

@CHAPTER = INTRODUCTION

With the extraordinary changes in Eastern Europe and the Soviet Union in 1989, human rights should have emerged as a central element of U.S. foreign policy. Easing East-West tensions created an unprecedented opportunity for the Bush administration to work for a post-cold war order founded on respect for the rights of the individual.

Unfortunately, our review of the public positions taken by the Bush administration during its first year reveals a widespread disregard for human rights. While the administration supported change in Eastern Europe and occasionally elsewhere -- most notably in South Africa and Burma (Myanmar) -- it failed to seize the opportunity to embrace human rights throughout the world. Its insistence on seeing the world in geopolitical terms, and other priorities, gave rise to a striking silence on abuses in many countries, and a frequent refusal to adjust U.S. policy in light of those abuses. The result has been a failure to take the lead in making respect for human rights the basis of the world order of the 1990's.

The administration's policy toward China is the most visible example of this failure. Although China's importance as a strategic asset diminished as U.S. relations with the Soviet Union improved, the administration consistently opposed taking a stand on human rights that might offend China's leaders. In February, when uniformed Chinese police barred one of China's leading human rights advocates, Fang Lizhi, from attending a dinner hosted by visiting President Bush, the President acquiesced and the administration blamed its embassy for inviting Fang. In May, when Chinese authorities met mass demonstrations for democracy with a declaration of martial law, the administration said nothing. And in June, when Chinese authorities crushed the democracy movement and killed hundreds, the administration imposed the minimum sanctions that an outraged U.S. public would tolerate, and lobbied hard against legislation to impose further sanctions. It also stopped short of announcing the steps that Chinese authorities would have to take for sanctions to be lifted -- crucial for making sanctions meaningful -- such as, at minimum, freeing all members of the democracy movement who did not use or advocate violence.

Instead, within a month and without receiving any human rights concessions, the administration breached the sanctions restricting loans (by renewing processing of Export-Import Bank loans), the sanctions halting military sales (by delivering three Boeing jets with sensitive navigational systems), and the sanctions barring high-level contacts (by secretly sending National Security Advisor Brent Scowcroft and Deputy Secretary of State Lawrence Eagleburger to Beijing). The administration thus made clear that the killing and imprisonment of pro-democracy demonstrators would have no material impact on its dealings with the Chinese leadership.

The administration's policy toward El Salvador has shown a similar disregard for human rights. Despite reduced fears that leftist advances in Central America would provide a beachhead for Soviet expansionism, the administration persisted in acting as apologist for abuses committed by the Salvadoran military in its war with leftist rebels. Shortly after the Salvadoran guerrillas began a November offensive, six Jesuit priests and two of their employees were murdered under circumstances implicating the Salvadoran army. The murder gave rise to pressure in Congress to reduce military aid to El Salvador until those responsible for this atrocity were brought to justice. The administration, instead of using this pressure to insist that the Salvadoran armed forces respect human rights, sought actively to discredit evidence of army responsibility. When a witness stepped forward to testify that she had

seen soldiers at the crime scene, U.S. embassy officials and FBI investigators in Miami put her through a grueling four-day interrogation -- in an unfamiliar environment, without a lawyer, in the presence of a Salvadoran military officer, and under reported threats of deportation to El Salvador and almost certain death -- in an effort that could not plausibly have been designed to get at the truth. This attempt to discredit an inconvenient witness made a mockery of U.S. demands that the Salvadoran government identify the murderers, as well as of the U.S. commitment to promote due process and the rule of law.

With regard to the Soviet Union, the Bush administration has all but stopped public comment on human rights issues. President Reagan gave human rights a prominent place on the agenda of every U.S.-Soviet summit, but President Bush barely mentioned human rights at Malta. The administration's silence seems to be based in large part on new geopolitical considerations -- the fear that pressing for human rights might weaken Gorbachev. But the failure to take any public notice of continuing abuses has deprived Soviet liberals of pressure they might have harnessed to promote reforms.

