensure that Montenegro succeeds with its political and economic transition and continues on the path toward full integration into the Euro-Atlantic community. A democratic and prosperous Montenegro that fully respects the rights of all its citizens and that meets the requirements for membership in NATO and the European Union will be a stable Montenegro that can also act as a reliable partner of the United States on regional and global issues.

To achieve this success in Montenegro, the administration's top priorities are the promotion of equitable economic growth, strengthening the rule of law—including the promotion of human rights and democratic reform, and enhancing regional stability. Progress in all of these areas, including the strengthening of democratic institutions, is critical to success.

Job creation and balanced economic development will build support for Montenegro's democracy and free market reforms. This is particularly true in the impoverished north, where opposition to Montenegrin independence was largely centered. Ensuring the north a greater economic stake in an independent Montenegro will be critical to long-term stability.

Second, we must work with the Montenegrins to strengthen the rule of law and to fight corruption and organized crime. We have already spent millions of dollars in recent years to strengthen democratic institutions, and we intend to remain engaged in this sector. Although much has been accomplished in terms of democratic development, the judicial sector in particular remains weak and will continue to be a primary focus for our attention.

Finally, it is in our interest to help Montenegro, as a potential future NATO ally, to reform its military and secure its borders. The Montenegrins have expressed their willingness to contribute forces to the war on terror, but require our help in building and transforming their military into a capable force. We are also working with the Montenegrin police to create a more professional and capable force, in order to combat corruption and organized crime and trafficking.

*Question.* Rampant corruption remains a significant obstacle to the consolidation of democracy and the rule of law in Montenegro. How do you think this issue is best addressed?

Answer. The United States has many tools at its disposal—and a great deal of experience in the region—in helping the new democracies of Central and Eastern Europe to combat corruption. If confirmed, my top priority in supporting Montenegrin efforts to fight corruption would be to apply those practices that have been successful elsewhere in ensuring that perpetrators of corrupt practices are investigated, prosecuted, and punished. I am convinced that firm enforcement of the law is the best deterrent against corrupt practices.

Another key strategy in combating corruption in Montenegro is to increase transparency, particularly in how Montenegro's Government, at all levels, takes and implements decisions. We will also encourage efforts to strengthen real checks and balances and to develop further the oversight role of the parliament. By helping develop strong civil society organizations, we can also ensure that they serve as an important check on government and play a key watchdog role. Judicial reform will also be important in the fight against corruption.

Montenegro will have to improve its record of fighting corruption if it is to achieve its goal of membership in Euro-Atlantic institutions such as NATO and the European Union. These, and other organizations, will require concrete progress in this area.

*Question.* Local authorities in Montenegro have been accused of torturing several United States citizens that are currently in custody of the Montenegrin Government. What steps has the embassy taken to investigate these allegations? If confirmed, what steps will you take as ambassador to assure these individuals receive a fair trial?

Answer. I take these allegations very seriously, and, if I am confirmed, protecting the rights of American citizens in this, or any other case, will be a top priority of mine.

In the case in question, the embassy formally requested "a full and impartial investigation" of alleged police abuses by Montenegrin authorities immediately after being authorized to do so by the prisoners. The results of the initial internal police investigation were inconclusive, but a subsequent investigation by the prosecutor's office continues. From the first days of the American citizens' detention, embassy staff have regularly visited the men in jail, and have assisted the detainees and their families who have sought to visit them in every permissible way. During the ongoing trial of the three American citizens, embassy observers have been present in the courtroom whenever the American citizens were being questioned by the presiding judge.

If confirmed, the embassy and I will continue to stay in close contact with representatives of the accused American citizens in order to monitor the trial proceedings. I will also continue to send the message—something our Embassy in Podgorica has consistently done—that we expect our citizens to receive a fair trial.

*Question.* What, in your view, are the most pressing human rights issues in Montenegro? What are the steps you expect to take—if confirmed—to promote human rights and democracy in Montenegro? What do you hope to accomplish through these actions?

Answer. As the State Department has documented in the annual Human Rights Report, the most pressing human rights issues in Montenegro involve the justice system, including occasional abuse of suspects while in police custody, lengthy pre-trial detention and delayed trials, and corruption within the law enforcement agencies and the judiciary.

