

NATIONAL PRESS CLUB LUNCHEON WITH JONATHAN FANTON, PRESIDENT,
MACARTHUR
FOUNDATION

TOPIC: THE CASE FOR AN INTERNATIONAL JUSTICE SYSTEM

MODERATOR: JERRY ZREMSKI, PRESIDENT OF THE NATIONAL PRESS CLUB

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MR. ZREMSKI: Good afternoon, and welcome to the National Press
Club. My name is Jerry Zremski, and I'm the Washington bureau chief
for the Buffalo News and president of the National Press Club.

I'd like to welcome club members and their guests in the audience
today, along with the audience that's watching us on C-SPAN.

We're looking forward to today's speech, and afterwards I'll ask
as many questions as time permits.

Please hold your applause during the speech so that I have enough
time to ask plenty of questions, and for our broadcast audience, I'd
like to explain that if you hear applause during the speech, it may be
from the guests and members of the general public who are attending
today's speech and not from the working press. (Laughter.)

I would like now to introduce our head table guests, and ask them
to stand briefly when their names are called. Please hold your
applause until all of the head table guests are introduced.

From your right, Bill Neikirk of the Chicago Tribune; Gloria Minott from WPFW Radio; Mary Woolley, president of Research America; Patrice (sic/Patricia) Hill of The Washington Times; Barbara Reynolds of the Reynolds News Agency and a member of the Speaker's Committee here at the National Press Club; Caroline Preston, staff writer for the Chronicle of Philanthropy. Skipping over the podium, Angela Greiling Keane of Bloomberg News and the chair of our Speaker's Committee here at the Press Club. Skipping over our speaker for just one moment, Ira Allen, independent health writer and the Speaker's Committee member who organized today's event; Pablo Sanchez Obando (sp), producer for Univision; Rob Doherty, Washington bureau chief of Reuters; Lucy Morion (sp), Washington director of Reporters Without Borders; and John Barton (sp), who's retired from the U.S. Information Agency. (Applause.)

It doesn't take a genius to figure out why we're happy to welcome today's guest to our podium. Jonathan Fanton is president of the J.D. and Catherine T. MacArthur Foundation, which is internationally known for its genius grants, which recognize the unsung stars of the creative and academic worlds. But beyond that, the foundation is one of America's largest. With assets of more than \$6.4 billion, the foundation makes grants and program-related investments in the United States and abroad totaling more than \$260 million a year.

Domestically, the foundation's programs encompass community development, housing, juvenile justice and education with a focus on digital media and learning. Internationally, the MacArthur Foundation works in the field of human rights and international justice, biodiversity conservation, population and reproductive health, international peace and security and migration and human mobility. The foundation works in 65 countries and has offices in India, Russia, Nigeria and Mexico.

Today, Dr. Fanton, who recently returned from visits to Russia and Nigeria, will emphasize the foundations concerned about human rights and international justice. His personal interest in human rights stems from long time family involvement in justice issues, sparked by his father, who was on the team that prosecuted Nazi military leaders tried for war crimes at a military tribunal located at Dachau.

Before becoming president of the foundation in 1999, Dr. Fanton had been president of the New School for Social Research in New York City for 17 years.

A historian by trade, Dr. Fanton taught American history at Yale, his alma mater, and then served as special assistant to President Kingman Brewster and associate provost. Later, he was vice president for planning at the University of Chicago, where he also taught American history.

Dr. Fanton is a board member of Human Rights Watch, the largest U.S.-based human rights organization, which operates in 70 countries. He served as chair of its board for six years, stepping down at the end of 2003. He is also an advisory trustee of the Rockefeller Brothers Fund, a member of the Board of Trustees in the Chicago

History Museum and the founding board chair of Security Council Report.

So it sounds to me like Dr. Fanton is a pretty smart guy, even if he probably doesn't qualify for a genius grant. (Laughter.)

Ladies and gentlemen, please join me in welcoming Dr. Jonathan Fanton to the National Press Club. (Applause.)

MR. FANTON: Thank you, Jerry, for that kind and honest -- (laughter) -- introduction. And thanks, it's certainly true, I wouldn't -- I couldn't win a genius award. And thanks to the club for inviting me to be here. It's a great honor. And to this audience filled with people I know and admire, thank you all for coming.

Fifty-nine years ago today, with the enormity of the Holocaust haunting the world's collective conscience, the United Nations adopted the Universal Declaration of Human Rights. It stated that recognition of the inherent dignity and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Now, that was the first really global proclamation of human rights, and it's an occasion that we honor every year on International Human Rights Day, December 10th, today.

