

#48

STATEMENT BY DEPUTY ASSISTANT SECRETARY OF STATE
FOR HUMAN RIGHTS
MARK L. SCHNEIDER
BEFORE HOUSE SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS

TESTIMONY

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MR. CHAIRMAN, I APPRECIATE THE OPPORTUNITY TO DISCUSS WITH THE SUBCOMMITTEE THE CURRENT STATE OF OUR HUMAN RIGHTS POLICY AND THE PROCESS AND PROCEDURE SURROUNDING THE SUBMISSION OF THE COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

AS ALWAYS, IT IS A PRIVILEGE TO APPEAR BEFORE THIS SUBCOMMITTEE WHICH, UNDER YOUR DISTINGUISHED LEADERSHIP, HAS INFLUENCED PROFOUNDLY THE TREND TOWARD GREATER CONCERN FOR HUMAN RIGHTS IN THE DESIGN AND IMPLEMENTATION OF OUR FOREIGN POLICY.

LAST OCTOBER, I HAD THE OPPORTUNITY TO TESTIFY BEFORE THIS SUBCOMMITTEE ON OUR INITIAL ACTIONS TO CARRY OUT THE ADMINISTRATION'S HUMAN RIGHTS POLICY. SINCE THEN, WE HAVE TAKEN ADDITIONAL STEPS TO INCREASE THE LEVEL OF PRIORITY TO HUMAN RIGHTS IN THE CONDUCT OF AMERICAN FOREIGN POLICY.

MANY OF THOSE STEPS ARE DESCRIBED IN THE REPORT SUBMITTED BY THE DEPARTMENT OF STATE IN ACCORDANCE WITH PUBLIC LAW 95-105 DESCRIBING THE OPERATIONS AND MANDATE OF THE BUREAU OF HUMAN RIGHTS AND HUMANITARIAN AFFAIRS. WITH YOUR PERMISSION, MR. CHAIRMAN, I WOULD LIKE TO APPEND THAT REPORT TO MY STATEMENT FOR INCLUSION, IF YOU SEE FIT, IN THE PERMANENT RECORD OF THIS HEARING.

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IT SUMMARIZES THE WAYS IN WHICH THE BUREAU'S OPERATIONS HAVE BEEN STRENGTHENED DURING THE YEAR, ADDITIONAL STEPS WHICH HAVE BEEN TAKEN TO COMMUNICATE THE NEW POLICY, AND SOME OF THE IMPORTANT INSTITUTIONAL CHANGES WHICH HAVE INSURED A GREATER FOCUS ON HUMAN RIGHTS WITHIN THE DEPARTMENT'S DECISION-MAKING PROCESS.

AT THE PREVIOUS HEARING, I ALSO SUMMARIZED SOME OF THE TENTATIVE RESULTS OF OUR POLICY. THOSE FINDINGS HAVE BECOME MORE PRONOUNCED IN THE INTERVENING MONTHS. A YEAR-END REPORT BY AN INDEPENDENT INTERNATIONAL HUMAN RIGHTS NON-GOVERNMENTAL AGENCY, THE INTERNATIONAL LEAGUE FOR HUMAN RIGHTS REACHED SIMILAR CONCLUSIONS. ITS REPORT CONCLUDED, "FIRST, WITHIN THE PAST YEAR, HUMAN RIGHTS HAS FOR THE FIRST TIME BECOME A SUBJECT OF NATIONAL POLICY DEBATE IN MANY COUNTRIES. SECOND, HUMAN RIGHTS CONCERNS HAVE ALSO BEEN THE FOCUS OF GREATER DISCUSSION IN INTERNATIONAL ORGANIZATIONS SUCH AS THE UNITED NATIONS, THE ORGANIZATION OF AMERICAN STATES AND THE BELGRADE CONFERENCE. THIRD, THE WORLD MEDIA HAS FOCUSED ON INTERNATIONAL HUMAN RIGHTS ISSUES TO A GREATER EXTENT THAN EVER BEFORE. FOURTH, CONSCIOUSNESS OF HUMAN RIGHTS AMONG THE PEOPLES OF THE WORLD HAS INCREASED SIGNIFICANTLY. FIFTH, THERE HAS BEEN AN EASING OF REPRESSION IN A SUBSTANTIAL NUMBER OF CASES."

