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U.S. Human Rights Policy: Origins and Implementation

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Following is an address by George Lister, Senior Policy Adviser, Bureau of Human Rights and Humanitarian Affairs, before the Matias Romero Institute (Foreign Service Institute of Mexico), Mexico City, Mexico, May 26, 1987.

I welcome the opportunity to talk with you today, not for just the usual polite reasons of responding to an invitation but mainly because I feel the subject of our meeting, U.S. human rights policy, is very important. And certainly it is one which is close to my heart. The subject is also highly controversial and does not lend itself to easy generalizations, and since I am going to speak for only about 30 minutes, I suggest you consider these opening remarks as merely an introduction to our discussion. I anticipate that following my presentation, you will ask many questions, and I hope we can have a candid, vigorous exchange of views, which I am prepared to continue for as long as you wish.

Origins of Current Policy

First, how and when did our human rights policy begin? At the outset I should emphasize that my government does not perceive itself as the original defender of human rights. There were articulate supporters of human rights long before Columbus came to this hemisphere. And, of course, there have been many important human rights issues throughout history, e.g., slavery was a major cause of our Civil War over a century ago. So nothing that I am going to say here should be construed as implying that we have a monopoly in the defense of human rights. We do not.

However, there did come a time when human rights advocates both inside and outside our government decided that human rights should be accorded a higher priority in the conduct of our foreign policy. This movement began to take shape some years prior to the Carter Administration. A leading role in this campaign was played by several Members of Congress from both major parties, Republicans and Democrats, and particularly by Congressman Don Fraser of Minnesota, who was Chairman of the Subcommittee on International Organizations and Movements. In the latter half of 1973, and in early 1974, Fraser's subcommittee held a series of public hearings on U.S. foreign policy and human rights, with witnesses including U.S. Government officials, jurists, scholars, representatives of nongovernmental organizations, etc. These hearings were followed by a subcommittee report on the subject in March 1974, including 29 specific recommendations. The first recommendation stated that: "The Department of State should treat human rights factors as a regular part of U.S. foreign policy decision-making." The report itself began with the following sentence: "The human rights factor is not accorded the high priority it deserves in our country's foreign policy."

The Fraser subcommittee report achieved considerable impact in our government, and some of the 29 recommendations were implemented fairly soon. One of these called for the appointment of a human rights officer in each of the State Department's five geographic bureaus: for Europe, Latin America, Africa, the Near East, and East Asia. I was serving in our Latin American bureau at the time and became the first human rights officer for that area.

So the human rights cause was gaining impetus before Jimmy Carter won the 1976 elections. But, of course, soon after President Carter assumed office, human rights did begin to receive considerably more attention in the daily implementation of our foreign policy. A separate Bureau of Human Rights and Humanitarian Affairs was created with a new Assistant Secretary. I will discuss how that policy was implemented, and with what results, in a few minutes, but first let me say a few words about what happened when the Reagan Administration replaced the Carter Administration, in early 1981.

At that time I recall there were some, in and out of government, who assumed that our human rights policy was finished. This assumption prevailed both among strong advocates of human rights and those who felt human rights considerations should have no place in our foreign policy. Some even expected the human rights bureau to be abolished. But fortunately, it soon became apparent that our human rights policy had been institutionalized, that it had strong bipartisan support in Congress, that human rights legislation passed in previous years was still in force, that our annual human rights reports to Congress were still required by law, etc. In short,

our human rights policy continued. Today our human rights bureau is alive and well, with an able and committed Assistant Secretary, Richard Schifter, who has dedicated his work in the Department to the memory of his parents, who perished in the Holocaust.

Misconceptions

So much for the origins of our current human rights policy. Now I will discuss briefly a few of the misconceptions which have arisen regarding that policy.

First, we are not seeking to impose our moral standards on other countries. The rights we are discussing here are recognized, at least with lip service, throughout the world. Indeed, they are included in the Universal Declaration of Human Rights, which was adopted by the General Assembly of the United Nations on December 10, 1948. I am sure many of you are familiar with the declaration, but I have copies here in case you would like to take them. So, to repeat, our human rights policy is based on internationally accepted norms.

Second, our human rights policy does not—repeat, not—reflect any assumptions of U.S. moral superiority. Those of you who have been to my country know very well that we have many human rights problems at home, including, for example, race discrimination, sex discrimination, violations of minimum wage laws, etc. We have achieved much progress with some of these problems in recent years, but they still persist and are a frequent subject of criticism in our free press. So the United States is no exception. We all have human rights problems.

