

A modest advance took place in the late 1960's with the adoption of Resolution 1503, which provided authority for the first time to investigate complaints of "a consistent pattern of gross violations of internationally recognized human rights." Gradually the Commission lost its inhibition against scrutinizing and criticizing individual countries.

Still later, the Commission began to establish "rapporteurs" or expert investigators to examine complaints in individual countries and in human rights areas such as summary executions, religious intolerance, freedom of expression, and violence against women.

After many years of frustrating debate, a UN High Commissioner for Human Rights was finally established in 1994, with the authority to conduct investigations and bring reports of human rights abuses to the attention of UN bodies. The High Commissioner is assisted in this work by a small UN Center for Human Rights in Geneva, which also provides advisory services to governments on how to implement the growing body of human rights standards.

The collapse of Communism removed a core group of UN members who could be counted on to oppose all efforts to apply human rights standards to individual countries in an objective and principled way. Nevertheless there are still countries that claim that many "Western" concepts of human rights are not appropriate for non-Western societies.

It is significant that this claim was resoundingly rejected at the World Conference on Human Rights in Vienna in 1993, which reaffirmed that human rights are "universal" and must be protected by all governments "regardless of their political, economic and cultural systems."

As the massive "ethnic cleansing" in Bosnia and the genocide in Rwanda have reminded us, the UN still lacks any way of preventing large-scale violations of human rights or even of investigating them adequately as they occur. It will continue to lack this capability until UN members agree to provide it with the necessary legal authority and financial resources.

In the meantime, we can at least take satisfaction at the creation of the War Crimes Tribunals for Yugoslavia and Rwanda that are investigating gross violations of international humanitarian law after the fact. It remains to be seen, of course, whether the principal perpetrators of these crimes will ever be brought before these tribunals for trial and punishment.

It is perhaps to be expected that a universal body composed of governments could be only partially successful in implementing the human rights vision of Franklin and Eleanor Roosevelt. Governments are the problem, and their commitment to human rights varies enormously in different parts of the world. Fortunately, we can also pursue human rights progress through regional instruments (such as the European Court of Human Rights and the Organization for Security and Cooperation in Europe) and through the growing body of non-governmental organizations (such as Freedom House, Amnesty International and Human Rights Watch) that are making their influence increasingly felt at both the international and the country level.

CONCLUSIONS

Let me suggest three conclusions from this undoubtedly imperfect effort to examine FDR's concept of world order and the extent to which it has been realized today.

First, it is clear that the institutions of global cooperation that we work with today were shaped more by Franklin Roosevelt than by any other individual. Indeed, it is obvious that without Roosevelt we would

have no United Nations, no International Monetary Fund and World Bank, no WTO or GATT, and no treaties embodying minimum standards of human rights or procedures, however weak and tentative, to implement them. We all know what these international institutions have failed to achieve, but how much more dangerous, disagreeable and hopeless our world would be without them!

Second, I suggest that Roosevelt's basic philosophy of practical internationalism can still be a guide for mankind today, and nowhere more importantly than in the United States.

It is the policy of the Clinton Administration to strengthen international institutions for cooperative action in peace and security, trade and development and human rights, and to make use of these institutions whenever possible. This does not mean, in today's imperfect world, that the United States will never act except through international organizations. Our approach, as President Clinton put it in his 1992 election campaign, must rather be, "with others when we can, by ourselves when we must." It is a practical approach that FDR, that idealist without illusions, would surely have understood.

But there are some in our country who do not believe in this kind of practical internationalism. They think that with the Cold War behind us there is no need to dedicate significant attention or resources to international affairs. And there are others who see the UN and other international organizations as a threat to American sovereignty and advocate unilateral action not as a last but as a first resort.

FDR knew better. He saw as far back as 1941 that the United States could not pursue its vital interests or realize its highest values through isolation or a policy of acting alone. Isolationism and unilateralism, he knew, would not be sufficient to protect our fundamental interests—not in keeping the peace, not in controlling dangerous weapons, not in furthering currency stability or open markets, not in promoting fundamental human rights.

Were he alive today, I am confident he would tell us that isolationism and unilateralism would not enable us to cope with the new challenges that have emerged since FDR's time—the destruction of the global environment, population growth and migration, international drug trafficking, international crime, and international terrorism.

Third, I believe this idealist without illusions, this man whose spirit overcame the handicap of a devastating paralysis, would ask us not to abandon hope in the face of our current disappointments, nor seek refuge from our frustrations in a cynical passivity, but to meet our daunting challenges through creative and cooperative action.

As he himself put it in the speech he was preparing at the time of his death: "The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith."

The best way we can honor his memory is to work together with that "strong and active faith" to strengthen the institutions of a better world order which he has bequeathed to us.

OMNIBUS APPROPRIATIONS BILL

• Mr. ABRAHAM. There is a section in H.R. 4278, the omnibus appropriations bill regarding which I am wondering if I could seek some clarification from the distinguished chairman of the Commerce, Justice, State, and Judiciary Subcommittee of the Appropriations

Committee. My inquiry is directed to section 306 of the Commerce, Justice, State, Judiciary Title. That provision prohibits the use of any funds appropriated in fiscal 1996, fiscal 1997, or thereafter for costs related to the appointment of special masters in prison conditions cases prior to April 26, 1996. That was the date when the Prison Litigation Reform Act, which required that such expenses be paid from funds appropriated for the Judiciary, was signed into law.

First, I was wondering if section 306 is intended to operate as an exception to the requirement of the PLRA that expenses, costs, and compensation for special masters be paid by the courts.

Mr. GREGG. No, it is certainly within the discretion of the courts whether they see a need for a special master and wish to assume the responsibility for such payments.

Mr. ABRAHAM. From the Senator's response, I surmise that it was not his intention in the omnibus appropriation bill to allow the courts, contrary to 18 U.S.C. 3626(f)(4) as amended by the PLRA, to impose costs, expenses or compensation amounts for special masters appointed prior to April 26, 1996 on the parties to the litigation?

Mr. GREGG. No, we did not intend to override any portion of the PLRA or impose such costs on anybody else.

Mr. ABRAHAM. Finally, is it envisioned under the omnibus appropriation bill that special masters originally appointed before and subsequently reappointed after April 26, 1996 would be treated in the same fashion as those appointed after that date?

Mr. GREGG. That is correct.

Mr. ABRAHAM. Thus if a court wants to retain a special master appointed before that date and pay that individual, all it need do is reappoint that person consistent with the PLRA.

Mr. GREGG. Yes, it is my understanding that the interpretation of my colleague from Michigan of the PLRA is consistent with the omnibus appropriation bill. •

SECTION 1102 OF THE COAST GUARD AUTHORIZATION ACT OF 1996

Mr. STEVENS. As chairman of the Senate Oceans and Fisheries Subcommittee, I wish to comment on section 1102 of S. 1004, my bill to reauthorize the U.S. Coast Guard which was recently passed by both the House and Senate.

Section 1102 provides funding for the Prince William Sound Oil Spill Recovery Institute [OSRI] located in Cordova, AK. The OSRI was created under section 5001 of the Oil Pollution Act of 1990 [OPA '90] to identify the best available techniques, equipment, and material for dealing with Arctic and Subarctic oil spills and to assess the effects of the Exxon Valdez spill on Prince William Sound's natural resources and on the environment, economy, and lifestyle of its residents.