The declaration was one of several steps taken to establish a new standard -- that crimes against civilians, the extermination of ethnic groups and acts of torture were inexcusable, even when following orders in time of war. The world appeared well on its way to fulfilling the promise of "never again."

But alas, time would tell otherwise. In the past 20 years alone, we've witnessed ethnic cleansing in the former Yugoslavia, genocide in Rwanda and Darfur. Elsewhere, we've seen systematic human rights

abuses, acts of torture and other affronts to our ideals of humanity go unpunished by national judicial systems.

And even though journalists, working in dangerous conditions, have bravely exposed these abuses, atrocities continue.

But there is hope for a better future. A system of international justice is emerging and growing stronger with each new case tried in a regional court and each new investigation opened up by the International Criminal Court, the ICC. The two key words here are "emerging" and "system." I want to talk to you today about that system, the three parts of it: the new ICC, regional human rights courts and commissions, and a new norm on the responsibility to protect. All are coming together to send a powerful message: the age of impunity is coming to an end, and those in the future who would contemplate crimes against humanity face a higher -- much higher probability of being held to account.

But there is work ahead to forge a real system of international justice from the new tools available, and there needs to be an honest discussion about what role the U.S. should be playing.

MacArthur's work in international justice is a case study of how

a large, multipurpose foundation operates. And I'd be happy to answer questions on any of the work that Jerry described in the Q&A period. But our topic today, international justice, is a very good illustration of our mission at work to seek a more just, sustainable and peaceful world. Our very first grant as a foundation in 1978 went to Amnesty International, and that's been followed by \$300 million in support to nearly 600 other organizations working in the fields of human rights and international justice.

Now, most of us believe that justice is advanced best when crimes are prosecuted where they're committed. But history is replete with examples of nations unable or unwilling to prosecute human rights abuses. In these instances, justice must come from beyond national borders. And let me be clear. International justice is not only about preventing genocide and punishing those who commit it, but it's also about protecting ordinary citizens against police abuse and discrimination, or encouraging and ensuring their free speech and free assembly rights.

The notion of a system of international justice is not new. The modern movement has its roots in the Geneva Convention of 1864, which dealt with the treatment of wounded combatants. The subsequent convention set an enduring standard for minimally accepted conduct in times of war. At the end of World War I, a commission on war crimes concluded that there was a need to punish those, and I quote, "however high their position," who had been guilty of offenses against the laws of humanity. Enforcement, however, proved impossible. Accused persons were not surrendered to the court, and Kaiser Wilhelm, who was singled out for his offenses, ended his days chopping firewood in the sanctuary of the Netherlands.

And between the wars, there was little further progress. But from the ashes of the rubble of World War II arose a phoenix of hope. The tribunals of Nuremberg and Tokyo put Nazi and Japanese imperial officials on trial in proceedings that clearly established their guilt and imposed sentences in full public view. Individuals in positions of responsibility were held accountable for their criminal behavior.

After the war, the U.N. made a series of attempts to establish a permanent international criminal court, but each foundered on the shoals of Cold War disputes.

Then in the early 1990s, there was renewed interest in international criminal jurisprudence. The U.N. once more took steps to establish a permanent court, and the events in the former Yugoslavia and Rwanda gave new urgency to the process. The Security Council established the ad hoc criminal tribunals in '93 and '94 to try those behind those atrocities. Slobodan Milosevic of Serbia was the first sitting head of state ever indicted. And Jean Kambanda, former prime minister of Rwanda, forced -- faced charges of genocide, and he pled guilty. With trials and appeals continuing so far, 239 people have been indicted and 78 convicted.

Other national leaders have discovered that their status no longer confers immunity from prosecution. Think about the list I'm about to mention, starting with Augusto Pinochet, former president of

Chile, arrested in Britain under the theory of universal jurisdiction, then sent back to Chile, where he died facing 300 criminal charges; or Charles Taylor, former president of Liberia, now before a special tribunal in The Hague to answer for his alleged crimes against humanity in neighboring Sierra Leone. Five leaders of the Khmer Rouge have been arrested and are awaiting the start of their trial before a hybrid tribunal, both local and international, in Cambodia. Chile's supreme court has extradited Alberto Fujimori, former president of Peru, and I believe his trial actually gets under way today. And there's a reasonable chance that Hissene Habre, the -- of Chad may be brought to justice in a Senegalese court.

