

SYLLABUS AND SUMMARY OF HUMAN RIGHTS INSTRUCTION  
FOR  
DISAM SECURITY ASSISTANCE MANAGEMENT COURSE OVERSEAS (SAM-O)

92-FBI-1422  
#445

# **DISAM**

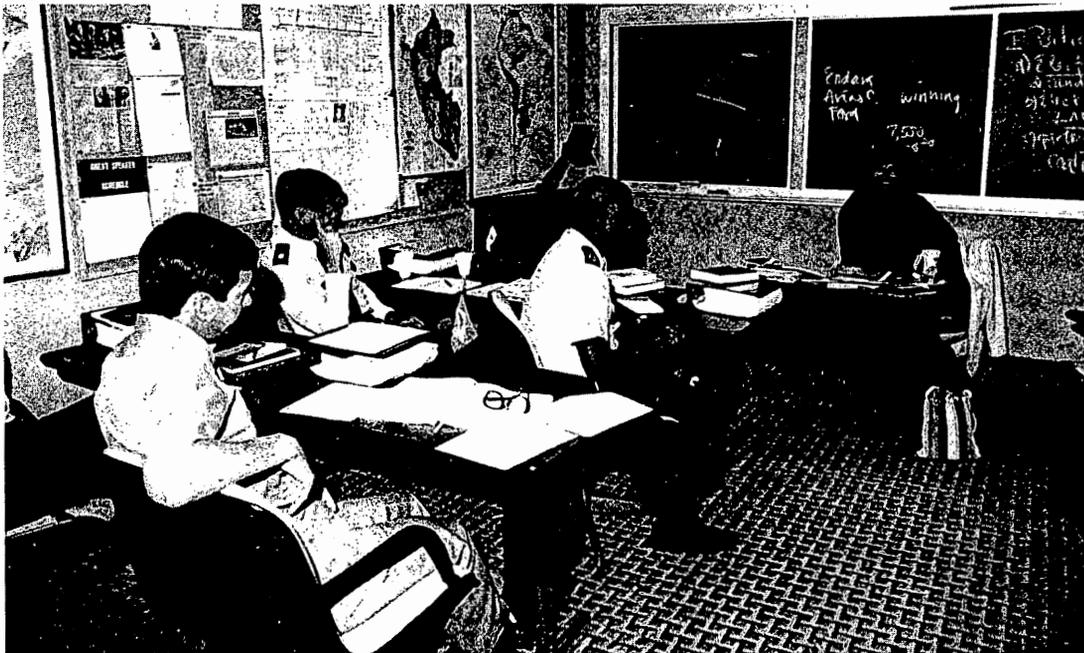
Defense Institute of Security Assistance Management

## **1992 CATALOG**

# Security Assistance Management Course Overseas (SAM-O) (13 Class Days)

## Objective

The Overseas Course is designed to provide a functional knowledge of security assistance management policies and procedures for U.S. personnel with assignments at overseas Security Assistance Organizations (SAOs), Defense Attaché Offices (DAOs), and at Unified Commands and their component commands. There are three major course objectives. The first is to furnish all students with an overall understanding of the entire security assistance management process, thereby enabling them to understand how their particular duty functions interact and relate to all other functions of security assistance management. The second major objective is to provide students with an in-depth operational knowledge in one of the three basic functional categories within an SAO—either security assistance materiel management, security assistance training management, or international cooperative programs. This objective is met through specialized tracks of instruction in the second phase of the course. The third major objective is to familiarize students with the unique administrative aspects of a security assistance organization.



## Course Description

The curriculum offers the students an opportunity to effectively translate theory into practical application. Thorough coverage is provided of the many complex and interrelated aspects of security assistance management, including the role of foreign policy, national defense, and legislative considerations in security assistance, and the roles of the Departments of State and Defense, the unified commands, and the military departments. Additional topics include studies of the various military departments' security assistance implementing agencies; purchaser country requests for price and availability data; letters of offer and acceptance; crisis/exercise procedures; financial management planning, pricing, and billing; International Cooperative Programs; interaction with industry; procurement and contracting procedures; follow-on support;

transportation management; and management documentation and reporting. Special attention is given to the policies and procedures involved in the operational management of security assistance activities in an overseas environment. Associated studies include an examination of cross-cultural communications, personal security awareness, overseas legal status, and foreign training management responsibilities.

The curriculum also includes a regional orientation program. Directed by five regional area specialists, the program covers regional and country specific political, military, economic, geographic, and cultural considerations, and historic and current relationships with the United States. This program employs presentations by guest lecturers from U.S. governmental agencies, civilian universities, and private organizations, as well as DISAM faculty members.

## **Security Assistance Training, Materiel Management and Defense Cooperation Exercises**

A significant element of the specialized training or "track" portion of the course is the wide use of a workshop/exercise, wherein the entire security assistance process under study can be simulated and the student can experience the dynamics of the management interplay associated with the process.

The objective of the simulation is to involve the student in as many security assistance management decisions as possible. Through the exercises, the students can observe the results of their decisions without incurring the costs and risks of "real life" decisions.

### **Admission Information**

The course is intended for DOD personnel who now occupy (or have been selected to occupy) security assistance management positions as overseas DOD representatives in SAOs, DAOs, or unified/component commands, and for Department of State Foreign Service personnel performing security assistance management functions.

[*Note:* This course is designed for personnel programmed for overseas positions, and is not recommended for personnel assigned to CONUS activities. However, attendance at this course may be permitted for selected CONUS personnel whose principal functions interface with overseas SAO activities rather than CONUS activities. Special requests for attendance of these personnel should be addressed to DISAM/DI.]

### **Eligibility and Application Procedures**

All DOD personnel assigned to overseas security assistance management positions are required by DODD 2055.3 to complete this course. Admission applications should be requested using the training or educational procedures of the respective military department or agency. Requests for waivers may only be approved by DSAA. [The following exception has been agreed to by the Director, DSAA and the DISAM Policy and Advisory Council: selected SAO chiefs (at the O-6 grade level), based on their country of assignment and prior experience, may, with the recommendation of the unified command and the approval of DSAA, attend the one-week Executive (SAM-E) course in lieu of the SAM-O Course.] Overseas representatives of other federal government agencies, such as the Department of State, may also enroll in the course; their applications should be coordinated within their respective agencies and submitted to DISAM/DAS, Wright-Patterson AFB OH 45433-5000.

## FY 1992 Course Offerings

SAM-0-1-92	22 Oct	-	9 Nov 91
SAM-0-2-92	28 Jan	-	15 Feb 92
SAM-0-3-92	25 Feb	-	12 Mar 92
SAM-0-4-92	31 Mar	-	16 Apr 92
SAM-0-5-92	5 May	-	21 May 92
SAM-0-6-92	2 Jun	-	18 Jun 92
SAM-0-7-92	14 Jul	-	30 Jul 92
SAM-0-8-92	18 Aug	-	3 Sep 92
SAM-0-9-92	15 Sep	-	1 Oct 92

## Security Clearance

A SECRET clearance is required.



## Classes and Hours

SAM-O classes begin on Tuesday and are held daily, except Saturdays, Sundays, and U.S. holidays, between 0800 and 1630, with appropriate periods for research and study.

## Student Groups

Students are assigned to small groups during workshops and simulation periods. Assignments are made to assure the greatest amount of interaction among students with differing backgrounds and levels of experience.

## Course Completion

Two graded examinations are given during the course. A minimum overall course average of 60 percent is required to pass the course. A student must complete 90% of the course work as a minimum to satisfactorily complete the course.

## Academic Credit

The SAM-O course has been evaluated by the Office on Educational Credit of the American Council on Education (ACE), and recommended for three semester hours of upper division baccalaureate credit in International Business. This recommendation is published in the ACE's annual *Guide to the Evaluation of Educational Experiences in the Armed Services*, the standard reference for determining transfer credits among U.S. institutions of higher learning.

## Syllabus

The course is divided into three phases as follows:

I. A CORE phase consisting of 9 1/2 days of common instruction for all students. This phase is designed to familiarize students with all aspects of the U.S. Security Assistance (SA) program as well as the day-to-day management and operation of an overseas Security Assistance Organization (SAO). Core subjects are divided into the following areas:

- A. Introduction and Background
- B. International and Defense Sales Process
- C. Worldwide Data Base/Computer Orientation
- D. Security Assistance Training
- E. SAO Operations
- F. International Cooperative Programs & Technology Transfer

II. The 9 1/2 day CORE phase is followed by 2 days of specialized studies. There are three separate tracks of instruction available, one of which each student will take depending on the requirements of his or her SA billet. The TRACKS available are:

- A. Materiel Management
- B. Training Management
- C. International Cooperative Programs

The CORE portion of the course consists of classroom lecturers, guest speakers, and seminars. Two written examinations are given to assist in assessing student progress. The TRACK portion of the course consists of some classroom lectures as well as extensive practical exercises to give the student an opportunity to apply management principles to real-world situations. Additionally, individualized instruction will be programmed for those students being assigned to unique SA billets requiring very extensive, detailed knowledge of a particular aspect of SA.

III. The 12th and 13th day are scheduled for an eight (8) hour personal security awareness class. This block of instruction includes both lectures and practical exercises in order to heighten the overseas bound student's awareness of security during travel, at work, and at home.

The syllabus which follows is organized to reflect daily classroom activities. Each lesson is identified by title, general content, and number of classroom hours.

## Day 1

**Welcoming Remarks.** Provides a welcome address for the new students. 1/4 hour.

**Administrative Orientation.** Covers basic DISAM operating policies and procedures for students. 1/4 hour.

**Course Introduction.** Provides an orientation to DISAM course subjects, class materials, and student requirements. 1/2 hour.

**Introduction to Security Assistance.** Describes the general nature and scope of currently authorized Security Assistance Programs, and provides an overview of the security assistance process. 1/2 hour.

**Security Assistance Legislation and Foreign Policy.** Discusses security assistance legislation, foreign policy, national security considerations, and related legislation associated with the U.S. Security Assistance Program. 2 hours.

**Security Assistance Operations Overseas.** Examines the types, responsibilities, organization, and working relationships of the SAO with the Department of State, Department of Defense, the Unified Commands, the Host Country, and U.S. Industry Representatives. Particular emphasis is given to the operational relationship within an American Embassy. 2 hours.

**Introduction to Seminars.** Outlines the objectives of and materials available for the regional studies and the Unified Command operations seminar program. The seminars are conducted throughout the course. 1 hour.

## Day 2

**Communications Factors in Overseas Management.** A guest lecturer examines various cross-national social and cultural differences, and provides techniques for overcoming communication and ethnocentric barriers to the effective management of overseas security assistance activities. 2 hours.

**Unified Command Seminar I.** The first of two seminars which examine the Unified Commander's role in the security assistance program as well as in the administration and support of SAOs. Four Unified Command seminars are concurrently conducted during these periods (EUCOM, CENTCOM, PACOM, and SOUTHCOM/LANTCOM). Students will attend the seminar applicable to their duty assignment. During this first seminar, students will examine the Unified Commander's role in security assistance as well as other regional specific assistance programs in which the SAO may become involved, such as the LATAM COOP and Africa Civic Action programs. 1 hour.

**Regional Orientation Seminar I.** The first of three periods which examine political, economic, social, religious, cultural, military, and security assistance factors in specific overseas areas. Five regional studies seminars are concurrently conducted during these periods (Africa, Asia, Europe, Latin America/Caribbean, and the Middle East). Students participate in the seminar which covers the country/region to which they are assigned for security assistance duties. During this first seminar, students will examine social, religious, human rights issues, and cultural factors in their region of assignment. 3 hours.

### Day 3

**Security Assistance Program Development.** Describes the roles played by the country team, various elements of the State Department, DOD agencies, and other government organizations in formulating programs and budgets for security assistance. 2 hours.

**Worldwide Data Base I (Introduction).** Provides a basic understanding of the computer capabilities available worldwide for security assistance operations. 1 hour.

**International Defense Sales.** Provides a description and outline of all the major events in a foreign military sale. A comparison of USG policy on the Foreign Military Sales (FMS) Program and Direct Commercial Sales (DCS) Program will be provided. The sequence of events in the entire life cycle of an FMS Case or USG to foreign government contract (DD 1513) will be identified. The DOD organizational structure for the development and management of a foreign military sale will be discussed in detail. Topical subject areas related to the FMS process that will be discussed include Logistics, Financial Management, and Legal Aspects of an FMS Case (DD 1513). 3 hours.

### Day 4

**International Defense Sales (continued).** 4 hours.

**Role of DSAA.** A guest lecturer describes the organizational role of DSAA, its mission, and how it interfaces with overseas personnel; and provides DSAA perspectives on current issues and problems which impact on overseas security assistance programs. 2 hours.

### Day 5

**Defense Cooperation.** Provides students with an overview of joint venture/cooperative program opportunities associated with a rapidly changing global environment. Discussion will include topics such as coproduction, codevelopment, U.S. procurement of non U.S.-origin equipment, and offsets. 2 hours.

**Technology Transfer Issues.** Reviews the policy for the transfer of technology and classified information; National Disclosure Policy; export control; and agencies and procedures for the control of the transfer of goods/services technologies. Considers problems associated with the changing world and the international implications of technology transfer. 2 hours.

**Individual Presentation Research.** Provides students the opportunity to do individual research, utilizing the DISAM library and Seminar Room materials as resources in preparation for a presentation during the third week. 1 hour.

**Defense Attache System.** A representative of the Defense Intelligence Agency describes the mission and organization of the Defense Attache System and the interface of Defense Attaches with other U.S. government agency representatives abroad. 1 hour.

## Day 6

**Ethics and Standards of Conduct.** Describes legal and ethical considerations associated with overseas assignments, and outlines the general privileges, immunities, and responsibilities of U.S. personnel serving abroad. 1 1/2 hours.

**SAO Budgets and the FAAS Agreement.** Examines the structure and submission channels for SAO operating budgets. Discusses criteria for the expenditure of Representational Funds and Host Country Assistance-in-Kind. Discusses the concept and procedures of the Foreign Affairs Administrative Support Agreement (FAAS) between the SAO and the Embassy. 1 1/2 hours.

**Regional Orientation Seminar II.** 3 hours.

## Day 7

**Mid-Term Exam.** 1 1/2 hours.

**Introduction to Security Assistance Training.** Provides a general overview of: the objectives of the SA Training Program to include IMET, types of training, training locations, constraints, pricing policies, DOD Informational Program, and training program development/implementation. 5 hours.

## Day 8

**Human Rights Awareness.** Provides students with a basic, yet comprehensive background in U.S. Government human rights policy, U.S. and international human rights law, treaty, and conventions; discusses the need for U.S. personnel to discharge their duties in a manner consistent with the proliferation and promotion of internationally recognized human rights, and to avoid the identification of the U.S. with human rights abuses. 2 hours.

**Worldwide Data Base II (Continued Practical Instruction).** Provides students additional instruction on local SAO computer applications. 1 hour.

**Other U.S. Assistance Programs.** Provides an overview of other major U.S. Government assistance programs available to our friends and allies, such as Development Assistance, P. L. 480 "Food For Peace," International Organizations, International Narcotics Control, etc. 1 hour.

**Current Issues In Security Assistance I (Unified Command/SAO).** Utilizing guest speakers from the unified commands and those personnel returning from SAO assignments, students will have the opportunity to learn about issues that are presently important in the security assistance and unified command arenas. 2 hours.

## Day 9

**Unified Command Seminar II.** 2 hours.

**Individual Presentation.** An individual student project which is designed to further acquaint the student with his/her specific country and the security assistance associated with that country. The project will culminate in a short presentation in the regional seminar room. 2 hours.

**Current Issues in Security Assistance II (State/Commerce Departments).** Provides the students the opportunity to learn about security assistance issues from the perspective of other government agencies, i.e., Commerce, State, etc. 2 hours.

## Day 10

**Student attends one of the following tracks (3 hours):**

- **Materiel Management Track.** This track, conducted in both a lecture and exercise mode, will provide the students with a more in-depth knowledge of case, financial, and logistics management. The afternoon of the second day will involve a visit to the Air Force International Logistics Center.
- **Training Management Track.** A combination of lectures and exercises will be utilized during which all aspects of security assistance training management will be covered, to include the training program cycle, programming of training requirements, interpretation of training documentation, program management, and administration of international military students in IMET and FMS training programs.
- **International Cooperation Programs Track.** A combination of lectures and exercises that are used to familiarize students going to ODCs or SAOs dealing specifically with cooperative programs, including codevelopment and coproduction. Discussions will center around responsibilities within the host country to support U.S. interests in cooperative opportunities. Industry relationships, MOUs, funding, technology transfer, and reporting requirements are explored, and the SAO responsibilities for these issues are clarified.

**Regional Orientation Seminar.** 3 hours.

## Day 11

**Student continues attendance in one of the following tracks (6 hours):**

- **Materiel Management Track (continued).**
- **Training Management Track (continued).**
- **International Cooperation Programs Track (continued).**

## Day 12

**SAO Entitlements and Support Systems.** Discusses the concepts of Housing Allowance, COLA, and TLA. Describes the entitlements to and the limitations on emergency leave, environmental and morale leave, dependent schooling, OCHAMPUS, commissary, and mail support. 1 1/2 hours.

**Final Examination.** 1 hour.

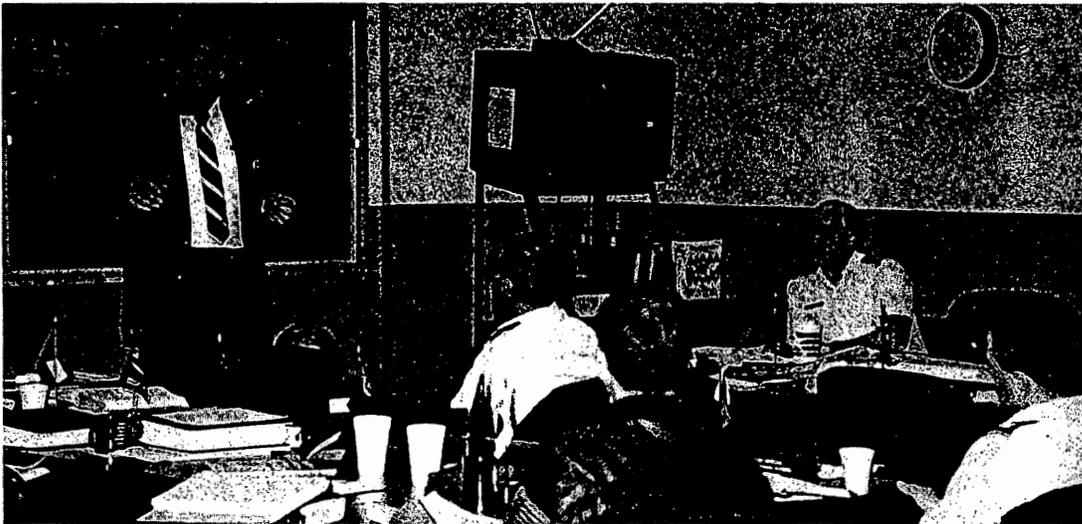
**Transitional Remarks.** 1/4 hour.

**Personal Security Awareness.** Examines the threats confronting U.S. personnel abroad and outlines preventive actions which can reduce the dangers to U.S. personnel/dependents and the means for increasing home, office, and personal security. This block of instruction includes both lecture and practical exercises that are designed to heighten the awareness of personnel going overseas. Included are regional threat orientations that are conducted by the separate regional seminar directors. 4 hours.

## Day 13

**Personal Security Awareness (continued).** 4 hours.

**Closing Remarks.** A final review of course objectives and accomplishments. 1/4 hour.



## HUMAN RIGHTS

### INSTRUCTION

#### OVERSEAS COURSE

##### SA Legislation and Foreign Policy.

Includes a discussion of the human rights legislative provisions of the FAA and AECA.

##### Communications Factors in Overseas Management

Provides a baseline of US and foreign cultural factors that reflect some of the differences in the attitude towards other humans that impact on human rights.

##### Regional Orientation Seminar.

Each of the regional seminars will devote appropriate time on human rights issues in their respective region of the world.

##### SA Program Development.

Reviews the human rights reporting requirements required in the AIASA.

##### Human Rights Awareness.

Provides students with a basic, yet comprehensive background in the U.S. Government human rights policy, U.S. and international human rights law, treaty, and conventions to discharge their duties in a manner consistent with proliferation and promotion of internationally recognized human rights and the avoidance of identification of the U.S. with human rights abuse

##### Individual Presentation.

Will include the human rights issues for the student's country of assignment.

##### Country Human Rights Report

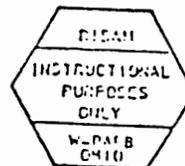
Each student is assigned the task of reading his country of assignment's Human Rights Report from the annual report to congress made by Department of State.

STUDENT HANDOUT FOR  
DISAM SAM-O COURSE

# Human Rights and Foreign Policy

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## Commemoration of the Universal Declaration of Human Rights



December 1983



United States Department of State  
Bureau of Public Affairs  
Washington, D.C.

*Thirty-five years ago, on December 10, 1948, the United Nations General Assembly adopted and proclaimed the Universal Declaration of Human Rights "as a common standard of achievement for all peoples and all nations." In commemorating the anniversary of the Universal Declaration, the Government of the United States reaffirms its commitment to these basic principles.*

*These selections focus on the interaction between human rights and foreign policy, emphasizing the broad standard set for the international community by the Universal Declaration and the interplay between that standard and specific foreign policy issues.*

# Human Rights and Foreign Policy: Commemoration of the Universal Declaration of Human Rights

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BILL OF RIGHTS DAY,  
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WEEK, 1983

*Proclamation by President Reagan,  
December 9, 1983*

On December 15, 1791, our Founding Fathers rejoiced in the ratification of the first 10 amendments to the Constitution of the United States—a Bill of Rights which has helped guarantee all Americans the liberty we so cherish.

One hundred and fifty-seven years later, on December 10, 1948, the United Nations adopted the Universal Declaration of Human Rights, an effort aimed at securing basic human rights for the peoples of all nations.

Americans have long honored the gift of liberty. So it is with glad hearts and thankful minds that on Bill of Rights Day we recognize the special benefits of freedom bequeathed to posterity by the Founding Fathers. They had a high regard for the liberty of all humanity as reflected by Thomas Jefferson when he wrote in 1787, "A bill of rights is what the people are entitled to against every government on earth." In this century alone, thousands of Americans have laid down their lives on distant battlefields in Europe, Asia, Africa,

our Western Hemisphere itself in defense of the basic human rights.

When the Universal Declaration of Human Rights was adopted by the United Nations General Assembly in 1948, Americans hoped that the Jeffersonian vision was about to be realized at last. The Universal Declaration, it was believed, would embody the consensus of the international community in favor of human rights and individual liberty. And the United Nations, it was further thought, would serve as the instrument through which the observance of human rights by governments would be enforced by the international community.

Thirty-five years after the adoption of the Universal Declaration, it is clear that these hopes have been fulfilled only in part. Nevertheless, the Universal Declaration remains an international standard against which the human rights practices of all governments can be measured. Its principles have become the basis of a number of binding international covenants and conventions. At the United Nations, it has served to strengthen the arguments of those governments which are genuinely interested in promoting human rights.

Still, the fact remains that even as we celebrate Bill of Rights Day and Human Rights Day, human rights are frequently violated in many nations. In the Soviet Union, for example, brave men and women seeking to promote respect for human rights are often declared mentally ill by their government and incarcerated in psychiatric institutions. In Poland, the free trade-union movement Solidarity has been brutally suppressed by the regime. Throughout Eastern Europe and the Baltic States, the rights of workers and other basic human rights as the freedom of speech, assembly, and religion and the right of self-determination are denied. This same tragic situation also occurs just 90 miles off our southern coast. In South Africa the apartheid system institutionalizes racial injustice, and in Iran the Bahai people are being persecuted because of

press, free elections, free trade unions, and an independent judiciary, it is not surprising that formal adherence to the Universal Declaration by governments which suppress these institutions has resulted in no real human rights gains.

By posing as champions of human rights, many governments hope to disguise their own human rights abuses. It was with special pleasure that I noted the recognition offered by the Nobel Peace Prize to Lech Walesa for his real efforts on behalf of human rights in a country where the government speaks only of the illusion of human rights.

Human rights can only be secured when government empowers its people, rather than itself, through the operation of free institutions. Because our Founding Fathers understood this, we are blessed with a system of government which protects our human rights. Today,

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*... the Universal Declaration remains an international standard against which the human rights practices of all governments can be measured.*

*President Reagan  
December 9, 1983*

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their religion. And, in Afghanistan and Southeast Asia, toxic weapons, the use of which is outlawed by international conventions, are being utilized by foreign occupation forces against brave peoples fighting for their freedom and independence.

As Americans recall these and other human rights violations, we should reflect on both the similarities and the differences between the Bill of Rights and the Universal Declaration of Human Rights. Both great human rights documents were adopted in the aftermath of a bitter war. Both envision a society where rulers and ruled are bound by the laws of the land and where government rests on the consent of the governed, is limited in its powers, and has as its principal purpose the protection of individual liberty.

Yet while the Bill of Rights was adopted by a Nation in which free institutions already flourished, many of the countries which adopted the Universal Declaration of Human Rights lacked free institutions. Since human rights are the product of such institutions as a free

let us rededicate ourselves to respect these rights at home and to strive to make the words of the Universal Declaration a living reality for all mankind.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim December 10, 1983 as Human Rights Day and December 15, 1983 as Bill of Rights Day, and call upon all Americans to observe the week beginning December 10, 1983 as Human Rights Week. During this period, let each of us give special thought to the blessings we enjoy as a free people and renew our efforts to make the promise of our Bill of Rights a living reality for all Americans and, whenever possible, for all mankind.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of December, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and eighth.

RONALD REAGAN

**BILL OF RIGHTS DAY,  
HUMAN RIGHTS DAY AND WEEK,  
1982 and 1983**

*Proclamation by President Reagan,  
December 10, 1982 (excerpts)*

On December 15, 1791, our Founding Fathers celebrated the ratification of the first ten amendments to the Constitution of the United States—a Bill of Rights, which from that moment forward helped shape a nation unique in the annals of history. The Bill of Rights became the formal and legal expression of our liberties and of the principles embodied in the Declaration of Independence.

The Founding Fathers derived their principles of limited government from a belief in natural law, that is, the concept that our Creator had ordained a framework for society giving great importance to individual freedom, expression, and responsibility. They held that each person had certain natural rights bestowed on him by God. As Jefferson put it, "the God who gave us life gave us liberty."

It is with glad hearts and thankful minds that on Bill of Rights Day we recognize and honor this great gift of liberty bequeathed to posterity by the Founding Fathers.

One hundred and fifty-seven years later, on December 10, 1948, the United Nations adopted the Universal Declaration of Human Rights. By jointly celebrating this anniversary with Bill of Rights Day, we acknowledge the necessary link between human rights and constitutional democracy. As stated in the Universal Declaration, we must staunchly pursue our conviction that freedom is not the sole prerogative of the fortunate few, but the inalienable and universal right of all human beings. Throughout history and from all parts of the globe, man's instinctive desire for freedom and true self-determination have surfaced again and again. Democracy has provided the best and most enduring expression of man's search for individual rights.