THE LEAGUE THEN WENT ON TO STATE, "A MOST SIGNIFICANT FACTOR HAS BEEN PRESIDENT JIMMY CARTER'S AFFIRMATION AND ADVOCACY OF THE UNITED STATES' COMMITMENT TO THE INTERNATIONAL

PROTECTION OF HUMAN RIGHTS AND UNITED STATES ENCOURAGEMENT OF OTHER STATES TO UNDERTAKE A SIMILAR COMMITMENT."

ON MONDAY, IN A SPEECH TO THE AMERICAN BAR ASSOCIATION IN NEW ORLEANS, THE DEPUTY SECRETARY CITED SOME OF THOSE SPECIFIC INSTANCES WHERE REPRESSION HAS EASED. HE NOTED AS WELL THAT WE WERE NOT TAKING CREDIT FOR THESE CHANGES, NOR WERE WE ASSERTING THAT REPRESSION HAD CEASED, EVEN IN THOSE COUNTRIES THEMSELVES. YET, THESE DEVELOPMENTS DID REFLECT IMPROVEMENTS IN THE LIVES OF PEOPLE, AND NO ONE CAN DIMINISH THE IMPORTANCE OF THOSE CHANGES. I WILL SUBMIT THE DEPUTY SECRETARY'S FULL STATEMENT FOR THE RECORD IF THE CHAIRMAN DESIRES.

DURING THESE RECENT MONTHS, WE HAVE SEEN OTHER NATIONS INCREASE THEIR ACTIVE EXPRESSION OF CONCERN FOR RESPECT FOR HUMAN RIGHTS IN DIFFERENT PARTS OF THE WORLD. RECENTLY, I JOINED A DELEGATION TO SEVERAL EUROPEAN COUNTRIES AND FOUND THERE A STRONG WILLINGNESS TO PROMOTE BROADER INTERNATIONAL COOPERATION IN SUPPORT OF HUMAN RIGHTS. IN THE ORGANIZATION OF AMERICAN STATES, WE CONTINUE TO FIND STRONG PARTNERS SUPPORTING INCREASED ATTENTION TO HUMAN RIGHTS PROBLEMS WITHIN THE HEMISPHERE. AND AT GENEVA, TODAY, OUR DELEGATION TO THE 34TH. UNITED NATIONS HUMAN RIGHTS COMMISSION SESSION, IS ENCOUNTERING SUBSTANTIAL AGREEMENT TO EXPAND THE DEBATE IN THAT FORUM BEYOND THE TRADITIONALLY NARROW GROUP OF COUNTRIES TO OTHERS WHICH HAVE BEEN IMMUNE FROM PREVIOUS CRITICISM.

YET, THE SOBERING REALIZATION REMAINS, MR. CHAIRMAN, THAT REPRESSION CONTINUES UNCHECKED IN NUMEROUS COUNTRIES. MEN AND WOMEN REMAIN BEHIND BARS BECAUSE THEY WILL NOT BE SILENT AND BECAUSE THEY ASPIRE TO BE FREE. GOVERNMENTS USE TORTURE AND BRUTALLY VIOLATE VIRTUALLY EVERY RIGHT CONTAINED WITHIN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS IN SOME CORNER OF THE GLOBE. IN ALL TOO MANY COUNTRIES, FUNDAMENTAL LEGAL PROTECTIONS FOR THE INDIVIDUAL AGAINST THE OVERWHELMING POWER OF THE STATE EITHER ARE SO FRAGILE AS TO BE MEANINGLESS OR SIMPLY DO NOT EXIST.

TO PARAPHRASE WINSTON CHURCHILL, IN TERMS OF THE INSTITUTIONALIZATION OF OUR HUMAN RIGHTS POLICY AND IN TERMS OF SEEING THE INTERNATIONAL ENVIRONMENT MOVE TOWARD GREATER RESPECT FOR THE OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS, WE ARE NEITHER AT THE END NOR EVEN THE BEGINNING OF THE END BUT PERHAPS WE ARE APPROACHING THE END OF THE BEGINNING.