So that's quite a record. Think of all those names and instances. Ten, 20 years ago, wouldn't have happened.

As cases mount, the world moves closer to ensuring accountability for gross human rights abuses. The next step is to make the new international criminal court a success, so that as a permanent institution, it will become a credible deterrent to those in the future who would consider crimes against humanity.

The court was established by the Treaty of Rome in 1998. Its jurisdiction began in 2002, with ratification by the requisite 60 countries. And to date, 105 states have become members of the court, but alas, not the United States.

The court's chief purpose is to be a permanent and independent court to prosecute the most serious crimes against humanity.

It's based in The Hague. It has jurisdiction over acts committed on the territory of a state party to the statute and acts committed by nationals of those state parties. Also, the U.N. Security Council may refer a situation to the court regardless of the nationality of the accused or the location of the crimes.

The ICC is a court of last resort. It operates under the principle of complementarity, which the U.S. helped embed in the court's charter document. The court only has jurisdiction when national courts are unable or unwilling to act. All member nations retain the primary right and responsibility to investigate their own citizens accused of crimes against humanity.

The court issued its first warrants in 2005 for Joseph Kony, leader of the Lord's Resistance Army in Uganda, and five of his top subordinates, and later against Thomas Lubanga, leader of the UPF Militia in the Democratic Republic of Congo. Both are implicated in the murder and torture of civilians and the kidnapping of children to be used as child soldiers.

Lubanga was brought into custody late last year and is sitting in The Hague awaiting his trial, which begins in March. He was recently joined in ICC custody by Germain Katanga, the leader of a separate Congolese rebel group, who's accused of orchestrating an attack that resulted in the death of 200 civilians and the sexual enslavement of women and girls.

In April of this year, the court issued arrest warrants for Ahmed Harun and Ali Kushayb. They are accused of collaborating in the forced displacement of ethnically African people in the Darfur region of Sudan and of a mass campaign of terror that included aerial bombings, abduction, rape and murder. However, their warrants remain unfulfilled, as the Sudanese government has no incentive to turn them over. Indeed, Harun now serves as minister of state for humanitarian affairs and has been appointed to co-chair a committee designated to hear complaints from victims of human rights abuses in Darfur. Think about that.

These cases and that of Joseph Kony, who also remains at large, raise an important question: Who is responsible for enforcing the ICC's arrest warrants? To fulfill the court's promise as a permanent venue to try crimes against humanity and a strong deterrent for future evildoers, the international community must take responsibility, must take action to enforce the court's warrants.

With that said, however, we are beginning to see examples of the court's deterrent power, even before the first trials are underway.

In late 2004, tensions flared in Cote d'Ivoire, fueled by radio broadcasts of hate speech and violent groups in the streets, reminiscent of hate speech that preceded the Rwanda genocide. In response, Juan Mendez, the special adviser to the U.N. on genocide, wrote the Security Council a widely publicized note that reminded the council that the ICC has jurisdiction over such acts, hate speech, that lead to crimes against humanity. The message was widely publicized. It certainly was heard in Cote d'Ivoire. And the hate speech and the immediate threat of violence subsided.

But there's no question that there's more to do to get the court off to an effective start. The court needs help gathering evidence, explaining its work in situation countries, training staff and more. So far, MacArthur has supported the court directly in these efforts. And also 29 NGOs who are working with the court -- Global Rights, Human Rights Watch and the International Federation of Human Rights -- have gathered evidence that's been helpful in preparing the first cases.

The Ugandan Coalition for the ICC is educating the public in Uganda about the Court. Redress, the Women's Initiative for Gender Justice, Avocats sans Frontieres are all working with victims and witnesses. The International Bar Association is providing independent analysis and critique of the court's proceedings. And Alliances for Africa is helping signatory states bring their laws up to international standards. And so far, Mali, South Africa, Estonia, Armenia and 40 other countries around the world have changed their own domestic legislation to bring it up to the higher standard set forth in the statute, in the Treaty of Rome.

Now let's talk about a sensitive topic. The absence of the U.S. from the ICC is a low mark in an otherwise noble history for our country in its leadership for international justice. The U.S. was one of the architects of Nuremberg and Tokyo. It's been an active supporter of tribunals for the former Yugoslavia, Rwanda and Sierra Leone. But it has not joined the ICC. President Clinton signed the

Treaty of Rome on December 31st, 2000, but he did not submit the treaty to the Senate for ratification. President Bush has made his opposition to the ICC crystal-clear. The court's opponents in the U.S. fear that membership in the ICC would expose Americans to politically motivated cases, and some say that the ICC falls short of due process procedures that we expect.

