

# **THE FEDERALIST SOCIETY**

*Presents the*

## **2003 NATIONAL LAWYERS CONVENTION**

**ADDRESS BY**

**PAULA DOBRIANSKY**

**Under Secretary for Global Affairs,**

**U.S. Department of State**

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1                   **FEDERALIST SOCIETY**

2                   **Address by Paula Dobriansky**

3                   MR. BAKER: I'm Stewart Baker. It's  
4                   really a great pleasure to introduce Paula  
5                   Dobriansky. She is the Under Secretary for Global  
6                   Affairs at the State Department. She's been a  
7                   scholar and a spokesman on international affairs  
8                   for many years here in Washington at the Council of  
9                   Foreign Relations as a Human Rights Deputy  
10                  Assistant Secretary.

11                  I have to say that the achievement that I  
12                  personally most admire her for was for handling --  
13                  when she had just come into the office -- the World  
14                  Summit on Sustainable Development. Now, the World  
15                  Summit was one of those grand gatherings of nations  
16                  and NGOs that we've seen so much of in the last 20  
17                  years, which are mainly convened to determine that  
18                  the United States is the source of most of the ills  
19                  of the world and to so resolve and go home. And we  
20                  had gotten used to being beaten up badly in these  
21                  international conventions.

22                  Paula came in and said, "You know, we

1 | don't always have to lose." She worked very hard  
2 | on that sustainable development conference. And I  
3 | just want to read to you from the *Washington Post's*  
4 | summary of the results of World Summit. "With the  
5 | Summit drawing to a close today, Brandon McGillis  
6 | began taking stock of how well the environmental  
7 | groups had fared. 'If you were taking score,' said  
8 | the spokesman for the National Environmental Trust,  
9 | 'you would have to say the U.S. got just about  
10 | everything they wanted. The environmental lobby is  
11 | extremely disappointed. The Bush Administration  
12 | won this ballgame 44-0.' His assessment of the  
13 | ten-day conference typified the mixture of dismay  
14 | and awe with which many environmentalists, relief  
15 | organizations, and foreign diplomats view the  
16 | U.S.'s ability to prevail upon negotiators from  
17 | more than 170 countries at the conference."

18 | So, with considerable awe and not a bit  
19 | of dismay, I give you Paula Dobriansky.

20 | UNDERSECRETARY DOBRIANSKY: Thank you,  
21 | Stewart, for that very kind introduction. It's an  
22 | honor to be here today. I want especially to pay

1 tribute to the Federalist Society and the ideas for  
2 which you stand. In the 21 years since the Society  
3 was founded, you have fought for the principle that  
4 the Constitution actually means what it says and  
5 what its framers intended, that laws should be  
6 written by Congress and state legislatures rather  
7 than judges, and that the state exists first and  
8 foremost to preserve freedom. I commend you for  
9 your efforts over the years and for holding this  
10 Convention on the important topic of U.S. national  
11 sovereignty and the way it is affected by our  
12 interaction with the world.

13 Our sovereignty is the basis of our  
14 freedom, and it is commendable that organizations  
15 like the Federalist Society stand ready to defend  
16 this pillar of our republic. As George Washington  
17 wrote to Alexander Hamilton, "If we are told by a  
18 foreign power what we shall do and what we shall  
19 not do, we have independence yet to seek and have  
20 contended hitherto for very little."

21 The United States is engaged in the world  
22 now more than ever before in our history, and we

1 must be mindful that our sovereignty rests always  
2 with the American people and never with a foreign  
3 government or international organization. As we  
4 have done at pivotal times throughout our history,  
5 over the last few years, the United States has been  
6 taking stock of the role that we play in the world.  
7 Similar periods of adjustment took place after the  
8 First and Second World Wars, and the current effort  
9 stems from the advent of the War on Terror, as well  
10 as other historical changes since the end of the  
11 Cold War, such as the dawn of the information age  
12 and globalization.

13 Part of this introspection also involves  
14 an evaluation of some of the tools that we use to  
15 conduct our foreign relations, such as  
16 international treaties and agreements, as well as  
17 membership in international organizations. At  
18 times, these activities may require the United  
19 States to collaborate with multilateral  
20 organizations and even be bound by decisions made  
21 by others. This understandably gives rise to the  
22 concern that America's sovereignty is being

1 | undermined and that foreign interests that do not  
2 | necessarily share our values will gain influence  
3 | and power over us. My view is that this challenge  
4 | can be managed. We can fully participate in the  
5 | globalizing world and enter into treaties and  
6 | international organizations while still preserving  
7 | our traditional sovereignty. The key to this is a  
8 | foreign policy focused on promoting our national  
9 | interests and joining international efforts when  
10 | there is a clear, well thought out reason to do so.