We can point to many nations in the world where there is real progress toward the development of democratic institutions. The people of some of those countries have fully demonstrated their commitment to democratic principles by participating in elections under difficult and even life-threatening circumstances. Such displays of courage can only inspire confidence in the future of democracy for all people. . . .

On these important anniversaries let us remember the great and abiding love of freedom that dwells perpetually within the heart of mankind. And let us also hope and pray that the blessings of liberty will one day be shared by all people.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim December 10, 1982 as Human Rights Day and December 15, 1982 as Bill of Rights Day, and call on all Americans to observe the week beginning December 10, 1982 as Human Rights Week.

IN WITNESS WHEREOF, I hereunto set my hand this tenth day of December, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.

RONALD REAGAN

*Proclamation by President Reagan,  
December 4, 1981*

On December 15, 1791, our Founding Fathers rejoiced in the ratification of the first ten amendments to the Constitution of the United States—a Bill of Rights, which has helped guarantee all Americans the liberty which we so cherish.

One hundred and fifty-seven years later, on December 10, 1948, the United Nations adopted the Universal Declaration of Human Rights, an effort aimed at securing basic human rights for the people of all nations.

Each of these great documents was born after the bloodshed of a bitter war. We remember the great sacrifices Americans have made for 200 years, from the Revolutionary War, in which our ancestors "sought their lives, their fortunes, and their sacred honor," to the wars of this century, in which hundreds of thousands of young Americans and millions of others gave their lives on the battlefields of Europe, Asia, and Africa in the struggle for freedom. And, yet, even today, as we celebrate Bill of Rights Day and Human Rights Day, we all are only too well aware that the individual rights declared in these documents are not yet respected in many nations.

We have learned that the lesson our Founding Fathers taught is as true today as it was two centuries ago—liberty depends not upon the state but upon the people. Liberty thrives in the free association of citizens in free institutions: families, churches, universities, trade unions, and a free press.

Mankind's best defense against tyranny and want is limited government—a government which empowers its people and itself, and which respects the wit and bravery, the initiative, and the generosity of the people. For, above all, human rights are rights of individuals: rights of conscience, rights of choice, rights of association, rights of emigration, rights of self-directed action, and the right to own property. The concept of a nation of free men and women linked together voluntarily is the genius of the system our Founding Fathers established.

We will continue to strive to respect these rights fully in our own country and to promote their observance abroad. We could have no greater wish for mankind than that all people come to enjoy these rights.

This year, after nearly 20 years of effort, the United Nations Human Rights Commission and the UN General Assembly have approved a declaration on the elimination of all forms of discrimination based on religion. It begins with words Americans will find familiar, "Everyone will have the right to freedom of thought, conscience and religion." It declares that parents must have the right to teach their children to worship God and that all religions must have the right to teach their faith, to train their clergy, and to observe their customs and holidays.

We in America are blessed with rights secured for us by the sacrifices of our forefathers, but we yearn for the day when all mankind can share in these blessings. Never is there any excuse for the violation of the fundamental rights of man—not at any time or in any place, not in rich countries or poor, not under any social, economic or political system.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim December 10, 1981 as Human Rights Day and December 15, 1981 as Bill of Rights Day, and call on all Americans to observe the week beginning December 10, 1981 as Human Rights Week. During this week, let each of us give special thought to the blessings we enjoy as a free people and let us dedicate our efforts to making the promise of our Bill of Rights a living reality for all Americans and, whenever possible, for all mankind.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of December, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

RONALD REAGAN

# UNIVERSAL DECLARATION OF HUMAN RIGHTS

*Declaration was the work of the UN Commission on Human Rights which met in January 1947 under the chairmanship of Mrs. Franklin D. Roosevelt. The Universal Declaration of Human Rights was adopted and proclaimed by the General Assembly on December 10, 1948. It was the first effort to set common standards of achievement in human rights for all peoples of all nations.*

## Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between na-

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international to secure their

universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

## Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

## Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

## Article 3

Everyone has the right to life, liberty and the security of person.

## Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

## Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

## Article 6

Everyone has the right to recognition everywhere as a person before the law.

## Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

## Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

## Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

## Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

## Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the offence was committed.

## Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

## Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country, including his own, and to return to his country.

## Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

## Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

## Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

#### Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

#### Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

#### Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

#### Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

#### Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

#### Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

#### Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

#### Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

#### Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

#### Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

#### Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

#### Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

#### Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

#### Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

### PROMOTING DEMOCRACY AND PEACE

*Address by President Reagan before the British Parliament, London, June 8, 1982 (excerpt)*

#### Fostering Democracy

No, democracy is not a fragile flower; still, it needs cultivating. If the rest of this century is to witness the gradual growth of freedom and democratic ideals, we must take actions to assist the campaign for democracy. Some argue that we should encourage democratic change in rightwing dictatorships but not in Communist regimes. To accept this preposterous notion—as some well-meaning people have—is to invite the argument that, once countries achieve a nuclear capability, they should be allowed an undisturbed reign of terror over their own citizens. We reject this course.

As for the Soviet view, President Brezhnev repeatedly has stressed that the competition of ideas and systems must continue and that this is entirely consistent with relaxation of tensions and peace. We ask only that these systems begin by living up to their own constitutions, abiding by their own laws, and complying with the international obligations they have undertaken. We ask only for a process, a direction, a basic code of decency—not for an instant transformation.

We cannot ignore the fact that even without our encouragement, there have been and will continue to be repeated explosions against repression in dictatorships. The Soviet Union itself is not immune to this reality. Any system is inherently unstable that has no peaceful

means to legitimize its leaders. In such cases, the very repressiveness of the ultimately drives people to resist necessary, by force.

While we must be cautious about forcing the pace of change, we must not hesitate to declare our ultimate objectives and to take concrete actions to move toward them. We must be staunch in our conviction that freedom is not the sole prerogative of a lucky few but the inalienable and universal right of all human beings. So states the UN Universal Declaration of Human Rights, which, among other things, guarantees free elections.

The objective I propose is quite simple to state: to foster the infrastructure of democracy—the system of a free press, unions, political parties, universities—which allows a people to choose their own way, to develop their own culture, to reconcile their own differences through peaceful means.

This is not cultural imperialism; it is providing the means for genuine self-determination and protection for diversity. Democracy already flourishes in countries with very different cultures and historical experiences. It would be cultural condescension, or worse, to say that any people prefer dictatorship to democracy. Who would voluntarily choose not to have the right to vote,

to purchase government propaganda handouts instead of independent newspapers, prefer government to worker-controlled unions, opt for land to be owned by the state instead of those who till it, want government repression of religious liberty, a single political party instead of a free choice, a rigid cultural orthodoxy instead of democratic tolerance and diversity?

... Let us now begin a major effort to secure the best—a crusade for freedom that will engage the faith and fortitude of the next generation. For the sake of peace and justice, let us move toward a world in which all people are at last free to determine their own destiny. ...

## HUMAN RIGHTS AND AMERICAN FOREIGN POLICY

Address by Secretary of State Alexander M. Haig, Jr., before the Trilateral Commission, Washington, D.C., March 31, 1981 (excerpts)

... The controversy over American foreign policy and human rights concerns four questions.

- First, is our concern for human rights in other countries compatible with the pursuit of America's national interest?

- Second, how does our foreign policy reflect our concern for human rights?

- Third, how should we treat violators of human rights?

- And the fourth question, how can we advance human rights in the world today?

Unless we can answer these questions, we cannot speak of a human rights policy. And the way we answer these questions tells us a great deal about how we view ourselves as a people and the problems we face today in international affairs.

Let me deal first with the question of whether a concern for human rights is compatible with the pursuit of America's national interest. My answer to this is a resounding "yes." The supreme American national interest is

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*We must be staunch in our conviction that freedom is not the sole prerogative of a lucky few but the inalienable and universal right of all human beings.*

President Reagan  
June 8, 1982

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simple and compelling: we want a world hospitable to our society and our common ideals. As a practical matter, our national interest requires us to resist those who would extinguish those ideals and are hostile to our common aspirations. But there is a positive aspect to our national interest that should be stressed. Let us not make the mistake of allowing other peoples to believe that America and the Western world means nothing more than sophisticated technology and the consumer society. From its very beginning, the United States has been about life and liberty, not just the pursuit of happiness.

Moreover, a crucial relationship exists between human rights of the individual, the humane practice of society, and the humanity of the political system. Among widely recognized ideals held in many countries are three principles of which we are especially proud:

- Respect for the sanctity of the individual and his conscience;

- Government by the consent of the governed; and

- Government by law, not personal whim.

We continue to strive to perfect these ideals. It is in our national interest to do so and to give our example to the rest of the world. Human rights are, therefore, not only compatible with our national interest, they are an integral element of the American approach—at home and abroad. ...

A very practical question remains: How to advance human rights? This is an issue of both method and purpose, for the way something is done frequently determines whether it is done at all.

Let me put before you a few imperatives for advancing human rights.

The first imperative is to strengthen the United States, its allies, and friends—the main safeguard against the spread of totalitarian aggression.

Second, we must improve our own example as a society dedicated to justice.

Third, we should adopt a sense of proportion in dealing with violators. ...

Fourth, and finally, it is imperative that we examine the credentials and programs of the opposition, as well as the government—we must see clearly what change portends for human rights in the future.

Practically speaking, this means that policy on human rights must be integrated into the sphere of diplomacy, not pursued as if it were the only virtue in a foreign policy of otherwise petty or distasteful acts. We must also develop a balance between private persuasion and public pronouncement. We must care more for results than for rhetoric.

In conclusion, let me summarize our position.

- Concern for human rights is compatible, indeed integral, to our national interest: We have great principles to defend and a great example to give the world.

- Human rights remain a major focus of our foreign policy, especially when we are beset today by the overriding issue of how to stem the advance of the enemies of human rights.

- We should not adopt an undifferentiated attitude toward violations and violators; we should oppose the establishment of totalitarian regimes. ...

- We can advance human rights more effectively than before, through the integration of human rights efforts into our diplomacy, pride in our achievements, and defense of our positions. ...

## 1982 HUMAN RIGHTS REPORT

*Excerpt from the introduction of the Country Reports on Human Rights Practices for 1982 which was prepared by the Department of State and submitted to the House Foreign Affairs Committee and the Senate Foreign Relations Committee in February 1983*

### United States Human Rights Policy

Human rights is at the core of American foreign policy because it is central to America's conception of itself. This nation did not "develop." It was created in order to make real a specific political vision. It follows that "human rights" is not something added on to our foreign policy, but its ultimate purpose: the preservation and promotion of liberty in the world. Freedom is the issue that separates us from the Soviet bloc and embodies America's claim on the imagination of people all over the world.

Our human rights policy has two goals. First, we seek to improve human rights practices in numerous countries—to eliminate torture or brutality, to secure religious freedom, to promote free elections, and the like. A foreign policy indifferent to these issues would not appeal to the idealism of Americans, would be amoral, and would lack public support. Moreover, these are pragmatic, not utopian, actions for the United States. Our most stable, reliable allies are democracies. Our reputation among the people in important countries that are dictatorships will suffer if we come to be associated not with liberty, but with despotism. Often the people whose rights we are defending are the national leaders of future years.

As to the question of tactics, the Reagan Administration's test is effectiveness. With friendly countries, we prefer to use diplomacy, not public pronouncements. We seek not to isolate them for their injustices and thereby render ourselves ineffective, but to use our influence to effect desirable change. Our aim is to achieve results, not to make self-satisfying but ineffective gestures.

But the second goal of our human rights policy sometimes can conflict with this search for effectiveness: we seek also a public association of the United States with the cause of liberty. This is an eminently practical goal: our ability to win international cooperation and defeat anti-American propaganda will be harmed if we seem indifferent to the fate of liberty. Friendly governments are often susceptible to quiet diplomacy,

and we therefore use it rather than public denunciations. But if we never appear seriously concerned about human rights in friendly countries, our policy will seem one-sided and cynical. Thus, while the Soviet bloc presents the most serious long-term human rights problem, we cannot let it falsely appear that this is our only human rights concern. So a human rights policy does inescapably mean trouble—for example, from friendly governments if the United States Government places pressure upon them, or from the American people if their government appears not to be doing so. Yet a human rights policy embodies our deepest convictions about political life, and our interests: the defense and expansion of liberty.

Our human rights policy also has two sides, the negative and the positive. The negative side is embodied in the way we oppose (through act or word) specific human rights violations in the short term. The positive side is strongly emphasized by the Reagan Administration in which we seek over the long term to help democracy, the surest safeguard of human rights. It is a fact that most democracies have excellent human rights records; nothing is as likely as democracy to produce this result.

President Reagan has made the long-term development of democracy throughout the world a central goal of our foreign policy. Too often our human rights policy has been reactive or negative, responding to events by punishing people for bad behavior. The President wishes to go beyond this to an active, positive human rights policy. He outlined his conception in a speech to Parliament in London last June where he announced plans for two conferences that have since been held in Washington: a conference of scholars and experts on the democratization of communist countries, and a conference on free elections which included political leaders and elections officials from countries throughout the world. In addition, there is now underway a bipartisan study of how the United States can do more to promote democracy, and whether the growth of democratic institutions such as free elections, a free press, free labor unions, or an independent judiciary can be promoted through an appropriate combination of public and private effort. Recommendations for programs are expected this spring. Such programs would by their very nature need to be insulated from United States Government control, and would have to be responsive to the needs and desires of men and women who seek democracy for their own countries.

At the same time, the United States Government has assembled proposals for programs in support of democracy. The executive branch will soon be submitting the proposals for the consideration of Congress. They contain such items as support for free labor movements abroad; working with the AFL-CIO; expanded visitor exchanges of individuals in all age groups; proposed monetary support for publishing and distributing literature and teaching materials on democracy. Also suggested are support for the free press in the form of increased journalists' exchange and training; and support for organizations whose goal is protecting proponents of democracy, whether through observing trials, strengthening judicial procedures, or building intellectual and popular support for democratic institutions and procedures.

Obviously, the positive course of human rights policy is not a substitute for an immediate and active response, including sanctions, for human rights violations when they occur. But the Administration believes that we should treat not only the symptoms but the disease—that we should not only respond to human rights violations but also should work to establish democratic systems in which human rights violations are less likely to occur.

Positive policy of this kind will be aided by the genuine echo that the concept of human rights evokes around much of the world, and by the fact that no other conception of political justice has been able to win as much legitimacy over the last two hundred years. In aiding this movement, we will not be struggling alone, but assisting the most powerful current of history during the last 200 years. This Administration is committed to such a positive effort in support of human rights.

The Congress has already established one human rights program on the positive side. Section 116(e) of the Foreign Assistance Act provides Agency for International Development (AID) funding for programs and activities which will encourage or promote increased adherence to civil and political rights in countries eligible for United States bilateral assistance. In Fiscal Year 1982 AID funded activities of \$1,645,250 in 22 countries. Activities included the education and research program of the Inter-American Institute of Human Rights in Costa Rica; support for international observers for the March 1982 elections in El Salvador; strengthening the institutional base of the Indonesian legal system; legal educa-

programs in the Philippines; re-  
on human rights and a public  
on campaign on civil and political  
by the Liberian Constitution Com-  
mission; and publication of the newly re-  
vised Zairian penal code.

Present United States human rights  
policy gives special attention to en-  
couraging major improvements in the  
observance of human rights over the  
long term. But it does not neglect the  
simple imperative of responding to the  
fact of suffering. The United States is a  
major haven for refugees and the major  
contributor to the work of the United  
Nations High Commissioner for  
Refugees, giving \$121.9 million in FY  
1982. In FY 1982 the United States con-  
tributed over \$14 million to the Interna-  
tional Committee of the Red Cross for  
its programs on behalf of prisoners,  
missing persons, and civilians in war-  
time.

In the pursuit of its human rights  
policy the United States uses a wide  
range of means. Decisions on foreign  
assistance provided by the United States  
take human rights conditions into ac-  
count. The transfer of police and mili-  
tary equipment is carefully reviewed in  
order to avoid identifying the United  
States with violations of human rights.

In addition, human rights policy employs  
a mix of diplomatic tools: frank  
sessions with foreign officials;

meeting with victims of human rights  
abuses; and, where private diplomacy is  
unavailing or unavailable, public state-  
ments of concern. These instruments are  
applied in a manner that takes into ac-  
count a country's history, culture, and  
current political environment, and recog-  
nizes that human rights concerns must  
be balanced with other fundamental in-  
terests. This Administration has used all  
of these instruments at one time or  
another.

#### Regional and International Institutions for the Protection of Human Rights

During the past year the United States  
has pursued in international organiza-  
tions the theme established early in the  
Reagan Administration: to oppose in in-  
ternational fora the double standard ap-  
plied to human rights violations and to  
work toward a more regional approach  
to solving international human rights  
concerns.

The 38th (1982) session of the  
United Nations Human Rights Commis-  
sion (HRC) met in Geneva as the Polish  
Government, urged on by the Soviet  
Union, acted to suppress the human

rights of the Polish people. The Commis-  
sion adopted a resolution expressing its  
deep concern over the widespread viola-  
tions of human rights and fundamental  
freedoms in Poland, and affirmed the  
rights of the Polish people to pursue  
their political and economic development  
free from outside interference. Specifi-  
cally, the resolution called upon the  
Secretary-General to undertake a  
thorough study of the human rights  
situation in Poland and to present a  
comprehensive report to the 1983 ses-  
sion of the Commission.

This action represented the first  
time in its 38 year history that the Com-  
mission has spoken out on human rights  
violations in an Eastern European coun-  
try. It demonstrated that Poland was  
not an East/West issue, but a matter of  
worldwide concern. The resolution,  
which was sponsored by European na-  
tions, received support from all regions.

Passage of the Polish resolution, as  
well as adoption of resolutions condemn-  
ing foreign intervention in Afghanistan  
and Kampuchea, and the flagrant viola-  
tion of the human rights of the Khmer  
people, reflect a movement, albeit slow,  
toward honest assessment of human  
rights violations throughout the world.  
The success of these efforts reflected  
strong Western cohesion, and a commit-  
ment to reaching out to less-developed  
countries through three difficult pro-  
cedural resolutions and a final substan-  
tive vote.

The agenda for the 38th session of  
the Commission included a broad range  
of items, most of which were carry-overs  
from previous sessions. These included  
items relating to human rights in the  
Israeli-occupied Middle East territories,  
human rights in Chile, El Salvador,  
Bolivia, and Guatemala, human rights in  
South Africa, and a general item  
relating to the realization of "economic  
human rights" and a "right to develop-  
ment."

The United States Government  
continues to be troubled by the Commis-  
sion's treatment of the right to develop-  
ment issue, which the United States is  
not prepared to recognize as a basic  
human right, questions dealing with  
*apartheid*, and the Middle East.

In general, the Commission re-  
mained critical of human rights condi-  
tions in Latin America, criticizing Chile,  
Guatemala, and Bolivia in the public ses-  
sions, in addition to the resolution on El  
Salvador.

Within days of passage of the resolu-  
tion on El Salvador, which the United  
States considered was intended to  
undermine the electoral process in that  
country, Venezuela called for a special

session of the Organization of American  
States (OAS) Permanent Council to com-  
plain about UN interference in a  
regional matter. The United States  
Government hopes that this move is a  
precursor of greater willingness by  
regional bodies, such as the OAS, to  
undertake responsibility for significant  
issues which now primarily confront the  
United Nations.

Many of these problems appeared  
during the 37th session of the United  
Nations General Assembly: a double  
standard which focuses solely on certain  
countries, and a partisan treatment of  
human rights questions.

The General Assembly's Third Com-  
mittee (Social and Humanitarian Affairs)  
voted on issues regarding, among  
others, racial discrimination, human  
rights in El Salvador, Chile, and Guate-  
mala, Middle East issues, human rights  
and mass exoduses, and self-determina-  
tion. United States efforts served pri-  
marily to limit damage and to provide a  
forum for articulating the beliefs of the  
Administration, including emphasis on  
the hypocrisy of current double stand-  
ards, discrimination against Latin  
America countries, and general indiffer-  
ence to violations by the Soviet Union  
and its Communist allies.

United States efforts in the coming  
year in international and regional bodies  
will focus on a heightened international  
consciousness of human rights concerns  
in which there is implicit recognition of  
equity and consistency as underlying  
themes.

The Madrid follow-up meeting of the  
Conference on Security and Cooperation  
in Europe (CSCE)—the 35 states that  
signed the 1975 Helsinki Final Act—was  
scheduled to resume in early February  
1983 after a six-week holiday recess.  
The Madrid meeting has been in session  
(with periodic breaks) since November  
1980, longer than the original meeting  
which produced the Helsinki Final Act.

The principal obstacle to progress  
has been the continuing pattern of  
Eastern violations of the human rights  
provisions of the Final Act. After the in-  
crease in repression in Poland in 1981,  
the Western allies broke off all negotia-  
tion of the new CSCE document until  
November 1982. When the meeting re-  
convened, the United States joined in  
sponsoring a Western package of pro-  
posals centering on trade union rights,  
religious freedoms, jamming of radio  
broadcasts, activities of Helsinki moni-  
toring groups, and an experts' meeting  
on human contacts and family reunifica-  
tion. The Soviet Union and its allies  
have attempted to deflect attention from

human rights issues, concentrating instead on the security aspects of the Helsinki Final Act. The United States has repeatedly emphasized that the further development of the CSCE process must be balanced between progress on human rights issues and security interests.

In 1982, the European Commission on Human Rights and the European Court of Human Rights continued to hear and decide on cases involving violations of human rights in the 21 countries which are members of the Council of Europe. The Commission registered more than 400 individual cases for examination during the year. Spain and France joined the list of more than a dozen member countries which permit their citizens to appeal directly to the Commission when they believe their basic rights have been infringed. Council of Europe member states regard European Court of Human Rights judgments as binding and generally seek to

By the end of 1982, 16 states had signed the Charter and six of those had formally deposited the instruments of ratification.

The legitimacy of human rights as an issue for public discussion gained wider acceptance in Africa in 1982. In late October the Government of Togo, jointly with the Paris-based Young African Lawyers Association and UNESCO organized a five-day human rights conference in Lome. The focus of concern was human rights in the context of the traditional African values of community, harmony, and solidarity. The sessions were devoted to discussion of the rights of women and the aged, cultural rights of minorities, and human rights and the push for economic development. During his 1982 trip to Africa, Vice President Bush engaged in discussions of human rights issues in several countries, including a human rights colloquy on human rights policy in Dakar, Senegal. . . .

both. The first reason I will call complexity and the second I will call communism.

### Complexity

With respect to complexity, I refer to the great difficulty in determining what U.S. Government actions will, in fact, help achieve human rights in a large number of specific cases. In a sense, the easiest aspect of this problem is the choice between public pressure and quiet diplomacy. One must gauge which, in the specific country in question, is, for example, more likely to get more people released from jail next week or more likely to prevent the torture of political prisoners. This is a tactical question, but one which quite obviously can be very difficult.

I think our general views on this are by now clear. We believe that where there are good relations between a foreign government and the U.S. Government, and our influence is considerable, we should use it first through diplomatic channels. Among the advantages of this route are the careful control over it we can exercise; the fact that issues of American arrogance or neocolonialism, or a foreign government's sensitivity to public pressure and to its own sovereignty, are minimized; and the fact that we avoid adding inadvertently to any campaign aimed at delegitimizing or destabilizing the government in question.

I do not suggest that a campaign of silence will produce very much, but those who urge that the State Department engage often in public denunciations mistake, I think, its proper role. I do not suggest limits on public discussion by Congress or by human rights organizations—merely by the executive. Clearly, pressure from the public, non-governmental organizations, the press, and most of all the Congress are useful if diplomatic pressure is to be fully effective. But I would caution against a confusion of roles here.

The question of what U.S. Government actions are helpful becomes even more difficult if one is asking not how to get a few prisoners out of jail but rather how to evolve a system in which no political prisoners are taken. What should the United States actually do to help Argentina return from military rule to civilian rule? Is there an American role in the negotiations between the *multipartidara* and the military? Precisely how should we use our influence in South Africa so that that country evolves in the direction of racial peace and democracy rather than in the direc-

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*In other areas of foreign policy, any advance is a gain. In human rights, partial success is always shadowed by the fact that any remaining human rights violation is still unconditionally repugnant.*

*Assistant Secretary Abrams  
October 12, 1983*

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make amends in accordance with the Court's rulings. While neither the Court nor the Council of Europe is empowered to enforce the Court's rulings, member countries' voluntary acceptance of its findings demonstrates that the Court exerts a positive influence on human rights issues in Europe.

The Inter-American Commission on Human Rights (IAHRC) was established in 1960 to promote the observance and protection of human rights and to serve as a consultative organ for the OAS. The Commission considers individual complaints and conducts on-site examinations of alleged human rights violations. It approves definitive reports on the human rights situation in various Latin American countries and prepares an annual report for presentation to the OAS General Assembly.

The Organization of African Unity Assembly of Heads of State and Government approved an African Charter of Human and People's Rights at a meeting in Nairobi in June, 1981. The Charter will come into force upon ratification by a simple majority of the member states.

### HUMAN RIGHTS POLICY

*Address by Elliott Abrams, Assistant Secretary for Human Rights and Humanitarian Affairs, before the Georgetown University Leadership Seminar, Washington, D.C., October 12, 1983*

I am delighted to be here to discuss the Reagan Administration's human rights policy. In my view U.S. human rights policy has two specific goals: to improve human rights conditions in a large number of places around the world, so as to benefit the people who live in those places, and to make clear the continuing commitment of the United States to the cause of liberty throughout the world. These goals are, of course, not inconsistent; indeed, they are inseparable. Yet, in practice, formulating a policy which achieves both is extraordinarily difficult.

I would like to suggest that it is extraordinarily difficult for two very different reasons and then to discuss

tion of bloodshed and repression? What should be our role with respect to national party politics? Should we attempt to help a reform coalition in South Africa or are their reforms too pale to merit any real recognition of the human rights of South African blacks? Considering conditions in Zaire, how can the U.S. best encourage the development of democratic institutions there? What influence should tribal divisions, as in Nigeria or Namibia, have over the transition to democracy?

To address these issues, we need (to borrow cavalierly from Samuel Huntington) an analysis of the evils of the society, a sense of the goals of reform and of the character of the future society, and a sense of strategy for getting from here to there. Only thus do we know what we are for, beyond saying we are for liberty.

If these questions seem hopelessly complicated, that is because they are. They cannot be answered without the closest study of each of the societies in question—and in addition concentrated attention on successful examples of political development elsewhere in the world—from Turkey to Brazil to Meiji Japan to Mexico to de Gaulle's Fifth Republic. And they will not always be answered correctly. The human rights problem is so complex that mistakes will inevitably be made.

I would suggest that a policy seriously dedicated to helping expand freedom throughout the world must address all of these complexities.

#### American Traditions of Response to Human Rights Issues

We must learn to deal with the frustration that flows from partial success in our efforts to improve respect for basic human rights. Limited success is frustrating in human rights, as it is not elsewhere. In other areas of foreign policy, any advance is a gain. In human rights, partial success is always shadowed by the fact that any remaining human rights violation is still unconditionally repugnant. And, in human rights policy, we are dealing with limited success almost by definition. Our human rights policy is concerned about a situation precisely because there are serious abuses there, abuses that are not superficial and, therefore, not easily removed.