The State Department's principal human rights officer has argued that public statements on human rights are unnecessary because Soviet reformers "recognize their problems" and thus the U.S. need not "lord it over them" but should "work with" the Soviets in refashioning repressive institutions. While the changed circumstances in the Soviet Union certainly warrant a change in tone, they do not justify the abandonment of public human rights commentary. Such abandonment might be appropriate for a nation that had ceased violating the rights of its citizens and needed only to dismantle a few anachronistic institutions of repression. But rights violations continue in the Soviet Union, in the form of psychiatric abuse, widespread disrespect for due process, restrictions on freedom of assembly and travel, new arrests and short-term detentions on political grounds, a refusal to tolerate a multi-party system, and continued imprisonment for some previously convicted of treason for attempting to contact U.S. diplomats in an effort to emigrate or send manuscripts abroad. Silence in the face of these abuses can only slow their end.

The Bush administration made little change in U.S. support of abusive rebel troops in regional conflicts, despite the withdrawal of Soviet troops from Afghanistan and Vietnamese troops from Cambodia, and the continuing phased withdrawal of Cuban troops from Angola.

@BULLET = In Afghanistan, the administration firmly protested abuses by the Soviet-backed government but was sparing in its criticism of the U.S.-funded resistance, even when those forces committed summary executions and indiscriminately shelled civilian areas. The administration may have taken a positive step by reportedly cutting off aid to the most abusive resistance force, Hezb-e Islami headed by Gulbuddin Hekmatyar, but then undercut the gesture by refusing to state that a serious effort to curb abuses was a precondition for receiving U.S. aid, or to call on Saudi Arabia, the largest resistance funder, to stop financing Hekmatyar's group.

@BULLET = In Cambodia, despite increased public recognition toward the end of the Reagan administration of the importance of preventing the return to power of Pol Pot's Khmer Rouge, the Bush administration refused to break with China and the administration's Southeast Asian friends by opposing a coalition government that would include the Khmer Rouge.

@BULLET = In Angola, the Bush administration continued to deliver funds to UNITA despite widespread reports that UNITA has kidnapped civilians, burned opponents at the stake, and used mines indiscriminately.

A positive development in the Bush administration's approach to regional conflicts is that it did not seek to renew military funding for the *contras* --

a force that has consistently engaged in summary executions, kidnappings and indiscriminate attacks on civilians. The administration did, however, keep the *contras* alive as a fighting force by continuing to provide so-called "humanitarian" aid. And the administration continued past policy of refusing to condemn *contra* abuses which, though reduced in light of the reduced *contra* presence in Nicaragua, continue nonetheless.

Like the Reagan administration, the Bush administration generally closed its eyes to -- and often defended -- abuses committed by militaries under the nominal control of elected civilian governments. The administration's apologies for military abuses in El Salvador, referred to earlier, are an example of this policy. Other examples included:

@BULLET = The Bush administration strengthened ties with the Guatemalan military although political killings increased dramatically and President Vinicio Cerezo showed less inclination than ever to control the armed and security forces, let alone to investigate and prosecute their abuses. The administration deplored the mounting political violence but refused to assign responsibility, despite substantial evidence implicating the military.

@BULLET = In the Philippines, the presidency of Corazon Aquino --as well as a strong leftist insurgency and the U.S. interest in continued use of the Subic naval base and Clark air force base -- yielded a hands-off approach to ongoing abuses. While the administration intervened militarily to help foil a coup attempt by right-wing army factions, it refrained from criticizing widespread killings, including beheadings, by paramilitary and vigilante groups tied to the military.

The Bush administration continued the Reagan administration's refusal, after transitions from military dictatorships to elected governments, to press for prosecution of those in the military and security forces who were responsible for past human rights abuses. In Argentina, the Bush administration said nothing when President Menem pardoned most of the military officers responsible for torture and disappearances during the "dirty war." In Uruguay, administration officials quietly opposed an effort by referendum to repeal an amnesty for such abuses.

The Bush administration also continued its predecessor's policy of largely ignoring abuses in areas of the world that do not attract much public attention in the United States:

@BULLET = In Sudan, where government forces have been responsible for executing civilians and using starvation as a weapon in the southern part of the country, the administration sought a waiver of a U.S. law requiring the cutoff of aid after a coup overthrew the elected civilian government in June. The stated purpose of the waiver was to provide C-130 transport planes for relief efforts, but Sudan had never used the planes for relief, only to transport troops.

@BULLET = In Mauritania, the administration made no public comment on the mass expulsion, often after severe beating, of tens of thousands of black Mauritians, following a border dispute with Senegal. Nor did it address the massacre of hundreds of blacks by government-organized bands.

@BULLET = In Malawi, the administration said nothing publicly in the face of a purge of government opponents that included the widespread use of detention without trial, reports of torture, and the death of two in custody.