To address these problems I would, if confirmed, support efforts to make Montenegro's law enforcement institutions more professional and competent; support the work of the independent human rights Ombudsman in Montenegro, and continue to support and strengthen civil society, which serves as an important watchdog over the police and justice system. If confirmed, I will work closely with the OSCE mission in Montenegro, which has programs in these areas that complement our efforts. If confirmed, I will also ensure that the embassy continues advocacy on this issue in public and in private, which has proved effective in drawing attention to deficiencies and encouraging better compliance with international norms.

Although we cannot expect progress in all of these areas overnight, I firmly believe that Montenegro can—with continued United States and European Union assistance—achieve real progress in all of these areas and further the protection of human rights in Montenegro. My hope, if confirmed as ambassador, is to see steady progress in making the police and judiciary more professional and accountable, and much closer to western standards.

If confirmed, I would also focus extensive energy on strengthening relations among Montenegro's rich mix of ethnic and national groups. As a diverse society, Montenegro has the potential to be a positive model for other ethnically-mixed countries in the region.

*Question.* If confirmed, what challenges will you face in Montenegro in advancing human rights and democracy in general?

*Answer.* If confirmed, I expect to face many of the same challenges I faced in some of my previous tours, such as in Belgrade, Zagreb, and Sofia. Promoting human rights and democracy can be a difficult, but enormously rewarding job, and it is one I have relished throughout my Foreign Service career.

If confirmed, my main challenge in promoting human rights and democracy in Montenegro will likely be the fact that truly protecting human rights and promoting democratic development usually requires deep-seated changes in societal attitudes and mindsets. Simply passing legislation—although important—is not enough. Members of the government, parliament, and ordinary citizens must understand and embrace the need to advance and protect human rights and democratic norms.

This is already happening in Montenegro, although more needs to be done. I am heartened that recent polling showed that the most respected public figure in Montenegro is a young woman who is the head of an NGO working to fight corruption. Montenegro has also had a series of elections and votes, including the May 2006 independence referendum, deemed to be free and fair by international and United States Government observers. The Montenegrin people's support for a Euro-Atlantic future for Montenegro is also having a deep impact on Montenegrin society as Montenegrins increasingly embrace our commitment to human rights and democracy.

*Question.* In your new position, what steps will you take to ensure that promotion of human rights objectives will be an integral part of the U.S. Embassy's activities? If confirmed, what steps will you take to ensure that Foreign Service officers who engage in human rights activities are encouraged and professionally rewarded for superior service?

*Answer.* Promotion of human rights objectives is already an integral part of Embassy Podgorica's activities. More importantly, it is a core tenet of U.S. foreign policy and a central pillar of the values our country represents.

If confirmed, I would certainly continue and strengthen this emphasis. After all, we cannot achieve the goal of supporting Montenegrin efforts to create a truly democratic and stable Montenegro without a genuine commitment on their part to human and civil rights. To make sure of this, I will make certain that the promotion of human rights has a central place in our yearly strategic planning process, when the embassy, through its Mission Strategic Plan, lays out its priorities for the coming years. Promotion of human rights and democracy is also the central focus of the embassy's Democracy Commission and is a central focus of our assistance to Montenegro.

In terms of recognizing those Foreign Service officers who engage in the promotion of human rights, I feel strongly that for any Foreign Service officer to be successful, he or she must demonstrate a strong commitment to promoting human rights. This is something I have consistently strived for throughout my career, and if confirmed it is something I pledge to continue to push for as ambassador.

*Question.* What are the most significant actions you have taken in your career to promote human rights and democracy? Why were they important? What was the impact of your actions?

*Answer.* During the course of my career, I have had the opportunity to work extensively on human rights issues in a variety of countries facing significant human rights challenges.