WE WERE AWARE THAT THE JOURNEY TO SECURE GREATER RESPECT FOR HUMAN RIGHTS WAS TO BE LONG AND DIFFICULT EVEN BEFORE WE BEGAN. YET THE DIRECTION IN WHICH INTERNATIONAL PUBLIC OPINION SEEMS TO BE MOVING IS, WE HOPE, IRREVERSIBLE. WE BELIEVE THAT FURTHER STEPS WILL BE TAKEN DURING THIS CURRENT YEAR TOWARD THE PROTECTION OF GREATER RESPECT FOR HUMAN RIGHTS. I WOULD HOPE, TOO, THAT THE 30TH ANNIVERSARY THIS DECEMBER OF THE ADOPTION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS WOULD CONSTITUTE AN ADDED INCENTIVE FOR GOVERNMENTS TO RESPECT

THE HUMAN VALUES THAT DOCUMENT ENSHRINES. IT WOULD BE VERY PLEASANT TO BE ABLE TO WRITE NEXT YEAR'S COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES AND CITE A GROWING LIST OF SIGNIFICANT AND SUBSTANTIAL IMPROVEMENTS.

LET ME EMPHASIZE THAT WE ARE ENGAGED IN A CONTINUING PROCESS OF INCORPORATING PROTECTION OF HUMAN RIGHTS AS A FIRST PRIORITY IN THE DESIGN AND CONDUCT OF OUR FOREIGN POLICY. IT IS WITHIN THAT FRAMEWORK THAT THE 1978 COUNTRY REPORTS SHOULD BE EXAMINED. WE ARE DETERMINED TO OBTAIN THE MOST UP-TO-DATE AND ACCURATE PICTURE OF HUMAN RIGHTS CONDITIONS IN INDIVIDUAL COUNTRIES. THAT PICTURE IS VITAL TO OUR DECISION-MAKING AND ARE SURE IT ALSO WILL AID THE CONGRESS IN COMING TO ITS OWN JUDGMENTS. THE REPORTS WERE COMPILED IN FULFILLMENT OF THE REQUIREMENTS OF SECTION 502B(B) AND SECTION 116(D)(1) TO COVER THOSE COUNTRIES RECEIVING ECONOMIC DEVELOPMENT ASSISTANCE UNDER PART I OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED, OR COUNTRIES WHICH WERE PROPOSED AS RECIPIENTS OF SECURITY ASSISTANCE FOR FISCAL YEAR 1979. THEREFORE, THERE ARE MANY COUNTRIES OMITTED FROM THE COUNTRY REPORTS, AMONG THEM SOME OF THE WORST VIOLATORS OF HUMAN RIGHTS.

THESE 105 REPORTS WERE COMPILED OVER A PERIOD OF SOME SIX MONTHS AND INVOLVED OUR EMBASSIES IN EACH COUNTRY, THE REGIONAL BUREAUS AND A SERIES OF FUNCTIONAL BUREAUS, INCLUDING THE BUREAU HUMAN RIGHTS AND HUMANITARIAN AFFAIRS. THE REPORTS DREW ON

INFORMATION WHICH THE DEPARTMENT HAD IN ITS POSSESSION BUT REQUIRED SPECIAL REPORTING ON CURRENT CONDITIONS. TO A SUBSTANTIAL DEGREE WE INTENSIFIED THE REPORTING REQUIREMENTS OVER THE COURSE OF THE YEAR, RESULTING IN CONTINUING EFFORTS TO IMPROVE THE QUALITY OF THESE SUBMISSIONS.

FIELD COMMENTS, PUBLIC INFORMATION FROM THE MEDIA, FINDINGS OF CONGRESSIONAL COMMITTEES, REPORTS AND DOCUMENTATION FROM INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS ALL WERE USED IN THE PREPARATION OF THESE REPORTS. NUMEROUS VISITS ABROAD OF HIGH LEVEL DEPARTMENT OFFICIALS HAVE PROVED FRUITFUL IN OBTAINING FIRST HAND INFORMATION. WE ALSO RECEIVE A STEADY STREAM OF VISITORS FROM MANY COUNTRIES WHO SHARE THEIR IMPRESSIONS WITH US.

THE REGIONAL BUREAUS SYNTHESIZED THE REPORTS FROM THE FIELD AND THEIR DRAFTS WERE THEN REVIEWED AND COMMENTED UPON BY THE VARIOUS FUNCTIONAL BUREAUS. THE BUREAU OF HUMAN RIGHTS AND HUMANITARIAN AFFAIRS COLLATED ALL OF THE REPORTS ATTEMPTING TO ASSURE THAT ALL RELEVANT INFORMATION HAD BEEN TAKEN INTO ACCOUNT AND TRYING TO SEE THAT THE VARIOUS REGIONS TREATED COUNTRIES IN AN EQUALLY BALANCED AND COMPREHENSIVE MANNER.