11 |                  The trend driving many of the changes  
12 | with which we are grappling is globalization. The  
13 | term is often used, but I believe it can be  
14 | generally defined as the increasingly free flow of  
15 | ideas, information, goods, capital, and people  
16 | across borders and around the globe. Overall, this  
17 | is a positive development. It entails more freedom  
18 | and opportunity for people in every country.  
19 | Nations have economic strengths and weaknesses, and  
20 | globalization allows them to focus more on what  
21 | they do best. As globalization progresses,  
22 | countries become more interdependent and must work

1 | together on issues that might have been previously  
2 | been viewed as domestic in nature. This is,  
3 | partly, why the position of the Undersecretary of  
4 | State for Global Affairs was created: to handle our  
5 | foreign relations to the extent they transcend  
6 | borders and traditional bilateral relationships,  
7 | which is increasingly common.

8 |           My office deals directly with many of the  
9 | issues related to globalization. They range from  
10 | migration, refugees, narcotics trafficking, human  
11 | rights, Democracy, health, the environment, and  
12 | trafficking in persons, among other issues. It is  
13 | important to realize that there is not a spectrum  
14 | with globalization on one end and national  
15 | sovereignty on the other. Reaping the benefits of  
16 | globalization does not necessarily mean countries  
17 | must lose the ability to determine their own  
18 | destinies. From the point of view of the nation-  
19 | state, globalization means that countries compete  
20 | more and that capital and people can vote with  
21 | their feet and cross borders to find the most  
22 | suitable locale. It does not mean the end of the

1 nation-state or replacement of sovereign national  
2 governments.

3 Conversely, resistance to globalization  
4 does not translate into a surefire method of  
5 preserving a sovereign and independent nation-  
6 state. In fact, the opposite is often true. If  
7 you identify the parts of the world where  
8 governments are actively resisting the forces of  
9 globalization and compare that to where military  
10 coalitions and peacekeepers have been engaged in  
11 the past 15 years, you will find a surprisingly  
12 strong correlation. Participating in  
13 globalization, by definition, entails a degree of  
14 freedom, government transparency, and rule of law.  
15 Since those are typical prerequisites to trade and  
16 lawful profit making. Countries that resist this  
17 can boast that they have a pure form of national  
18 sovereignty and do not have to countenance the  
19 advice of foreigners. But in reality, they do not  
20 have true sovereignty, which is to say they are not  
21 autonomous, nor do they have complete and credible  
22 control over their destinies. Take, for example,

1 the situation on the Korean peninsula. There, you  
2 have one country, South Korea, which is one of the  
3 world's greatest export-based and high-tech  
4 economies, and at once both embodies the  
5 information age and globalization. Then, there is  
6 North Korea, one of the world's most closed and  
7 repressive nations that has elected, through its  
8 conduct, to be completely estranged from the  
9 international community. Which one of these  
10 nations has more real sovereignty? Which one has  
11 in place a polity that can identify and defend the  
12 interests of its people and see that they are  
13 addressed without foreign assistance or  
14 involvement?

15                   What you have is the case where, in one  
16 nation, the people are sovereign, and in the other,  
17 their rightful sovereignty has been usurped by an  
18 unelected government. One is free and democratic  
19 and the other is not. It is the policy of the Bush  
20 Administration to promote democracy around the  
21 world, and in doing so, we are actually empowering  
22 the nation-state. We are helping free and

1 | democratic nations to secure for themselves the  
2 | tools to effectively govern. This is what I mean  
3 | by real sovereignty. It is where the people  
4 | themselves are sovereign, as they are in the United  
5 | States and as they ought to be everywhere.

6 |                  In a speech last week, at the 20th  
7 | Anniversary for the National Endowment for  
8 | Democracy, President Bush touched on this very  
9 | issue. He said, "Historians in the future will  
10 | reflect on an extraordinary, undeniable fact. Over  
11 | time, free nations grow stronger and dictatorships  
12 | grow weaker." The promotion of democracy is a  
13 | major component of the Bush Administration's  
14 | foreign policy, one we enshrined in our national  
15 | security strategy last year. That document plainly  
16 | states, "America must stand firmly for the non-  
17 | negotiable demands of human dignity, the rule of  
18 | law, limits on the absolute power of the state,  
19 | free speech, freedom of worship, equal justice,  
20 | respect for women, religious and ethnic tolerance,  
21 | and respect for private property." Our foreign  
22 | policy defends U.S. interests and bolsters the

1 nation-state as a sovereign entity.

2           This Administration has joined other free  
3 democratic countries in forming what is known as  
4 the Community of Democracies. The Community is a  
5 group of nations at different stages of development  
6 with different cultures that recognize democracy as  
7 the best form of government, to provide for the  
8 needs of its citizens, to foster economic growth,  
9 and establish domestic stability. The Community  
10 brings democracies together to address emerging  
11 threats, identify and exchange best practices, and  
12 undertake initiatives to bolster representative  
13 government. It is a simple and effective tool to  
14 achieve our goal of promoting democracy, and it  
15 does not diminish American sovereignty in any way.