But these fears have not materialized and are not likely to, as the court procedures have all the same protections as U.S. courts, except for trial by jury, and all charges involving Americans referred to the court have been rejected.

Now there is some reason to hope that the U.S. will overcome these concerns and eventually join the ICC. Over the past two years, both Congress and the administration have softened their opposition to the court, and in March 2005 the Bush administration allowed the U.N. to refer the situation in Darfur to the ICC, rather than exercising veto power.

Now perhaps lawmakers in Washington have realized that most Americans recognize the value of the court and would prefer to see the U.S. participate. Seventy-one percent of Americans, according to a survey that we supported, by the Chicago Council on Global Affairs, said the U.S. should participate in the court -- 71 percent. And a recent Zogby poll: 91 percent of the public said the U.S. should help the court in Darfur.

Now while the court is making its way without the U.S., it would be stronger if the U.S. were a member. The American legal system and expertise has much to contribute in these early cases which will shape the court's jurisprudence for the future, and American intelligence agencies could help the court gather evidence to ensure successful prosecutions.

So in this campaign season, the public has the right to know where all leading candidates stand on the issue. I have not heard any extensive discussion of the court in any of the debates.

So I ask all those running for president these questions.

If you were elected president, would you ask the Senate to ratify the Rome Statute? While that process unfolds, would you support the court's work? And in particular, would you press Sudan to turn over Minister Haroun to the court? Would you be an American leader that advances the cause international justice, which picks up and reinvigorates America's noble tradition? Affirmative answers to these questions would strengthen the court and send a powerful signal that the US wants to re-engage again with the world.

So far, we have been talking about high-profile cases of crimes against humanity. But the system of international justice also provides venues for ordinary people when they have exhausted remedies in their own countries. The regional courts in Europe, Latin America and Africa are these places, and MacArthur has been supporting a network of NGOs that are developing cases to come to those courts, cases that set precedents.

Let me give you just two quick examples. One of our grantees in Russia, the Nizhny Novgorod Committee Against Torture, took the case of Aleksei Mikheyev to the European Court. Mikheyev had been accused of raping and murdering a local girl. While in police custody, he was brutally tortured. And to escape that torture, he leapt from a fourth-floor window and was paralyzed. And shortly after that tragedy, the person he was accused of killing turned up unharmed. His case went to the European Court, which ruled against Russia. And Russia now has paid a fine to Mikheyev of \$300,000.

Last example: A grantee in Mexico, the Comision Mexicana, won a settlement from Mexico City by threatening to take a case before the Inter-American Commission and Court. The case concerned Alejandro Ortiz Ramirez, who was accusing the police of having tortured him. Mexico City made a public acknowledgement of wrongdoing when they looked into the case, granted Ramirez employment and housing, and more importantly changed its municipal laws to preclude evidence extracted under torture. Good example: Case never went to trial, but the threat of it got a remedy for the man, but also changed an important practice.

All told, there are almost 80,000 cases from 70 countries pending before regional human rights courts and commissions. And a significant number of these cases result in decisions that compel countries to respect their own constitutions and abide by treaties they have signed.

That's what it's about. It's about treaties you've signed, and it's about respecting your own constitution.

Now most international attention focuses on bringing the world's worst actors to justice. We hope the ICC will deter, but it will not be a hundred percent effective, we know that. So who's responsibility is it to step in when genocide and other atrocities are in the making? To address that issue, MacArthur supported the International Commission on Intervention and State Sovereignty, which was organized by Canada in 2001, and that commission produced a path-breaking report entitled, "The Responsibility to Protect."

The report calls for a new norm in world affairs: if states fail to protect their citizens against gross human rights abuses or genocide, the international community has a responsibility to intervene. The preferred venue to organize the life-saving intervention is the U.N. Security Council, but when the U.N. fails to act, the report sees a role for regional organizations like NATO or the African Union, and even for coalitions of willing nations. "The Responsibility to Protect" was adopted by the U.N. at the world summit in 2005, and MacArthur is funding the International Crisis Group and others to promote understanding and support of the "Responsibility to Protect" around the world.

