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My name is George Lister. I am the Human Rights Officer of the Bureau of Inter-American Affairs in the State Department, in Washington. I welcome this opportunity to speak to you today. Not just for the usual polite reasons of responding to an invitation. But, more importantly, because there is such an urgent need for candid dialogue between the American people and their Government. In addition, I welcome the chance to speak on the subject of human rights. So I am very grateful to Radio Pacifica for this opportunity.

As a brief introduction, just a word about myself. I have been a career diplomat for a good many years, specializing in both Eastern European and Latin American affairs. I wear a number of hats in the Inter-American Bureau, including that of Special Assistant to the head of the Bureau, Assistant Secretary William Rogers.

Now, to begin with, how did the State Department come to designate Human Rights Officers last year? A great deal of the impetus came from Congressman Don Fraser, of Minnesota, one of those in Congress most concerned with human rights over many years. Congressman Fraser, as Chairman of the Subcommittee on International Organizations and Movements, of the House Committee on Foreign Affairs, took the lead in organizing a series of hearings on international protection of human rights. Between August 1 and December 7, 1973, 15 hearings were held with more than 40 witnesses, including



present and former U.S. Government officials, members of Congress, lawyers, scholars, and representatives of non-governmental organizations. As a result, in March, 1974, the Fraser Subcommittee issued a report including 29 specific recommendations regarding human rights in U.S. foreign policy. One of those recommendations called for, and I quote:

"Assignment of an Officer for Human Rights Affairs in each regional bureau of the Department with responsibility for making policy recommendations and comments based on observation and analysis of human rights practices in the countries of the region and their significance in U.S. foreign policy relations with these countries".

In the State Department we divide the world, geographically, into five areas: Europe, the Near East, the Far East, Africa and Latin America. And partly in response to the recommendation of the Fraser subcommittee the State Department, about one year ago, designated a Human Rights Officer for each of those five Bureaus. In addition, the Department recently created an Office of Humanitarian Affairs. The Coordinator of that office works directly under Deputy Secretary Robert Ingersoll. So much for the bureaucratic structure reflecting the higher priority being accorded human rights issues in the State Department.

Now what is the legal justification for diplomatic representations to a State concerning its treatment of its own nationals? In the past it has often been argued that a State's treatment of its citizens lies essentially within its

own domestic jurisdiction, and that representations by other Governments regarding such matters are unacceptable intervention. Well, today the prevailing legal view is that diplomatic representations are justified when a State's human rights performance violates international law. The single most important statement of the basic underlying obligation to respect human rights is in the Charter of the United Nations, a treaty binding on all U.N. members. Article 1 of the Charter states one of the purposes of the United Nations is:

"To achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion".

Article 55 calls for "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion".

Furthermore, in December, 1948 the U.N. General Assembly adopted a Universal Declaration of Human Rights. The U.S. Government made a major contribution to the writing and adoption of that Declaration.

Specifically in the Latin American area, the Ninth International Conference of American States, meeting in Bogota, Colombia in April, 1948, adopted The American Declaration of the Rights and Duties of Man, establishing a long list of such rights, such as the right to life, liberty and personal security, the right to a fair trial, the right of assembly, the right to



inviolability of the home, etc. An Inter-American Commission on Human Rights was set up in 1959, with two main functions: 1) to develop an awareness of human rights among the peoples of America; and, 2) to watch over the respect and observance of the rights in the American states.

So there are ample precedents and well established procedures for action in defense of international human rights.

Now what about U.S. policy on human rights? Well, last year Deputy Secretary Ingersoll spelled it out as follows:

"We take seriously our obligation under the United Nations Charter to promote respect for and observance of human rights and fundamental freedoms for all. No matter where in the world violations of human rights occur, they trouble and concern us and we make our best efforts to ascertain the facts and promote respect for human rights and fundamental freedoms. At the same time, it must be recognized that the United Nations Charter does not prescribe how to fulfill that obligation in respect to particular violations by others. Thus there are usually complex questions of policy and tactics to be considered in deciding whether and how the United States can best seek to discharge its obligations in a particular case consistent with its commitment to other goals, including that of maintaining international peace and security. Such questions include the seriousness of the violation, the various options for United States action, and the consequences of inaction".

The head of our Bureau of Inter-American Affairs, Assistant Secretary William Rogers, is a strong supporter of human rights. Testifying before the Senate Foreign Relations Committee early this year he said:

"We have supported the human rights activities of the Organization of American States, and especially the Inter-American Human Rights Commission".

"I am proud of, and committed to, these efforts. In private life, as a lawyer, I was long involved in civil rights issues. And since assuming my present duties I

have insisted that the Bureau of Inter-American Affairs accord a high priority to human rights considerations. I believe that high priority has already been reflected in our relations with Latin American Governments and with members of Congress".

So much for our policy goals. What about the day to day work of a Human Rights Officer? That includes, among other things, recommending policies and tactics in our bilateral relations with other governments, or in international fora such as the U.N. and the Organization of American States. We also cooperate with such international human rights organizations as Amnesty International and the International Commission of Jurists, as well as with religious organizations such as the U.S. Catholic Conference and the National Council of Churches. A Human Rights Officer should also maintain close contact and cooperation with those members of Congress most active in the human rights field. Human Rights Officers are further involved in the very useful work of protecting the rights of American citizens abroad, or helping their foreign relatives who may be in jail or otherwise in trouble.