Third, we are also aware that many other nations are less fortunate than the United States. Due to accidents of history, geography, climate, etc., there are countries with appalling problems of extreme poverty, illiteracy, overpopulation, terrorism, etc., which we have been favored enough by fate to escape. As a result, other peoples sometimes see us as insanely lucky. For example, having served in Poland, I know that many people there consider the United States to be uniquely fortunate. They see themselves as situated between Germany and Russia, while we are sheltered by two oceans. There is a Polish saying that "God protects little babies, drunkards, and the United States of America."

Fourth, contrary to what some people assume, we do not intend our human rights policy to be intervention. We would like to be on friendly terms with all governments, and, everything else being equal, we prefer to avoid political confrontations, strained relations, dramatic headlines reporting diplomatic crises, etc. On the other hand, of course, we do have a right to decide to which countries we will give our economic and military assistance. And when another government pursues a policy of murder and torture of its citizens, we have a right to disassociate ourselves publicly from that policy and to withhold our aid.

Results

Now what have been some of the results of our human rights policy over the past 10 years or so? Here I will attempt a very rough and incomplete balance sheet. On the minus side there have been strains in our relations with some governments which otherwise would have been friendly allies but which resented our criticism of their widespread human rights violations. And sometimes that resentment has been shared by important areas of public opinion in those countries. For example, I recall accompanying the then-Assistant Secretary for Inter-American Affairs, Terry Todman, on a visit to Argentina in 1977. In Buenos Aires one evening, we were invited to supper by a group of local Argentine businessmen, some of whom were extremely critical of our human rights policy as they understood it. They deeply resented the State Department's criticism of human rights violations in Argentina, and they accused us of naively underestimating the danger of a communist takeover. I felt their resentment was entirely understandable, although I did not agree with it. And that bad feeling certainly imposed a strain on our relations with Argentina. I will discuss some other costs to the United States later if you wish, but because of the shortness of time, I will pass on now to the plus side of this human rights balance sheet.

What have been some of the achievements of our human rights policy? Here I would say that, both as direct and indirect results of our efforts, there has been less torture in some countries, there have been fewer political murders, fewer "disappeareds," more names published of political prisoners being held, more prisoners actually released, states of siege lifted, censorship relaxed, more elections and more honest elections, and in Latin America the Inter-American Human Rights Commission has been invited to more countries, etc. I feel this is an impressive record and far outweighs the minus side of the balance sheet.

I hasten to add that I am not suggesting these advances in human rights are exclusively the result of our human rights policy. The main credit for this progress belongs to the citizens of those countries in which it took place. But I do maintain that the United States has made a major contribution to the progress, and I feel we should take quiet satisfaction in our record.

From the viewpoint of U.S. foreign policy, there is another very important benefit to be included on the plus side of the balance sheet. That is that our human rights policy has been welcomed by many key sectors of foreign public opinion which, in the past, have often been hostile to U.S. policies, at least as they understood them. Such groups include, for example, some democratic political parties, some labor unions, various religious organizations, many student bodies, many intellectual circles, etc. Our human rights policy has helped greatly in improving our relations with the democratic left, including Marxists who reject Leninism.

It is noteworthy that a number of other governments have now appointed officials to monitor human rights problems. The French Government is one of these. In Moscow an "Administration of Humanitarian and Cultural Affairs" has been created in the Ministry of Foreign Affairs. However, thus far it appears the main purpose of this new office is to counter foreign criticism of Soviet human rights abuses.

To sum up, I am convinced that our human rights policy over the past 10 years has not only helped the human rights cause in many areas of the world but has also been very much in the self-interest of the United States.

Difficult Questions

Having said that, I emphasize immediately that I am not suggesting for a moment that, because we accord a high priority to human rights, our entire foreign policy automatically works well. Obviously not; our human rights policy provides no easy solutions to the complex and urgent problems which confront us daily and is in no way a guarantee against mistakes in judgment, faulty implementation, misinformation, etc. Moreover, many problems and questions arise in just trying to carry out our human rights policy. I will mention only a couple of these very briefly.

First of all, just how high a priority should human rights enjoy in our foreign policy? I think it is clear that, in the final analysis, our highest priority must go to the survival of the United States as a free and independent nation in a world

which is often extremely dangerous. The application of these two priorities, survival and human rights, frequently involves difficult and complicated decisions.

Another difficult question concerns economic assistance. Should the United States cancel economic aid to a country with a poor human rights record if our calculations indicate that those who will suffer most from that decision will be the poorest sectors of that society? In such instances we can sometimes receive useful insights and advice from local religious representatives and those in a country who are in close touch with the needs of the local community.

Criticisms

Now what about some of the many criticisms of our human rights policy? One which I recall as fairly frequent during the early days, a dozen or so years ago, was that human rights advocates are "emotional" and that emotion has no place in serious foreign affairs. Well, I would say that emotion is fairly normal to the human race, and just about all of us become emotional for one reason or another—some of us about the stock market's Dow Jones average, for example, and others possibly about human rights. Obviously, emotion does not necessarily preclude common sense and good judgment. In any event, now that the novelty of our human rights policy has worn off, this is a criticism which is seldom heard these days.