@BULLET = In Kenya, the administration issued no public comment on the severe mistreatment and forced expulsion of ethnic Somalis in the northern part of the country.

In the case of several countries, the strongest U.S. criticisms of their human rights practices made in 1989 were contained in the *Country Reports on Human Rights Practices in 1988*. While issued in February 1989, during the first days

of the Bush administration, the *Country Reports* were prepared entirely by the Reagan administration. The reports on Israel, Morocco and Turkey, for example, described serious abuses, but the Bush administration generally refused to repeat these criticisms publicly, while continuing to pump aid to those responsible for the abuses. With regard to Israel, despite a report of unprecedented candor, the administration used its efforts for a regional peace settlement as a pretext to avoid speaking out further on abuses in the occupied territories, where approximately 300 Palestinians were killed by Israeli forces and thousands more were detained for months without charge or trial during the second year of the intifada.

In similar fashion in Somalia, a specially commissioned State Department report described large-scale atrocities committed by government troops against the Isaak clan in the northern part of the country. But the administration sought \$21 million in emergency aid for the Somali government, at a moment when abuses by government troops were at their height. Congress, to its credit, rejected the request, but the State Department's chief human rights officer, while acknowledging the abuses, publicly defended the appeal for emergency aid.

The administration's declared war on drug-trafficking has been waged with virtual indifference to human rights. In Colombia, the administration funneled millions of dollars to the military without making any visible attempt to undo the alliance between drug traffickers and military elements which has led to the killing of thousands of leftist politicians, union leaders, grass-roots organizers, journalists and human rights monitors. In Peru, the administration's drug-interdiction program in the Upper Huallaga valley led to increasing U.S. involvement in a counterinsurgency effort that has been marked by massacres and other violent abuses. In both countries as well as Bolivia, the administration successfully sought reversal of a ban in place since the 1970's against aiding police forces -- a ban which had worked well in keeping the United States from supporting police practices of torture, disappearance and execution.

There have been bright spots in the Bush administration's human rights policy. In Eastern Europe, the Bush administration modified the Reagan administration's policy of "differentiation" among Eastern European states according to which trade benefits were awarded primarily on the basis of foreign-policy distance from the Soviet Union rather than respect for human rights. The Reagan administration's policy toward Romania exemplified this approach: the Ceausescu government's maverick foreign policy earned it Most Favored Nation ("MFN") trade benefits while its ruthless human rights practices continued largely without interruption. That situation prevailed until 1988, when Romania renounced MFN benefits under Congressional human rights pressure. The Bush administration articulated a new policy of "differentiation" according to which economic and trade incentives are allocated not on the basis of foreign-policy differences with the Soviet Union but on the basis of political and economic reforms. Hungary and Poland are now major recipients of U.S. economic aid, and by the time of the overthrow of the Ceausescu regime in late December, Romania had become a virtual pariah state. The new "differentiation" thus provided an important incentive to reform in Eastern Europe.

Our main difference with this vastly improved approach toward Eastern Europe is that the Bush administration has been so preoccupied with promoting the emergence of elected governments that it has neglected the legal developments needed to secure and institutionalize basic freedoms. In an area of the world with little democratic tradition and often serious ethnic tensions, it is far from clear that the emergence of elected governments will in itself secure fundamental rights. The Bush administration should remain vigilant to the need

for legislation to secure rights that today are still exercised only as a matter of governmental grace.

In South Africa, the Bush administration has begun a welcome break from the policies of its predecessor. It has called for an end to the state of emergency, the freeing of political prisoners and the abolition of various legislative pillars of apartheid -- and has backed these demands with a specific timetable for change. It has also been a less strident advocate of "constructive engagement" and a less vocal opponent of anti-apartheid sanctions. In an important symbolic act of support for the anti-apartheid movement, President Bush met with Albertina Sisulu, co-president of the restricted United Democratic Front.

In Burma (Myanmar), in the aftermath of the September 1988 crackdown on a pro-democracy movement, the administration played a constructive role in maintaining strong public pressure on the government. It protested the house arrest of leading opposition figures and noted that elections without their participation could not be free and fair. It confirmed reports of torture and resulting deaths, as well as the practice of forced portering of arms and ammunition for Burmese troops. And it suspended trade benefits under the Generalized System of Preferences and cautioned Japan not to renew aid.