I CAN ASSURE THE SUBCOMMITTEE THAT MANY, MANY HOURS WERE

SPENT IN TRYING TO PULL TOGETHER THESE VARIED SOURCES OF INFORMATION TO PRODUCE THESE REPORTS. THERE UNDOUBTEDLY WILL CONTINUE TO BE CONSTRUCTIVE AND VIGOROUS DEBATE AND DISAGREEMENT OVER SPECIFIC STATEMENTS OR OVER THE WEIGHT GIVEN TO ONE OR ANOTHER ASPECT OF A PARTICULAR COUNTRY'S PRACTICES.

AS THE DEPUTY SECRETARY NOTED IN HIS AMERICAN BAR ASSOCIATION SPEECH ON MONDAY, THERE ARE INEVITABLE PITFALLS IN THE PROCESS OF ONE COUNTRY ATTEMPTING TO COLLECT COMPREHENSIVE DATA ON HUMAN RIGHTS CONDITIONS. HE NOTED THAT SUCH INFORMATION AND CONCLUSIONS THAT ARE PRESENTED IN THE NAME OF ANY ONE GOVERNMENT WILL BE CHALLENGED AS NOT NECESSARILY DISINTERESTED. FOR THAT REASON, HE ASSERTED THAT "WHAT IS NEEDED IS AN OBJECTIVE, WIDELY RESPECTED CLEARING HOUSE FOR HUMAN RIGHTS INFORMATION ON ALL COUNTRIES OF THE WORLD." I FULLY SHARE THE VIEW THAT SUCH AN INDEPENDENT AGENCY WOULD HAVE FAR GREATER CREDIBILITY FROM THE INTERNATIONAL COMMUNITY. IT WOULD BE AN INVALUABLE AID TO OUR OWN DECISIONS AS WELL.

WHILE SUCH AN INSTITUTION REMAINS UNAVAILABLE, WE WILL CONTINUE TO IMPROVE OUR INFORMATION GATHERING CAPABILITIES, BOTH TO HELP GUIDE OUR OWN DECISIONS AND TO PROVIDE TO THE CONGRESS INFORMATION IT DESIRES ON THIS SUBJECT.

AS THE CHAIRMAN IS AWARE, THESE REPORTS WERE BEING PREPARED DURING THE PROCESS IN WHICH DECISIONS AS TO THE

1979 SECURITY ASSISTANCE BUDGET PROPOSAL ALSO WERE BEING DECIDED. THE ASSISTANT SECRETARY OF HUMAN RIGHTS AND HUMANITARIAN AFFAIRS IS A MEMBER OF THE ARMS EXPORT CONTROL BOARD, WHICH CONSIDERS ALL ASPECTS OF THE UNITED STATES ARMS TRANSFERS POLICY. IN ADDITION, AS A MEMBER OF THE INTER-AGENCY SECURITY ASSISTANCE ADVISORY GROUP WHICH IS CHARGED WITH ADVISORY RESPONSIBILITIES IN THE AREA OF SECURITY ASSISTANCE PROPOSALS, THE BUREAU RAISED HUMAN RIGHTS QUESTIONS ABOUT INDIVIDUAL COUNTRIES. THESE QUESTIONS WERE CONSIDERED ALONG WITH OTHER U.S. NATIONAL INTERESTS.

IT SHOULD BE EMPHASIZED THAT THE PROCESS OF REVIEW OF THE SECURITY ASSISTANCE PROGRAM HAS EXTENDED THROUGHOUT THE DEPARTMENT SO THAT PROPOSALS PUT FORWARD BY COUNTRY OFFICERS OF GEOGRAPHIC BUREAUS HAVE FOR THE FIRST TIME SYSTEMATICALLY AND UNIFORMLY INCLUDED HUMAN RIGHTS CONSIDERATIONS.

WITH REGARD TO THE SPECIFIC QUESTIONS SUBMITTED BY THE SUBCOMMITTEE, IT IS RELEVANT TO NOTE THAT SECTION 4 OF THE ARMS EXPORT CONTROL ACT SETS FORTH THE PURPOSES FOR WHICH THE UNITED STATES MAY MAKE SALES OF DEFENSE ARTICLES AND SERVICES TO ELIGIBLE FOREIGN GOVERNMENTS. THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED, EMPLOYS IDENTICAL LANGUAGE IN DESCRIBING THE AUTHORIZED PURPOSES FOR WHICH GRANTS OF DEFENSE ARTICLES MAY BE MADE. BOTH STATUTES REQUIRE AS A CONDITION OF ELIGIBILITY THAT THE RECIPIENT AGREE NOT TO USE THE ARTICLES IN QUESTION FOR PURPOSES OTHER

THAN THOSE FOR WHICH FURNISHED, WITHOUT THE PRIOR CONSENT OF THE UNITED STATES GOVERNMENT. ANY USE OF SUCH DEFENSE ARTICLES IN "SUBSTANTIAL VIOLATION" OF THE AGREEMENT UNDER WHICH THEY WERE FURNISHED SUBJECTS THE RECIPIENT TO POSSIBLE LOSS OF ELIGIBILITY FOR FURTHER GRANTS OR SALES.