Through the historic encounter of America with human rights problems, there have been two traditions of response to this frustration. The first tradition has been the dominant one

because it accords with American ways of doing things in other areas. When Americans are concerned about righting a moral wrong, we are traditionally willing to work and to sacrifice to achieve our ideals. We generally commit ourselves to effective action on behalf of our principles. We are willing to make the intellectual effort to understand a complicated reality when we want to change it. We are willing to commit resources. We are willing to give of our own labor and efforts. And, when it is a question of diminishing suffering and injustice, we stick to an effort in spite of complications and difficulties.

This Administration believes that U.S. human rights policy must be carried out in the spirit of this dominant American tradition. We must be hard-working, hardheaded, and realistic. Our efforts for human rights should understand the reality we are facing honestly and clearly and deal with it by an active policy which employs all the leverage and influence we are able to muster. In human rights, as in other areas of foreign policy, we will not achieve our goals if policy is reactive or passive or results in our avoiding problems because they are difficult or frustrating.

There has been another, less influential, American tradition of response to frustration in the face of a complex moral task. In the 1840s and 1850s, this tradition was represented by the attitude of some extreme abolitionists in the face of the entrenched evil of slavery. This group of abolitionists was quite willing to see the secession of the slave states from the Union. Then the United States would no longer be contaminated by any complicity in the evil of slavery. The evil itself, of course, would have continued unabated and the breakup of the Union would have ended the existing leverage for restricting slavery. This tradition saw that one way to avoid being implicated in a moral evil is to place yourself in a position where you cannot do anything about it.

Abraham Lincoln, the statesman who achieved the end of slavery, rejected this approach. He rejected it because he could not admit that the surrender of hope and effort ought to be the sign of moral nobility. He preferred to change the world, even at the cost of the compromises and contradictions every historian recounts.

The second tradition rejected by Lincoln reappears in our time in one aspect of human rights policy. This aspect concentrates on acts of abstention and withdrawal. That is, proper human rights policy consists of ter-

minating economic assistance to countries where there are continuing problems, of not giving them diplomatic support, of not voting for multilateral loans to them, of not licensing crime control equipment to them, of not supplying military assistance and training, and so forth.

I do not disparage these specific instruments of human rights policy. They have an important place as part of an integrated policy, and the Reagan Administration has used them along with other methods of diplomacy. But if abstention and withdrawal become the whole of our human rights policy, that policy will be both ineffective and unworthy of us.

There is a view that the most heroic act we can do for freedom and justice is to keep our hands clean and sit back feeling good about ourselves. It is difficult to believe that this course exhausts the idealism of the American people. Is this the most sophisticated policy we can evolve for human rights? Human rights deserves more. Human rights deserves a policy that grapples with complexity, is willing to make an effort, and one that is patient and determined rather than fiftful and episodic.

This is the moral outlook that guides the policy of the Reagan Administration. We want to improve conditions in the world where we can. To do so, we must deal with countries as they are. We must work with the existing facts and with hard cases. To flee these cases would be to evade our responsibility. To face them, to understand them, to roll up our sleeves and build the means for changing them is in the best tradition of America.

#### The Problem of Communism

Let me turn now for a moment to the other problem I mentioned before—the problem of communism or, perhaps more accurately, of communism and of Soviet power. To begin with the latter, the U.S.S.R. and the United States are by far the world's strongest powers. The United States is a free country and its influence is, all other things being equal, in favor of democracy. The vast power of the Soviet Union, on the other hand, is exercised to confuse human rights issues in international discourse, to install despotic regimes in power, and to support others whose crimes have deprived them of any support from their population—witness Afghanistan and Kampuchea.

Some of this role is shaped by ideology, some by cynical power politics. When the United States, disgusted by

human rights violations in Ethiopia, terminated our military aid to Ethiopia (under the Carter Administration), it was the Soviet Union that stepped in with billions of dollars in arms and with Cuban regiments. We are seeing the same cynicism today with Cuba and Suriname. Cuba, seeing a weak dictator who has just started the practice of killing his opponents, immediately sees this as an opportunity to gain—not to protest but to develop a cozy relationship. The conclusion we have to draw is that the East-West struggle matters a great deal for human rights. Let me acknowledge right now that I take the comment that this Administration puts human rights policy in an East-West framework to be descriptive rather than critical.

There is another problem with communism itself, rather than Soviet power. Many regimes violate human rights. But communist regimes tend to export their human rights violations. If you compare Haiti and Cuba, Nicaragua and Guatemala, Vietnam and the Philippines, this is the conclusion to which you will be forced. In addition, communist regimes tend to be much more enduring than noncommunist dictatorships. It is a fact—in spite of the magnificent experiments of Poland and Czechoslovakia, crushed by Soviet pressure—that no communist ruling elite has relinquished power since 1919. So communist regimes are the source of particular human rights problems. This does not mean we judge a noncommunist human rights violation less harshly. It is the policy of the U.S. Government to respond to all human rights violations as best we can, no matter who does them. But it does make a difference when we confront complexity—when we don't know what will happen if a government falls.

As we see in Nicaragua, a crucial question which we need to ask about every government which abuses human rights is what the alternatives are. Surely this is one lesson we can learn from Vietnam. Just as the opposition in Vietnam consisted of a number of communist and noncommunist elements, so it does in El Salvador; yet we are persuaded that should the left come to power there can be no doubt that the armed elements tied closely to the Soviet Union—and hawking the Soviet propaganda line on all international issues—would, in fact, take over. In the light of our experience, even a highly imperfect regime may well give a much better prospect of democratization than would the communist regime that might follow it. It is, therefore, no contribution

to the cause of human rights to replace a regime we can work with and improve with a communist regime.

What this means is that the United States is at times reluctantly compelled to support regimes which abuse human rights, because we think that their replacements would be much worse for the cause of human rights and because we think that American (and other) pressure can greatly improve these regimes over time.

It is clear that this policy of resisting Soviet expansion and the expansion of communist systems throughout the world has subjected us to great criticism, because in pursuit of this policy we sometimes work closely with regimes which abuse human rights. How does this fit, we are asked, with our stated goals of seeking real human rights improvements and seeking to make clear the continuing American commitment to liberty? I should think my answers to this are obvious. In the real world the choice is frequently not between good and bad but between bad and worse or, perhaps more accurately, bad but improvable or worse and permanent. To prevent virtually any country from being taken over by a communist regime tied to the Soviet Union is in our view a very real victory for the cause of human rights. Of course, it is very difficult to demonstrate to a large number of people that we are committed to the cause of liberty when we have good relations with a repressive regime which we seldom criticize publicly. I don't deny the seriousness of this problem, but I want to make clear why I think it exists. I think it exists because so many people in the West will no longer grant the moral imperative of resisting the advance of communism. In France, for example, this produces a particular anomaly: one meets many people who will grant that the political distinction between West and East—the distinction between the Western political systems and the Soviet political system—is that between freedom and its absence and is therefore, a moral distinction. Yet many of the same people refuse to grant the same moral dimension to the struggle to resist the expansion of that very same Soviet system throughout the world. It is here where we disagree. In my view, resistance to the expansion of communism is essential to a human rights policy.

In Vietnam and in Nicaragua, we were told that the government we supported was corrupt and oppressive and that the other side was the progressive side and would respect democracy. We were told that human rights would gain if the other side won. We now hear this

argument again about El Salvador—indeed, in Europe it has been thrown at me daily.

In my view, blindness. How many times must we learn this lesson? This much I strongly urge upon you: that it is no part of a human rights policy to allow the Governments of El Salvador or Honduras, to take two current examples, to be replaced by communist dictatorships. To acquiesce in this, to withdraw our support from these governments at this junction, would make a mockery of our concern for human rights. For our goal is not purity; we do not live in utopia. Our goal is effectiveness in a violent and bitterly divided area of the world. Once again, I would never argue that all those opposed to these regimes are communists. I do argue, however, that the extremists would take power, and regimes would emerge which would impose communist dictatorships, with all that that means for human rights.

Human rights policy is, inevitably, a difficult mixing of the highest idealism with practical politics. It isn't easy, to practice or, indeed, even to explain. Yet the marriage of ideals and politics is an old American practice—as old as the country itself. We are committed to this effort, as the President has made clear time after time. Human rights policy has always been, and remains, a central element of American foreign policy. And in our part of the 20th century, resistance to communism must be a central part of any sensible human rights policy.

## THE ROLE OF HUMAN RIGHTS IN THE UNITED NATIONS

*Statement by Jeane J. Kirkpatrick, U.S. Ambassador to the United Nations, before the UN Third Committee, New York, November 24, 1981 (excerpts)*

The Government of the United States was founded squarely and explicitly on the belief that the most basic function of government is to protect the rights of its citizens. Our Declaration of Independence states: "We hold these truths to be self-evident: that all men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness." It adds, "To protect these rights, governments are instituted among men, deriving their just power from the consent of the governed."

These notions—that the individual has rights which are prior to government, that protection of these rights is every purpose of the existence of government, that the just powers of government depend on the consent of the governed—are the essential core of the American creed. That being the case, we naturally believe that the United Nations has no more important charge than the protection and expansion of the rights of persons. The charter commits the United Nations to this task; several bodies in the United Nations are explicitly devoted to it.

My government stands always ready to join other nations in any serious effort that will expand the perimeters of liberty, law, and opportunity. We believe that the rights of individuals are most effectively promoted and expanded by and through democratic political institutions—where governments are elected through periodic competitive elections—elections that feature freedom to criticize government, to publish criticisms, to organize opposition, and to compete for power. Human rights violations may occur even in such systems, but they are relatively few and readily corrected. The reason that popular governments protect human rights best is that people do not impose tyrants upon themselves. Tyrants impose themselves upon people.

There would be no serious human rights abuses if all peoples enjoyed self-government and democracy. The dynamics of freedom and political competition could be relied upon to work to protect minorities, dissenters, and critics against the arbitrary use of governments' powers against them. But, unfortunately, many, perhaps even most, people do not live in democracies but live instead under rulers whom they have not chosen and who cannot be counted upon to respect their rights.

Governments, moreover, are not the only source of oppression and tyranny. Serious political philosophers such as Thomas Hobbes, John Locke, Baron Montesquieu, Rousseau, and their medieval predecessors, among others, understood that human rights exist independently of government and the human rights violations exist independently of government as well; that human rights can be and are violated by private violence as well as by public coercion. A government of laws protects and expands rights because it protects individuals against private violence.

Because human rights can be violated by individuals and groups as well as by governments, the protection

of human rights should necessarily have a double focus. It should take account of all major sources of abuse: violations by government and violations by private violence, including organized private violence. Tyranny and anarchy are alike incompatible with freedom, security, and the enjoyment of opportunity.

It is, of course, not enough for the partisans of freedom to define the character and identify the sources of human rights violations. A serious commitment to human rights by this or any group also requires that one's judgment be fair and reasonable. Fair judgment of a country's human rights practices would judge all by the same moral standards. A reasonable judgment requires that all nations be judged by criteria relevant to their specific character and situation. Thus it is not fair to judge one nation or group by the Sermon on the Mount and all other nations on the curve; it is not reasonable to judge peaceful countries with a long experience of self-government by the same standards as strife-torn countries with weak legal and political institutions. And it is neither fair nor reasonable to judge the human rights violations of some nations harshly while ignoring entirely the gross abuses of other peoples.

Although these principles would appear to be almost self-evident, some curious practices have grown up in recent years around the standard of human rights, as some persons and some governments have attempted to use human rights less as a standard and a goal than as a political weapon; less to expand the domains of freedom and law than to expand the scope of their hegemony.

To bring about this transformation of function, an effort has been mounted to deprive the concept of human rights of specific meaning by pretending that all objects of human desire are "rights" which can be had, if not for the asking, then at least for the demanding. The proliferation of "rights"—to a happy childhood, to self-fulfillment, to development—has proceeded at the same time that the application of human rights standards has grown more distorted and more cynical.

No aspect of U.N. affairs has been more perverted by politicization of the last decade than have its human rights activities. In Geneva and in New York, human rights has become a bludgeon to be wielded by the strong against the weak, by the majority against the isolated, by the blocs against the unorganized. South Africa, Israel, and

the noncommunist nations of South America have been the principal targets of United Nations human rights condemnation—South Africa on grounds of apartheid, Israel on grounds of alleged practices in the West Bank and in the territories occupied in the 1967 war, and assorted noncommunist Latin American countries because, in addition to being nondemocratic, they have been unorganized and unprotected in this body in which from time to time moral outrage is distributed much like violence in a protection racket.

My government believes that apartheid is a morally repugnant system which violates the rights of black peoples and colored who live under it. It is one system through which the inhabitants of one country are denied equal access to freedom, economic opportunity, and equal protection of the laws. It is one system by which one ruling minority refuses to share power and profits from its possession of monopoly power. As such it is reprehensible. It can not be condoned by governments and people who believe in government based on the consent of the governed, freely expressed in competitive elections in which all citizens are permitted to participate.

But let us be clear, apartheid is not the only system for denying people the enjoyment of freedom, the right to choose and criticize their rulers, the rule of law, the opportunity for a good job, a good education, a good life.

There are other grounds on which other regimes in the last decade have denied their citizens dignity, freedom, equal protection of the law, material well-being, and even life; other regimes that have more cruelly and more brutally repressed and slaughtered their citizens.

In my government's view it is entirely appropriate that the agencies of the United Nations should condemn the spirit and the practice of apartheid and deplore its human consequences, providing, of course, that the same bodies of the United Nations demonstrate a serious moral concern for freedom, equality, and law. But the record of human rights in the United Nations belies the claim to moral seriousness that would fully justify its judgments.

The human rights agencies of the United Nations were silent while 3 million Kampucheans died in Pol Pot's murderous utopia; the human rights agencies of the United Nations were silent while a quarter of a million Ugandans died at the hands of Idi Amin. The human rights organizations of the

United Nations have been silent about the thousands of Soviet citizens denied equal rights, equal protection of the law; denied the right to think, write, publish, work freely, or to emigrate to some place of their own choosing. As we meet here, Andrei Sakharov—one of the world's most distinguished physicists and bravest men, who has been confined to exile in Gorky—has entered upon a hunger strike to protest the refusal of the Soviet Government to allow his daughter-in-law to emigrate.

But the United Nations is silent.

The activities of the United Nations with respect to Latin America offer a particularly egregious example of moral hypocrisy. Four countries of Latin America were condemned for one or another human rights violation during the last General Assembly; resolutions condemning El Salvador, Guatemala, Chile, and Bolivia were voted last winter in Geneva during the sessions of the Human Rights Commission. Doubtless,

then our resolutions and recommendations are merely tendentious political statements without moral content.

Either we consistently uphold the right of all people to be free regardless of the kind of system they live under or we do not, ourselves, have the right to talk about human rights and to make recommendations that we expect others will follow.

In a word, nothing less than the moral integrity of the United Nations is at issue in our deliberations here. Nothing less than the commitment of this organization to its own reason for being is at stake.

#### HUMAN RIGHTS CONCERNS IN THE UNITED NATIONS

*Statement by Ambassador Jeanne J. Kirkpatrick before the UN Third Committee, New York, December 7, 1982 (excerpts)*

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*Human rights and fundamental freedoms should be our goal and standard, rather than a political weapon used selectively by the strong against the weak, the organized against the unorganized.*

*Ambassador Kirkpatrick  
December 7, 1982*

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some of these countries, some of these governments, are guilty as charged. But the moral standing of their judges is undermined by their studious unconcern with the much larger violations of human liberty elsewhere in Latin America by the Government of Cuba. That government has driven over 1 million of its citizens into exile. It has incarcerated more political prisoners than any other Latin American nation. It has repressed freedom, denied equality, and incidentally, deprived its citizens of what is termed here the right to development—a talent for which Cubans had demonstrated a large capacity prior to Fidel Castro's "liberating" revolution. . . .

What are we to think of defenders of human rights who ignore the victims of major tyrants and focus all their ferocity on the victims of minor tyrants? Nothing is more necessary with respect to the treatment of human rights questions in the United Nations than to affirm and to adhere to a single standard. For if we do not have a single standard,

. . . . Most of the questions of human rights with which United Nations bodies have concerned themselves in recent years are of a single kind. UN human rights bodies concern themselves with relatively small, relatively underdeveloped, noncommunist nations, which are not members of any cohesive bloc; which are or have recently been the target of a national liberation movement with important ties to the Soviet bloc; and with countries which have sought to protect themselves by using government violence against guerrilla violence.

Relatively few governments meet all these criteria for attention. There are many small developing countries, but most are protected by their membership in powerful blocs. Furthermore, not all small developing countries are the active objects of revolutionary violence and not all targeted governments resist violent assaults. Some simply succumb.

Most of the human rights violations singled out for attention in the United Nations are Latin—not, mainly, because the greatest human rights violations of our century have taken place

there. The Holocaust, Gulag, Pol Pot's genocidal utopia, Vietnam's labor camps, Idi Amin's slaughterhouse have won for Africa records of human rights violations unmatched in the Western Hemisphere. Nonetheless, as our Venezuelan colleague noted in this committee last week, UN human rights bodies show a "special taste for those small countries which are apparently lacking in strategic resources of wide political audiences."

An Islamic or African country which becomes the target of violent guerrilla assault would be protected against United Nations human rights action by its involvement in a web of protective alliances—regional organizations, the Nonaligned Movement, the Group of 77, or some other bloc.

Even though their records of internal repression and external aggression are clear and well known, countries linked to the Soviet Union are protected against charges of human rights violations by their membership in the Soviet bloc which, like other blocs, functions as a mutual protection society. The fact that many members of the Soviet bloc are also members of other groups extends their access and influence. Cuba's status as president of the Nonaligned Movement symbolizes this pattern of overlapping membership and extended influence.

There is another reason that the Soviet Union and its bloc are successful in avoiding the attention of UN human rights groups. It is because they have been very successful in selling, here in the United Nations and in influential circles outside this body, a perverse doctrine of violence and human rights which stands traditional conceptions on their heads: where traditionally states have been defined as having a monopoly on the legitimate use of violence, now liberation movements are seen as having a monopoly on the legitimate use of force. . . .

Morally serious persons cannot maintain that terror wreaked on a civilian population by revolutionary movements is liberation, while violence committed by a government responding to that guerrilla is repression.

Morally serious persons cannot maintain that national liberation movements have the right to use violence against civilians, economies, societies, and governments and that those societies have no right to defend themselves; that violence conducted in the name of revolution is legitimate; that violence used by governments and societies to defend themselves against guerrillas is illegitimate.

It will not wash. The facts are —the method of violence is the method of tyranny in internal affairs and aggression in international relations. Modern tyrants use violence against their own people and violence against their neighbors. In our times, movements which seek total power by terrorist violence, govern by violence.

The continued widespread abuse of human rights in our world constitutes a challenge to all peoples and governments committed to promoting human rights and fundamental freedoms. A serious approach would take account of all deprivations of liberty, law, and security committed by organized political groups. A serious approach to human rights would take account of the use of lethal toxins and gases against the H'Mong, of the tens of thousands of Vietnamese imprisoned and held under brutal conditions in labor camps far from home; of the continuing human hemorrhage of refugees from Southeast Asia's communist nations into the China Sea. A serious approach would take account of the repression and banning of Solidarity, the continuing imprisonment of most of its leaders; of the denial of free association, collective bargaining, free speech, throughout Eastern Europe. It would take account of the Soviet Union's continuing massive, flagrant violation of rights and fundamental freedoms of the Afghan people, of the repression of the Helsinki Watch Committee, of the brutal imprisonment of Anatoli Scharanskiy, of the abuse of psychiatric treatment, the denial of the right to emigrate, and the repression of Andrei Sakharov.

A serious concern with human rights would also require taking account of the flight of more than 30,000 Ugandans across the border to Rwanda and of repression in other African states where freedom is denied and due process of law violated. It would take account of apartheid in South Africa.

A serious concern with human rights would take account of the widespread denial of legal and social rights of women and of "untouchables." And, in the context of all those problems, a serious concern for human rights would doubtless also take account of the deprivation of human rights by some groups and governments in some Latin American republics. It would take account of Chile's exiles; Argentina's *desaparecidos*; of right as well as left violence in Guatemala and Salvador; and also of the harsh treatment of Nicaragua's Miskito, Suma, and Rama Indians; its repression of press freedom and of the large number of political

prisoners in Cuba, some of whom have their sentences arbitrarily resentenced in clear violation of Cuba's own laws and of civilized practice.

The people and government of the United States believe in the method of consent, and we deplore all, I repeat all, recourse to the method of violence in internal and international affairs. We urge, even demand, that societies under attack practice the disciplines of freedom and law even as they defend themselves.

The United States is willing and ready to join with other nations in dealing seriously with these serious problems. Human rights and fundamental freedoms should be our goal and standard, rather than a political weapon used selectively by the strong against the weak, the organized against the unorganized. We will not be a party to the further perversion and selective application of these values. We will not contribute our votes to strengthening those who seek political gain by the method of violence.

We will join our colleagues in any serious, reasonable, and fair effort to protect and promote human rights. We are ready when you are.

## SELF-DETERMINATION

*Statement by Carl Gershman, U.S. Delegate to the UN Third Committee, before the Third Committee, New York, October 19, 1963 (excerpts)*

... While the Charter of the United Nations contains only two explicit references to self-determination, the meaning of the term in the context of the charter is clear. It is mentioned in the first article of the charter, where the development of friendly relations among states based on respect for the principle of self-determination is listed as one of the "purposes" of the United Nations. It is also mentioned in the preambular paragraph of article 55, which lists several goals the organization "shall promote," including universal respect for "human rights and fundamental freedom" . . . .

Five points seem worth noting about the approach to self-determination suggested in the charter.

First, the essence of self-determination is seen to be more method than result. While self-government is the ultimate goal, the critical issue is not the specific form it takes (whether this be independence, free association, or integration into another state—the options

spelled out in General Assembly Resolution 1541) but the method of reaching a decision. . . .

Second, self-determination is viewed as an evolutionary process. . . .

Third, self-determination is seen as a continual process, not one that is completed with the determination of international status. It cannot have been the intention of the charter that a process determined according to "the freely expressed wishes of the peoples concerned" may properly produce an outcome in which those wishes are disregarded or suppressed. The link established in article 55 between self-determination and respect for human rights and fundamental freedoms—a link that is also made in the title of the agenda item under consideration—suggests that self-government is an internal as well as an external goal and that freedom from alien domination includes freedom from persecution and discrimination and the right to participate freely in the political process. From the standpoint of the individual or an ethnic minority, a continuing process of internal self-government, in accordance with the universal declaration of human rights, is the only guarantee of genuine self-determination.

Fourth, the principle of self-determination is clearly universal in scope, applying to all peoples and, indeed, to all individuals, without distinction as to race, sex, language, or religion. It applies to relations among states where respect for the principle is understood to serve the purpose of developing "friendly relations among nations" and strengthening "universal peace," as well as to conditions within states where respect for the principle is seen to promote the general well-being of the population. Moreover, whereas the guarantees embodied in the principle apply to all, so does the corresponding duty to respect the principle as it applies to others.

Finally, self-determination is viewed as a relative, not an absolute, principle. It is one of a number of charter principles that limit and reinforce each other. A world that had witnessed the dangerous misuse of the principle of self-determination by Nazi Germany over the Sudeten issue readily appreciated the necessity to treat the principle in a larger context and in relation to other principles of the charter, including the non-use of force—or the threat of force—against the territorial integrity or political independence of any state.

As defined here, self-determination is a democratic principle in the true sense of the term—meaning the right of individuals and peoples freely to determine their internal and external status and to pursue their political, economic, social, and cultural development in a manner that respects the right of other individuals and peoples to do likewise.

This definition provides a meaningful and constructive framework for addressing many complex issues facing the international community. It is within such a framework that the United States, in accordance with Resolution 435 of the Security Council, seeks full independence for the people of Namibia. It is also within this framework that the United States, in accordance with Resolutions 242 and 338 of the Security Council and the plan enunciated last year by President Reagan, seeks a practical approach to solving the Arab-Israeli conflict, the approach of negotiation based on respect for the security and territorial integrity of all states in the region and also recognition of the legitimate rights of the Palestinian people and their just requirements.

It is within this same framework that the people of Puerto Rico have repeatedly exercised their right freely to determine for themselves their political status, a fact recognized by the General Assembly in 1953 when it removed Puerto Rico from the list of non-self-governing territories. It is also within such a framework that over the past year and a half plebiscites have been held in the Marshall Islands, Palau, and the federated states of Micronesia—plebiscites observed by the Trusteeship Council—which resulted in the approval of the compact of free association negotiated between each of these entities and the United States.

Regrettably, however, the principle of self-determination is often distorted and misused to justify the actual denial of self-determination. For example, in a letter circulated under this agenda item and contained in document A/C.3/38/6, which reviews the same points raised by the Soviet delegate in his speech yesterday, the Permanent Representative of the Soviet Union claims that the peoples of the three Baltic republics, formerly members of the League of Nations, enjoy the right of self-determination, and that it is the United States that arrogates "to itself" the right to decide their destiny. We do no such thing, as he can clearly ascertain from reading document A/38/318, which claims only that the peoples of the Baltic states themselves should have the right freely

to determine their own destiny. We simply cannot understand how any meaningful definition of self-determination can encompass the fate of the Baltic peoples, who were forcibly integrated into the Soviet Union as a result of the infamous pact between Adolf Hitler and Josef Stalin which divided Eastern Europe into Nazi and communist spheres of influence, after which the Soviet Union deported almost the entire intelligentsia to Siberia and continues to this day a policy of denationalization aimed at forcibly suppressing any trace of independent national, political, or religious expression. . . .

It is sometimes said that issues regarding Soviet expansionism are East-West questions. But the people dying as a result of this expansionism today are not Western peoples but peoples of the Third World—the people of Afghanistan and Kampuchea, in Africa where the Soviet Union would like to impose a new colonialism, and in Central America which is today the target of an armed struggle that is endorsed and assisted by the Soviet Union and its proxies. The vast increase in the world's refugee population over the last decade is attributable in large measure to this Soviet campaign to impose its will forcibly upon peoples of the Third World.

. . . . In other words, there are two forms of law—"bourgeois law," which includes the Charter of the United Nations and the principle of self-determination as it is defined there, and the "laws of the class struggle," to which the principle of self-determination is clearly subordinate in Soviet doctrine. This dual conception of international law accords to the Soviet Union absolute rights but no obligation to respect the rights of others, while it accords to all other states no rights at all but an absolute obligation to respect the rights of the Soviet Union.

Now, one must ask, how is it possible to secure a world of peace, in which the right of self-determination is universally respected, when a country as powerful as the Soviet Union makes such a distorted and self-serving interpretation of international law? In point of fact, it is very difficult indeed.

It is in this sense that the defense of the principle of self-determination for all peoples—genuine self-determination, that is—remains, as the Soviet Permanent Representative himself so aptly put it: "one of the urgent tasks confronting the United Nations."