So together, the "Responsibility to Protect," the new ICC, the regional human rights courts make it possible that the 21st Century will see the end of the era of impunity and the dawn of the age of accountability. We are at that cusp of history. That vision is still a work in progress, but one that is advanced by many courageous and

determined individuals. The MacArthur Foundation believes it is time to recognize those who lead the movement; those who call humankind to create a world in which every individual enjoys both security and opportunity. It's time to recognize those who carry on the spirit of Gustave Moynier, the co-founder of the International Red Cross who issued one of the first calls for an international court; and the spirit of Raphael Lemkin, the Polish lawyer who coined the word "genocide" and petitioned the League of Nations to ban crimes against humanity; and the spirit of Justice Robert H. Jackson, the chief prosecutor at the Nuremberg Trial.

To honor the modern day leaders of the movement, I am pleased to announce today that MacArthur has created the MacArthur Award for Advancing International Justice. The award honors an individual or an organization that advances the cause of international justice; it

could be a world leader, a courageous judge, or a group of ordinary citizens working through a human rights group. Because the very first honoree will help define the award, we wanted to recognize a person whose life's work embodies the values of justice, but also of the hope for a decent, humane, peaceful world that justice makes possible.

We asked ourselves: Who issued the charge to the Rome Conference that gave rise to the ICC? Who encouraged the development of the Responsibility to Protect? Who challenged the world to set the Millennium Development Goals so that justice is an everyday opportunity for ordinary people? The answer is Kofi Annan, the former secretary-general of the United Nations. No one has done more to frame a vision of a more just, sustainable and peaceful world.

His perspective on peace and security placed protection of individuals at the very center of the world's concerns. His 2005 report, *In Larger Freedom*, and the world summit that followed strengthened the world's commitment to the rule of law. A reorganized Human Rights Council, a Peacebuilding Commission, a new Rule of Law Assistance Unit all hold promise for the future.

So as I near the end of my remarks, let me close with his vision in his own words. In his Nobel lecture he said, and I quote, "A genocide begins with the killing of one man not for what he's done, but because of who he is. Poverty begins when even one child is denied his or her fundamental right to education. What begins with the failure to uphold the dignity of one life all too often ends with a calamity for entire nations."

And in a letter to the drafters of the Treaty of Rome, he wrote, "The overriding interest must be that of the victims and of the international community as a whole. The court must be an instrument of justice, not expedience. It must demonstrate that an international conscience is a reality." It must demonstrate that an international conscience is a reality.

So as we honor Kofi Annan with this award and celebrate the progress the world has made in ending impunity, we know there is so much more to do. Joseph Kony and Ahmed Harun must be captured and tried. Peacekeepers must be deployed effectively in Darfur, the DRC and Somalia. And we hope the MacArthur Award and the work that our

grantees do every day on the front line around the world will help galvanize the political will needed to strengthen the system of international justice.

We hope the Responsibility to Protect will become a universally applied norm, not just a noble aspiration. And we hope the presence of the international system of justice will deter those who contemplate gross human rights abuses, but also give incentives to nations to strengthen their own justice systems.

I believe all this is within our grasp in our lifetime. We're almost there. And all of us, but in particular the U.S., has a responsibility to move all this along.

I thank you. (Applause.)

MR. ZREMSKI: Thank you very much, Dr. Fanton.

We have a lot of questions on international justice issues and about the foundation itself, starting with this: You mentioned the presidential race and the fact that this issue has not come up in the debates. Which, if any, of the major presidential candidates has a strong and credible commitment to international justice based on their record, based on what they've said over the years?

MR. FANTON: I'm going to make a distinction between commitment to international justice, which I think most, if not all, the candidates have; the ICC is a separate question. It's my understanding that Senators Biden and Dodd and former Senator Edwards have taken a clear position on having the U.S. join the ICC. I have reason to believe that the other leading candidates in both parties support America's tradition of leadership in international justice writ large.

MR. ZREMSKI: Mitt Romney has been quoted as saying that he wants to double the size of Guantanamo, and several other Republican candidates, with the exception of Mike Huckabee and John McCain, have refused to oppose waterboarding. What do you think about what these candidates are saying on these issues?

MR. FANTON: I personally regret what's going on at Guantanamo. I think it does our country a great disservice around the world. I travel all over for MacArthur. We work in 60 countries. I would say Guantanamo has done great harm to our reputation, and I think we should bring the proceedings there to a close promptly.

MR. ZREMSKI: Any comments on what the Republican candidates have said on waterboarding?

MR. FANTON: I'm certainly not in favor of waterboarding, and I think we can get good information out of people without resorting to practices that are not up to the standards of fairness and justice and decency of our country.