In my most recent post, Belgrade, I led a major effort to ensure that the perpetrators of the 1999 killings of three young American citizens—the Bytyqi brothers—be brought to justice. When I arrived at post in 2004, the Serbian-led investigation had stalled, and no arrests had been made. During the course of the next 3 years, I made dozens of public and private interventions to appeal for justice in the case, raising it to a high-level bilateral issue between our countries. I also worked extensively with the FBI, the Justice Department, and Serbian law enforcement officials to push for an aggressive investigation. Largely as a result of this pressure, six separate Serbian security officials have since been arrested, and one trial is ongoing.

Also in Serbia, I launched a major effort to increase awareness among the Serbian population regarding war crimes committed by Serb forces during the wars of the 1990s. Widespread denial about Serb crimes distorts public attitudes toward important policy issues (e.g., cooperation with the Hague Tribunal; Kosovo; relations with

neighboring states), undercutting our efforts to encourage a more constructive Serbian approach on key matters impeding its fuller integration into the Euro-Atlantic community. I made numerous nationally-covered speeches, some in conjunction with the 10th anniversary of the Srebrenica massacre, that contributed significantly to national debate on this topic. I also coordinated a United States Government effort to produce a nine-part, nationally-televised retrospective on Serb war crimes that attracted millions of viewers.

As chief of the political section in Zagreb, Croatia, I devoted a substantial portion of my time promoting the return of refugees (primarily Serbs) forced from their homes as a result of actions taken by the Tudjman regime. I made dozens of visits to areas formerly occupied by Serbs (e.g., Krajina, Western, and Eastern Slavonia) to push local and national government officials to facilitate the return of refugees. In the embassy, I also played a central role in implementing the Refugee Return Assistance Program, a United States Government-funded project that provided incentives to selected municipalities that proved open to the return of displaced persons. On several occasions, I served as the embassy's chief negotiator in concluding formal agreements with the Croatian Government relating to the return of refugees and displaced persons.

Moreover, as a junior political officer in Bulgaria in 1990, I extensively monitored efforts by communist authorities to establish unfair advantages over the nascent democratic opposition in the run-up to that country's first democratic elections. I also reported on and advocated for the rights of ethnic minorities (Pomaks, Turks, and Roma) to be fully enfranchised and worked extensively with representatives of those minorities on issues related to human rights in Bulgaria's new democracy.

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RESPONSES OF CAMERON MUNTER TO QUESTIONS SUBMITTED  
BY SENATOR JOSEPH R. BIDEN, JR.

*Question.* The President's 2008 Congressional Budget Justification states that "Serbia's stability and reform are fundamental to the success of United States foreign policy in the region." Yet 2008 requested funding for the country has been reduced across the board, and significantly in areas critical to ensuring Serbia's stability and reform (for example "governing justly and democratically" and "civil society"). Can you comment on this? If confirmed, how will you promote democratic reform in the country and what steps will you take to support Serbia's beleaguered civil society?

*Answer.* For strategic and fiscal reasons, overall assistance to Southeastern Europe in 2008 will decline. However, funding for projects in Serbia is still at relatively high levels. Like many other of the "new" democracies in Central and Eastern Europe, as Serbia moves closer to European integration and receives more European Union funding, United States assistance levels will decrease and eventually phase out. Nevertheless, there remain at present many opportunities for U.S. Government programs to promote the rule of law, fight corruption, strengthen institutions, and encourage economic growth, thus keeping Serbia on the path toward Euro-Atlantic integration. If confirmed, I intend to work closely with the United States Congress to ensure that our policy objectives are met and that our assistance is used appropriately to support United States interests in Serbia.

If confirmed, I will reach out to United States-based civil society organizations before I depart for Belgrade, including the National Endowment for Democracy and other groups who have done so much to promote democracy in Serbia. Soon after my arrival in Serbia, I will endeavor to establish quickly a solid and productive working relationship with in-country civil society organizations and to maintain that relationship throughout the duration of my assignment. These NGOs will be key partners of the embassy in a common effort to deepen democratic values not only for those in Serbia, but for all persons throughout the Balkans.

*Question.* The European Union recently reopened SAA talks with Serbia despite the fact that the two most wanted war criminals from the wars of the 1990s, Ratko Mladic and Radovan Karadzic, remain at large. What is your opinion of this decision? Does full cooperation with the ICTY remain a priority of the administration? If confirmed, how will you encourage the serving of justice for those responsible for war crimes while discouraging the further isolation of the country?