## HUMAN RIGHTS OVERVIEW

*Statement by Richard Schifter, U.S. Representative to the 39th session of the UN Human Rights Commission, before the Human Rights Commission, Geneva, March 4, 1985 (excerpt)*

. . . . Now, let me turn to a review of human rights developments in the Soviet Union in 1982. It is a matter of regret to us, as it should be to all mankind, given the importance to us all of conditions in the U.S.S.R., that 1982 was a year of regression in Soviet respect for human rights. The sparks of freedom that were allowed to glimmer in the 1970s are now rapidly being extinguished. During 1982 Soviet authorities sharply escalated their measures of repression against those engaged in peaceful dissent. The Moscow-Helsinki group was disbanded, contacts between Soviet citizens and foreigners were severely curtailed, foreign journalists were harassed, and numerous citizens who were doing nothing other than exercising their internationally recognized human rights were either threatened with arrest or actually incarcerated and sentenced to long prison terms or internal exile. It is worthy of note that while the Soviet Union welcomes peace groups in all other parts of the world, it brutally suppressed a small group of Soviet citizens who tried to form a genuine peace group not controlled by the state apparatus. For the group's leader the arresting authorities chose the occasionally used and particularly cruel form of deterrent treatment—commitment of a sane person to a hospital for the mentally ill.

Last year we adopted a declaration on religious intolerance and the General Assembly followed suit, but that declaration, I regret to say, remains a dead letter in the Soviet Union. Antireligious propaganda continues to be an integral part of the government's program, with the schools playing an important role in efforts to drive a wedge between parents and their children, be they Christian, Jewish, or Muslim. Unregistered believers—such as some Baptists, Jehovah's Witnesses, Seventh Day Adventists, Pentecostals, and others—are singled out for special harassment in schools or at their places of work and for denial of access to housing.

While the adherents of most religions are persecuted for their faith and their active practices, the added burden placed on Jews is discrimination and persecution on the basis of ancestry

alone. It is in light of our recent discussion of the survival of Nazism that note should be taken of the anti-Jewish propaganda appearing in the official Soviet press and of discrimination against Jews in the field of higher education and in the denial of access to the professions. Note should be taken of a newspaper report which appeared just the other day that a person who exposed the fact of anti-Jewish discrimination in higher education has been sentenced to 5 years of banishment, and another is now being tried for the same act.

Subjected to anti-Jewish vilification in the media and with their children's educational and career opportunities severely restricted, is it any wonder that the Jews of the Soviet Union increasingly want to get out, to leave this stultifying existence behind them? Yet, alas, the doors have been shut. While a great many of them are eager to leave, only a trickle, at a current rate of perhaps 1,000 per year, are permitted to depart. The restrictions thus imposed are just another violation of internationally recognized human rights.

More than 65 years have passed since the Bolshevik revolution. It is close to 38 years since the end of World War II and, as I have said, almost exactly 30 years since the end of Stalin's despotism. There has been time to build, to develop. And yet, why is this superpower, in control of one of the strongest military machines in the world, afraid of the written and spoken word? Why is the Universal Declaration of Human Rights still a dead letter in the Soviet Union?

I am posing these questions not only for the sake of the people of the U.S.S.R. but for the sake of all of us. It has often been noted that the relaxation of international tension can be brought about by confidence-building measures. I submit to you that the most significant confidence-building measure which the Soviet leadership could adopt would be a decision henceforth to abide by the provisions of the Universal Declaration of Human Rights.

As we look to the year ahead of us, as we look to a Soviet Union under new leadership, let me say that no greater contribution could be made not only to the welfare of the people of the Soviet Union but to the peace of mind of people throughout the world than measures initiated by the Soviet leadership to relax its grip on the Soviet people, to let them begin at long last to enjoy the rights so clearly spelled out in the Universal Declaration.

## SOUTHERN AFRICA: AMERICA'S RESPONSIBILITY FOR PEACE AND CHANGE

*Address by Laurence S. Eagleburger, Under Secretary for Political Affairs, before the National Conference of Editorial Writers, San Francisco, California, June 23, 1963 (excerpts)*

I am grateful for this opportunity to speak to you who are so involved in helping to shape this nation's consideration of critical choices. I have come to speak to an issue that has occupied an important place on this Administration's agenda—an issue of common interest to the Western world, an issue central to international stability.

From this podium, spokesmen from the several administrations of recent times have addressed the responsibilities which the United States bears for the great crisis areas of the globe—Europe, the Middle East, Asia, Latin America. Tonight I invite you to join me in considering what is at stake in southern Africa and what role we can play in shaping that region's future. My message is not an easy one. It is a message of responsibility—responsibility for the use of American influence and power in dealing with a question of substantial and growing national interest. . . .

In retrospect, Western indifference to change in southern Africa played a part in creating this situation. As a nation we were not well equipped to deal with the region. Our involvement had been superficial; we knew little of its actors or its dynamics. Our body politic was polarized. The left was transfixed by the issue of racism, while the right was too often prepared to interpret events only in the light of the East-West competition. In spite of these domestic divisions, three administrations have attempted to catch up with fast-moving events, define our national interests, and decide how to use our influence. . . .

### The Dimensions of U.S. Regional Involvement

There are those who see in southern Africa's political tensions an opportunity for the West to identify the good guys and the bad guys and then to align itself accordingly. Others argue that the United States cannot maintain constructive ties based on principle and mutual interest with both South Africa and its African-ruled neighbors. Our policy of constructive engagement rejects sim-

plistic stereotypes based on race and ideology as inadequate guidelines for U.S. policy. From the outset of this Administration, we have signaled our hope for constructive relations with all governments in southern Africa. No regional state or external power can or should define our relations for us. . . .

### South Africa

It is essential that South Africans get on with the business of deciding and shaping their own future. The political system in South Africa is morally wrong. We stand against injustice, and, therefore, we must reject the legal and political premises and consequences of apartheid. Indeed, it is increasingly recognized as impossible to maintain by a growing number of South Africans of all races.

We reject unequivocally attempts to denationalize the black South African majority and relegate them to citizenship in the separate tribal homelands. We do not and will not recognize these areas. All Americans are repelled by the sight of long-settled, stable black communities being uprooted and their inhabitants forcibly removed to barren sites in far away "homelands" they have never seen before. Neither can we countenance repression of organizations and individuals by means of administrative measures like banning and detention without due process of law.

By one means or another, South Africa's domestic racial system will be changed. Black South Africans will gain fuller participation in all aspects of South African society and politics. Our policy is directed, therefore, not at whether a nonracial order is in South Africa's future or what the shape of that nonracial order will be, but how that nonracial order will be arrived at. Western policy toward South Africa today must focus on how various black groups acquire the basis and influence necessary to participate in a genuine bargaining process that produces change acceptable to all. The future of South Africa depends on those who participate in shaping it. A peaceful process of change depends on support from those who reject, as we do, both alignment with the current racial order and violence as a means of ending it.

We believe that South African and U.S. interests are best served by encouraging the change that is now under way in South Africa. We are committed to strengthening the capacity of black South Africans to participate in their country's society as equals—economical-

ly, culturally, and politically. It is our view that such "power to participate" can only be made; it cannot be taken. This is not and cannot be a zero-sum game since power taken by force or a revolutionary upheaval will likely leave little worth fighting over.

American efforts should, therefore, concentrate on positive steps which back constructive change and those who are working for it. We applaud the steps which are being taken to expand home ownership opportunities, trade union rights, and access to education. The structure and substance of apartheid are inevitably affected as education budgets grow dramatically and blacks find new opportunities and new influence as workers and consumers. The recent South African court decision to confirm urban residency rights of blacks is an important development. Equally, the findings of the de Lange Education Commission underline the necessity of a sustained expansion of opportunity on a basis of greater equity. The commission's findings and recommendations deserve recognition and support.

South Africa retains an independent judiciary and a distinguished bar—two institutions which tie it to the finest traditions of Western democracy. Indeed, the rule of law is for South Africa, as for any country, a precious inheritance. In recent years the power of the court has been circumscribed by new acts of parliament and police practices which remove from the courts the ability to review executive action. Nowhere is this more apparent than in the system of detention, where the right of access to those in the hands of the police has been limited. Such a system leads to abuse. There are few things Americans should be prouder of than the rule of law in our society. Similarly, we admire efforts by South Africans to retain an independent judiciary. Those who work to rebuild the rule of law are forging anew South Africa's more important links to Western democracy. We wish them well.

Our policy—constructive engagement—supports those inside and outside government in South Africa who are committed to peaceful change away from apartheid. Our support is both tangible and political. It is essential that we in the West, who have the most to offer toward peaceful change and much to lose if it fails, send an unambiguous message to the people of this increasingly important country. The message is, first, that we agree with those South Africans who recognize that change is imperative and, second, that we are

determined to permit them the opportunity to shape and define that change free of the threat of foreign intervention.

Constructive engagement seeks to support trade unionists, students, entrepreneurs, government leaders, cultural-political movements, civic associations, and religious organizations which, through their commitment to peaceful change away from apartheid, can help make a better future for all citizens of South Africa. Such groups and individuals must prosper if there is to be multiracial bargaining leading to a government based on the consent of the governed.

To support the positive aspects of change in South Africa, the Reagan Administration, with the support of Congress, has initiated new programs over the past 2 years.

- A \$4 million-a-year scholarship program which brings approximately 100 black South African students a year to the United States for undergraduate and graduate degrees. The majority of these students are studying in the hard sciences. By 1985 there will be some 400 black South Africans enrolled in U.S. institutions of higher education, and we will begin graduating more black engineers, chemists, and computer engineers than now exist in South Africa.

- In cooperation with the AFL-CIO, programs of support are being initiated to train labor leaders in South Africa in skills which will improve the collective bargaining ability of black and mixed trade unions and enhance the dialogue between the American and South African labor communities. The U.S. contribution to this program will increase from \$190,000 this fiscal year to \$875,000 next year.

- In cooperation with the National African Federated Chamber of Commerce of South Africa, we are beginning this year a project to support small business development in the black community. Over the next 2 years, some \$3 million will be invested in this project designed to enhance the economic leverage of the black community.

- In conjunction with black community groups throughout South Africa, we have underway a tutorial program to assist black high school students preparing for the matriculation examination which will determine their professional futures. Over the next 2 years this \$2 million project should significantly boost the number of blacks eligible for university admission.

- Moreover, the U.S. Senate has recently expressed its interest in setting aside \$5 million for an internal scholar-

ship program as a counterpart to the program now bringing black South African students to the United States. This program, implemented through private South African institutions, could provide scholarship support to some 400 black South African students per year.

I do not pretend that these programs, in and of themselves, are the answer to apartheid. But they are indicative of an approach that fully justifies the term "constructive." We are tangibly backing the things we believe in. By strengthening the educational standards of the black population, by enhancing the organizational ability of labor, and by expanding the business base of the black community, we are engaged in institution building for change away from apartheid while helping to encourage the alternative to it.

In terms of supporting change in South Africa, the American business community has considerably more experience than the U.S. Government. Over the past decade, American corporations with subsidiaries and affiliates in South Africa have become a force for change. The activities of these firms have had an impact far beyond the book value of U.S. investment in South Africa and far greater than is commonly recognized. U.S. firms have led the way toward equal employment opportunities in South Africa. Corporate initiative, both foreign and domestic, helped bring about changes in South African labor law permitting blacks to organize trade unions and bargain collectively. U.S. firms, acting through the voluntary Sullivan Code of Fair Employment Practices, have had a significant impact on the well-being of black South Africans on the job. We strongly believe that voluntary adherence to the Sullivan code is one of the best ways to go beyond rhetoric about apartheid. Equally important, so do the great majority of our corporate leaders.

The record of U.S. corporate citizenship in South Africa, though not perfect, is clear and impressive. Our firms have been pacesetters for change. Those in the United States and other Western nations who would have our firms disinvest not only ignore this record of achievement but propose measures that rest on no discernible philosophic or policy premise. Disinvestment by U.S. firms would undo an avenue of positive effort. Proponents of corporate disinvestment—and of stockholder or pension manager sales of stock of firms operating in South Africa—would have Americans wash their hands of any

association with that country. This apparent quest for symbolic dissociation is, in reality, a formula guaranteed to ensure America's irrelevance to South Africa's future.

In the final analysis, however, South Africans themselves—both black and white—will have to meet the challenge of their society, drawing for inspiration primarily on their own resources and their own history. Movement toward change in South Africa is taking place. In the economy, blacks have been gaining ever more bargaining power as producers; they are moving into more skilled and responsible positions. As consumers, their purchasing power has become essential to the South African economy. Black trade unions have become a major new reality. Politically, Prime Minister Botha put his own political base in jeopardy with his proposal to extend a limited and ethnically based franchise to the colored and Asian communities. What some South Africans see as too much, others see as too little. I do not see it as our business to enter into this debate or to endorse the constitutional proposals now under consideration for South Africa. Nor do we offer tactical advice to any of the interested parties. Yet the indisputable fact which we must recognize is that the South African Government has taken the first step toward extending national political rights beyond the white minority.

Many are quick to point out that these proposals make no provision for the national political participation of the black African majority in South Africa, except via the separate tribal homelands. More generally, there is a tendency to reject all incremental improvements in whatever sector of life in South Africa that are not explicitly linked to a full-blown democratic blueprint. We recognize the limits of current change and for this reason do not make a practice of endorsing individual steps as, in themselves, an adequate response to the dead end of apartheid. At the same time, we believe it is incumbent on us to avoid the arrogance of rejecting such steps. Nor, if we would be credible, can we expect South Africa's would-be reformers to announce their game plan and their bottom line to the world at large.

We state clearly and unequivocally our belief in the concept of government based on the consent of the governed. We do not presume to offer a formula to South Africa for resolving its unsettled political agenda other than to state that South Africans must have a say in determining their political system.

## Conclusion

Let me conclude by drawing your attention to a little recognized fact. Our southern African policy of constructive engagement—extending the hand of friendship, cooperation, and support to all states and peoples of the area who wish it—has occasioned controversy. Some, it appears, have misunderstood the message or chosen for their own reasons to misunderstand it. Less noticed is the encouraging evidence of a growing consensus across party lines around the core principles of more active involvement in this increasingly important region. Many Americans are coming to recognize that without a strong Western leadership role, it could become a turbulent zone of tragedy. They are pleased to see the United States striving diplomatically to build regional peace, to achieve independence for Namibia, to create conditions for the departure of Cuban troops from Angola. I detect a common sense public awareness that we can do these things only if we develop close and credible working relations with all the parties in the region. Whatever tactical debates may exist, I perceive a growing consensus in Congress, among businessmen, church leaders, trade unionists, and the media that it is right for Americans to do more than preach about apartheid. The time has come to support what we believe in, not to walk away in self-righteous indignation.

## APARTHEID

*Statement by Warren F. Hewitt, U.S. Alternate Representative to the 39th session of the UN Commission on Human Rights, before the Commission on Human Rights, Geneva, February 16, 1982 (excerpt)*

The distinguished chairman-rapporteur of our ad hoc working group on South Africa, the honorable Keba M'Baye, First President of the Supreme Court of Senegal, said in New York in October 1981: "To be free is not to deny other people's existence, for that is to deny one's own existence. To be free is to accept the freedom of man himself." My delegation emphatically shares these views. Freedom is indivisible. No person in the world, of any race, religion, or nationality, has a right to feel superior to another. On the contrary, each has a right as a human being to be equal under the law. Each of us is a child of the same creator. Each child of South

Africa is a child of God. Each has inalienable rights, whatever the color of their skin. Each is equally precious in the eyes not only of God but of all civilized persons.

Over 80% of South Africa's people, solely because of the color of their skin, do not share equality under the law. There is pervasive democracy for whites but discriminatory treatment and unequal standing for blacks, mixed races, and Asians. The apartheid system is offensive to the fundamental principle of "liberty and justice for all." This system is an embarrassment to all free and democratic peoples, a betrayal of the ideals for which we stand, a mockery even of its own best dreams. A house so divided cannot stand. It cannot thrive and grow, for its foundations are always being corrupted from within. It is vitally important to all free and democratic peoples that there be genuine equality in South Africa.

A black man is as free as a white man, as gifted, as talented. His loves are as passionate. His mind seeks truth with the same avidity. His conscience is as immortal.

In situations of great complexity and historical entanglement, it is most important to recur to first principles and to grasp the simple, truthful ideals with perfect clarity. The law exists to make men free. The use of law to bind men to inequality is a double betrayal—a betrayal of those whose lives are crushed and a betrayal of the very principle of justice.

Because we respect justice, my delegation supports due process and lawful change. Because we support justice, we abhor the apartheid in South Africa. It is a betrayal of justice to classify persons and rights by skin color or genetic relations. It is a betrayal of justice to impede the free association of individuals. It is a betrayal of justice to cripple or to weaken free trade unions. It is a betrayal of justice to block persons from exercising the full range of their talents and responsibilities. It is a betrayal of justice to ban, or to jail, people solely for the truth as they see it. These things are a betrayal of justice wherever they occur.

We have heard it said that the organization of society is an "internal matter." But any organization of society which violates the Universal Declaration of Human Rights is a universal matter. When one man's rights are infringed, the rights of all are by that much suspended.

My delegation believes that the true principles of law come to fruition under three main influences:

- The spreading of the ideas of liberty and democracy, which fan the spark of free conscience in every person of every race;

- The progress of education, which prepares individuals for self-reliance, economic activism, and political responsibility; and

- The growth of commerce and industry, which places a firm economic base, above and beyond mere subsistence, under the expansion of religion, the arts, and free expression of every kind.

This is why both in South Africa and in many other places, my country places such great emphasis upon the same three strategies. In many places, we have extended many forms of financial assistance, private and governmental, in the hopes that prosperity—or at least the diminution of hunger, misery, and penury—would encourage liberty. In South Africa, we recognize that economic sanctions are likely to increase misery. Instead, we favor a more constructive approach. The United States is providing funds to address the educational needs of black South Africans disadvantaged by the apartheid system.

There are many elements within South Africa which see the imperative need for change. The United States believes that we who view apartheid as unacceptable must positively support people of all races who are working for peaceful, evolutionary change leading to a just, stable, and nonracialist South Africa. If there is no dialogue, the international community will not be heard within South Africa. Confrontational rhetoric might encourage those prone to violate or further alienate those in South Africa who hold steadfastly to the status quo. Neither of these groups will enjoy our support, for all they do is exacerbate the problem, increase the suffering. We cannot and will not aid or abet terrorism or terrorists, nor will we assist those who consistently stand in the way of change.

We should consider the fact that there are those in every nation who stand for change which will benefit all citizens of their society. At times, they must swim against the tide of events and at times undergo personal sacrifice. As a result, there are voices in South Africa among all its racial groups which must be heard: those who call for evolutionary, dynamic change. Will we turn our backs on those people and take the

easy way out by relying on unconstructive criticism? Will it serve the purposes for the people of South Africa or the principles of this organization to constantly speak against abuses of human rights without attempting to encourage a process of change and support those who are seeking constructive change? We ask others to consider our position and to join us in working toward the solutions which we can all agree must take place in South Africa so that a government in Pretoria, representing all its citizens, can take its place as a respected member of the international community.

In South Africa, probably the largest and strongest of all black organizations, next to the churches, are the labor unions. We note with sadness how the authorities limit and confine these unions, arrest their leaders, inhibit their free association and free expression. Labor unions are a primary institution of free societies. They stand between the lonely individual and the powerful state. They are social in nature and yet not statist. They are free, independent social agencies, which, with other similar independent social agencies, form the flesh and blood which gives real body to the human rights of individuals. They protect individuals. They guarantee the steady advance of liberty and justice by constant vigilance to see that laws are just and fair.

We oppose the practice in South Africa of detention without trial. We oppose the dreadful practice of banning. This inhumane practice means the administrative separation of a person from his loved ones and the normal duties of his life and his displacement into some "neutralizing" environment where, like an uprooted plant, it is expected that he will wither and in effective human terms live as one who is already dead. What a cruel administrative practice this is, in South Africa, or wherever else it may occur. We oppose the forcible displacement of peoples.

All these things happen in South Africa because, under apartheid, blacks are kept out of the free circle of opportunity for education, for advancement, and for normal responsibilities and normal rights. These practices deprive South Africa of enormous talent and enormous creative energy. We believe that South Africans are beginning to acknowledge that their country has realized at present only a small fraction of its full human potential. In such matters it is important to dream. For humans do not live by bread alone but by the ideals that move their hearts and

shape their societies. South Africa must unleash its dreamers and idealists. It must place its national life upon a new and firm foundation, excluding no one—excluding no one.

The four items before us—6, 7, 16, and 18—expose racial discrimination as one of the most flagrant abuses of human rights, and apartheid—a governmental-sanctioned system of racial discrimination—as the most extreme form of such racial discrimination. The United Nations by its own charter has no other course but to work so that this system passes steadily and under law from the face of this earth forever. Apartheid is not an "internal matter." It is a universal matter. . . .

#### SIXTH ANNIVERSARY OF THE ARREST OF YURI ORLOV

*Statement by Maz M. Kampelman, Chairman of the U.S. delegation to the Conference on Security and Cooperation in Europe (CSCE), at Madrid, Spain, February 10, 1983*

Six years ago today, Dr. Yuri Orlov, a distinguished physicist and dedicated humanitarian, was arrested by Soviet authorities. He remains in strict regimen labor camp where he is forced to engage in harsh labor under cruel conditions.

His health has been endangered as a result of being frequently placed in solitary confinement and in a special punishment jail where he is deprived of adequate food, sleep, and protection against the cold.

He is isolated from his wife and family, denied formal prisoner visitation rights, and cut off from correspondence. His wife has been denied the opportunity to see him or talk to him since August 1979—3½ long years.

Why is this giant of a human being punished so vindictively, harassed, and physically beaten by hoodlums in jail? It is because he believed in 1975 that his country, the Soviet Union, intended to live up to the Helsinki Final Act, which its leader signed. He, therefore, founded the Moscow Helsinki Monitoring Group.

The agreement which his country signed said that citizens in each country could do what Dr. Orlov decided to do. His government in signing the Helsinki Final Act undertook to respect the human rights of its citizens. It turned out to be all a lie. And this courageous man of science, this humanitarian who has so much to give to the world, has been treated worse than a common criminal by a cynical and brutal system.

Yuri Orlov is not forgotten by men and women all over the world who believe in human dignity. He is not forgotten in Madrid where delegates from Western Europe, the United States, and Canada are insisting that the human rights provisions of the Helsinki agreement must be lived up to by the Soviet Union if we are to believe other promises they make to us.

We will not forget and we will not stop our efforts until Yuri Orlov and Anatoli Shcharanskiy and the other members of the Moscow, Ukrainian, Lithuanian, Georgian, and the Armenian monitors now imprisoned are free; not until the members of the Charter '77 group of Czechoslovakia now in jail are free; not until the members of the Polish Committee for Social Self-Defense are free.

Only when these men and women of conscience are free can we all be assured that the peace and security promised us by the Helsinki Final Act can be achieved. That is a task which the American delegation today rededicates itself to fulfill.

## THE CHALLENGE OF THE HELSINKI PROCESS

*Address by Secretary of State George P. Shultz before the concluding session of the Madrid followup meeting of the SCE, Madrid, Spain, September 9, 1985 (excerpts)*

### The Helsinki Process

The Helsinki process was launched with great hopes 10 years ago. It was born at what seemed to be an encouraging moment in East-West relations: the United States and the Soviet Union had just reached the first agreements on strategic arms limitation. Broad vistas of economic cooperation appeared open. Progress seemed possible on human rights. There was an awareness that lasting peace required us to look at the totality of our relations. And so Helsinki was an attempt to deal comprehensively with the problems of security, economic relations, contacts between our peoples, their basic freedoms, and standards of international conduct.

The Helsinki Final Act is an eloquent statement of aspirations, to which the United States gladly subscribed because we subscribe to every one of its principles.

- It affirms the most fundamental human rights: liberty of thought, conscience, and faith; the exercise of civil

and political rights; the rights of minorities.

- It calls for a freer flow of information, ideas, and people; greater scope for the press; cultural and educational exchange; family reunification; the right to travel and to marriage between nationals of different states; protection of the priceless heritage of our diverse cultures.

- And it reaffirms the basic principles of relations between states: nonintervention, sovereign equality, self-determination, territorial integrity, and the inviolability of frontiers other than through peaceful change.

The United States has always been realistic about the Helsinki process. We did not expect it to resolve all of the difficult security issues we face in an era of ideological conflict and military competition. We knew, from the beginning, that some would distort it to reinforce the division of the continent and the domination of Eastern Europe by the Soviet Union, despite the Final Act's clear reaffirmation of freedom, political independence, sovereignty, self-determination, and noninterference.

Thus, when heads of state and government met in Helsinki in 1975 to conclude the first conference and sign the Final Act, the United States took the position that hope had to be tempered by realism and backed up by effort. President Ford expressed it well on that occasion: "History will judge this conference not by what we say here today, but by what we do tomorrow—not by the promises we make, but by the promises we keep."

### Since 1975

Reflecting on the experience of the last 8 years, we must be disappointed, but we cannot be surprised, that the years since then have seen many setbacks for our efforts to strengthen security, expand cooperation, build mutual confidence, and protect human rights. The record speaks for itself:

- There are governments in the East which have from the outset treated their commitments to human rights under the Final Act with open contempt. The Helsinki monitoring groups that citizens created to gauge their governments' performance have been systematically suppressed. Emigration, after an initial rise, has fallen dramatically. Dissidents have been subjected to ever more brutal treatment. And courageous men and women who

dared to assert their human rights—or demonstrate for peace and arms control—are rotting in prison or condemned to mental hospitals.

- Similarly, within 2 years of signing the document pledging a commitment to the pursuit of peace, the Soviet Union began deploying SS-20 intermediate-range nuclear missiles with multiple warheads on each, aimed at the peoples of Europe and Asia, endangering the balance of power and creating an enormous security problem.

- Six years after signing a document pledging a commitment to sovereignty, independence, and self-determination, the Soviet Union coerced Poland into suppressing a free trade union movement whose only crime was to take workers' rights seriously in what claims to be a workers' state.

- And most recently, just days after accepting here a new document of still stronger commitments than those of the Final Act, the Soviet Union has ruthlessly taken the lives of 269 innocent people on a defenseless civilian airplane. And from this rostrum, its foreign minister shamelessly insisted that the Soviet Union would do so again, thus again demonstrating its callous disregard for human life. . . .

In reaching the vital question of human rights, the central point to make is that they are not just a separate "basket" of issues but an integral part of the whole subject of security and cooperation. As the Final Act declares, respect for human rights and fundamental freedoms is "an essential factor for the peace, justice, and well-being necessary to ensure the development of friendly relations and cooperation."

Here we arrive at the heart of the matter. What is the real reason that progress in the Helsinki process is such an uphill struggle? What is it that security and cooperation in Europe fundamentally depend upon? What are the real, basic obstacles to security and cooperation in Europe?

It all comes down to the question: Why is Europe divided? We all know the answer. Europe was divided by force, and it remains divided by force—the force of a system that as a matter of both principle and practice is opposed to the free movement of people and ideas. This is a system that built a wall to keep ideas out and people in. This is a system that fears foreign radio broadcasts even more, perhaps, than it fears missiles.

Yet experience has shown that no wall is high enough, no jamming station strong enough, to keep out ideas or to keep down the hopes of men and women

who yearn for freedom. The division of Europe is today, as it always was, unnatural and inhuman. Therefore, the attempt to keep Europe divided by raw power is inevitably a source of instability. There can be no lasting security or cooperation in Europe as long as one government is afraid of its own people and seeks reassurance in imposing a system of force on its people—and on its neighbors.