And I believe most Americans agree with that.

MR. ZREMSKI: You mentioned how Guantanamo had affected America's

reputation overseas. How much clout do we have left on human rights issues internationally in the wake of Guantanamo and Abu Ghraib?

MR. FANTON: You mentioned Abu Ghraib. We work in Nigeria, and northern Nigeria is heavily Muslim. And I noticed a real shift in feeling about the U.S. after Abu Ghraib became public in northern Nigeria.

With that said, I believe the U.S. has tremendous opportunity to lead in human rights and international justice. Yes, I think recent events have hurt our reputation, but I don't think it would be hard to get back on track. And getting back on track means joining the ICC; it means ratifying the anti-landmine treaty; it probably means joining other international agreements on climate change.

Certainly the U.S. has a long and noble history of standing for the right things. After all, our founders consciously came here to establish the city upon a hill -- that's what they said when they founded the Massachusetts Bay Colony -- and all through our history we have seen ourselves as a beacon of hope, of justice and good practice. And there is a tremendous reservoir of goodwill out there toward America that we should capitalize, and we certainly should not take for granted that we can continue practices that offend the rest of the world, going our own way forever without enduring permanent harm, but I don't believe that permanent harm has yet occurred.

MR. ZREMSKI: Now, we've gotten more versions of this following question than any other, so I have to ask it. Can you please comment on whether Bush administration officials should be brought up for international war crimes connected to their policies of torture in Abu Ghraib and Guantanamo?

MR. FANTON: The -- I think we need to step back and remind ourselves how the court works.

The court is a court of last resort. It only moves into action when a national court fails to have a genuine internal process. It only is there for the very worst cases of genocide and crimes against humanity. It's not there to try every human rights abuse.

One area contemplated in the treaty is called aggression. Iraq invades Kuwait -- who's responsible? And that has yet to be defined by the court, and so there are -- there's no possibility for bringing cases up under that provision. The Iraq situation was the subject of multiple communications to the prosecutor, and the prosecutor has said he does not seek to exercise jurisdiction in this case. So I think that has been decided.

MR. ZREMSKI: Can you tell us more about charges in the International Criminal Court, especially as it relates to Darfur?

MR. FANTON: Well, Darfur is really important because it brings the International Criminal Court and the Responsibility to Protect together at the same moment in history. The allegations against Harun, who was a government officer, and Kushayb, who was head of a Janjawid militia group alleged to be working with the government, are

charged with murder, organizing the removal -- forced removal of people, aerial bombings -- a whole manner of things that would trigger the ICC provisions. So I think it's really important that the prosecutor, having carefully looked in to these cases and issued arrest warrants, that Sudan comply. Now Sudan is not going to comply unless other powers put pressure on Sudan to turn over these two and others who may -- yet to be indicted.

I say there are two things that come together here, the ICC and the Responsibility to Protect, because the right person accused of crimes against humanity is also now in charge of the very camps where these refugees have been relocated to, and we are told that rape and torture and killings and forced evacuation continue right now. So whether you like the International Criminal Court or not, if you believe in the Responsibility to Protect, the international community needs to take action, and I think it's a nice -- nice, but in a compelling joining of these two issues. So I really think a top priority would be to get these two, especially Harun, turned over to the ICC.

MR. ZREMSKI: Many Hollywood celebrities have taken up human rights causes, particularly in Sudan. What do you think of their involvement in these issues?

MR. FANTON: I think celebrities and people of prominence who support human rights causes and take an interest in Darfur or genocide in Rwanda and all the rest do a great service to the world in raising our awareness, raising our conscientiousness, raising, I hope, our commitment to speak out and encourage, if not compel, our governments to take action.

MR. ZREMSKI: The U.S. has been critical of Vladimir Putin with respect to human rights, but Putin does not appear to be listening. Does Russia heed any kind of pressure from the world on human rights, and what can be done to moderate Putin's views?

MR. FANTON: I, as you mentioned, have just returned from a week in Moscow, just running up to the parliamentary election, in which I met with a cross-section of the 60 human rights groups that we are supporting across Russia. And my analysis of Russia is complicated. Clearly the election was not free and fair by our standards. Yes, there's been a strengthening of central control; space for independent media, especially broadcast media, has been contracted.