*Answer.* Serbia's full compliance with its ICTY obligations remains a key goal of this administration. Until May of this year, the level of cooperation out of Belgrade since early 2005 was unsatisfactory. Since the formation of a new government in mid-May, cooperation appears to be improving. The administration's expectations are that compliance will improve and that the remaining indictees will be arrested

and transferred to The Hague. That means the Serbian Government must do everything practicable to locate, arrest, and transfer fugitive indictees, as well as making witnesses and documentary evidence available to the Tribunal.

While the European Union has restarted SAA talks with Serbia, European Union officials have made it clear that a conclusion of those talks and eventual European Union membership are contingent upon full cooperation with ICTY. The European Union has said that it will not sign the SAA until accused war criminal Ratko Mladic has been arrested and transferred to The Hague. Ultimately, however, this is a decision for the European Union.

The administration also has refined our own approach on how to encourage Serbia to meet its obligations; if confirmed, I will do my part to further this goal.

For example, the administration is currently working toward the establishment of mechanisms through which each of the four remaining ICTY fugitives will face justice regardless of ICTY's impending closure in 2010. This will send a clear signal that fugitives cannot out-wait justice.

The administration is not waiting for the remaining fugitives to turn themselves in. Rather, it is actively encouraging their apprehension. The State Department has recently designated a regional liaison officer to assist with war crimes investigations and prosecutions. If confirmed, I will work to ensure that my embassy leads in this effort. I will stress, both in private and publicly, the importance to our shared future of ensuring that the indicted fugitives face justice.

Cooperation with the Tribunal is the key to Serbia's future integration into the Euro-Atlantic community. The administration wants Serbia to become part of a united Europe, whole, free, and at peace. If confirmed, I will help design our assistance initiatives and outreach with the ultimate goal of Serbia's integration into Euro-Atlantic structures. While many reforms have been successfully implemented, Serbia simply cannot complete the process of integration without fully and openly facing up to its war crimes legacy. In the end, the desire of so many Serbs for Serbia to have a place in Europe, and even NATO, may be the biggest motivator of all.

*Question.* What, in your view, are the most pressing human rights issues in Serbia? What are the steps you expect to take—if confirmed—to promote human rights and democracy in Serbia? What do you hope to accomplish through these actions?

*Answer.* The Serbian Government generally respects the human rights of its citizens; however, there are problems, including widespread corruption, failure to fully cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague, and attacks on religious and ethnic minorities, journalists, and human rights defenders.

The administration is working to ensure that Serbia continues its efforts to commit to international human rights standards, including a fair and efficient judicial process, respect for ethnic and religious minorities, a free, independent, and professional media, and the elimination of trafficking in persons. To this end, if confirmed, I will continue to assist the government in reforming the judiciary and law enforcement through training and technical assistance to help build an institution capable of ensuring a functioning rule of law. The administration will maintain efforts to ensure that all persons displaced as a result of the conflicts in the region—of which Serbia hosts the largest percentage—have a real choice about their future. Since all minorities should be able to live in peace, if confirmed, I will continue efforts toward ethnic reconciliation to help the region move beyond the problems of the past, including working to improve cooperation with ICTY and the capacity for domestic war crimes adjudication. If confirmed, I will continue to encourage the government to address problematic aspects of a law on religion that discriminates against "non-traditional" religious groups, and to pass a law on associations that will comply with international standards regarding regulation of nongovernmental organizations. If confirmed, I will also continue to work with authorities in Serbia to help them more effectively combat trafficking in persons through protection, prevention, and prosecution.

Ultimately, if confirmed, I will work to bring Serbia closer to integration into Euro-Atlantic institutions through United States assistance and continued active engagement on these important human rights concerns.

*Question.* If confirmed, what challenges will you face in Serbia in advancing human rights and democracy in general?

*Answer.* The Balkan region suffered significantly as a result of the events of the 1990s. Ethnic cleansing, armed conflict, the forced displacement of approximately 4 million people, and an internationally isolated criminal regime, left a legacy of loosely controlled borders, corruption, and weak rule of law structures. Today, serious in-



stitutional challenges remain, complicating Serbia's ability to reform the economy, meet the basic needs of its citizens, and combat organized criminal groups.