There will always be heroes who will not let us forget and who give their would-be masters no rest: Polish workers, Czech intellectuals, East German clergy and peace demonstrators, and Soviet dissidents of all faiths and from all walks of life who risk life and livelihood for the cause of liberty. The Soviet Union would earn great credit for itself in the spirit of Helsinki if it allowed these heroes who want to leave the Soviet Union to do so. The right to emigrate is a vital principle acknowledged in the Universal Declaration of Human Rights. As this Jewish new year begins, let us hope that the coming year will see major progress toward freer emigration. Yet our concern is not only for those who wish to leave but those who remain. The condition of their lives, in the spirit of Helsinki and Madrid, is an important barometer of the true condition of security and cooperation in Europe.

In the most profound sense, the Helsinki process represents an historic effort to erode the cruel divisions between East and West in Europe. It is an effort that must continue because it embodies the most basic interests, deepest convictions, and highest hopes of all the peoples of Europe. Though this conference is coming to a close, our concern for human rights is enduring, and we will continue to advance this cause in every appropriate forum. We will continue to speak the truth. The struggle for human rights is unstoppable, and it remains a priority of American foreign policy. . . .

## DEMOCRACY

*Address by Vice President George Bush before the Great Cities of the Americas Conference, San Juan, Puerto Rico, October 18, 1983 (excerpt)*

. . . . Democratic government is one of man's noblest achievements; but it is also one of the most difficult. The road to freedom is never smooth; the institution of democratic government is never easy. Yet in the New World, this great and difficult task has been accomplished again and again.

Of the 30 members of the Organization of American States, more than two-thirds now have governments chosen through open, competitive elections. In the last few years, four Latin American nations have given place to elected civilian governments—Honduras, Ecuador, Peru, and Bolivia. Last year El Salvador elected a Constituent Assembly, that in turn elected the country's provisional president and is writing a new constitution in anticipation of elections next year.

And this hemispheric transition to democratic civilian rule is continuing. Guatemala has scheduled elections for next July. Argentina will hold presidential elections later this month. And last year 77 million Brazilians voted in elections to determine the composition of an electoral college that will select a new president in 1985.

I cannot stress strongly enough my country's commitment to encouraging the growth, and safeguarding the establishment of, such democratic institutions in Latin America. We in the United States do not demand that democracy be perfected to qualify for our support. For we understand that, as I just stated, democracy is difficult to achieve. And some of you come from countries subject to the turmoil and disruption of armed guerrillas who prey on democracies still struggling to establish themselves. No, the United States will give full support to all efforts on behalf of democracy in Latin America that are genuine and borne of goodwill.

At this point, many of you may be asking yourselves a very practical question. In a developing nation, won't prosperity come more quickly through a centrally planned and controlled economy than through economic freedom?

Now, we recognize that many of your countries are burdened by heavy debts. We all share responsibility for the economic well-being of our hemisphere, and we in the United States intend to do all we can to help your nations meet their financial obligations. But in the long run the less developed nations of Latin America can achieve genuine prosperity only if they themselves produce a higher level of goods and services, and it is here that the question of economic freedom arises.

Join me for a moment in thinking of the postwar world as a kind of global experiment, an experiment in which the less-developed nations tried one of two basic approaches to economic development. Some countries followed the communist model and built economies that were rigidly planned and centralized. Others promoted development by adopting a free-market economy and vigorously pursuing foreign trade and investment.

Today, nearly four decades later, the results of the experiment are clear. The nations that put their faith not in the power of the state but in the energy and enterprise of individual men and women; those nations have experienced dramatic economic growth.

In Asia, for example, economic freedom has transformed South Korea, Singapore, Hong Kong, and Taiwan—three of which are small islands with virtually no natural resources—into economic powers in their own right.

The centralized economies, by contrast, have fallen far behind. The per capita gross national product of South Korea is more than twice that in North Korea. Or looking to Europe, per capita gross national product in West Germany is more than twice that in East Germany.

Ultimately, it is not help from abroad or even natural resources that drive a nation's economy but the hearts and minds of its citizens. A nation that gives its citizens freedom will experience economic abundance. A nation that

keeps its citizens oppressed will face economic stagnation. . . .

Let me clearly state the four points of U.S. policy toward our neighbors in Central America.

First, we support reform. We deplore human rights violations, whether by the Marxists on the far left or the dictatorships on the far right. And we understand that for too long, many of the nations of Central America suffered under the steel hand of autocratic regimes. The United States is encouraging all reasonable efforts in Central America to protect human freedom and establish the institutions of democracy.

Second, we fully recognize that many of the region's troubles stem from economic hardship, so we are providing substantial support for economic development.

Third, we support the security of the region's threatened nations. Our military aid represents not an end in itself, but a shield behind which the work of establishing democracy can go forward.

Fourth, we support dialogue and negotiations both within and among the Central American nations. . . .

There is your strength and ours. It resides in the people, the people who over and over again have rejected the totalitarian alternative, who time and

again have stood up—often risking their very lives to do so—to demand freedom and democracy. Their voice is now being heard in elections all across Latin America. It is the voice of conscience. It is the voice of courage.

It is, I predict, the voice of the future: *libertad*. ■

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Secretary Shultz

# Human Rights and the Moral Dimension of U.S. Foreign Policy

February 22, 1984

United States Department of State  
Bureau of Public Affairs  
Washington, D.C.

*Following is an address by Secretary Shultz at the 86th Annual Washington Day Banquet of the Creve Coeur Club of Illinois, Peoria, Illinois, February 22, 1984.*

I would like to speak to you today about human rights and the moral dimension of U.S. foreign policy.

Americans have always been an introspective people. Most other nations do not go through the endless exercise of trying to analyze themselves as we do. We are always asking what kind of people we are. This is probably a result of our history. Unlike most other nations, we are not defined by an ancient common tradition or heritage or by ethnic homogeneity. Unlike most other countries, America is a nation consciously created and made up of men and women from many different cultures and origins. What unifies us is not a common origin but a common set of ideals: freedom, constitutional democracy, racial and religious tolerance. We Americans thus define ourselves not by where we come from but by where we are headed: our goals, our values, our principles, which mark the kind of society we strive to create.

This accounts in good part, I believe, for the extraordinary vitality of this country. Democracy is a great liberator of the human spirit, giving free rein to the talents and aspirations of individuals, offering every man and woman the opportunity to realize his or her fullest potential. This ideal of freedom has been a beacon to immigrants from many lands.

We are a people that never felt bound by the past but always had confidence that we could shape our future. We also set high standards for ourselves. In our own society, from Jefferson to Lincoln to the modern day, there have always been keepers of our conscience who measured our performance against our ideals and insisted that we do better. The revolution in civil rights is perhaps the most dramatic recent example, and it has given impetus to other revolutions, such as in women's rights. We are blessed with a society that is constantly renewing and improving itself by virtue of the standards it has set.

In foreign affairs, we do the same. In the 19th century, when we had the luxury of not being actively involved in world politics, we, nevertheless, saw ourselves as a moral example to others. We were proud when liberators like Simon Bolivar in Latin America or Polish patriots in Europe invoked the ideals of the American Revolution. In the 20th century, since Woodrow Wilson, we have defined our role in the world in terms of moral principles that we were determined to uphold and advance. We have never been comfortable with the bare concept of maintaining the balance of power, even though this is clearly part of our responsibility.

Americans can be proud of the good we have accomplished in foreign affairs.

- We have fought and sacrificed for the freedom of others.
- We helped Europe and Japan rebuild after World War II.

- We have given generously to promote economic development.
- We have been a haven for refugees.

Thus, moral values and a commitment to human dignity have been not an appendage to our foreign policy but an essential part of it, and a powerful impulse driving it. These values are the very bonds that unite us with our closest allies, and they are the very issues that divide us from our adversaries. The fundamental difference between East and West is not in economic or social policy, though those policies differ radically, but in the moral principles on which they are based. It is the difference between tyranny and freedom—an age-old struggle in which the United States never could, and cannot today, remain neutral.

But there has always been tension between our ideals and the messy realities of the world. Any foreign policy must weave together diverse strands of national interest: political objectives, military security, economic management. All these other goals are important to people's lives and well-being. They all have moral validity, and they often confront us with real choices to make. As the strongest free nation, the United States has a complex responsibility to help maintain international peace and security and the global economic system.

At the same time, as one nation among many, we do not have the power to remake the planet. An awareness of our limits is said to be one of the lessons we learned from Vietnam. In any case, Americans are also a practical people and are interested in producing results. Foreign policy thus often presents us with moral issues that are not easy to resolve. Moral questions are more difficult to answer than other kinds of questions, not easier. How we respond to these dilemmas is a real test of our maturity and also of our commitment.

#### Approaches to Human Rights Policy

There are several different ways of approaching human rights issues, and some are better than others. One thing should be clear. Human rights policy should not be a formula for escapism or a set of excuses for evading problems. Human rights policy cannot mean simply dissociating or distancing ourselves from regimes whose practices we find deficient. Too much of what passes for human rights policy has taken the form of shunning those we find do not live up to internationally accepted standards. But this to me is a "cop-out"; it seems more concerned with making us feel better than with having an impact on the

situation we deplore. It is really a form of isolationism. If some liberals advocate cutting off relationships with right-wing regimes—and some conservatives seek to cut off dealings with left-wing regimes—we could be left with practically no foreign policy at all. This is not my idea of how to advance the cause of human rights.

One unattractive example of this approach derives from theories of American guilt, originating in our domestic debate over Vietnam. There are those eager to limit or restrain American power because they concluded from Vietnam that any exercise of American power overseas was bound to end in disaster or that America was itself a supporter or purveyor of evil in the world. Human rights policy was seen by some as a way of restricting American engagement abroad. Perversely, in this way of thinking, a government friendly to us is subjected to more exacting scrutiny than others; our security ties with it are attacked; once such a government faces an internal or external threat, its moral defects are spotlighted as an excuse to desert it. This is not my view of human rights policy either.

At issue here is not so much a tactical disagreement over human rights policy but fundamentally different conceptions of America and its impact on the world. What gives passion to this human rights debate is that it is a surrogate for a more significant underlying contest over the future of American foreign policy.

There should be no doubt of President Reagan's approach—not isolationism or guilt or paralysis but, on the contrary, a commitment to active engagement, confidently working for our values as well as our interests in the real world, acting proudly as the champion of freedom. The President has said that "human rights means working at problems, not walking away from them." If we truly care about our values, we must be engaged in their defense—whether in Afghanistan and Poland, the Philippines and El Salvador, or Grenada. This is the President's philosophy: We are proud of our country and of what it stands for. We have confidence in our ability to do good. We draw our inspiration from the fundamental decency of the American people. We find in our ideals a star to steer by, as we try to move our ship of state through the troubled waters of a complex world.

So we consider ourselves activists in the struggle for human rights. As the President declared to the British Parliament on June 8, 1982: "We must be staunch in our conviction that freedom is

not the sole prerogative of a lucky few but the inalienable and universal right of all human beings."

#### Goals and Techniques of Human Rights Policy

That was philosophy. But on a daily basis, we face practical issues and problems of human rights policy. On one level, human rights policy aims at specific goals. We try, for example, to use our influence to improve judicial or police practices in many countries—to stop murders, to eliminate torture or brutality, to obtain the release of dissidents or political prisoners, to end persecution on racial or other grounds, to permit free emigration, and so forth. Many American officials, including Vice President Bush and myself, have gone to El Salvador and denounced the death squads not only privately but publicly—all of which is having a positive effect. We have sought to promote an honest and thorough investigation of the murder of Philippine opposition leader Benigno Aquino.

President Reagan, during his visit to the Republic of Korea last November, publicly stated his belief in the importance of political liberalization. But we have also made our thoughts on specific cases known privately, and several of these approaches have been successful. In our contacts with the Soviets, we have pressed for the release of human rights activists and for freedom of emigration. There are literally hundreds of such examples of American action. Sometimes we make progress; sometimes we do not—proving only that we still have much to do. In this context, I must pay tribute to your distinguished Senator, Chuck Percy [Sen. Charles H. Percy, R.-Ill.]. No one in the Senate has played a more important role than Chuck Percy in the struggle for the right of emigration for Soviet Jewry and other oppressed peoples, for religious freedoms, and for the release of prisoners of conscience.

The techniques of exerting our influence are well known. We try, without letup, to sensitize other governments to human rights concerns. Every year we put on the public record a large volume of country reports examining the practices of other countries in thorough and candid detail—the rights of citizens to be free from violations of the integrity of the person and the rights of citizens to enjoy basic civil and political liberties. The 1984 report has just been published—nearly 1,500 pages of facts about human rights around the world, something no other country undertakes. Twice each year, we also send the con-

gressional Helsinki commission a public report thoroughly reviewing the record of Soviet and East European compliance with the human rights provisions of the Helsinki Final Act.

Wherever feasible, we try to ameliorate abuses through the kind of frank diplomatic exchanges often referred to as "quiet diplomacy." But where our positive influence is minimal, or where other approaches are unavailing, we may have no choice but to use other, more concrete kinds of leverage with regimes whose practices we cannot accept.

We may deny economic and military assistance, withhold diplomatic support, vote against multilateral loans, refuse licenses for crime control equipment, or take other punitive steps. Where appropriate, we resort to public pressures and public statements denouncing such actions as we have done in the case of the Salvadoran death squads, Iranian persecution of the Bahais, South African apartheid, and Soviet repression in Afghanistan.

Multilateral organizations are another instrument of our human rights policy. In the UN Commission on Human Rights, we supported a resolution criticizing martial law in Poland—the first resolution there against a Communist country. The United States has been active and vigorous in regional conferences and organizations, such as the Helsinki process and the Inter-American Commission on Human Rights. We regret that some multilateral organizations have distorted the purposes they were designed to serve—such as UNESCO (UN Educational, Scientific, and Cultural Organization), which has not been living up to its responsibility to defend freedom of speech, intellectual freedom, and human rights in general.

Friendly governments are often more amenable to traditional diplomacy than to open challenge, and we therefore prefer persuasion over public denunciations. But if we were never seriously concerned about human rights abuses in friendly countries, our policy would be one-sided and cynical.

Thus, while the Soviet Union and its proxies present the most profound and far-reaching danger to human rights, we cannot let it appear—falsely—that this is our only human rights concern. It is not.

#### Dilemmas of Human Rights Policy

Clearly, there are limits to our ability to shake the world. In the end, sovereign governments will make their own decisions, despite external pressure. Where a system of government is built on

repression, human rights will inevitably be subordinated to the perceived requirements of political survival. The sheer diversity and complexity of other nations' internal situations, and the problem of coping with them, in a dangerous world, are additional limits. How we use our influence and how we reconcile political and moral interests are questions that call not for dogmatic conclusions but for painstaking, sober analysis—end no little humility.

The dilemmas we face are many. What, for instance, is the relationship between human rights concerns and the considerations of regional or international security on which the independence and freedom of so many nations directly depend? This issue recurs in a variety of forms.

There are countries whose internal practices we sometimes question but which face genuine security threats from outside—like South Korea—or whose cooperation with us helps protect the security of scores of other nations—like the Philippines. But it is also true that in many cases a concern for human rights on our part may be the best guarantee of a long-term friendly relationship with that country. There are countries whose long-term security will probably be enhanced if they have a more solid base of popular support and domestic unity. Yet there are also cases where regional insecurity weakens the chances for liberalization and where American assurance of security support provides a better climate for an evolution to democracy. Human rights issues occur in a context, and there is no simple answer.

In the Middle East, to take a very different example, we have no doubt of Israel's commitment to human rights and democratic values. It is those very values we appeal to when we express our concern for the human rights and quality of life of the Palestinian people in the West Bank and Gaza—a concern that exists side by side with our understanding of Israel's security needs and our conviction that the basic problem can only be resolved through negotiation.

Another question that arises is: Do we know enough about the culture and internal dynamics of other societies to be sure of the consequence of pressures we might bring? If we distance ourselves from a friendly but repressive government, in a fluid situation, will this help strengthen forces of moderation, or might it make things worse? Pressures on human rights grounds against the Shah, Somalia, or South Vietnam had justification but may also have accelerated a powerful trend of events

over which we had little influence, ending up with regimes that pose a far greater menace not only to human rights in their own country but also to the safety and freedom of all their neighbors.

In some countries, harsh measures of repression have been caused—indeed, deliberately provoked—by terrorists, who waged deliberate warfare not only against the institutions of society—political leaders, judges, administrators, newspaper editors, as well as against police and military officials—but against ordinary citizens. Terrorism itself is a threat to human rights and to the basic right to civil peace and security which a society owes its citizens. We deplore all governmental abuses of rights, whatever the excuse. But we cannot be blind to the extremist forces that pose such a monumental and increasing threat to free government precisely because democracies are not well equipped to meet this threat. We must find lawful and legitimate means to protect civilized life itself from the growing problem of terrorism.

The role of Congress is another question. There is no doubt that congressional concerns and pressures have played a very positive role in giving impetus and backing to our efforts to influence other governments' behavior. This congressional pressure can strengthen the hand of the executive branch in its efforts of diplomacy. At the same time, there can be complications if the legislative instrument is too inflexible or heavy-handed, or, even more, if Congress attempts to take on the administrative responsibility for executing policy. Legislation requires that we withhold aid in extreme circumstances. If narrowly interpreted, this can lead us rapidly to a "stop-go" policy of fits and starts, all or nothing—making it very difficult to structure incentives in a way that will really fulfill the law's own wider mandate: to "promote and encourage increased respect for human rights and fundamental freedoms. . . ."

In the case of El Salvador, the positive impact the Administration has had in its recent pressures against death squads should be a reminder that certification in its previous form is not the only, or even the most effective, procedure for giving expression to our objectives. Sometimes a change in approach is the most worthwhile course. We are ready to work cooperatively with the Congress on this issue, but it should be clear that the answers are simple.

Finally, the phenomenon of totalitarianism poses special problems.

Sociologists and political theorists have recognized for decades that there is a difference between traditional, indigenous dictatorships and the more pervasively repressive totalitarian states, fortified by modern technology, mass parties, and messianic ideology. Certainly, both are alien to our democratic ideals. But in this year of George Orwell, 1984, we cannot be oblivious to the new 20th century phenomenon.

Suppression of religion because it represents an autonomous force in a society; abuse of psychiatric institutions as instruments of repression; the use of prison labor on a mass scale for industrial construction—these and other practices are typical of the modern Marxist-Leninist state. Totalitarian regimes pose special problems not only because of their more systematic and thorough repression but also because of their permanence and their global ambitions. In the last decade we have seen several military regimes and dictatorships of the right evolve into democracies—from Portugal, Spain, and Greece to Turkey and Argentina. No Communist state has evolved in such a manner—though Poland attempted to.

And the Soviet Union, most importantly and uniquely, is driven not only by Russian history and Soviet state interest but also by what remains of its revolutionary ideology: to spread its system by force, backed up by the greatest military power of any tyranny in history.

I raise these issues not to assert answers but to pose questions. These are complexities that a truly moral nation must face up to if its goal is to help make the world a better place.

#### Human Rights and Democracy

The Reagan Administration approaches the human rights question on a deeper level. Responding to specific juridical abuses and individual cases, as they happen, is important, but they are really the surface of the problem we are dealing with. The essence of the problem is the kind of political structure that makes human rights abuses possible. We have a duty not only to react to specific cases but also to understand, and seek to shape, the basic structural conditions in which human rights are more likely to flourish.

This is why President Reagan has placed so much emphasis on democracy: on encouraging the building of pluralistic institutions that will lead a society to evolve toward free and democratic forms of government. This is long-term, positive, active strategy for human rights policy.

It is not a utopian idea at all. For decades, the American labor movement has worked hard in many countries assisting the growth and strengthening of free labor unions—giving support and advice, teaching the skills of organizing and operating. In Western Europe after World War II, it was the free labor unions, helped in many cases by free unions here, that prevented Communist parties from taking over in several countries. Today, free political parties in Western Europe give similar fraternal assistance to budding parties and political groups in developing countries, helping these institutions survive or grow in societies where democratic procedures are not as firmly entrenched as in our own.

The new National Endowment for Democracy, proposed by President Reagan and now funded with the bipartisan support of the Congress, represents an imaginative and practical American effort to help develop the tools of democracy. Just as our traditional aid programs try to teach economic and agricultural skills, so our new programs will try to transfer skills in organizing elections, in campaigning, in legal reform, and other skills which we take for granted but which are basic to free, pluralistic societies.

Through the endowment, our two major political parties, along with labor, business, and other private groups, will assist countries and groups that seek to develop democratic institutions and practices in their own societies. The President is also directing AID (Agency for International Development), USIA (U.S. Information Agency), and other agencies to strengthen their programs for democracy, such as support for free labor movements, training of journalists, and strengthening judicial institutions and procedures. Sen. Percy also deserves particular credit here for his cosponsorship of the Kassebaum-Percy Human Rights Fund for South Africa, which will channel \$1.5 million to private and community organizations in South Africa working for human rights.

It may not seem romantic or heroic to train African magistrates in Zimbabwe, provide technical help to the Liberian Constitutional Commission, help publish a revised penal code in Zaire, help finance the education and research program of the Inter-American Institute of Human Rights in Costa Rica, or help provide international observers for free elections in El Salvador—but these programs help create the institutional preconditions for democracy. Democracy and the rule of law are the only enduring guarantee of human rights.

We should never lose faith in the power of the democratic idea. Democracies may be a minority in the world at large, but it is not true that they must always be so. Freedom is not a culture-bound Western invention but an aspiration of peoples everywhere—from Barbados to Botswana, from India to Japan.

In Latin America, for example, where the news is so much dominated by conflict, there is, in fact, an extraordinary trend toward democracy. Twenty-seven nations of Latin America and the Caribbean are either democratic or are formally embarked on a transition to democracy—representing almost 90% of the region's population, as compared with some 50% less than 10 years ago. And the trend has been accelerating.

Between 1976 and 1980, two Latin American nations, Ecuador and Peru, elected civilian presidents who successfully replaced military presidents. Since 1981, however, El Salvador, Honduras, Bolivia, and most recently Argentina have moved from military rule to popularly elected civilian governments.

Brazil is following the same path. The people of Grenada have had restored to them the right to be the arbiters of their own political future. Uruguay has a timetable for a transition to democracy, and its parties have returned to independent activity. Pressure for return to civilian rule is being felt in Chile and Guatemala. This leaves only Cuba, a Marxist-Leninist state; Nicaragua, which has been steadily moving in that direction; and a handful of dictatorships outside this pattern.

This trend toward democracy, which reflects the most profound aspirations of the people of Latin America, has received wholehearted and effective encouragement from the Reagan Administration. Dictatorship in any form, leftist or rightist, is anathema in this hemisphere, and all states within the region have a responsibility to see that dictatorship gives way to genuine pluralist democracy.

Nor is the trend toward democracy confined to Latin America. In the Philippines, for example, the democratic tradition of that republic is evident in the strong popular pressure for free elections and a revitalized Congress. The government has begun to respond to these aspirations, and we are encouraging it to continue this hopeful process so important to the long-term stability of the Philippines. Likewise in the Republic of Korea, we are encouraged by President Chun's (Doo Hwan) commitment to undertake in the next few years the first peaceful, constitutional transfer of power in Korea's modern history.

## The Moral Commitment of the United States

A policy dedicated to human rights will always face hard choices. In El Salvador, we are supporting the moderates of the center, who are under pressure from extremists of both right and left; if we withdrew our support, the moderates would be the victims, as would be the cause of human rights in that beleaguered country. The road will be long and hard, but we cannot walk away from our principles.

The cause of human rights is at the core of American foreign policy because it is central to America's conception of itself. These values are hardly an American invention, but America has perhaps been unique in its commitment

to base its foreign policy on the pursuit of such ideals. It should be an everlasting source of pride to Americans that we have used our vast power to such noble ends. If we have sometimes fallen short, that is not a reason to flagellate ourselves but to remind ourselves of how much there remains to do.

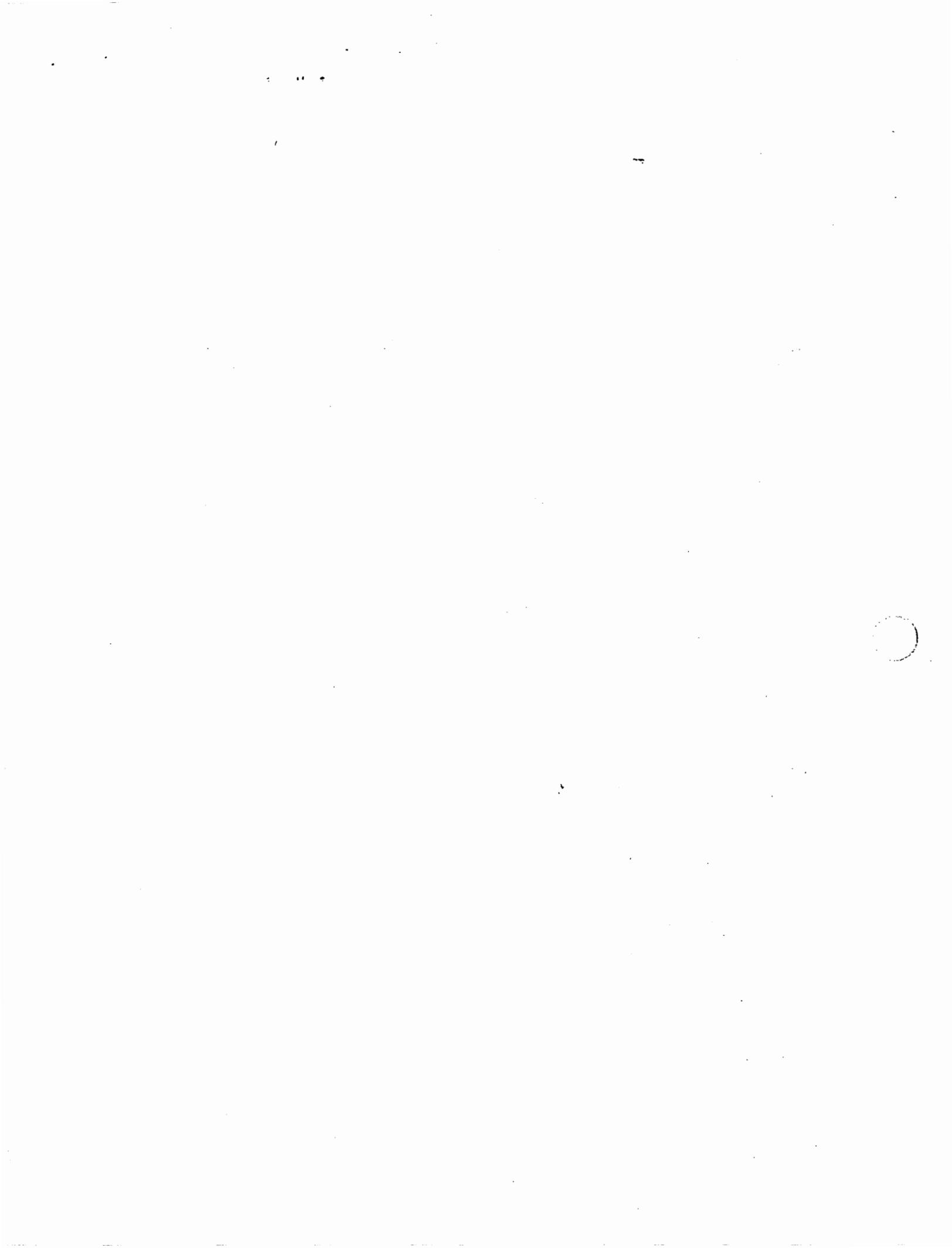
This is what America has always represented to other nations and other peoples. But if we abandoned the effort, we would not only be letting others down, we would be letting ourselves down.