But with that said, the space for civil society groups that we support to operate is still there. This is not a return, a straight-line march back to the Soviet period, and it does a disservice, I think, to the situation to portray it that way. I asked the human rights groups that we're supporting how's it going, are you able to do your work effectively, are you self-censoring for fear that you'll be clamped down on, and virtually all of them said yes, we're still able to do our work. Sure, there are tax audits, there are forms to fill out under the NGO law that are burdensome, especially on the smaller NGOs, but the groups that we support are still able to go about their business bringing cases to the court, European court of human rights, exposing and criticizing government crackdowns, able to do that.

So I think it's a moment when it's important for the world to take note of negative trends, but too soon to give up, and by all means, I think, too soon to withdraw from engagement. I think engagement, especially civil society groups to civil society groups, academics to academics very important for keeping space open and building the foundations for what might be a more democratic Russia 20 years from now. I don't think we're talking about the next election.

I don't think we're talking about the next five years. And I think we're talking about a generation or more before we see a Russia that looks anything like what we would call a democracy.

Now, that being true, I still think there is progress to be noted. So it's not a single picture; there are things that are going better, and there are things that are not going as well. And it's a net question: Is Russia, you know, inching forward, and I remain hopeful but not naive about the challenge.

MR. ZREMSKI: What is your sense of China's human rights record as the Beijing Olympics approach?

MR. FANTON: We support a group called Human Rights in China, which takes up classic human rights cases of high-profile political prisoners. And there are, and Human Rights in China has plenty of work to do. We support another group that monitors censoring and filtering of the Internet. That group, the Berkman Center, by the way, has found very low interference in Russia, almost none; quite high interference in China.

We see a, you know, tightening up on nascent civil society in China coming up to the Olympics, but we also see places where we could work. And a very important principle, when you think about how a foundation operates, part of how we can be helpful, is saying where there are openings that are in accordance with our principles. And let me give you an example.

We support the Tsinghua Law School, first-rate law school in Beijing, which has a project to train barefoot lawyers -- we call them paralegals -- barefoot lawyers to work in the countryside, helping ordinary citizens who are facing sometimes petty, sometimes serious abuses at the hands of local officials. Apparently the Chinese government in Beijing is perfectly happy to see MacArthur work with a first-rate law school to try to improve the quality of justice in rural China.

Another area which we are exploring and may well enter is juvenile justice reform. We have a big juvenile justice program in the U.S. and we've done a lot of research about what distinguishes minors from adults, and what are best practices in dealing with young people who have run afoul of the law. And a lot of that information could be very useful to China, and there seems to be an appetite for it. So a more negative picture than Russia, to be sure, but not without islands of opportunity.

Q Is there a clash between Western culture and Islamic culture when it comes to prosecuting human rights abuses?

MR. FANTON: Well, again, MacArthur seeks to build bridges. In Nigeria, which is an interesting case, very heavily Muslim country in the North, we support a group called Women Living under Muslim Law, and we support two or three groups. This group I'll cite in particular, who are working hard to develop interpretations of the

Koran which are consistent with women's rights and human rights more broadly. So I would say, once again, it's a mistake to look at the Muslim world as a single entity and to make a broad generalization. Our job is to look for places where we can build some bridges, and I think we've found some in Northern Nigeria.

Q Some in the conflict resolution field allege that insistence on human rights prosecutions can prevent countries from achieving peace. Are there times when we should sacrifice human rights to end a violent conflict?

MR. FANTON: Very important question, certainly a question that has been raised in the context of Northern Uganda. I believe that once the court begins a proceeding, it has no choice but to follow through, unless the Security Council suspends the case for 12 months, which it can do, and also renew the suspension. So the political judgment, about whether peace and justice are at odds, rests with the Security Council, where it should rest, and not with the court itself.

In the case of Northern Uganda, a number of NGOs raised the peace-versus-justice question. But here again, Kony has been around 20 years. He's had many efforts to reach peace, all of which eventually fell apart, even before the ICC was there.

So one might conclude that he cynically manipulates the yearning for peace in order to keep justice at bay. It didn't work this time, because the prosecutor doesn't really have the authority to stop the case once he's started it, and the Security Council didn't intervene.

But look what happened to Kony. He's losing support. He's had a fight with his top aide, Otti, who may or may not still be living. And I think you could argue that the pressure of these indictments has had an unraveling effect on the LRA in a way that no peace negotiations over a long period of time have done.