Reversing the effects of this difficult legacy by helping to establish functioning democratic institutions capable of moving Serbia closer to Europe is the focus of the administration's efforts in Belgrade and throughout the region. While rooting out corruption, fighting crime, and moving beyond the ethnic hatreds of the past are hard work, they are necessary elements of ensuring a stable, democratic, and peaceful Balkan region.

Political will in Serbia is key to advancing human rights and democracy in this country. While there has unquestionably been progress since the fall of Milosevic, there are still noticeable gaps in the government's commitment to protect and advance the rights of all its citizens—not just those of ethnic or religious minorities, but also the rights of those who oppose the government's approach to the question of Kosovo status. The new coalition government formed after January 2007 elections is a democratic one, but as the brief inclusion of radical elements into national-level government by the Prime Minister's party highlighted, the coalition may still be susceptible to pressure from nationalist parties and Milosevic-era rhetoric. The administration will need to push Serbia's leaders and continue to work with democratic parties to stand up against the nationalist agenda and to advance human rights.

This is too important to do alone. If confirmed, I pledge to engage our European partners to join with us to advance our common human rights agenda.

*Question.* In your new position, what steps will you take to ensure that promotion of human rights objectives will be an integral part of the U.S. Embassy's activities? If confirmed, what steps will you take to ensure that Foreign Service officers who engage in human rights activities are encouraged and professionally rewarded for superior service?

*Answer.* The promotion of human rights and democracy is a core objective for our engagement in the Balkans. Like other embassies in the region, the United States diplomatic mission to Serbia has a Foreign Service officer whose portfolio is dedicated to monitoring and reporting on human rights, which includes our Country Report on Human Rights, International Religious Freedom Report, and Trafficking in Persons Report. This officer maintains close contact with human rights organizations in Serbia. If confirmed, I will assure that these duties are highlighted in this individual's performance requirements and ratings.

In addition, if confirmed, I will make clear to my staff that human rights issues are the responsibility of every staff member, regardless of his/her formal work assignment. If confirmed, I will make certain that strong human rights performance is given emphasis in rating performance and in the awarding of special commendations.

If confirmed, I pledge to you that the public stance of the embassy, including my own speeches and those of my colleagues, will highlight human rights issues consistently and clearly.

*Question.* What are the most significant actions you have taken in your career to promote human rights and democracy? Why were they important? What was the impact of your actions?

*Answer.* I have addressed human rights issues—and, I believe, made a difference—through the two decades of my Foreign Service career. Let me provide three examples:

- In 1986–1988 in Warsaw, I served as the embassy's contact for the still-illegal trade union Rural Solidarity. I assisted in its efforts to promote democratic ideals and economic freedom by helping activists with publicity and dissemination of informational materials. By paying close attention to the individuals and to the issues raised by Rural Solidarity, and encouraging the Western press to do the same, I helped protect Rural Solidarity activists from government retribution.
- In 1997–1998, as chief of staff in the NATO Enlargement Ratification Office, I worked closely with many Americans (including the Senate NATO Observer Group) to ensure that aspirants for NATO membership enshrine key elements of human rights practices in legislation as a prerequisite for consideration for accession to the Alliance. Thanks to this effort, Czechs, Poles, and Hungarians have a high standard of law governing anti-Semitism, discrimination against Roma, the heritage of Nazi and Communist dictatorships, and relations with neighbors.
- In 2006, I volunteered to lead the first Provincial Reconstruction Team in Iraq, in Mosul. At that time, Abu Ghraib was shutting down, and Mosul's Baddush

prison became the largest in Iraq. Under my PRT's Rule of Law section, I created a human rights subgroup that had as one of its tasks regular civil-military visits to Baddush, often three to four times per week, to ensure that the abuses associated with Abu Ghraib would not be repeated at Baddush. In this, we were successful.

I am proud of these and other actions I've taken in advancing human rights and democracy, and pledge to continue in a similar direction if confirmed to serve as Ambassador to Serbia.