Our human rights policy is a pragmatic policy which aims not at striking poses but at having a practical effect on the well-being of real people. It is a tough-minded policy, which faces the

world as it is, not as we might wish or imagine it to be. At the same time, it is an idealistic policy, which expresses the continuing commitment of the United States to the cause of liberty and the alleviation of suffering. It is precisely this combination of practicality and idealism that has marked American statesmanship at its best. It is the particular genius of the American people.

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# The Cuban Revolution and Its Impact on Human Rights

October 6, 1983

United States Department of State  
Bureau of Public Affairs  
Washington, D.C.

Following is an address by Elliott Abrams, Assistant Secretary for Human Rights and Humanitarian Affairs, at a conference on Cuba sponsored by the Center for Strategic and International Studies, Washington, D.C., October 6, 1983.

It is a privilege and a pleasure for me to be here this afternoon. Public discourse about Cuba in the United States is preoccupied with the problem of how we can best respond to Castro's foreign policy initiatives. It seems to me, however, that in addition to focusing on Cuba's foreign policy, we would do well to pay greater attention to Cuba's domestic policy. Were we to do so, I think we would gain a greater insight not only into the sources of Cuban foreign policy but also into a variety of problems confronting the United States throughout the so-called Third World. For this reason, I propose to address my remarks this afternoon to the evolution of the Cuban revolution and particularly to its impact on the human rights situation within Cuba.

## Evolution of the Cuban Revolution

The July 26 Movement, which overthrew the Cuban dictator Fulgencio Batista in 1959 and brought Fidel Castro to power and international prominence, was liberal and democratic in character. In the programmatic manifesto of the movement, issued from the Sierra Maestra in July 1957, Castro declared that after coming to power he would

hold "general elections" that would provide an "absolute guarantee" of freedom of association, of information, and of the press and would restore the individual and political rights guaranteed by the Constitution of 1940, which Batista had violated by his coup in 1952. Further, the manifesto maintained that the struggle in the mountains was being waged to "put an end to the regime of force, the violation of individual rights, the infamous crimes, and to seek the peace we all yearn for through the only possible way, which is the democratic and constitutional way of the country." As late as July 1958, Castro reiterated his determination to "... guide the nation, after the fall of the tyrant [Batista], to normality by instituting a brief provisional government that will lead the country to full constitutional and democratic procedures."

Castro was also consistent in his denial of any intention to experiment with socialism. In an interview given to *Coronet* magazine in February 1958, he stated:

I personally have come to feel that nationalization is, at best, a cumbersome instrument. It does not seem to make the state any stronger, yet it enfeebles private enterprise. Even more importantly, any attempt at wholesale nationalization would obviously hamper the principal point of our economic platform—industrialization at the fastest possible rate. For this purpose, foreign investments will always be welcome and secure here.

And, again, in May of 1958, Castro declared:

Never has the July 26 Movement talked about socializing or nationalizing the industries. This is simply stupid fear of our revolution. We have proclaimed from the first day that we fight for the full enforcement of the Constitution of 1940, whose norms establish guarantees, rights, and obligations for all the elements that have a part in production. Comprised therein is free enterprise and invested capital. ...

Once the July 26 Movement succeeded in overthrowing Batista, however, hopes that Cuba would tread a democratic path lasted a few months at best. Within 6 months of becoming Prime Minister, Castro made it clear that to be an anticommunist was considered an unfriendly act by the government. Within a year of the new regime's coming to power, Cuba was visited by Anastas Mikoyan, Vice Chairman of the Soviet Council of Ministers, with commercial proposals and plans for arms deals. In December of 1961, Castro completed his betrayal of the Cuban revolution by formally announcing his commitment to Marxism-Leninism.

Some students of the Cuban revolution have argued that Castro had been a Marxist-Leninist since his student days and that all his democratic protestations were no more than an elaborate disinformation campaign, but this seems quite unlikely. Even more unlikely is the view that the United States somehow forced Castro into embracing communism. In this connection, President Eisenhower's decision to play golf rather

than receive Castro for lunch when the Cuban leader was visiting this country in April 1959 has often been cited as a particularly egregious blunder. Yet, as the noted historian of the Cuban revolution Hugh Thomas has pointed out:

It is impossible to believe that a powerful revolutionary leader, such as Castro has turned out to be, was diverted from the humdrum business of founding a constitutional regime, with all the paraphernalia of an opposition, elections, a fixed term for public office and so on, by that unfortunate golf engagement.

Least likely of all is the possibility that Castro came to Marxism-Leninism through genuine intellectual conviction. In the speech in which he avowed his commitment to Marxism-Leninism, Castro admitted that he could not bring himself to read more than the first 270 pages of the first volume of Marx's *Das Kapital*. His brother, Paul Castro, informed the *New York Times* journalist, Herbert Matthews, that Fidel had read virtually none of the Marxist classics. "We read about three chapters of *Das Kapital*," Paul claimed, "and then threw it aside, and I am certain that he never looked at it again."

Yet the fact that Castro is a man of action rather than a close student of Marxism-Leninism hardly means that he knows nothing about it. He surely recognizes, for example, that Marxism-Leninism provides a simple and prestigious formula which legitimizes the indefinite rule of a tiny elite over an entire society. Under a democratic system of government, Castro would have had to face the possibility that he might one day find himself deprived of power. In a Marxist-Leninist dictatorship, however, his power, both in tenure and in scope, is without limit. To a man like Castro, whose whole life has been bound up with a desire to play a major role in world history, this factor alone would predispose him in favor of Marxism-Leninism.

Marxism-Leninism has other features, also, which caused Castro to embrace it. It is the official ideology of the Soviet Union, and thus, by adopting it, Castro assured himself of Moscow's support. It identifies the United States as the principal force of oppression in the world today and thus reinforced the strong current of anti-Americanism which Castro shared with many other Cuban nationalists of his generation. It enjoys a worldwide following of prestigious writers and thinkers—and thus his avowal of Marxism-Leninism won Castro the backing of influential in-

tellectuals from Jean-Paul Sartre to C. Wright Mills, to a bevy of more recent examples. And, not least important, Marxism-Leninism is an ideology which justifies—indeed, which idealizes—the resort to ruthlessness in dealing with one's political opponents. As he set about consolidating his power base, betraying his colleagues in the July 26 Movement, and creating a repressive, Marxist-Leninist state, Castro's ruthlessness became more and more in evidence. Today, it shows no signs of abating, and Cuban society has been completely remade along totalitarian lines. To quote the historian Hugh Thomas again:

The chief difference between Batista and Castro was not that the first was ruthless and the second just; on the contrary, Batista's tyranny seems, from the angle of the present, a mild and indolent undertaking, an insult to responsible citizens no doubt, but far removed from the iron certainties imposed by Castro.

### The Impact on Human Rights

Let me turn, then, to a discussion of the state of human rights under the "iron certainties" imposed by the Castro dictatorship on the people of Cuba.

Cuba today is governed by the Communist Party of Cuba through a governmental structure which it designed and totally controls. The Communist Party dominates all aspects of economic, political, educational, cultural, and intellectual life. Under these circumstances, the human rights of Cubans are systematically denied, subordinated to the aims of the Cuban Communist Party, as defined by its "Maximum Leader," Fidel Castro.

Freedom of speech and the press, for example, do not exist in Cuba. All media outlets are owned by the government or party-controlled organizations and operate strictly according to Communist Party guidelines. No criticism of the policies of the government, the party, or the leadership is permitted. Artistic expression is also covered by these restrictions, which require that artistic works serve to reinforce the goals of the government. Foreign publications, except those from other communist countries, are not available. Even private expression of differences with government policies is repressed by an informer network operated by the politicized block committees, known as the Committees for the Defense of the Revolution. Those who violate the prohibitions against criticizing the government are imprisoned, and even those suspected of potential opposition can be incarcerated or detained in prison after the expiration of their sentences under the so-called *ley de peligrosidad*.

Freedom of assembly does not exist in Cuba either. No free trade unions are allowed to function. The Communist Party operates a so-called "trade union" federation called the Confederation of Cuban Workers, which acts to enforce labor discipline, encourage higher productivity, and reduce labor costs, rather than to defend workers' interests. The rights to bargain collectively and to strike are not recognized. In the last year, over 200 workers have been prosecuted for trying to organize strikes in the sugar and construction industries. Five trade unionists were condemned to death. But, according to reports, their sentences were reduced to 30 years after their cases became public knowledge. The Cuban Government, after at first denying the facts, has said the "terrorists" received severe sentences. At the recent conference of the World Federation of Trade Unions in Prague, the Cubans defended the sentences, explaining they were necessary to block any possible attempts to set up a Solidarity-style organization.

The Cuban Government also enforces an active antireligious policy. In the early years of the revolution, the extensive Catholic educational system was destroyed by the government and hundreds of priests were expelled from country.

Today, a network of formal and informal restrictions has the effect of limiting religious activity. The official state ideology of atheism is taught on all levels of the educational system. Specific constitutional and statutory provisions are designed to restrict religious observance and education.

Among other restrictions on religious practice enforced by the Cuban Government are discrimination against religious believers in educational and employment opportunities, prohibition on religious media, and restriction on the construction of new churches. Political meetings and work obligations are regularly scheduled to conflict with religious observances. Cuban law prohibits the observance of religious events when they conflict with work obligations or patriotic celebrations. The July 26 national holiday has been promoted as a replacement for Christmas, and the availability of toys for children has been limited to the 26th-of-July period to the exclusion of Christmas. Similarly, Holy Week observances are preempted by the week-long celebration of the Bay of Pigs fiasco.

Freedom of emigration also does not exist in today's Cuba. Although Castro claims that Cubans are free to emigrate, and though some left Cuba, as in the Mariel exodus of 1980, the Cuban Government routinely refuses to allow citizens to leave the country; there is thus a backlog of some 200,000 Cubans who have applied to emigrate. Those who opt to leave Cuba lose their jobs, ration cards, housing, and personal possessions. Then the emigrants are subjected to government-orchestrated mob attacks called "assemblies of repulsion" and are required to work in agriculture until they leave the island, a period that can extend indefinitely. Persons who have attempted to flee Cuba by seeking refuge in diplomatic missions have been arrested and sentenced to terms of up to 30 years. According to an *Agence France Press* report, for example, the noted Cuban dissident, Ricardo Bofill Pages, was arrested on September 27. In April, Bofill had sought refuge in the French Embassy, but was instructed to leave the Embassy after the French ambassador received assurances from the Cuban Vice President, Carlos Rafael Rodríguez, that he would be allowed to leave the country. Subsequently, two *Agence France Press* personnel were put under house arrest and expelled from Cuba after 9 days.

The case of Cuban Ambassador Gustavo Arcos Bergnes is also instructive. Arcos fought and was wounded at Castro's side during the famous July 26, 1953, attack on Batista's Moncada barracks. When Castro took power, Arcos was named Cuban Ambassador to Belgium, the Netherlands, and Luxembourg. But, in the mid-1960s, he was recalled and imprisoned for 4 years for his democratic beliefs. In 1979 his son was gravely injured in a motorcycle accident in Florida. The U.S. Congress appealed to the Cuban Government to allow Arcos to visit his son. The appeal was refused. Months later, Arcos was charged with attempting to leave the island without the necessary papers and was given a 7-year prison sentence.

The reverse policy, forced emigration, can be just as cruel. Suddenly, in 1980 the emigration gates were opened. During the rush that followed out of the port of Mariel, when 125,000 Cuban "boat people" fled to our shores, the Castro government shipped along many of Cuba's psychiatric patients. The American Psychiatric Association denounced this action on September 28, 1980, saying it was:

... deeply concerned about the plight of numerous recent refugees who have been identified as mentally ill. There is growing

evidence that many of these Cuban citizens were bused from Cuban mental hospitals to the Freedom Flotilla to the United States. If this is the case, the transplantation of these patients constitutes a grossly inhumane act since it deprives the patients of their right to psychiatric treatment within the context of their culture and primary language.

Of course, the Cuban Government has refused to take back any Marielitos—including those who seek voluntarily to return.

The Cuban Government has never allowed international groups to visit Cuba to investigate human rights conditions. Organizations such as Amnesty International and the International Red Cross, which have sought access to Cuban political prisons, have been rebuffed. No domestic human rights organizations are permitted to exist. Most sources, however, place the current number of political prisoners at up to 1,000, some of whom have been jailed since 1959, making them among the longest held political prisoners in the world.

Conditions in Cuban political prisons are barbaric and include the use of torture. The recent report by Americas Watch stated there are 250 political prisoners held under brutal conditions. Political prisoners who refuse "reeducation" are subject to particularly harsh penalties; including the denial of clothing, medical attention, and communication with friends and relatives outside prison. Political prisoners whose terms have expired have been re-sentenced to terms of indefinite length. The Cuban legal system does not provide internationally recognized standards of due process for defendants and is used to impose criminal sentences on individuals who have been imprisoned for political reasons, including lawyers attempting to defend political prisoners and those trying to establish free trade unions. According to reports received by Freedom House, the Cubans, like the Soviets, are using psychiatric hospitals as prisons.

Although apologists for Castro sometimes claim that these measures were necessary in order to bring about the rapid modernization of the Cuban economy, in fact, Castro's dictatorship has deprived the Cuban people of their opportunity for a better economic future. In 1958, Cuban income per capita was the fourth or fifth highest in the hemisphere. A recent independent study indicates it is now under \$1,000—which would make it at best about 12th. If present trends continue, by the end of the century Cuba will be one of the lesser developed countries of the Americas.

Castro's betrayal has also cost the Cuban people their independence. In 1959, Cuba paid its own way. Now even its stagnant standard of living can only be maintained with huge Soviet hand-outs—\$4.7 billion in economic aid alone in 1982, \$25 billion over the last 7 years. But this aid is no bargain for Cubans. For in return, Cuba sends combat and backup troops to countries where the Soviets seek to establish a sphere of influence. In Angola and Ethiopia they spill their blood and that of Africans to protect leftist dictatorships from the anger of their own people. All told, there are some 70,000 Cubans, the so-called "internationalists," who serve the Soviet Union's interests in foreign lands.

It comes as no surprise, then, to learn that as a result of 24 years of communist control, more than 1 million Cubans—over 10% of the island's inhabitants—have fled their homeland. Deprived of their civil and political liberties, their national independence, and their hopes for a better future, Cubans have demonstrated their dissatisfaction with the regime through the only means available to them—by "voting with their feet."

This, in broad outline, is the state of human rights in Cuba. It is not a very pretty picture. Neither, for that matter, is it a new picture. The facts about Cuban repression have been available for many years now. Yet for just as many years, not a few intellectuals and journalists have been systematically denying these facts. I will not attempt, at this time, to describe this rather disgraceful episode in any detail. Those who are interested in such matters should consult a marvelous book by Paul Hollander called *Political Prisoners*. I cannot resist, however, giving one example of the kind of wild misinformation about Cuba which has helped to shield the regime from international censure. I quote from a book published in 1975 by two prominent Americans, Frank Mankiewicz and Kirby Jones, titled *With Fidel: A Portrait of Castro and Cuba*:

... Castro's Cuba is prosperous and its people are enthusiastic, reasonably content and optimistic about the future. Perhaps the overriding impression of three trips to Cuba is the enthusiasm and unity of the Cuban people. They are proud of their accomplishments and sing songs about themselves and their country that reflect this self-pride. ... The people work together and work hard—for what they believe to be good for their neighbors and therefore their country.

## Relation to U.S. Foreign Policy Issues

At the outset of my remarks, I said that a better understanding of the history of the Cuban revolution could throw light on a number of vexing foreign policy issues. Let me conclude, then, by citing two examples of what I mean.

As everyone here knows, the wisdom of U.S. policy toward Nicaragua is currently the subject of much debate. On the one hand, critics of the Nicaraguan regime warn about the development of totalitarianism in Nicaragua. On the other hand, defenders of the Nicaraguan Government vigorously deny these charges. It must be difficult, at times, for the average American to know just whom to believe.

Yet a knowledge of the history of the Cuban revolution would help place Nicaraguan events in historical perspective. For what is most striking about the unfolding of the Nicaraguan revolution is the degree to which it parallels the development of the Cuban revolution. Thus, in both Cuba and Nicaragua, a popular movement helped to topple a corrupt dictatorship. In both Cuba and Nicaragua, the aims of this movement were broadly democratic. In both Cuba and Nicaragua, the United States assisted the democratic movement by embargoing arms supplies to Batista, in the one case, and Somoza, in the other. In both Cuba and Nicaragua, the aims of the democratic revolution were betrayed—by Castro in Cuba and by Castro's Sandinista admirers in Nicaragua. In both Cuba and Nicaragua, genuine democrats who had helped defeat the old dictatorships broke with the new regimes and either fled or faced

persecution. And in both Cuba and Nicaragua, supporters of the new regimes hailed them for their humane, democratic character and denied the mounting evidence of repression and intimidation.

In one significant respect, however, the Cuban and Nicaraguan revolutions differ from one another. In the case of the Cuban revolution, Castro succeeded in establishing a totalitarian dictatorship. In the case of the Nicaraguan revolution, while the totalitarian mold is clearly in place, it has yet to harden: the Sandinistas have not yet succeeded in destroying the prospects for Nicaraguan democracy altogether. But, if anyone wonders what human rights conditions will be like in Nicaragua if the Sandinistas do succeed, he has only to look at Cuba today.

A knowledge of the history of the Cuban revolution also helps to clarify our understanding of the difficulties which genuine democrats face throughout much of the so-called Third World today. For the factors which lead Castro to opt for Marxism-Leninism 22 years ago are still operative. Any Third World tyrant has only to declare himself a Marxist-Leninist, or a "revolutionary socialist," for his sordid tyranny to acquire instant respectability. Not only will such a declaration gain him the support of the entire Soviet bloc but it will also call into being a powerful and influential body of intellectuals which will act as his unpaid lobby in the democratic West. By contrast, Third World regimes which opt for democracy and the West—which are, worse yet, pro-American—will often find themselves abandoned by their natural

allies and reviled by leftwing intellectual elites. Anyone who doubts the essential accuracy of this generalization has but to compare the contrasting ways in which the democracies of Western Europe have reacted to the totalitarian revolution in Nicaragua and the democratic revolution in El Salvador. Toward Nicaragua, the attitude has been one of admiration and respect. Toward El Salvador, the attitude has been one of hostility and contempt.

In order to help redress the balance in favor of the democrats, President Reagan has made the development of democracy around the world a central goal of our foreign policy. Just as Abraham Lincoln understood that "a house divided against itself cannot stand," so it is becoming increasingly clear to Americans today that the world itself, "cannot endure permanently half-slave and half-free." Yet if the cause of freedom and human rights is to be defended, we must know who its enemies are. For too many years, Fidel Castro has posed as a champion of liberty, and has succeeded in concealing the totalitarian nature of his regime. Surely the time has come to identify Castro for what he is—one of the most vicious tyrants of our time, whose rule has brought ruin to his people. ■

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# A Democratic Vision of Security



United States Department of State  
Bureau of Public Affairs  
Washington, D.C.

*Following is an address by Elliott Abrams, Assistant Secretary for Inter-American Affairs, before the Inter-American Defense College, Washington, D.C., June 13, 1986.*

Thank you for inviting me to address this 25th commencement of this institution, which has rendered outstanding service in support of military professionalism and inter-American cooperation.

## The New Era of Democracy

We live in an extraordinary period. Democracy is on the rise in our hemisphere. It is transforming political and social conditions. The stereotype of the Americas as a hemisphere of military dictatorships is obsolete.

The democratic tide is very strong. Ten years ago, only 30% of Latin Americans lived in countries whose governments were democratic; today, 90% live in countries whose governments honor democratic practices. Nor is this change the result of exhortations from the United States. It is the product of a uniquely Latin American experience. The past 40 years of economic and political ups and downs have given new force to aspirations for freedom, development, and national dignity. Latin America finally has a real opportunity to escape the classic cycle of unstable alternation between civilian governments that lack the authority to govern and military governments that lack the legitimacy to last.

This historic development has far-reaching implications, and we must all adapt to its new realities. For the United States, we welcome the trend to democratic government. We see in it a basis for both greater security and greater well-being. And we believe that democracy can both cause improved cooperation among our governments and be strengthened by cooperation among us. We are, therefore, adapting our actions and our programs to support democratic forces and institutions whenever we are in a position to do so.

## Democracy and the Military

For those of you who will now return to places of leadership in the military services of Latin America, there will be adjustments, too. Gone are the days when the coup d'etat was an option that could be exercised without local or international costs by military leaders arrogating to themselves the right to decide for their nation.

Your generation must be a generation of pioneers. You are now the guardians of the new democracies. Your highest calling must be not to replace failed regimes but to protect successful democracies. You must succeed in the task of forging a new vision of security in which democracy is the cornerstone, not a luxury; where free and open political competition is an ally, not an impediment to peace and development.

Your success or your failure will matter to all of us. No institutions are more important to the protection of

democracy than the ones you represent as officers from the armed forces of 16 different countries of the Americas.

## Dangers

There are many dangers to security in the hemisphere today. The emergence of illegal drug production and trafficking on a massive scale is rapidly becoming a nationwide menace. The *narcotraficantes* threaten public order through corruption and violence even when they are not explicitly tied to terrorists and other subversives with political objectives. And their growing power and the corruption it breeds endangers not only civilian institutions but *yours*. You and your fellow military officers must guard your institution against this cancer. You must be relentless in fighting the traffickers: your institutions, your honor, and the freedom of your societies are at stake.

Another danger is the use of democracy as a screen behind which to protect privilege and the power of minorities. The parading of democratic forms without their substance can take many guises. Elections might be held, but, without genuine competition, the results are a foregone conclusion. Assemblies and legislatures might meet but have no real power. Constitutions might be written but never be respected.

In 1974 the Catholic bishops of Nicaragua gave a name to this kind of abuse. When Anastasio Somoza manipulated the constitution and the laws of Nicaragua to guarantee his reelection, the bishops called his actions a form of

"legal war." When the law is used to oppress, the abuse serves only the enemies of democracy.

In Nicaragua, the natural inheritors are the Marxist-Leninists. Today, the Sandinistas cynically repeat the charade: they clothe their new dictatorship in elections, draft constitutions, and other ostensibly democratic trappings while moving steadily toward totalitarianism. But there are also major differences with the past: their repression is worse and more pervasive. As communists, the Sandinistas seek not merely dictatorial power but the complete remaking of the social order. Their ideology is also expansionist, and they operate as an instrument of Soviet power. This creates new dangers for the hemisphere.

One of these dangers is terrorism and subversion. The guerrillas in El Salvador and their Nicaraguan and Cuban sponsors have abandoned politics for armed struggle. They and others like them believe their swords will prove mightier than the pens wielded by the voters. Together, we can prove them wrong. We can use the pen to craft laws and practices that will eliminate the grounds on which they attack us. And we must stop with the sword those who do attack with the sword.

And as we respond, we must be careful not to fall into the trap of new extremisms, whether of the left or the right. Overreaction will only discredit us. We must guard against fighting the enemy indiscriminately with an excess of zeal or an excess of force. To lose sight of the values we defend is to help our enemies.

Still other dangers to democracy come from irresponsibility and impatience. Economic growth and responsible democratic government are *not* easy. It takes time to produce economic growth that will benefit the society as a whole. It takes time for democracy to establish its roots and for all citizens to understand the benefits that will accrue from supporting and participating in the democratic system. And it takes time to develop the solidarity necessary to ensure long-term international cooperation and mutual assistance among democrats.

So your duty is to be patient, to help preserve public order as requested by constitutional authorities, and to administer your own institutions so as to contribute to citizen confidence in the fairness and effectiveness of public administration. We in the United States have a similar duty: we must remind ourselves that complicated development

and security problems require long-term solutions that do not come overnight. We must be persistent.

There is one final danger I want to mention. It is the vulnerability created by distrust and even contempt among the military toward civilians and among civilians toward you. A democratic strategy of national security requires the overcoming of traditional antimilitary and anticivilian attitudes. Too often civilians and military travel in different circles and lack extensive cross-communication and awareness of each other's concerns. The supremacy of constitutional authorities must be accompanied by mutual trust and close cooperation. A stable democratic system requires increased contact and communication within the nation as well as with other democracies.

### Responding to These Challenges

The United States and Latin America share a common interest in the defense of democracy. The Inter-American Treaty of Reciprocal Assistance affirms as a manifest truth that "...peace is grounded on...the international recognition and protection of human rights... and on the effectiveness of democracy for the international realization of justice and security."

But while we have a common purpose, the requirements of national security differ from state to state. We in the United States must, above all, meet the threat of Soviet military power to global peace and development. You in Latin America also face external enemies, but they are often enemies who fight you from within, using communist subversion, terrorism, or narcotics production and trafficking.

How you respond to the immediate and direct threats of drugs, terrorism, and subversion will determine the future of your institutions and the survival of democracy for your generation. In fact, the success of democracy, the defense of the nation's honor, stability, and economic progress will, in large measure, depend on your ability to deal with these particular dimensions of security. Your skill will be measured by your contributions to saving your countrymen from these threats.

These are awesome challenges. They will require great professionalism. And that, in turn, will require new equipment, better intelligence, and the training and education to use both effectively. Military training must be as high a priority for you as it is for us. I hope you will all pass on to your fellow officers at home as much as possible of

the knowledge you have gained while you have been in Washington.

In strengthening military institutions, we must take care not to create new threats to democratic rule. By necessity, your role becomes a large one when you are called upon to fight guerrillas, terrorists, and drug traffickers. These tasks require sizable forces with substantial resources. But the very enlargement of military forces to protect democratic institutions can threaten those very institutions when the military dwarfs civilian institutions and assumes some of their functions.

This paradox poses a danger that we must all guard against. It is a danger that has been averted in Honduras and El Salvador. In both these countries, major threats to democracy forced an expansion of military size, power, and capabilities. Yet, in both cases, military expansion has not led to an erosion of civilian authority. In both countries, the rule of law, respect for institutionalism, effective civil-military coordination, and the capacity for international cooperation have been strengthened.

Events in Central America have demonstrated that, just as democracy must be defended, so also must dictatorship, injustice, or intolerance be unhesitatingly opposed. Abusers of human rights cannot claim that they are acting in the name of "democracy." Their actions only help the violent and totalitarian left, the true enemies of democracy. Their values are not our values. Their means leave us less secure.

Political authorities have a special obligation, too. It is to fight subversion by attacking the conditions that give the enemies of democracy a fertile environment in which to gain adherents. We must not allow the communists to be the only party that approaches poor *campesinos* with a message of concern and respect. Neglect must be replaced with policies that extend the benefits of democracy to all citizens.

In this sense, the rise of democracy in the hemisphere satisfies the imperatives of a comprehensive security policy. We will find security in the construction of open, inclusive, and democratic political orders.