Another criticism is that the application of our human rights policy is "inconsistent," that we do not respond consistently to human rights violations in one country and another. There might be more validity to that criticism if the protection of human rights were our only objective. But, as I mentioned earlier, human rights is only one very important consideration in our foreign policy. However, even if this were not so, even if human rights were the *only* consideration, experience indicates it would be unreasonable to expect complete consistency in the day-to-day conduct of our foreign affairs. There are over 160 countries in the world today. Our human rights policy cannot operate with computers. It is simply unrealistic to expect a large government bureaucracy to perform perfectly. Even championship football teams never play an absolutely perfect game. I would say, rather, that consistency is a goal for which we aim, and when some inconsistencies inevitably do occur, they do not invalidate the basic policy. In brief, I maintain that, while our human rights policy is far from perfect, it is both genuine and effective.

Still another criticism we hear is that we apply our human rights policy only to leftwing governments; never to rightwing dictatorships. This is a favorite theme of broadcasts from the Soviet Union and Cuba, which I read every day, and I find it highly significant that both Moscow and Havana devote much time and effort trying to prove that our human rights policy is simply capitalist propaganda, with a double standard. Obviously, the Leninists feel very threatened by our human rights efforts.

The truth is, of course, that we criticize human rights violations by both the right and the left. If you have any doubts on that score I invite you to read the latest issue of our annual human rights reports to Congress for the year 1986. I would be interested to know whether you can find any pattern of ideological discrimination in the reports on 167 countries we prepared last year.

On the same theme it is relevant to mention that we now commemorate Human Rights Day, December 10, with a ceremony in the White House, during which the President signs the Human Rights Day proclamation. Last year both President Reagan and Assistant Secretary Richard Schifter briefly reviewed the state of human rights worldwide, and their comments referred to repression not only in the Soviet Union, Cuba, Nicaragua, and Poland but also in South Africa, Chile, Paraguay, and Iran [see Special Report No. 164—"Reviewing the U.S. Commitment to Human Rights"]. I repeat, we criticize human rights violations by both the left and the right.

There is another important criticism from the political left, and not just the Leninists, which argues that one cannot really combat human injustice without replacing capitalism with socialism, that to work against torture, political murders, etc., is all very well, but basic human rights cannot be ensured without the establishment of socialism. I disagree, and I often recall another saying I learned in Poland many years ago. It goes like this: "What is the difference between capitalism and socialism? Capitalism is the exploitation of man by man, and socialism is vice versa." There is much truth in that bitter joke, and I think it is quite obvious by now that there can be ruthless oppression and exploitation with both economic systems. Neither capitalism nor socialism, in themselves, are a guarantee of human liberty. I personally feel that if there is one human right which is a key to all the others, it would be free speech. Free speech is more revolutionary than Marxism-Leninism.

Role Played by Nongovernmental Organizations

Now before concluding, a few words on the very important role played by nongovernmental organizations involved with human rights work. Many of them perform valuable services in monitoring human rights issues, protecting human rights victims, helping refugees, etc. These are badly needed activities and represent a major contribution to the human rights cause. A good number of these groups are also occasional or frequent critics of the State Department's performance, and there is certainly nothing wrong with that when the criticism is reasonably accurate.

But having acknowledged the positive role they play, and having heard and read much of their comment, I also wish to voice one measured criticism of some of these groups. A good many organizations, such as Amnesty International, are quite willing to protest human rights violations across the political spectrum, from right to left. But it is discouraging to note how many other self-described human rights activists are motivated mainly by ideological prejudice. For example, it is remarkable that some of these people accuse the State Department of favoring rightwing dictatorships over communist regimes when they themselves do precisely the opposite. It is difficult to understand, for instance, how an organization allegedly covering human rights in Latin America can be highly vocal on problems in Chile and Paraguay but steadfastly refuse to say one word on violations in Cuba and will then accuse the State Department of applying a double standard.

In this connection I will conclude by recalling a vivid personal experience several years ago in one of our embassies in a foreign capital. I was talking with a woman whose husband had "disappeared," as they say, and she herself had good reason to fear for her own safety. She was discussing her plight with me while accompanied by her son of around 10 years of age. Toward the end of our meeting, she felt she had summoned up enough courage to venture outside once again, and she stood up to say goodbye. But then panic returned, and she decided to stay for just one more cigarette. When she tried to light up, her hands were trembling so much that I finally did it for her. And her small son's eyes never left me as he desperately tried to read in my face the chances for their survival. I think the question of whether that mother and son were in danger from a rightwing or leftwing regime is totally irrelevant. ■