RESPONSES OF DR. JOHN L. WITHERS II TO QUESTIONS SUBMITTED  
BY SENATOR JOSEPH R. BIDEN, JR.

*Question.* Albania has proved itself a loyal ally of the United States. However, its governments have not always lived up to international standards of democracy. In recent years local watchdog groups have expressed concerns about government encroachment on civil liberties in the fight against corruption. If confirmed, what steps will you take to promote such rights as freedom of speech and freedom of association? How would you react if you believe the Albanian Government is exerting inappropriate pressure on human rights groups and other civic associations?

*Answer.* The United States Embassy maintains a constant and active engagement with human rights groups and civil society organizations in Albania dedicated to promoting freedom of speech and freedom of association. For example, the United States has supported the Citizen's Advocacy Office (CAO), which serves as a corruption watchdog and investigative unit, as well as the Albanian Coalition Against Corruption (ACAC), a civil society umbrella network including more than 160 non-governmental organizations dedicated to democratic freedoms.

The Government of Albania knows that corruption threatens to derail achievement of its foreign policy ambitions, and it is addressing the problem. Albania has made several advances on its democratic agenda this year; however, the country's democratic institutions remain fragile. Media, the judiciary, and civil society are independent of government control, but do not provide effective checks and balances. A pervasive culture of corruption corrodes independent institutions, as well as political entities. Public awareness of the problem is growing, and Albanian citizens are becoming empowered to speak out against corruption. Of course, more progress needs to be made.

Strengthening Albanian citizens' rights to the fundamental freedoms of expression and association is one of the administration's highest bilateral priorities, and figures prominently in our ongoing dialog with top Albanian politicians. If confirmed, I will continue the high-level dialog we are engaged in with the Albanian Government in support of these freedoms. If there is evidence that the Albanian Government is exerting inappropriate pressure on human rights groups and other civic associations I will move quickly to call this to the Albanian Government's attention. If confirmed, I will likewise continue the Mission's support of human rights groups and civil society organizations dedicated to promoting freedom of speech and freedom of association.

*Question.* What, in your view, are the most pressing human rights issues in Albania? What are the steps you expect to take—if confirmed—to promote human rights and democracy in Albania? What do you hope to accomplish through these actions?

*Answer.* Although the Albanian Government generally respects the human rights of its citizens and is dedicated to the promotion of democracy, there remain significant problems in several areas. Albanian arrest and pre-trial detention conditions continue to be concerns, as well as police corruption and impunity. Societal violence and discrimination against women and children are a problem, as is trafficking in persons and discrimination against minority groups. Corruption and a weak rule of law have blocked the prosecution of those who have committed human rights offenses. The United States continues to stress to the Albanian Government that respect for human rights is an integral part of NATO and European Union accession standards, and that Albania must continue to improve its adherence to international human rights, democracy standards, and the rule of law, including the obligation to bring human rights abusers to justice.

If confirmed, I would work to enhance the effectiveness of the criminal justice system to ensure that human rights abuses are not left unpunished. I would use Mission resources to mentor and train prosecutors, facilitate police reform by promoting legislative and policy changes, and boost civil participation by helping Albanian organizations gain more influence in policymaking and implementation. Furthermore, I would work to enhance the professionalism of the media in order to focus public



scrutiny on government practices in the human rights area, fostering transparency and respect for law. Through these actions I would hope to focus both government and public attention on the issue of human rights violations, thereby facilitating change.

*Question.* If confirmed, what challenges will you face in Albania in advancing human rights and democracy in general?

*Answer.* If confirmed, the greatest challenges I would face in advancing human rights and democracy would be corruption, inconsistent prosecution, and a weak rule of law. Corruption among those involved in policing human rights abuses continues to present itself as a major obstacle in the battle against human trafficking, arbitrary arrests, and unlawful prison abuse. Similarly, a weak rule of law presents challenges in combating organized crime, a major driver of trafficking and other unlawful activities that violate human rights. If confirmed, I will continue the practice of my predecessors of raising concerns with senior government officials for the purpose of advancing human rights and democracy in Albania.