### Conclusion: A New Vocation

So, this is a historic moment, a moment that calls for new roles, based in a new democratic vocation. It is a moment that you can seize by acting in the best tra-

ditions of your institutions—and, in doing so, preserve your integrity, serve the people, and protect their freedom.

Twenty-five years ago, when the Alliance for Progress was first launched, the entire hemisphere seemed to discover that there could be no long-term security without economic development. Today, we are learning a new lesson: in addition to the nexus between security and development, there is a second nexus—this one between security and democracy.

And the essence of our democratic vision of security is this: there is no contradiction between our Western values and our strategic interests. They are essential to each other. This applies equally to makers of foreign policy and to men in uniform; to the United States and to any nation in Latin America. We are only able to defend democracy, and we are only worthy of defending it, when we respect and honor its basic principles: the dignity of the individual and the protection of his God-given rights. By joining ranks in the struggle

for democracy, we will put ourselves and our people in a position to achieve the hemisphere's highest aspirations. ■

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DEPARTMENT OF STATE SYLLABUS FOR  
PROTOTYPE HUMAN RIGHTS COURSE  
WITH  
SUPPORTING DOCUMENTATION

PROTOTYPE HUMAN RIGHTS COURSE OUTLINE  
8 Hour course

I. Motivation: Why Should I Be Concerned With Human Rights?

Video presentation (15 minutes):

"Front Line" excerpts from "Remember My Lai."  
Interview with ARA/PPC Director Vittorio Brod

II. U.S. Government Human Rights Policy

Lecture, handouts, discussion (1 1/2 hours):

Focus On Most Serious Violations of Human Rights

U.S. National Security Strategy

U.S. Foreign Policy  
Regional Human Rights Policy

III. U.S. Human Rights Law

Lecture, handouts, slides, discussion (1 hour):

The Foreign Assistance Act, Sec. 502(b), 534, 116(a)(d)(e),  
582

International Narcotics Control Act, Sec. 4

Break (15 minutes)

IV. International Declarations, Conventions, and Protocols

Lecture, handouts, discussion (1 hour):

U.N. Universal Declaration of Human Rights

OAS American Declaration of Rights and Duties of Man

Geneva Conventions and Protocol II

Lunch

COURSE OUTLINE

- 2 -

V. Public Interest

Video Presentation (45 min):

Congressional Concerns: Excerpts from floor debates on Jesuit Killings in El Salvador (see transcript)

Public Concerns: Excerpts from ABC "Prime Time" street children in Guatemala segment (pending permission), Montage of nightly news reports of human rights abuses (pending permission).

Lecture, handouts, discussion (15 min):

Press Reactions: copies of various press treatments of human rights issues.

V. Application of Human Rights Doctrine

Lecture (10 min)

Trainer/Trainee relationship

Video, lecture, discussion (50 min)

Effect of HR abuses Counter-Insurgency Effectiveness (video "Two Patrols")

Intelligence gathering

Intelligence obtained by torture may be unreliable and is usually limited

Intelligence obtained through proper and humane interrogation techniques is usually reliable and can be extensive

Lecture, discussion (45 min)

Case studies: Post WWII Study of Latin American insurgencies with Human Rights Behavior as Dominant Variable

Break (15 Minutes)

COURSE OUTLINE

- 3 -

Role Playing, discussion based on model responses to justifications/excuses for HR abuses (50 min)

How do you positively influence your host country counterparts when the opportunity arises?

Formal and informal contacts with foreign nationals.

Lecture (10 min)

Personal Responsibilities: What Do You Do When You Witness or Have Knowledge of a Human Rights Violation?

VI. Country Specific Substance

Handouts for personal reading:

State Department Country Report on Human Rights Practices

NGO reports

UNCLASSIFIED

**DRAFT**

HUMAN RIGHTS TRAINING MATERIAL

UNCLASSIFIED

PROTOTYPE HUMAN RIGHTS COURSE

COURSE OBJECTIVES:

- A. Sensitize U.S. government personnel who will be serving overseas to the human rights environment and issues in the United States and in the country to which they are being assigned.
- B. Inform them of their legal and moral obligations as representatives of the United States government to discharge their duties in a manner consistent with the protection and promotion of internationally recognized human rights and the avoidance of identification of the United States with human rights abuses.
- C. Provide them with a basic yet comprehensive background in U.S. government human rights policy, and U.S. and international human rights law, treaties and conventions.
- D. Through discussion, role plays, and case studies, provide them with the tools to successfully advocate human rights and resolve moral dilemmas inherent in the relationships of trust, confidence and influence which develop between them and host country nationals in an environment where human rights abuses are taking place.

COURSE FOCUS

While the United States seeks to improve human rights within the larger context of fostering the growth and consolidation of democratic institutions, improved administration of justice, and social and economic reform (which are the focus of significant USG aid programs), the Bureau of Inter-American Affairs places special emphasis on the immediate reduction of abuses of core human rights by military and police forces under the control of legitimate civilian governments. The Bureau also seeks an immediate reduction of human rights abuses by insurgent forces.

These core human rights abuses include:

- Political and extrajudicial killing
- Arbitrary arrest and detention
- Torture and cruel or degrading treatment or punishment
- Use of excessive force and non-combatant casualties in internal conflicts
- Denial of due process of law

HUMAN RIGHTS POLICY

The promotion of human rights is an important part of the National Security Strategy of the United States and a fundamental element of U.S. foreign policy -- a reflection of our commitment to justice, belief in the rule of law, and sense of common decency.

The National Security Strategy of the United States:

The National Security Strategy of the United States lists among its enduring national interests and objectives a stable and secure world, within which the United States will survive and prosper as a free and independent nation with its fundamental values intact and its institutions and people secure. To achieve a stable and secure world, the U.S. seeks to, inter alia, strengthen and enlarge the commonwealth of free nations that share a commitment to democracy and individual rights. The American message of democracy, respect for human rights, and the free flow of ideas is a central aspect of the means by which the U.S. pursues the achievement of its political agenda.

Practical Application of Policy:

Human rights issues can, and often do, affect the development and implementation of USG economic, political and national security policies. (E.g. Moratorium on or reduction in military and/or other aid for human rights violations: Guatemala 1975 and 1990, Chile 1976, Argentina 1977, Brazil 1977, Suriname 1982, Haiti 1987, El Salvador 1990.) Human rights have figured prominently in bilateral and multilateral issues in the Western hemisphere for decades, and current USG objectives in the region are dramatically linked to human rights issues.

Human Rights Policy (continued):

Regional Human Rights Policy

Our regional human rights policy, inter alia, seeks to:

(A) Communicate to host country the importance of human rights issues to bilateral relations

(B) Nurture host country political will to give high priority to human rights issues in their country and in multilateral fora

(C) Promote and support the development and/or consolidation of host country democratic institutions

(D) Promote host country respect for human rights and nurture improved human rights practices by host country security forces

(E) Ensure that fundamental human rights values and responsibilities are effectively addressed in all regular and special training provided by the USG to foreign military and law enforcement personnel;

(F) Ensure that USG personnel serving abroad are effectively trained to understand and carry out their human rights responsibilities in their country of assignment;

(G) Ensure that all elements of the country team fully understand human rights policies and objective and that any member of the mission who becomes aware of human rights abuses reports them immediately through proper channels to the Chief of Mission.

HUMAN RIGHTS LAW

Foreign Assistance Act of 1961, as amended

A principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries. Sec. 502B(a)(1)

No assistance, other than humanitarian assistance, may be provided under the Foreign Assistance Act to any government which engages in a consistent pattern of gross violations of human rights, except under extraordinary circumstances which must be certified by the President. Sec. 502B(a)(2)

The President is directed to formulate and conduct international security assistance programs in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms. Sec. 502B(a)(3)

Human rights are defined as, inter alia, freedom from:

Torture or other cruel, inhuman, or degrading treatment or punishment;

prolonged detention without charges;

disappearance due to abduction or clandestine detention; and

other flagrant denial of the rights to life, liberty, and security of the person. Section 116A

The extent to which a country allows unimpeded investigations by non-governmental organizations of alleged human rights violations must be taken into consideration by the USG. Section 116C

The Secretary of State must submit a full and complete report by January 31 of each year regarding the status of internationally recognized human rights in countries receiving aid under the Foreign Assistance Act, and detailing the steps that have been taken to alter USG aid programs in response to human rights considerations. Section 116D

Human Rights Law (continued):

Foreign Assistance Act (continued)

The President is authorized to identify and carry out programs and activities which will encourage or promote increased adherence to civil and political rights, as set forth in the United Nations Universal Declaration of Human Rights, in countries eligible for assistance under the Foreign Assistance Act. Section 116E

The President is authorized to extend assistance to countries and organizations to strengthen the administration of justice in Latin America (e.g. support for legal education, enhancement of prosecutorial and judicial capability, protection of witnesses and judges, criminal investigations training for law enforcement personnel). Section 534

Not later than thirty days after submission of the report required by section 502B(b) of the Foreign Assistance Act, the Secretary of State shall submit to Congress a list of those countries the governments of which are found to engage in a consistent pattern of gross violations of internationally recognized human rights. The list shall be accompanied by a report from the Secretary of State describing how, for each country receiving assistance under the Foreign Military Financing Program, such assistance will be conducted to promote and advance human rights and how the United States will avoid identification with activities which are contrary to internationally recognized standards of human rights. Section 582

Human Rights Law (continued):

International Narcotics Control Act of 1990 (Sec. 4a)

Prior to the provision of certain counternarcotics and other assistance to an Andean country, the President must determine that (inter alia):

The armed forces and law enforcement agencies of that country are not engaged in a consistent pattern of gross violation of internationally recognized human rights, and the government of that country has made significant progress in protecting internationally recognized human rights, particularly in

(a) ensuring that torture, cruel, inhuman, or degrading treatment or punishment, incommunicado detention or detention without charges and trial, disappearances, and other flagrant denials of the right to life, liberty, or security of the person, are not practiced; and

(b) permitting an unimpeded investigation of alleged violation of internationally recognized human rights, including providing access to places of detention by appropriate international organizations (including nongovernmental organizations such as the International Red Cross) or groups acting under the authority of the United Nations or the OAS; and

The government of that country has effective control over police and military operations related to counternarcotics and counterinsurgency activities.

INTERNATIONAL DECLARATIONS, CONVENTIONS and PROTOCOLS:

United Nations

Universal Declaration of Human Rights

The Universal Declaration of Human rights is divided into two basic sets of rights; fundamental and social/economic. While recognizing the desirability of social and economic "rights," e.g. the right to an education, the right to work at an occupation of one's own choosing, the right to marry a person of one's own choice, etc., the USG believes they are dependent on and arise from the observance of basic political, civil, and human rights. Moral commitments of the Universal Declaration are given legal force by the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights. (N.B. While most Latin American countries have ratified the Covenants, the United States has not). Fundamental human rights listed in the Universal Declaration include:

Everyone has the right to life, liberty and security of person

No one shall be held in slavery or servitude

No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment

No one shall be subjected to arbitrary arrest, detention, or exile

All are entitled to equal protection under the law

Everyone is equally entitled to a fair and public trial by and independent and impartial tribunal

Everyone charged with a penal offense has the right to be presumed innocent until proved guilty in a public trial

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence

Everyone has the right to freedom of thought, conscience and religion

Everyone has the right to freedom of expression

Everyone has the right to freedom of peaceful assembly

The will of the people, expressed in periodic and genuine elections characterized by universal suffrage and secret ballot, shall be the basis of governmental authority

International Declarations (continued):

Organization of American States'

American Declaration of the Rights and Duties of Man

The American Declaration of the Rights and Duties of Man is similar to the United Nations Universal Declaration of Human rights, covering essentially the same fundamental and social/economic rights. The moral commitments of the American Declaration are given legal force by the American Convention on Human Rights (the "Pact of San Jose"), which set up the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. Any person or group, and any State which is a party to the Convention, may lodge a petition with the Commission containing denunciations or complaints of violation of the Convention by a State Party. States Parties and the Commission have the right to submit a case to the Court, which can order compensation be paid to victims of human rights violations, or in cases of extreme gravity and urgency, "adopt such provisional measures as it deems pertinent..." (N.B. While most Latin American countries have ratified the Covenant, the United States has not).

Fundamental human rights listed in the American Declaration include:

Right to life, liberty and personal security

Right to equality before the law

Freedom of religion, expression, assembly, association

Right to privacy

Freedom from arbitrary arrest and detention

Right to a fair trial and due process of law

The right to vote in periodic, honest, and free elections by secret ballot

The American Convention on Human Rights prohibits, inter alia:

Torture, or cruel, inhuman, or degrading treatment or punishment

International Declarations (continued):

Geneva Convention  
Laws of War

Article 3 of the Geneva Conventions of 1942 and Protocol II, parts one and two, of those conventions establish standards of conduct for internal conflicts between a signatory country's armed forces and dissident armed forces. The Convention and Protocols do not apply to normal police functions (riot control, criminal arrest and detention, etc.), narco-terrorism, or to insurgents who do not control territory (e.g. urban guerrillas). However, the provisions of the Conventions and Protocol II are important components of internationally recognized human rights, and as such, the standards of conduct they embrace would be considered under U.S. law and policy as applicable to the behavior of both governmental and non-governmental forces in the non-traditional conflicts of the Latin American region. Protocol II probably does directly apply to the insurgencies in Peru, Guatemala, and El Salvador (all signatories to the Protocol). (N.B. The United States has not yet ratified Protocol II).

The 1949 Geneva Conventions and Protocol II guarantee the humane treatment of all persons who do not take a direct part, or who have ceased to take part, in hostilities. The following acts are prohibited at any time and place whatsoever with respect to the above mentioned persons:

    killing, torture, mutilation, cruel treatment, and/or corporal punishment

    collective punishments, taking of hostages, acts of terrorism, outrages upon personal dignity (e.g. humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault), slavery, pillage, and threats to commit any of the foregoing acts

    the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples

It is prohibited to order that there shall be no survivors

Special protection and care must be provided to children

## HUMAN RIGHTS TRAINING MATERIAL

### ROLE PLAYING

#### Model Responses to Justifications/Excuses for Human Rights Abuses

1. Assertion: THE SECURITY FORCES COULD WIN A CONFLICT AGAINST GUERRILLAS IF THEY WERE NOT REQUIRED TO RESPECT HUMAN RIGHTS

Response: The ultimate goal of subversion is to overthrow the existing government. One near-term method to attain that goal is to undermine the people's support for the government by goading its security forces into committing human rights abuses. When the military or police forces commit human rights abuses, they are falling into the trap of accomplishing a vital objective for their enemy.

There are no gains from human rights violations, which result in tactical and strategic problems such as unreliable intelligence, antagonistic civilian populations in war zones, sabotage, and support for the enemy's assertion that the existing order lacks legitimacy.

2. Assertion: THE MILITARY HAS NO NATURAL ALLIES

Response: A professional military institution is supported by many natural allies, including the people (from among whom the army is raised), the national civilian government, and foreign governments with common security interests. Military human rights abuses alienate these allies. People terrified by military human rights abuses and/or a civilian government worried about a military coup, are unlikely allies. Additionally, foreign countries whose national and foreign policy interests include respect for human rights and civilian democratic institutions will not maintain an alliance with a military which violates human rights.

3. Assertion: THE U.S. MEDIA AND CONGRESS ARE ANTI-MILITARY/POLICE

Response: In fact, the U.S. Congress supports military and other security aid to our allies. The Congress and the U.S. media also follow closely the abuses committed by subversive forces and consistently chronicle official reports of assassinations, casualties, and damage caused by the guerrillas and narco-terrorists. However, Congressional and media perception of a conflict may be significantly and negatively impacted by governmental human rights abuses, resulting in bad press and Congressional inquiries. Existing U.S. support for the security forces can quickly change to criticism when graphic media reporting of military or police human rights abuses arouse public revulsion, which is in turn, instantly expressed to Congress.

4. Assertion: HUMAN RIGHTS GROUPS CAN BE, AND ARE, MANIPULATED BY SUBVERSIVES

Response: Combat casualties, criminal homicide victims, runaways, etc. can be, and often are, reported to human rights organizations as "disappearances" perpetrated by security forces to discredit them and the civilian government which is supposed to be in control of its security forces. However, credible human rights organizations and foreign governments concerned with human rights consider verification of these allegations to be essential. Security forces and civilian governments can counteract this problem by providing access to detainees by the International Red Cross, allowing immediate civilian judicial review of detentions, and regularly publishing an up-to-date registry of detainees. Conversely, security forces reprisals against human rights organizations and their members give credibility to otherwise unreliable and frequently exaggerated accusations, and frighten those groups and their foreign supporters into an anti-military posture. Such actions are contemptible human rights abuses, earning condemnation by the very allies the military seeks to attract and maintain.

5. Assertion: FOREIGNERS THINK SUBVERSIVES' CAUSE IS JUST

Response: Responding to foreign official and public opinion is a diplomatic responsibility of the civilian government. Unprofessional military and police conduct, especially political and other extrajudicial killings, torture, disappearances, arbitrary arrest and imprisonment, and use of excessive force, strengthens insurgent claims that the existing government lacks the support of its people, and reinforces foreign belief that the subversive cause is just. The most important and effective actions the military and police can take to help the civilian government influence foreign opinion is to conduct their operations in a professional manner, steer clear of human rights abuses, and when an abuse does occur, effectively punish those responsible.

6. Assertion: IT IS DIFFICULT TO RESPECT HUMAN RIGHTS IN A CIVIL CONFLICT WHERE GUERRILLAS MIX WITH THE POPULATION

Response: It is true that respecting human rights in such a situation may be difficult, but it is equally true that respect for human rights in conflicts with "citizen guerrillas" is essential to a successful anti-subversion campaign. The "citizen guerrilla" can be isolated and deprived of the sanctuary and support he needs for survival when the people feel they the security forces can effectively protect them against the guerrillas. Human rights abuses perpetrated by the security forces send a powerful message to the people: not only can they not rely on the security forces for protection, but they must fear and avoid contact with them. Such a belief by the people results in greater sanctuary and support for the guerrilla.

7. Assertion: FOREIGNERS DO NOT UNDERSTAND THE REALITIES, DIFFICULTIES, AND CONSTRAINTS OF THE CONFLICT

Response: It is rare that foreigners enjoying peace and tranquility in their own country can relate to the frustrations and outrage felt by ordinary citizens government officials, and military personnel engaged in conflicts characterized by subversive terrorism. Armchair critics whose own army and police forces are well trained and equipped and relatively highly paid may also find it difficult to empathize with security forces whose members face danger while lacking even basic equipment and training, and who often aren't paid enough to purchase basic necessities. However, unprofessional military conduct and human rights abuses will only increase criticism and do nothing to gain foreign understanding of the realities of the conflict.

8. Assertion: TERRORISM/VIOLENCE BY ANTI-GOVERNMENT GROUPS IS SOMETIMES ACCEPTABLE TO THE INTERNATIONAL COMMUNITY

Response: When a government and its security forces have discredited themselves by failing to respect human rights, they lose legitimacy. Violence against government of questionable legitimacy is less likely to be criticized, while terrorism against a legitimate government whose security forces respect the rights of civilians is widely and vociferously condemned. Human rights abuses by government security forces will do nothing to increase international condemnation of violence and abuses by anti-government groups and will certainly increase international condemnation of the government and its security forces.

9. Assertion: THE CIVILIAN JUSTICE SYSTEM CANNOT ADEQUATELY RESPOND TO INTERNAL SUBVERSION/~~MARCO~~ TERRORIST and/or COMMON CRIME PROBLEMS

Response: Many of the region's civilian criminal justice systems suffer from severe infrastructural and resource constraints, and can not adequately respond to the difficulties presented by insurgencies, narcoterrorism, and high rates of common crime. Human rights abuses committed by the military or police forces do nothing to help improve the system of justice. The lack of an adequate judicial system makes popular support for the security forces an even more essential factor in their campaigns against subversion, narcotics, and common crime, and human rights abuses quickly and profoundly isolate the security forces from the people.

10. Assertion: DEMOCRACY IS NOT SOMETHING OUR COUNTRY CAN AFFORD AT THIS TIME

Response: The lack of democracy is something no country at afford at any time. Democracy promotes long-term stability, peaceful resolution of conflict, political accommodation and compromise, and legitimacy of the government. Lack of democracy leads to instability, violent conflict, political intolerance, and erosion of the government's legitimacy. Non-democratic government's have never been able to postpone providing essential services to their citizens indefinitely, and non-democratic governments have never proven themselves to be superior to democracies in providing essential services to their citizens. The more desperate the economic situation of a country is, the more critical the need for a democratic government to implement difficult economic reforms backed by the legitimate mandate of its citizens.

WINTER  
OF  
FIRE

The Abduction of General Dozier  
and the Downfall of the Red Brigades

RICHARD OLIVER COLLIN  
and  
GORDON L. FREEDMAN

"A government reduced to running electrical current into the testicles of its enemies is already strategically dead and buried," Cesare Di Lenardo shouted at the Dozier kidnap trial.

# I

10:15 P.M., 22 JANUARY 1982  
AN UNKNOWN LOCATION IN ROME

"I don't know where the general is," Massimiliano Corsi said. "I would tell you if I knew."

He listened for a response, but there was silence and the young man realized that he was alone in the room. They would be back in a few minutes, after they had drunk their coffee and smoked their cigarettes.

Corsi was seated on a wooden stool, his arms manacled behind his back. There was a heavy canvas bag over his head, secured with leather thongs that went around his neck and tied at the back. He was dressed in the same jeans and shirt that he had been wearing when a group of armed men barged into his room and taken him away, holding a gun to his head.

It had not been the kind of arrest he had always imagined he would someday face. There had been no lawyers, or fingerprints, or judges, or steel cells. In fact, there was something Argentinian about it all, more of a disappearance than a detention. At the very start, they had told him that he would be executed should Commissioner Nicola Simone die of his injuries.

At first, there had been an odd thrill about the experience, because the beatings they administered gave him a chance to measure his courage against their brutality. The Red Brigades had always seen the police as sadists, the blunt instruments of a dying regime. In contrast, the *brigatisti* saw themselves as soldiers who fought a clean fight and refrained from needless violence. Corsi knew that the Veneto column might execute their *generale* but they would never brutalize him. It was part of their code.

But the hurting had gone on too long, making it difficult for him to concentrate on codes of conduct and moral superiority. His head ached and his rib cage throbbed. He had begun to contemplate death and how it would mean an end to the pain.

myself and Signorina Arcangeli and one hundred million lire in cash."

"And what will you give us in return?" Ruggiero expected that Genova would tell him he was a fool, or bargain, or deny that there was that much money available, but instead he was making notes on a piece of paper.

"I'll give you Dozier," he told him.

"What did you say?" Commissioner Genova's voice was calm, but he stopped writing and looked up for the merest fraction of a second.

"Dozier," repeated Ruggiero Volinia. "Dozier!"

"I am a member of the Red Brigades," he responded with the prescribed formula. "I am a political prisoner. I do not intend to respond to your questions."

"Who is the taller of the two women who were captured with you?"

"She is a serving member of the Brigade rosse. and I don't know her real name."

"What is her battle name?"

"I will not answer that question."

"She was your girlfriend, wasn't she?"

"My woman is not in your custody and never will be," he shrugged.

"Where would we find Barbara Balzarani?"

"I don't know," he said, thinking that he needed to be silent for at least twenty-four hours. The blitz on the Via Pindemonte had been big and noisy and there would be news of the general's safe release on the evening news. The Esecutivo would move its headquarters to a new location unknown to him, and by this time tomorrow the Via Verga address would be worthless.

"Then you refuse to tell us anything?"

"I refuse."

"Kill him," the man from Milan ordered. There was the sound of shoes moving across the marble floor and the ritual squeak of the door's opening and then closing.

That's ridiculous, thought Savasta, feeling terror rising within him.

"You're an expert in these things," the policeman with the Calabrian accent told him and Savasta felt a cold, metallic, tubular object brushing across his cheek. "Recognize that? It's the silencer on a revolver and we've got carte blanche to do what we want with you."

"Go to hell!" Savasta said. As he spoke the Calabrian slipped the barrel of the revolver into his mouth.

"It's you who's going to hell!" the policeman said, pushing the barrel into Savasta's throat. "Good-bye, asshole!"

Savasta tried desperately to establish his self-control, telling himself that this was merely an interrogation technique, a crude threat. There was a distinct steel click, the sound of a hammer being drawn back as the revolver was cocked. Christ, no, don't!

The hammer fell and he could feel the weapon vibrate against the back of his throat.

But no bullet came.

"A malfunction," chuckled the Calabrian as he removed the pistol barrel from Savasta's mouth. In the background, he could hear another man laughing. "Let's have a cigarette and try again later."

Savasta found himself drenched with sweat and gasping for breath. There was a urine smell in the room and he realized with shame that he had wet himself. Then he heard matches striking sandpaper and sniffed tobacco smoke.

Out of long-disciplined habit, he tried to create a stratagem for himself, but the hopelessness of the situation had begun to overwhelm him. There was nothing to do. There were no decisions to make or tactics to invent. He was not in charge of anything anymore. His sole remaining task was to keep his mouth shut.

"Ahhhhhhhh!" he yelped with unexpected pain as the man standing behind him seared the back of his hand with the lighted end of the cigarette. He would have fallen off the chair had they not held him. "Let me out of here!"

"Why? This is a good place," the policeman told him. "You can scream all you want here. No one will ever hear you."

They burned the back of his hand again. Then the hitting began in earnest, and he screamed and screamed and screamed.

## 21

1:05 P.M., 28 JANUARY 1982  
FRANKFURT, GERMANY

The ladies were chatting around the coffee table. An announcement had been made that luncheon would be served as soon as a tardy guest arrived. The hostess was Myra Withers, a chum and sorority sister from Judy's college days. Marty Ulmer was there, and Sherry Brown, and some other friends.

Everyone had been supportive in the weeks since her arrival in Germany as the house guest of Major General and Mrs. Ulmer. And the awful weather had broken. After weeks of cold days and gray, discouraging skies, today was warm and sunny.

If I were superstitious, Judy reflected, I would read some

Earlier, a group of men had come into her cell, led by a man with a Calabrian accent. They had addressed her as Emilia Libera and told her that the others all had confessed and that things would go easier for her if she joined the group. This was a standard police stratagem; she decided that she would keep silent no matter what they did to her. Then they had beaten her, one man held her by the shoulders while a second stood between her knees and hit her in the abdomen, pausing occasionally to slap her across the side of her head. He particularly seemed to like hitting her breasts.

After a long time, they had left her with the promise that she would be visited by the *giustiziere della notte*, the night-avenger.

How long have we been here? It was hard to keep track of the passing hours. It might still be the middle of the night. It might already be well into the next day.

The police now seemed to be making their second sweep through the cells. She had heard Cesare Di Lenardo cursing horribly before the pain had moved to Giovanni Ciucci. Emilia had been relieved to hear Giovanni's voice, because he had been hurt during the raid and his presence here meant that the injury was not serious. Steadfastly, Giovanni had refused to tell the police anything; when they hit him, he grunted with the pain but never cried out.