16           When it comes to international  
17 organizations where the United States is already a  
18 member, we seek to make these entities as efficient  
19 as possible. That is one reason we are working  
20 with other countries to create democracy caucus in  
21 the United Nations. The objective of the Community  
22 of Democracies is not simply to convene meetings

1 but to increase the coordination among democracies  
2 to help advance democratic principles. The United  
3 Nations is a natural forum for those principles to  
4 be reaffirmed. A democracy caucus will both  
5 strengthen the United Nations and bolster the  
6 common bonds and values which tie democracies  
7 together.

8                 In his National Endowment for Democracy  
9 speech on freedom and democracy, President Bush  
10 also noted that, "In the early 1970s, there were  
11 about 40 democracies. As the 20th Century ended,  
12 there were around 120 democracies around the world,  
13 and I can assure you that more are on the way."  
14 Democracy has been on the march and we intend to  
15 continue this trend. By doing so, we are helping  
16 people around the world to achieve the freedom that  
17 is their birthright, but we are also securing our  
18 own interests, which buttresses our sovereignty and  
19 that of other free and peaceful nations.

20                 Another way in which this Administration  
21 is defending American sovereignty is by making sure  
22 that when we do sign treaties or join international

1 bodies, we do so for good reasons that clearly  
2 serve our international interests. We do not sign  
3 treaties simply because they happen to be in vogue.  
4 We seek efficient and effective solutions to the  
5 problems we confront, and we will not accede to  
6 initiatives that are contrary to our interests and  
7 that harm our sovereignty.

8 This approach is embodied in our policy  
9 regarding the challenge of global climate change  
10 and our rejection of the Kyoto Protocol. There are  
11 many flaws to Kyoto, but one of the more troubling  
12 is that parties that have no real obligations under  
13 the treaty would be allowed to participate in the  
14 enforcement mechanism. This is quite unusual for a  
15 treaty and clearly has troubling ramifications as a  
16 precedent for future agreements, even in other  
17 areas.

18 The Protocol would also have taken a  
19 severe economic toll on America, and its timelines  
20 and emission caps are arbitrary, not based on  
21 science. Kyoto is furthermore flawed in that it  
22 excludes major parts of the world and would be

1   ineffective in achieving its stated goal. Excluded  
2   from the obligations of Kyoto are all developing  
3   nations, including China and India. Both of these  
4   nations are expected to undergo rapid  
5   industrialization and they will eventually be the  
6   largest emitters of greenhouse gasses. A treaty  
7   that purports to address the challenge of global  
8   climate change, yet exclude these nations, cannot  
9   be effective.

10           Rather than accept this treaty, which  
11   would have diminished our sovereignty and inflicted  
12   harm on the United States while failing to achieve  
13   its goal, we have taken a different approach. We  
14   have focused, first and foremost, on improved  
15   scientific research and expended considerable  
16   resources for research and development of new  
17   technologies that offer the promise of providing  
18   cheap and clean energy for the world's growing  
19   needs. This embodies our approach to other  
20   international agreements and organizations as well.  
21   We have actively engaged the world on any number of  
22   issues and have no compunction about accepting

1 international obligations. However, we will only  
2 do so when it clearly serves the interests of the  
3 United States and when there is a reasonable  
4 expectation that the initiative is effective and  
5 efficient. We do this because we value America's  
6 sovereignty, just as we value our security.

7 Globalization is changing the ways  
8 nations interact with each other. Before long, it  
9 will be clear that America's role in the world has  
10 evolved, just as it has throughout other periods of  
11 major historical change. If managed properly,  
12 globalization offers the promise of great benefits  
13 for nations around the world, including the United  
14 States. The movement encompasses many good trends,  
15 such as freer trade, the proliferation of  
16 democracy, and the international flow of ideas,  
17 capital, and people. However, it will create a  
18 world that is more interdependent and where nations  
19 must collaborate more closely with each other. In  
20 our interactions with other nations and  
21 multilateral bodies, it is necessary that America's  
22 independence be kept in mind. Our conduct in

1 | foreign policy must never be cavalier, and we must  
2 | ensure that actions we take serve our national  
3 | interests and preserve our sovereignty.

4 |                   MR. BAKER: Thank you. I'm delighted to  
5 | have been here this afternoon and really appreciate  
6 | the invitation.

7 |                   MS. DOBRIANSKY: Thank you. My apologies  
8 | for having to leave. As I mentioned to Stewart, we  
9 | have a delegation, and I appreciate having the  
10 | invitation and to share my thoughts with you.

11 |                   (End of address.)