How does all this work out in actual practice? Well, there the answers are not easy or clear cut. As noted by Deputy Secretary Ingersoll, "there are usually complex questions of policy and tactics to be considered". Just how high a priority should we give human rights in our foreign policy? How much can we reasonably expect of foreign



governments with regard to human rights? Should we break off diplomatic relations with every government that has a less than perfect human rights record? In that case we would break with the great majority of governments of the world. And incidentally, the United States human rights record is considerably less than perfect. Well, then, if we don't break diplomatic relations, what should our policy be? Should we give economic assistance to countries with governments which we feel have unsatisfactory human rights records? Should we give military assistance?

These are highly controversial issues, with many different points of view, strongly held and deserving of respect. For example, Section 502 B of the Foreign Assistance Act states that it is the sense of Congress that security assistance shall be reduced or terminated for any government which engages in a consistent pattern of gross violations of internationally recognized human rights. Some wish to go further, and terminate economic aid. But suppose all indications are that withdrawal of U.S. economic assistance will not exert a beneficial influence on the government of a specific country, and that the only result will be to deprive the people of that country of badly needed help? And should we apply the same standards to all countries? Should we expect as good a human rights performance from the government of a country which has never known genuine democracy as we do from

the government of a country with long democratic traditions?  
I, personally, would think not.

Questions of the best tactics and methods also sometimes pose tough problems. Usually the State Department feels quiet diplomacy proves a more effective means of achieving results than public criticism and confrontation, even though the latter tactics may often give the Department a better image at home.

The most recent authoritative speech on this subject was presented by Secretary Kissinger in Minneapolis on July 15. It provides a much more comprehensive discussion of human rights issues than I am presenting today. I urge all of you to read the speech carefully. Let me quote briefly from it:

"We have used, and we will use, our influence against repressive practices. Our traditions and our interests demand it".

"But truth compels also a recognition of our limits. The question is whether we promote human rights more effectively by counsel and friendly relations where this serves our interest, or by confrontational propaganda and discriminatory legislation. And we must also assess the domestic performance of foreign governments in relation to their history and to the threats they face. We must have some understanding for the dilemmas of countries adjoining powerful, hostile, and irreconcilable totalitarian regimes.

"There are no simple answers. Painful experience should have taught us that we ought not exaggerate our capacity to foresee, let alone to shape, social and political change in other societies. Therefore let me state the principles that will guide our action:

Human rights are a legitimate international concern and have been so defined in international agreements for more than a generation.



The United States will speak up for human rights in appropriate international forums and in exchanges with other governments.

We will be mindful of the limits of our reach; we will be conscious of the difference between public postures that satisfy our self-esteem and policies that bring positive results.

We will not lose sight of either the requirements of global security or what we stand for as a nation".

Well, does that mean that the State Department always does everything it can and should do on behalf of human rights? Of course not. Sometimes we fall short of our proclaimed standards. Sometimes we make mistakes in judgment. Are there legitimate grounds for criticism of State Department performance? Of course there are. Looking back it is easy, sometimes painfully easy, to see where we might have done better. And sometimes we are never sure whether the policy we chose was really the best.

And what about those organizations and individuals outside the government in this country who are concerned over human rights issues? Could they improve their performance, as well? Of course they could. Can such organizations and individuals do better in their quite legitimate efforts to influence the State Department and improve its human rights performance? Of course they can.

On this point I would add the following. The State Department receives all kinds of criticism, and that is as it should be in a democratic system. Sometimes, in my opinion, the

criticism is well deserved, and sometimes it isn't. But to those of you who would like to help improve the United States Government's human rights performance I would say this. Your help is badly needed. But try to make your criticism constructive. Try to make it accurate, at least reasonably accurate. And, above all, make it intellectually honest. For example, some of my friends are extremely critical of the human rights records of right-wing, authoritarian governments, but are most reluctant to criticize the human rights performance of left wing dictatorships. Some other Americans do exactly the opposite, arguing that if a right-wing regime is friendly to the U.S. we should not be concerned with its human rights practices. I think both positions undermine one's credibility and criticism. If you are going to be for human rights, be for them across the board, regardless of your own political sympathies. What we need are critics with commitment, stamina and intellectual honesty. With all its faults this system of ours is essentially democratic and it lies well within our grasp to make it work better. Far better.

Well, in conclusion, let me make just one final point. In my work I often run into the argument or assumption that advocacy of human rights is idealistic, and, while highly commendable, has little place in the real, hard world of international affairs. I disagree profoundly, and when I



run into that viewpoint I like to cite the following incident from history.

In 1804 Napoleon was the absolute ruler of France. Abroad many still thought well of him as a young liberating hero, spreading the doctrines of the French Revolution throughout Europe. The ruthless despot behind the facade was not yet clearly perceived. In that year of 1804 Napoleon became angered by the anti-Bonapart activities attributed to a French aristocrat who had left France to live in Germany, just over the Rhine. Napoleon sent his agents into Germany. They pulled the Duke out of the bed of his mistress, took him back over the Rhine into France, and shot him. A thrill of horror went through Europe at this cold blooded killing of an aristocrat. People called it a crime. Napoleon, a hard, cynical man is said to have laughed and turned to his equally cynical Foreign Minister, Talleyrand, and asked: "Well, Talleyrand, do you think it was a crime?". And Talleyrand answered: "Sire, it was worse than a crime. It was a mistake".

I think giving a high priority to human rights in our foreign policy is not only morally right - it is in our own national interest.

Thank you for listening.