Vice President Quayle contributed to human rights at the beginning of the term, although his support soon foundered. In a February visit to El Salvador, he urged top military commanders to bring to justice those responsible for the highly publicized army massacre of ten peasants in San Sebastián in September 1988 -- a move which led to a breakthrough in the case, the revelation of a prior cover-up, and the arrest of several soldiers, including two officers, for the murders. The visit called to mind the December 1983 visit to El Salvador by then Vice President Bush, in which he demanded that the Salvadoran armed forces put an end to the death squads.

That the Salvador visit did not signal a broad commitment by the Vice President to uphold human rights became clear during his Asia tour in May. In Indonesia, he praised the human rights practices of the repressive Suharto government. In South Korea, he vowed support for human rights in general terms without even mentioning the serious deterioration of Korean rights practices at the time of his visit. In Singapore, he left un rebutted the government's charge that he had no right to raise human rights violations. Even in El Salvador, on a return trip in June, the Vice President broke long-standing U.S. policy to meet with Roberto D'Aubuisson, the death-squad leader and mastermind of the 1980 murder of Archbishop Oscar Romero.

One notable and unfortunate development in 1989 was the Bush administration's downgrading of the State Department's Bureau of Human Rights and Humanitarian Affairs. Apart from its production of the generally more accurate *Country Reports*, the Bureau has increasingly assumed a role of public irrelevance. Richard Schifter, the Assistant Secretary of State for Human Rights and Humanitarian Affairs held over from the Reagan administration, appears to have directed most of his energies toward the Soviet Union. Through January 1989 he had some important success in securing the release of political prisoners. Since then, however, with the concluding of the Vienna phase of the Helsinki review process, Assistant Secretary Schifter has adopted the policy of accommodation cited above, with the result that public commentary on rights violations in the Soviet Union has been drastically cut back and watered down. The Bureau made occasional public forays -- an attack on the obvious target of Cuba, the above-noted acknowledgment of abuses and defense of military aid in Somalia -- but in most of the world, it played no public role at all. While the Bureau may be more significant behind the scenes, it is unfortunate that the

Bush administration has allowed this important post for publicly criticizing abusive governments to fall into such disuse.

The Bush administration's use of the United Nations to promote human rights has been as selective as that of the Reagan administration. The current administration continued its predecessor's single-minded preoccupation with Cuba before the U.N. Commission on Human Rights. While that focus brought a momentary and needed scrutiny of Cuban rights practices in 1988, it also helped undermine U.S. credibility before the Commission and, in the end, led in 1989 to the termination of U.N. pressure for an end to abuses in Cuba. In contrast to these efforts on Cuba, the Bush administration refused to join its European allies in sponsoring a critical resolution on Iraq, even though the *Country Reports* described Iraq's use of chemical weapons during 1988 against its civilian Kurdish population, as well as the government's practice of murder, extra-legal detention, torture and disappearance of political opponents. The administration ultimately voted against an Iraqi move to block the resolution, but the administration's failure to sponsor the resolution or support it actively helped contribute to its defeat. Nor did the administration give needed support to efforts to secure more rigorous U.N. scrutiny of Guatemala, despite serious abuses.

The Bush administration is formally reconsidering thirteen damaging reservations attached to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment when President Reagan signed it in April 1988 and sent it to the Senate for consent to ratification. These reservations substantially eviscerate the Torture Convention by, among other things, redefining torture, introducing certain defenses for torturers and refusing to recognize the competence of the Committee Against Torture which monitors compliance with the Convention. We welcome the review and urge the administration to endorse the Convention without qualification.

In addition to the Torture Convention, five other key international human rights treaties have been signed by previous presidents and are awaiting consent to ratification by the Senate. These are: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the American Convention on Human Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; and the International Convention on the Elimination of All Forms of Racial Discrimination. Reservations attached to several of these are as damaging as those placed on the Torture Convention. We urge the Bush administration to reexamine these reservations as well and to urge the Senate to consider these important human rights instruments expeditiously and without qualification.

It is still early in the Bush term, so final judgments on the administration's human rights record would be premature. However, despite instances of forceful human rights advocacy by administration officials, it is discouraging that a worldwide review of the Bush administration's foreign policy in 1989 reveals such widespread indifference to human rights. It is all the more disappointing that such indifference came when a dramatic realignment of the world order created the opportunity for firmer positions on human rights. We urge President Bush to take steps to ensure a far more prominent role for human rights in the administration's foreign policy of 1990.

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