*Question.* In your new position, what steps will you take to ensure that promotion of human rights objectives will be an integral part of the U.S. Embassy's activities? If confirmed, what steps will you take to ensure that Foreign Service officers who engage in human rights activities are encouraged and professionally rewarded for superior service?

*Answer.* Promoting human rights is central to our overarching objective in Albania, which is to assist Albania in its mission to become a modern, democratic nation fully accepted by and integrated into Euro-Atlantic institutions. If confirmed, I would work to ensure that the promotion of human rights objectives will be an integral part of the U.S. Embassy's activities by making it clear that the human rights, including women's rights, religious rights and minority rights have a major place in the Mission's agenda. If confirmed, I will encourage officers to focus on these issues in both their official and unofficial interactions with Albanians and ensure that these topics are a key element of discussion and reporting. I will also encourage officers to travel throughout Albania to collect information on human rights abuses, as well as monitor progress in this area. If confirmed, I will acknowledge, advance, and give full consideration to Foreign Service officers who show energy and creativity in promoting U.S. human rights objectives.

*Question.* What are the most significant actions you have taken in your career to promote human rights and democracy? Why were they important? What was the impact of your actions?

*Answer.* As a political officer in Nigeria (1988–1990), I was deeply engaged in the processes that led that country to democracy after a decade of military rule, including serving as the embassy's point person in working with human rights organizations and fledgling political parties, and in reporting on Nigeria's Constituent Assembly as it drafted the new constitution. My assignment to Moscow in August 1991 coincided with an historic moment: the collapse of the communist system, followed by the dissolution of the Soviet empire and the emergence of democratic Russia. I worked closely with Russia's emerging political parties and pro-democracy support groups such as NDI and IRI, and monitored reform efforts in city governments throughout Russia and in the Congress of People's Deputies. My focus as the Director of the State Department's Office of North Central European Affairs (which was responsible for the new democracies of Poland, Hungary, the Czech Republic, Romania, Slovenia, and Slovakia) was on the issues of political pluralism, economic restructuring, social integration, and commitment to individual liberties crucial to any nation intent on shedding its authoritarian past.

Perhaps my most important achievements occurred in Latvia, where I served as Deputy Chief of Mission from 1997 to 2000. It was a country striving both to rejoin the international community through membership in such institutions as NATO and the European Union, and to cope with two crippling historical legacies: a massive, stateless Russian-speaking minority and the Holocaust. I played a central role in the embassy's efforts to encourage Latvian social integration, including urging the Latvians to meet international standards on citizenship, education, and language protections for minorities. In addition, I took the lead on embassy initiatives on anti-Semitism, Jewish property restitution, and the formation of an international Historical Commission to examine Latvia's role in the Holocaust. My work in coordinating a joint effort by the Department of Justice's Office of Special Investigation, the Latvian Prosecutor General, foreign diplomatic missions, and international legal experts to extradite an accused Latvian war criminal from Australia earned me a commendation from the United States Attorney General.

RESPONSES OF DR. JOHN L. WITHERS II TO QUESTIONS SUBMITTED  
BY SENATOR CHRISTOPHER J. DODD

*Question.* Have you read the cable ref: 04 STATE 258893—Peace Corps—State Department Relations?

Answer. Yes, I have read the cable.

*Question.* Do you understand and agree to abide by the principles set forth in this cable?

Answer. I do understand and agree to abide by the principles set forth in the cable.

*Question.* Specifically, do you understand and accept that "the Peace Corps must remain substantially separate from the day-to-day conduct and concerns of our foreign policy" and that "the Peace Corps's role and its need for separation from the day-to-day activities of the mission are not comparable to those of other U.S. government agencies"?

Answer. I understand and accept these important principles, which govern the relationship between U.S. missions and the Peace Corps.

*Question.* Do you pledge, as Secretary Rice requests in 3.B of the cable, to exercise your Chief of Mission "authorities so as to provide the Peace Corps with as much autonomy and flexibility in its day-to-day operations as possible, so long as this does not conflict with U.S. objectives and policies"?

Answer. I pledge to exercise my authorities as Chief of Mission according to this guideline laid out by Secretary Rice as Departmental policy.