Ciucci and Di Lenardo were both silent now, and Emanuela Frascella was howling, the shrieks of a privileged young woman who had never before been exposed to brutality. But she was saying nothing. Emilia would have thought that the millionaire's daughter would be talking by now. Even though Emanuela knew nothing of importance, she was guarding her treasure of little secrets with dogged desperation.

Emilia shivered, guessing that they would concentrate on her. By now, they must have understood that Frascella was merely a housekeeper for the Red Brigades. Ciucci and Di Lenardo were only foot soldiers and Antonio would never crack. This left her...

"Where's Libera?" In the corridor, there was a man with an educated Milanese accent.

"In there!" responded the Calabrian.

"No!" Despite her vow of silence, a hoarse shout escaped from her lips as footsteps came in her direction. Emanuela had stopped screaming and had relapsed into a steady sobbing.

"On your knees before the night-avenger!" No one touched her. She shuffled off the chair and dropped to her knees on the cement floor.

"What is your name?" asked the Milanese.

She remained silent.

"Signorina, you must understand the situation," the voice explained. "We have Savasta and we want the other members of the Executive Committee. If you can tell us where we can find Barbara Balzarani, Giuseppe Lo Bianco, and Luigi Novelli, you will save yourself a lot of unpleasantness."

Emilia's knees were hurting. She did not know where Balzarani and Lo Bianco lived. The headquarters was someplace in Milan, but Antonio had always followed the rules about compartmentalization and he had never told her the address. Novelli would be in Rome somewhere, changing houses every night to avoid a trap.

"I'm waiting for your answer!"

Emilia remained silent, wondering how much more she could stand.

"Pull her pants down!" snapped the Milanese.

She shrieked as men seized her arms on either side, lifting her to her feet. She was still wearing the jogging suit in which she had been arrested. From behind, someone took hold of the bottoms and stripped her to the ankles.

"Don't do this, please," she begged as they stretched her out on the cement floor. "We never hurt the general! We never humiliated him like this!"

"We need to know where we can find Barbara Balzarani," the policeman repeated, kneeling between her legs. As he spoke, he ran his fingers through her pubic hair.

"Lo Bianco! Where is Giuseppe Lo Bianco?" The Milanese pulled out a few strands of pubic hair. She shouted with the pain.

"We can keep you here forever," he told her, pulling out more hair. "Nobody knows that you're here. We have a lot of time."

"Leave me alone! This is awful! We never tortured people!"

"Don't you understand?" he shouted, losing his temper and hitting her hard in the stomach. "We're accountable to no one!"

"No, no, please, stop him!" she appealed to the others. They can't do this to me, she thought as he pounded her again. Isn't there a law that says they can't torture us?

And if he died, would anything be achieved by his sacrifice? Emilia knew almost as much about the Organizzazione as he did and she had already begun to collaborate. With the information in her head alone, the police could cripple the Red Brigades and devastate the Rome column.

There was only one strategically important secret that he alone possessed: the address of the Executive Committee apartment in Milan. If the Esecutivo survived with its files intact, Barbara, Lo Bianco, and Novelli could rebuild. . . .

There were footsteps in the corridor, and he listened while the interrogation team reestablished its presence in his cell.

"Who's got a cigarette?" asked the man with the Calabrian accent and Savasta understood immediately that they were going to burn him again. With sudden clarity, he realized that he could take no more. It was time to start trading information for time, enough time for everyone to escape from the Via Verga.

It must be close to dawn. Balzarani and Lo Bianco should have heard about the raid on the Via Pindemonte and already fled. But there was a chance that the police had managed to censor the news; he had to give his colleagues a few more hours, at least until they had seen the morning papers.

"Bring me someone I can negotiate with," Savasta said.

"You can negotiate with me," responded the Calabrian.

"I want to talk to the organ grinder, not his monkey."

"Watch yourself, young man!"

"You only count as long as I keep silent," Savasta told him.

"The moment I start to talk, I become important again and you go back to being insignificant. Now get me somebody in authority!"

He thought that they would hit him, but instead the men in the room walked away as if their task were finished. I'll talk to whoever comes to see me, he told himself. I need to kill a little time.

A long time passed before he heard footsteps in the corridor and felt the movement of air that signified that someone had entered his cell.

"I am Commissioner Salvatore Genova," a deep voice spoke.

"You wanted to see me?"

"Yes . . . I thought it was time that we talked a little." So this

is the famous Commissario Genova, he thought. We should have put more effort into killing him.

"Let's get you out of here," Genova said. One phase is coming to an end, Savasta thought, as men came forward to assist him to his feet. He could barely stand, and there was pain in his groin and chest, but they held his arms, helping him up two flights of stairs. They walked along a corridor with a wooden floor until they reached a room where the air smelled fresh. His handcuffs were removed and he was settled into a comfortable chair. When they took off the canvas hood, he was at first blinded by the light; he smelled the cappuccino before his eyes could focus upon it.

"Thought you might need some caffeine," the commissioner said. Genova appeared to be in his middle thirties. He was a big man with broad shoulders and his suit was handmade. He was clean-shaven and wore aviator glasses. His eyes were careful. His face gave very little away.

"I've been tortured," Savasta said, deciding to go over to the attack. "We never harmed a hair on the general's head! Your people used torture!"

"I'm sorry if someone treated you roughly," Commissioner Genova said with sincerity but without any sign of surprise. "Rough interrogation is not my style; if you decide to collaborate with me I will have you guarded by my own men and you won't be bothered again."

"Since when do the Italian police torture people?" Savasta persisted.

"Look, the war between us is almost over," Genova told him with sudden intensity. "Knowing that we were close to victory, that your people were about to be defeated, some of the local police may have become overenthusiastic. All this unhappiness can come to an end as soon as we negotiate a truce!"

"A truce? The war is not over! Marx wrote—"

"Marx wrote that capitalism would fall apart of its own internal contradictions and communism would emerge spontaneously," Genova interrupted. "Have you looked out a window recently? For better or worse, capitalism is not falling apart. It's evolving in strange and complicated ways, developing a flexibility and subtlety Marx never dreamed of. And Italy is getting more prosperous by the day. There may be a revolution someday, but it won't be soon; you chose the wrong moment in time to hustle history!"

"A government reduced to running electrical current into the testicles of its enemies is already strategically dead and buried," Cesare Di Lenardo shouted at the Dozier kidnap trial.

The public initially reacted to these charges with skepticism, believing that Di Lenardo was simply waging a propaganda war against the Italian police. Unexpectedly, the police medical consultant who had examined Di Lenardo produced photographs of some fifty electric burns on the young man's body, establishing that someone had systematically maltreated him.

A magistrate was persuaded to issue arrest warrants for those he deemed responsible. In summer 1982 while continuing with his intensive investigative work, a stunned Commissioner Salvatore Genova found himself indicted on torture charges together with four of the NOCS who had conducted the raid on the Via Pindemonte.

Insiders within the State Police establishment were incensed by what seemed to be a politically motivated attack on a brilliant police officer. Although there was reason to believe that someone had indeed mistreated Di Lenardo, no real evidence suggesting that Commissioner Genova was connected with the incident was ever presented.

Nineteen eighty-two was an election year in Italy. An angry public rendered its own judgment on the charges against Salvatore Genova by electing him to serve as a deputy to the Italian Parliament. Because of a provision in Italian law making parliamentarians immune from prosecution, this election removed Genova from the danger of facing criminal charges.

The four NOCS, however, were committed for trial. Antonio Savasta and his colleagues had nothing to gain by irritating the police at this stage in their own legal difficulties, but they appeared at the NOCS trial, testifying that they had been mistreated by unknown police officers. Again, there was no suggestion that Genova was involved, but the four NOCS were found guilty and sentenced to terms of imprisonment. Upon appeal, they were found innocent because of procedural problems in the earlier trial and released.



# Guatemala Army Killings Raise National Debate

*Popular outcry forces Army to relocate base, encourage citizens to confront military abuses*

**By Joyce Hackel**

Special to The Christian Science Monitor

— SANTIAGO ATITLAN, GUATEMALA —

IN the wake of an Army massacre of unarmed Tzutuhil Indians last week, Guatemalans are voicing what was previously unspeakable.

The bursts of Army rifle fire Dec. 2 that left 14 protesters dead and more than 30 wounded in this scenic lakeside town seem, ironically, to have shattered some civilian fears of military reprisals. The shootings have sparked a national debate about the role of an entrenched Armed Forces unaccustomed to public challenge.

With just weeks to go before the country's first open presidential runoff election under a civilian government, the killings outside a local Army outpost challenge the military's claim that, after waging a "dirty war" a decade ago, the Armed Forces now respect the country's majority indigenous population.

While corpses still lay at the military base's entrance, villagers began to collect more than 15,000 signatures and thumbprints pro-

testing the violence. Bus drivers and restaurant owners in the capital city hoisted black flags to honor the slain.

These and other actions have pressured the Army into relocating its installation. The rightist-dominated Guatemalan Congress has passed a measure condemning the Army killings and sending compensation to Atitlan, an area where leftist rebels have some support.

"Before the people always wanted to speak out, but there was no unity," says Abigail Valasquez, an Atitlan town council member. "Now we know if we go out to protest abuses the people will back us, that's why the fear has vanished."

Col. Gustavo Méndez, whose jurisdiction includes the military post at Atitlan, says the Army is not returning to its dark past. He worries that relocating the installation may set a precedent for other communities. "Now everyone is going to want the Army to remove its bases everywhere," Colonel Méndez laments.

With high hopes, Atitlan residents overwhelmingly supported current Guatemalan President Marco Vinicio Cerezo Arévalo in

1985, as he rode to power on a crest of popular support, pledging to roll back the injustices of two decades of military rule.

## Walking on eggshells

But Mr. Cerezo has failed to defang the 43,000-member military or oversee prosecution of a single soldier for human rights violations, political analysts say. Government monitors say 276 Guatemalans were murdered in political incidents and 145 disappeared in the first nine months of this year. Many such disappearances are attributed by human rights groups to the military.

"It's been very difficult to limit the Army's influence in these years," says Edmond Mulet, a Guatemalan congressional deputy. "Whenever the minister of defense or Army Chief of Staff gently mention something, the civilians [in government] say ... let's not confront them."

Few analysts predict the contenders in the Jan. 6 presidential runoff election, newspaper publisher Jorge Carpio Nicolle or Jorge Serrano Elias, a protégé of

Gen. José Efraín Ríos Montt, a dictator of the early 1980s, will make more concerted efforts to challenge military abuses.

Meanwhile, Atitlan and other indigenous communities have remained largely disenfranchised from the national elections. Indians hold no senior government posts and few legislative seats.

Native leaders throughout the countryside say the Army has prohibited Indians from organizing independently, since the indigenous swelled the ranks of guerrilla groups in the 1980s.

## Scorched earth

In response, the Army unleashed a scorched-earth policy, among the most brutal in Central America. Human rights monitors estimate 100,000 Guatemalans died, 40,000 disappeared, and some 400 villages were razed.

The repression worked, and the rebels today have little military clout. Yet the Army's grip on the Indian communities has not loosened. "Killings, disappearances, illegal detentions are justified by the people who commit

them by referring to the persistence of the war," says a United States Embassy official. "But the guerrillas no longer pose a viable threat to the government."

Although US Embassy officials have been increasingly vocal about human rights abuses in Guatemala, Washington has supplied nearly \$1 billion in US economic and military aid to the Cerezo administration since 1986.

Political analysts say international trends ensure that the military's star is declining and that its future role will hinge largely on the outcome of negotiations to end the 30-year old civil war. Rebel negotiators are focusing on military reforms, including a smaller Army, and an end to the draft and civilian defense patrols.

But despite the negative image created by slayings like the one in Atitlan, few diplomats predict the Guatemalan military will cease being the premier power soon.

A US official says, "No matter what happens, the Army is still the most important institution and will have to be the conduit for Guatemala's development."

# Salvadoran Put at Risk By Account of Killings

## Farmer Says Rebels 'Could Cut My Throat'

By Lee Hockstader 1/7/71  
Washington Post Foreign Service

LOLOTIQUE, El Salvador, Jan. 6—Silvio Mendez has spoken, and now he is afraid. He drew a finger across his neck and said evenly, "They could cut my throat."

Mendez, who farms the craggy hillsides just north of here, is one of at least two Salvadorans who say they spoke with two American servicemen after their helicopter was shot down by leftist guerrillas here Wednesday—and who saw them a few minutes later dead, shot through the head.

Mendez's account corroborates the statements of other farmers and a U.S. military forensic examination, which have led U.S. officials to the conclusion that the rebels shot the Americans dead after the helicopter was downed.

Now, Mendez is afraid that the guerrillas will come looking for him. It is the same fear that has kept many witnesses to atrocities—by both government forces and the leftist rebels—from coming for-

ward in the course of this country's 11-year-old civil war.

But in Mendez's view, he had little choice.

"I'm very nervous," he said. "But I had to do it. I was very close. I can't deny the truth. Others who live farther away can say they didn't see anything. But I can't lie."

A 34-year-old father of five, Mendez spoke with two American reporters today on the steps of his in-laws' house, a few hundred yards from the charred remains of the U.S. Army UH-1 Huey transport helicopter. It is the same hamlet where he was born and reared. He returned to it two years ago after living for three years in Dallas, where he worked as a dishwasher in a hotel.

Although Mendez has spoken about the incident with reporters and neighbors, he said he has not discussed it with any officials, either from the United States or the Salvadoran military. No one has pressed him, and no one has suggested his story is false.

See EL SALVADOR, A18, Col. 3

# Baker Wants Salvadoran Aid Released

## Americans' Deaths Described as Murder

By Barton Gellman  
Washington Post Staff Writer

Secretary of State James A. Baker III, charging that at least two of the three U.S. servicemen killed in El Salvador last week were murdered "in cold blood" by leftist guerrillas, called yesterday for the resumption of unrestricted military aid to the Salvadoran government.

Baker, interviewed on ABC's "This Week With David Brinkley," said the three men, who died after rebels from the Farabundo Marti Liberation Front (FMLN) opened fire on their UH-1 Huey helicopter, were "murdered by the FMLN—at least two of them, for sure."

U.S. military forensic experts have displayed photographs and videotape in San Salvador that appear to support the theory that two of the servicemen were executed after a "controlled landing." The photos and videotape show bullet wounds to the temples and faces of two of the men, who had no other apparent injuries. A third man, the pilot, is believed to have been fatally wounded as the helicopter was shot down.

Baker said "the first thing we're going to do" is ask Congress to release \$42.5 million in military aid frozen last year pending progress toward settling the guerrilla war.

The rebels have issued three communiques, all of which asserted responsibility for downing the helicopter. The first, broadcast within hours of the incident, said the three Americans' bodies were found in the wreckage. The second, the next day, said the rebels shot down the helicopter because they thought it was a Salvadoran aircraft that was going to fire on them. In their third communique, the rebels said they opened fire after the helicopter shot at guerrillas and civilians on the ground.

U.S. officials said there was no evidence the helicopter ever fired its M-60 machine gun.

## Pardoning Mass Murder in Argentina

For no good reason, President Carlos Menem of Argentina has trashed his country's finest achievement of the last 60 years. Previous civilian authorities from President Raúl Alfonsín on back courageously re-established the vital constitutional principle that all citizens, military officers included, are accountable to the rule of law. Now, in a country still prone to coup attempts, the tradition of military impunity has been restored.

Under cover of the New Year's weekend, President Menem freed from prison the leaders of a succession of military juntas. These men had been convicted of ordering the murder of thousands of Argentines and systematically torturing prisoners, as well as their families, from whom they cruelly withheld information about the victims' fate.

Mr. Menem portrayed his action as a gesture of reconciliation, closing the book on a tragic past. Instead he has invited a repetition of the tragedy by resurrecting the idea that the military can hold itself above the law.

Argentine society remains traumatized by the disasters of military rule during the 1970's and 80's. There is scant civilian support for a new coup — or for these pardons. But a bloody coup attempt by rebel officers just last month shows that the danger persists. And with a faltering economy battering the living standards of middle- and working-class Argentines, social stability cannot be taken for granted.

Argentina's political stability never recovered from its first 20th-century coup, in 1930. Less than two years ago Mr. Menem became the first democratically elected civilian President to succeed another elected civilian in 60 years. He has great ambitions to restructure Argentina's economy, attract foreign investment and end his country's self-inflicted isolation from the West.

Mr. Menem's constitutional legitimacy has been his greatest asset as he seeks to pursue these aims. It still is. But unwisely, tragically, he has cheapened its worth.

LOS ANGELES TIMES

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## Menem: Pardon Our Dirty War

Argentina's political life has been disrupted with regularity by its restive military since the 1930s. Only in the last few years have civilian leaders tried to assert authority over the generals, so it's disappointing that President Carlos Saul Menem began the 1990s with a step backwards.

Last weekend, Menem pardoned several top officers who led the military juntas that ruled Argentina from 1976 to 1983. They included the generals who oversaw the so-called "dirty war" against leftist subversion in which 8,960 persons are acknowledged to have died, many after being methodically tortured. Thousands of other victims of that era, whose only crime was being suspected of political dissent, remain unaccounted for.

Menem said the pardons were necessary to bring about a reconciliation in Argentina, and balanced his pardon for the officers by ordering the release of the jailed leader of the Montoneros, the terrorist group the government suppressed in the late 1970s. But it will take more than that to persuade the vast majority of Argentines that Menem has made the right decision—or for the right reason. Public opinion polls indicate that up to 80% of Argentines disapprove of the pardons.

That is because many Argentines fear that the real reason Menem pardoned the junta leaders is to placate a new generation of military officers who have been causing trouble for him, most recently by staging a brief but violent uprising late last year.

just a few days before a visit by President Bush. The officers who led that uprising said they were not trying to overthrow the government, only to protest the fact that civilian governments have reduced financial support and the "prestige" of the nation's armed forces. Whatever their motives, it was a scary reminder that at least some officers still think the best way to deal with civilians is to pull guns on them.

That is why the precedent Menem's predecessor, Raúl Alfonsín, tried to establish by jailing the former junta leaders was so important. Menem insists that that precedent still holds. But given the history of the Argentine military in this century, it's hard to shake the feeling that Menem has made a rather grave error.

By Jacobo Timerman

**I**N PUNTA DEL ESTE, Uruguay in April 1977, Gen. Carlos Guillermo Suárez Mason ordered my kidnapping in Buenos Aires. A few days ago, this man, the cruelest leader of the dirty war, was released from prison, pardoned by President Carlos Saúl Menem. Argentina had obtained his extradition from the U.S., where he had lived as a fugitive. He had been accused of 43 murders and 24 kidnappings in which the kidnapped individuals had disappeared.

During those months of 1977, Colonel Ramón Camps, the most brutal torturer of the dirty war, was in charge of the torture I was subjected to during interrogations. A few days ago, he too was set free, granted a pardon by Mr. Menem. He had been accused of 214 extortionist kidnappings, 120 cases of torture, 32 homicides, 2 rapes, 2 abortions resulting from torture, 18 thefts and the kidnappings of 10 minors who disappeared. After substantiating 73 cases of torture, the judges sentenced him to 25 years. Pope Paul II once spoke of statements made by Colonel (subsequently General) Camps in the Spanish magazine *Tiempo* in which the latter acknowledged having eliminated 5,000 people.

That 25-year sentence meant that until Jan. 19, 2009 — just a few days, according to my calculations, after I might reach the age of 86 — there was no possibility at all of my finding myself face to face with this torturer. This is no longer true.

Some time ago, I consulted a psychiatrist about living in a country where a victim might accidentally find himself facing his victimizer. His reply was: "Look him straight in the face, in silence." This happened to me once, in a coffee shop in Buenos Aires. I looked at my torturer, a noncommissioned officer, in silence, whereupon he loudly exclaimed: "What? Is

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*Jacobo Timerman is author of "Cuba: A Journey." (This article was translated from the Spanish by Toby Talbot.)*

# Fear Returns to Argentina

this Jew still alive?" My doctor had allowed himself to be carried away by the democratic euphoria in the five brief years during Raúl Alfonsín's presidency, between the end of 1983 and middle of 1988.

Following this episode, and ever since Peronism returned to power, with Mr. Menem instituting his campaign of granting pardons to the military, I have considered the psychiatrist's view sheer fantasy. I hardly live in Argentina anymore. Although almost all the torturers were free prior to this latest measure, now the leaders who conceived, planned and carried out the only genocide recorded in Argentine history are also at large.

The pardon granted by Mr. Menem to these criminals — Videla, Masera, Viola, Suárez Mason, Camps — signals the recurrence of the power that has oppressed Argentines for virtually the entire past half-century: a coalition imposed by Juan Domingo Perón after the 1940's — invented earlier by Mussolini — and consisting of the armed forces, Roman Catholic Church and union bosses.

My personal problem has become more difficult: Videla, the first president of the junta of commanders who started the genocide, lives a little more than 200 yards from where I do when I spend a few days in Buenos Aires. Maybe I won't run into him; maybe Videla, out of shame, won't venture outside. But more likely it is I who won't do that, out of fear.

Even a democratically elected Government can trigger totalitarian mechanisms in Argentina — if that is its ambition. Peronism has always done so. Mr. Menem wants to do so: It is his objective, ambition and mission. He declared that he personally

# Military's Role Raises U.S. Hopes for Better Ties

By CLIFFORD KRAUSS

United States officials praised the Haitian Army yesterday for blocking a coup attempt by a supporter of the former Duvalier dictatorship, saying its defense of the civilian Government would bolster American efforts to improve ties with Haiti's military.

A senior Administration official said Roger Lafontant, leader of the feared Tontons Macoute militia under Duvalier rule, had miscalculated in thinking that the army would support his bid to take power and thus prevent the inauguration on Feb. 7 of the President-elect, the Rev. Jean-Bertrand Aristide.

Father Aristide was elected on Dec. 16 on a platform promising sweeping economic and social change, rankling some army officers and other members of the traditional Haitian elite.

When Dr. Lafontant's forces seized the National Palace and took the Provisional President, Ertha Pascal-Trouillot, hostage early yesterday, the army commander, Gen. Hérard Abraham, appeared on the national television to denounce the coup attempt.

## General 'the Unsung Hero'

General Abraham pledged that he would defend the Constitution, and army troops stormed the palace to arrest Dr. Lafontant, a former Interior Minister, and several other plotters.

A senior American official said Mr. Lafontant's strategy "was based on a delusion."

"He was operating like this was Haiti 5 or 10 years ago," the official said. "General Abraham is the unsung hero. His action cemented a bond between Aristide and the army. This leaves no doubt that the army is loyal to the electoral process."

The official said American and Venezuelan diplomats telephoned General Abraham and other officers pledging

their support for the civilian Government and urging them to intervene to defend Mrs. Pascal-Trouillot. But he said the army did not need convincing.

Before yesterday's action, the army had shown an ambivalent attitude to-

ward Dr. Lafontant. Officers backed a decision by the National Electoral Commission to disqualify his candidacy in the last presidential election, but they would not act on a warrant for his arrest even when he vowed that Father Aristide would never take power.

## Americans as Mediators

The official said the coup attempt could prove to be a blessing for Father Aristide by exposing and removing his main enemy. Now that the army has taken Dr. Lafontant prisoner, his Tontons Macoute, the militia that long terrorized the population in defense of the Duvalier family dictatorship, is

thought to lack a central leader.

For the last several months, Bernard W. Aronson, the Assistant Secretary of State for Inter-American Affairs; Alvin P. Adams Jr., the United States Ambassador to Haiti, and Pentagon officials in Port-au-Prince have tried to convince the military that its defense of the electoral process was in its own interests. Serving as informal mediators, Mr. Aronson and Mr. Adams called a meeting with Father Aristide only hours after his Dec. 16 election victory to urge that he work with the military and private sector.

At that meeting, Father Aristide pledged to moderate his polemics and seek reconciliation with the military. As a proponent of liberation theology, Father Aristide has advocated justice for victims of the 29-year Duvalier dictatorship, a restructuring of the economy to benefit the poor, and a struggle to root out corruption.

## Increased Aid Studied

Since the December election, Defense and State Department officials have begun to study ways to increase aid to Haiti, now about \$50 million a year. After three years of granting virtually no aid to the military, the Pentagon is considering sending the Haitian Army medical supplies and giving it advice and financing for a civic action program of bridge and road building.

Last year, Congress blocked an Administration proposal to send the army \$500,000 in medical and other non-weapons aid based on an assessment that the army was a force halting democracy. The senior official said yesterday's action might help convince Congress that the army merited help.

The White House spokesman, Marlin Fitzwater, said yesterday, "We applaud the efforts of the Haitian military and police authorities in restoring the legitimate authority in Haiti."

Robert I. Rotberg, president of Lafayette College and an expert on Haiti, said of the failed coup: "This is an extraordinarily encouraging development. This is the first time in Haiti's dark and checkered history when the army has intervened to put democracy on its rightful track. The U.S. and the military seem to be cooperating in order to do what is right for Haiti."

# Mexico Consulate Speaks

■ **Diplomacy:** The L.A. office becomes more vigorous in defending nationals in the U.S. Two shooting deaths involving law enforcement bring unusually strong protests.

By TRACY WILKINSON  
TIMES STAFF WRITER

The doors of the Mexican Consulate near MacArthur Park had barely opened when the brothers of Nicolas Contreras appeared, seeking "justice." Days before, Contreras had been shot to death by Los Angeles police officers who said the Mexican national had threatened them with a gun he was firing to welcome the new year.

That explanation did not satisfy Contreras' brothers. But instead of protesting quietly, they asked the consulate for help.

The consulate was quick to respond. In a rare departure from protocol, Consul General Jose Angel Pescador Osuna sent Los Angeles Police Chief Daryl F. Gates a formal letter of protest, expressing "indignation" and demanding an investigation into the shooting.

It was the second time in less than a week that Mexican government officials had confronted Los Angeles law enforcement. Another Mexican citizen, Pedro Castañeda Gonzalez, had been killed on New Year's under similar circumstances at the hands of a sheriff's deputy. Another letter of complaint went to Sheriff Sherman Block.

The unusual protests are part of what Mexican officials say is a campaign to attract attention to the plight of Mexican nationals in the United States. Spurred by pressure at home to protect Mexicans abroad, the consulate in Los Angeles says it will take a more active role in monitoring and publicizing cases of alleged police abuse or other violence against Mexican nationals.

"What we are talking about is violation of human rights," said Martin Torres, consulate press attache. "It has to be fixed. It has to be changed [and] it should be known that we are working to stop these kinds of incidents [which] are beginning to repeat themselves."

Lt. William Hall, who heads the Los Angeles Police Department unit that investigates officer-involved shootings, said the consulate's action took him by surprise.

"We've shot a lot of Mexican nationals over the years and it was unusual to get a letter," Hall said. "I don't attach a lot of significance to it. I don't think there is any basis to it, but if they [Mexican officials] have other information, we want to keep an open mind and avail ourselves of it."

To that end, police investigators met with Pescador and other consulate officials Wednesday.

With publicity swirling around shootings or beatings in which Mexican nationals are victims, the Mexican government—dismayed by sharp criticism from several U.S.-based human rights organizations—may be hoping for an image-enhancing political plus: shifting the focus from human rights violations in Mexico to similar alleged abuses in the United States.

"It is a way to say it doesn't only happen in Mexico," Torres said. ". . . It is a way to say we are concerned about human rights here [in the United States] too."