HUMAN RIGHTS FACTORS HAVE BEEN A CENTRAL ELEMENT IN OUR DECISION-MAKING PROCESS THIS YEAR. EVERY PARTICIPANT IN THE POLICY REVIEW PROCESS HAS BEEN INFORMED OF THE NEED TO ENSURE THAT OUR INTERNATIONAL SECURITY ASSISTANCE PROGRAMS ARE FORMULATED AND CONDUCTED IN A MANNER TO PROMOTE AND ADVANCE HUMAN RIGHTS. WE HAVE REVIEWED OUR PROCEDURES ONCE AGAIN IN AN EFFORT TO ENSURE THAT MILITARY AID IS NOT USED FOR POLICE OR LAW ENFORCEMENT PURPOSES IN CONTRAVENTION OF LAW, POLICY, AND BILATERAL AGREEMENTS. THESE MONITORING PROCEDURES INCLUDE PERIODIC CHECKS BY OUR MILITARY MISSIONS ABROAD, INTELLIGENCE REPORTS AND THE AWARENESS OF THE RECIPIENT GOVERNMENTS THAT VIOLATIONS MAY RESULT IN SANCTIONS.

IN THE CONTEXT OF OUR OVERALL MUNITIONS LIST EXPORT LICENSING PROCEDURES, WE PAY SPECIAL ATTENTION TO PROPOSED COMMERCIAL EXPORTS OF WEAPONS AND EQUIPMENT FOR POLICE AND CIVIL LAW ENFORCEMENT AUTHORITIES, REDFLAGGING THOSE INTENDED FOR SUCH AGENCIES IN COUNTRIES WHOSE GOVERNMENTS HAVE A RECORD OF SERIOUS HUMAN RIGHTS VIOLATIONS. STEPS HAVE BEEN TAKEN TO REDUCE OUR ASSOCIATION WITH PRACTICES WHICH VIOLATE HUMAN RIGHTS BY RESTRICTING SUCH EXPORTS. A DEPARTMENT-WIDE REVIEW

OF OUR POLICIES IN THIS RESPECT IS CURRENTLY NEAR COMPLETION.

WHEN THE QUESTION ARISES OF MILITARY AID AND SALES WHICH MIGHT BE USED FOR INTERNAL SECURITY OPERATIONS IN COUNTRIES THAT HAVE SERIOUS HUMAN RIGHTS PROBLEMS, WE ENGAGE IN A MUCH MORE DETAILED EVALUATION OF THE IMPLICATIONS OF THESE PROPOSED SECURITY ASSISTANCE RELATIONSHIP. EACH SUCH PROPOSED SALES IS EVALUATED ON A CASE-BY-CASE BASIS IN THE LIGHT OF THE MANDATE TO AVOID IDENTIFICATION OF THE UNITED STATES WITH GOVERNMENTS WHICH DENY INTERNATIONALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS TO THEIR PEOPLE.

ON ALL OF THESE QUESTIONS, BOTH IN GENERAL AND AS THEY RELATE TO SPECIFIC COUNTRIES, THERE IS VIGOROUS DEBATE WITHIN THE DEPARTMENT ON THE MOST APPROPRIATE COURSE OF ACTION. A DETAILED ANALYSIS OF ASSISTANCE PROGRAMS REVEAL COMPLICATED INTERRELATIONSHIPS BETWEEN IMPORTANT U.S. INTERESTS. OUR BELIEF IS THAT WE ARE GIVING VERY HIGH AND INCREASING PRIORITY TO HUMAN RIGHTS CONCERNS. THE ROLE OF THE BUREAU OF HUMAN RIGHTS AND HUMANITARIAN AFFAIRS IS TO ENSURE THAT THESE CONCERNS CONTINUE TO BE FORCEFULLY PRESENTED.

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