
TABLE OF CONTENTS

The Evolving Architecture of International Law

DAVID TOLBERT

The International Criminal Tribunal for the Former

Yugoslavia: Unforeseen Successes and Foreseeable Shortcomings7

The Hague Tribunal has risen to new prominence since the arrest of Slobodan Milosevic, yet many Balkan crimes go unpunished because the court has failed to influence the judicial systems of the region.

KINGSLEY CHIEDU MOGHALU

Image and Reality of War Crimes Justice:

External Perceptions of the International

Criminal Tribunal for Rwanda21

The International Criminal Tribunal for Rwanda has pioneered international criminal jurisprudence, convicting a head of state for genocide for the first time and establishing that rape can constitute a war crime. Why do so few seem to care?

MARK GIBNEY

On the Need for an International Civil Court47

The lesson from state practice in international human rights law is clear: individuals need the means to enforce and protect their own rights. The answer is an international civil court.

ABBOTT B. LIPSKY, JR.

The Global Antitrust Explosion:

Safeguarding Trade and Commerce or Runaway Regulation?59

The eruption of antitrust law worldwide has imposed order-of-magnitude increases in the cost, uncertainty, and complexity of legal compliance. If allowed to continue unchecked, a tidal wave of antitrust constraints will swamp businesses.

A New Era of Development?

IQBAL Z. QUADIR

The Bottleneck is at the Top of the Bottle69

Can information and communications technologies force governments to become more accountable to citizens' broader priorities? Yes, they can—and they can transform a nation's political and economic landscape in the process.

MICHAEL FAIRBANKS

Prosperity is a Nation's Choice:

Seven Things the Government and Private Sector Can Do91

Governments and the private sector in developing countries must work together to develop a competitive environment which builds trust, justice, and human capital. Fairbanks charts the way ahead.

SUSAN K. MCCARTHY

The State, Minorities, and Dilemmas of

Development in Contemporary China107

While the Chinese government's human rights practices certainly deserve criticism, the contemporary Chinese leadership has demonstrated tolerance, and even active support, for the reestablishment and resurgence of many minority cultural practices and institutions.

JESSE PARKER

The Lotus Files: The Emergence of

Technology Entrepreneurship in China and India119

Technology entrepreneurship in the world's two most populous countries is just emerging, but both nations will soon develop into global technology competitors. The Indian and Chinese Diasporas will act as the catalysts behind this development.

The Durban Racism Conference Revisited

GAY MCDUGALL

The World Conference against Racism: Through a Wider Lens135

The World Conference against Racism (WCAR) last September broke new ground in confronting racism worldwide, writes the Executive Director of the International Human Rights Law Group. In response to a piece by U.S. Congressman Tom Lantos in the previous issue of *The Fletcher Forum*, McDougall argues that there was much more to the WCAR than Congressman Lantos noted.

JERRY V. LEAPHART

The World Conference against Racism: What Was Really Achieved153

The WCAR process was far more successful and important than most critics realize, writes a civil rights lawyer who attended the events.

Romania Rising

JIM ROSAPEPE

Romania: Don't Bet Against It159

How is Romania doing? Better than you have heard, writes the former U.S. ambassador to the country. It is a message that European and American policy makers should consider as NATO and the European Union gear up for new rounds of expansion.

ZIAD ALAHDAD

Romanian Economic Reform: Sustaining the Momentum171

Romania is showing promising signs of breaking away from its legacy of erratic economic management during the 1990s, writes the head of the World Bank office in Romania.

Issues and Policy

VLADIMIR VEDRASHKO

Civil Society in Russia:

Bearing the Unbearable in the Name of the State.....177

The Russian government was suspiciously incapable of acting against the terrorists who carried out a series of bombings in the country in September 1999. Just as disturbing is the fact that Russian society does not seem to care.

JENNIFER WOOLMAN

Czech Banking in the 1990s: What Went Wrong?189

Structural weaknesses plagued the Czech economy and banking system in the mid-1990s, leading to an economic and political crisis in 1997. Woolman outlines the architecture of flawed post-communist reforms and the Czech Republic's efforts to reform the system once again.

ANDREW BRENGLE

Proving the Value of Environmental Management Systems205

Environmental management systems are a powerful way to mainstream environmental thinking in corporate decision-making.

DUANE RUTH-HEFFELBOWER

Indonesia: Out of One, Many?223

The inexorable movement toward democracy in Indonesia is threatening the country's territorial integrity. As people become less willing to follow central government orders in the post-Soeharto era, the desire to escape government interference grows.

KENNETH B. MOSS

Information Warfare and War Powers:

Keeping the Constitutional Balance239

Continued advances in technology and a corresponding capacity for information warfare have raised serious questions regarding the U.S. Constitution. Congress must address these issues to maintain the governmental balance of power embodied in the War Powers Act.

Books
Soldiers and Civilians:

The Civil-Military Gap and American National Security247

By Peter D. Feaver and Richard H. Kohn, eds.

Reviewed by Jon J. Rosenwasser

What Went Wrong?

Western Impact and Middle Eastern Response.....251

By Bernard Lewis

Reviewed by Andrew C. Hess

The Price of Terror: One Bomb. One Plane. 270 Lives.

The History-Making Struggle for Justice after Pan Am 103.....255

By Allan Gerson and Jerry Adler

Reviewed by Alfred P. Rubin

War in a Time of Peace: Bush, Clinton, and the Generals261

By David Halberstam

Reviewed by David G. Delaney

Books in Brief.....265

Reviews of Joseph Nye, Mary Olcott, Elizabeth Mishnik, and Brian Lepard.

The Fletcher Forum of World Affairs aims to provide a broad, interdisciplinary platform for ideas and opinions in international affairs. While we do not expect readers to agree with all of the opinions expressed in these pages, we do hope that readers value the publication of divergent and often conflicting viewpoints. This diversity stands behind the very definition of a "forum"—i.e., a public meeting place for open discussion. While the editorial board is responsible for the selection of articles, the opinions expressed here are solely those of the authors and do not reflect in any way the opinions of The Fletcher Forum or The Fletcher School of Law and Diplomacy.

CORRECTION

Due to an editing error, page 36 of "The Durban Debacle" by Tom Lantos in the Winter/Spring 2002 (Vol. 26.1) issue contains an incorrect reference to the final Declaration and Programme of Action agreed to by the delegates at the Tehran Preparatory Conference for the World Conference Against Racism. The quotes in the first paragraph which accuse Israel of ethnic cleansing and apartheid and which refer to Zionism as racist were included in a draft text presented at the Tehran conference, not the final Tehran documents. The Fletcher Forum apologizes for the error.