But what do the people in northern Uganda say themselves? A recent poll by the Payson Center and another by the Human Rights Center at the University of California-Berkeley found pretty close to 70 percent of people in northern Uganda say that justice must be done. And then when you ask them, "Well, does that mean the international court or what does it mean," then you've got a division of views, roughly in a third to -- third think the international court is the way to go, a third think national courts, and a third think traditional processes that emphasize reconciliation would be the way to go. But everybody -- not everybody, 70 percent say that justice must be done; that you can't build a stable, enduring peace, you can't reconstruct a war-ravaged, brutalized society unless there is accountability. That's the people themselves.

MR. ZREMSKI: Where are human rights problems occurring that are

not getting the proper attention?

MR. FANTON: Well, there are growing problems in Sri Lanka that deserve more attention, I would say. Somalia continues to be of concern. The Ivory Coast continues to be of concern. Darfur is pretty much front and center these days, but there are these other places.

MR. ZREMSKI: Now some questions about the MacArthur grants and philanthropy in general. How are the recipients of the "genius grants" chosen? (Laughter.)

MR. FANTON: By magic. (Laughter.) We have a thousand people around the country who are nominators for short periods of time, and they are each invited to make a nomination. They are all volunteers. We have an anonymous selection committee of distinguished people from the fields in which we make the awards, who, working with our staff, make the selections. We make awards in the arts, humanities, social sciences, the sciences, and in civic life; 25 every year, half a million dollars no strings attached.

MR. ZREMSKI: What is your response to those who allege that the MacArthur Foundation compensates its top executives excessively? (Laughter.)

MR. FANTON: Well, I would invite them to look at the industry standards. And I think if you look at what major foundation executives are paid or look at what leaders of many non-for-profit organizations or universities are paid, our salaries would not be excessive.

Now, you could also argue that what we do is such a privilege that we should do it for free. And it is a great, great privilege to have the opportunity to work on human rights and the environment and population and peace and security and affordable housing preservation and urban renewal and education, juvenile justice, to be free and able to support a lot of the great people here in this room that we're privileged to support. It has just been a lot of fun and very rewarding, and maybe we should do it for free, I don't know.

MR. ZREMSKI: The Atlantic Monthly recently had a cover story on the Clinton Foundation, basically saying that Bill Clinton is reinventing philanthropy. I was wondering if you could comment on that article and the Clinton Foundation's approach to philanthropy worldwide.

MR. FANTON: Well, I admire what Bill Clinton is doing. I think the Clinton Foundation will make a big difference. It is putting together a broad coalition of private, corporate and other funds to take on some of the most serious problems of the world, especially in the poorest countries of the world, in Africa. We will look forward to working with them.

I'm, with that said, something of a skeptic when it comes to parsing foundations along a timeline: old philanthropy, new philanthropy. I think we all have more in common than we do that sets us apart.

And what I'm very happy about is that MacArthur is able to work with Gates and Buffett, but also with the U.N. Foundation -- Tim Wirth is here --- but with also old-line foundations like Carnegie, Rockefeller and Ford, let alone local community groups like the Chicago Community Trust and the Joyce Foundation. So there may be distinctions that the scholars will try to draw among generations of foundations, but I think what unites us is much stronger.

MR. ZREMSKI: Okay, we're almost out of time. But before I ask the last question, we've got a couple of important matters to take care of.

First of all, let me remind our audience of our upcoming speakers. Next Monday, the 17th, David Walker, the controller general of the U.S. Government Accountability Office, who is actually in the audience here today, will be joining us. The next day, the 18th, Morgan Freeman, actor and the founder of the Grenada Relief Fund, will be here. And on the 19th, Michael Leavitt, secretary of the U.S. Department of Health and Human Services.

Second, we have many traditions here at the National Press Club, including the presentation of our plaque.

MR. FANTON: Thank you. Thank you.

MR. ZREMSKI: And I don't think you'll need this to collect donations for the foundation, but -- (laughter) -- for your coffee, perhaps it would be nice. The National Press Club mug.

MR. FANTON: Great. Well, thank you very much.

MR. ZREMSKI: Sure, sure.

And now, last question, maybe the toughest: Have you ever met a genius journalist? (Laughter.)

MR. FANTON: Well, I have an answer. And that is, there are some people that are so smart, they place out of the genius category. (Laughter.)

MR. ZREMSKI: Thank you very much. (Applause.)

Thank you, Dr. Fanton. I'd also like to thank all of you for coming today. I'd like to thank National Press Club staff members

Melinda Cooke, Pat Nelson, Jo Anne Booze and Howard Rothman for organizing today's lunch. Also thanks to the NPC library for its research.

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Thank you. We're adjourned. (Strikes gavel.) (Applause.)

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