

The will to uphold human rights failed dismally in 1994. Having bound and shelved the volume of high-sounding pronouncements made the year before at the World Conference on Human Rights, the major powers led a wholesale retreat from their implementation. These governments shrank from the year's most urgent challenge—preventing genocide in Rwanda. And they allowed a growing mercantilism to dominate their foreign policy and undermine the vigorous protection of human rights. Increasingly, the duty to ensure respect for the most basic human values gave way to a vision that equated economic self-interest with the common good.

In Washington, the year opened on a bright note, with the Clinton administration having linked trade benefits for China and Indonesia to human rights improvements and conditioned the lifting of sanctions against Serbia on its cooperation with international efforts to investigate and prosecute war criminals. The year closed with an abandonment of trade linkages in favor of "commercial diplomacy" and a weakening of sanctions against Serbia without any commitment from Belgrade to support the quest for justice.

Throughout the year, President Clinton rarely showed the moral leadership needed to build public support for a tough human rights policy. Typical was his role during the debate about using Most Favored Nation (MFN) trade status to improve China's abysmal human rights record. Rather than personally emphasizing the importance of ending systematic torture and political imprisonment among U.S. trading partners, he left the task of defending his policy to the State Department while allowing the Treasury and Commerce Departments publicly to oppose it.

When the killing broke out in Rwanda, the President never made the case for ending genocide. Instead of pressing for safe havens that might have saved countless lives, his administration issued a laundry list of objections to U.N. action. Only when televised pictures of desperate Rwandan refugees provoked public outrage did the administration mount a relief operation in Zaire, but by then the genocide in Rwanda was largely complete.

Haiti was a notable exception to this passivity. President Clinton was ahead of American public opinion in insisting on an end to the military's reign of terror and the return of elected President Jean-Bertrand Aristide. But even the Haitian crisis was aggravated by his administration's initial sixteen months of indifference, when it downplayed atrocities and forcibly returned those who fled.

The Clinton administration continued the U.S. government's reluctance to subject itself to international human rights law and mechanisms. While it actively supported adding Rwanda to the jurisdiction of the international tribunal for the former Yugoslavia, it resisted the creation of a permanent international tribunal that would have jurisdiction worldwide, including for the United States. And although it belatedly acquiesced to international law by ending the summary repatriation of Haitians, it tacitly encouraged the Cuban government to violate that law by prosecuting those who exercised their international right to flee.

The European Union and some of its key member states shared in this retreat from human rights values. Bonn led the charge for Asian contracts, to the neglect of Asian human rights victims. Paris financed arms purchases by a ruthless government in Rwanda, intervened at the height of the genocide only to let the killers escape, weapons in hand, and then used the Rwandan crisis to rehabilitate Zairean despot Mobutu Sese Seko. London and Paris championed the U.N.'s practice of accommodating the Bosnian Serbs, espoused a vision of ethnically pure enclaves in Bosnia-Herzegovina that was incompatible with basic human rights norms, and ensured that the occasional defense of civilians in Security Council-declared "safe areas" never ventured beyond

the token.

A similar moral vacuum filled the halls of the United Nations. Secretary-General Boutros Boutros-Ghali acknowledged the difficulty of upholding human rights while maintaining a posture of neutrality between murderer and victim, but then opted for neutrality. This failure of leadership, eagerly abetted by the Security Council's permanent members, led to a squandering of the U.N.'s unique capacity on the global stage to articulate fundamental human rights values and to legitimize their enforcement. The loss in 1994 was felt most deeply in Bosnia and Rwanda.

There were positive developments in the past year. The steps taken, however haltingly, toward building an international system of justice for the worst human rights criminals were of extraordinary importance. These had parallels at the national level in several countries. The end of the apartheid regime in South Africa and the inauguration of freely elected President Nelson Mandela were milestones for the human rights movement. Consolidation of respect for human rights continued in parts of Eastern Europe and Latin America. Overall, however, these positive trends were overshadowed by the disturbing withdrawal of the major powers from the human rights arena.

The Mercantilist Threat

In 1993, as the World Conference on Human Rights approached, several Asian governments stepped up their promotion of an "Asian concept of human rights." They maintained that Asians sought economic development before political liberty, valued communal obligations over individual rights, and supported national rather than universal human rights standards. The argument was a convenient justification for the political status quo. Asian nongovernmental organizations, when they had the opportunity to speak freely, forcefully rejected it. Their defense of universal human rights was joined by a broad range of governments worldwide, including the United States, Japan and many European governments.

This year, while the major economic powers continued to give lip-service to universality, their rhetoric suggested increasing acceptance of the "Asian concept" that economic growth by itself would improve human rights. The pursuit of trade and investment came to dominate their foreign policy, and they justified this new mercantilism in part as a defense of human rights.

In Washington, the reorientation could be seen in the heightened prominence of the U.S. Commerce Department in formulating and implementing U.S. foreign policy. Commerce Secretary Ron Brown led delegations of American corporate leaders from Brazil to China, hawking trade and investment deals while relegating human rights to the ineffectual realm of private diplomacy. The administration's position on India exemplified the shift. Its refreshing but short-lived public criticism of Indian abuses in Kashmir was replaced by the eager promotion of India as an "emerging market" where public discussion of human rights was taboo. So thoroughly did the quest for foreign markets eclipse human rights that Secretary Brown made the audacious claim, without presidential contradiction, that promoting trade is a human rights policy, and that the public stigmatization of abusive regimes that for over two decades has been indispensable to the defense of human rights is a mere "feel-good policy" that accomplishes nothing.

To be sure, trade and economic engagement, as part of a broader vision, can be beneficial. But the unbridled pursuit of economic development in the absence of the vigorous promotion of human rights is, in the words of Burmese Nobel Laureate Aung San Suu Kyi, a "recipe for disaster." Proponents of "commercial diplomacy" sometimes argue that boosting trade advances

human rights by creating a middle class that ultimately will demand a greater political voice. Yet for every liberalizing Taiwan or South Korea, there is a Singapore, Indonesia, China or Peru where economic growth simply bolsters an authoritarian regime. Indeed, even if economic development could be correlated in the long term with improved respect for human rights—an unproved proposition—that would offer little solace to those who are imprisoned or tortured today. Moreover, repression can often have devastating consequences for the economically underprivileged, by denying them the opportunity to speak out and organize themselves in order to seek better wages, avert impending famine, combat environmental hazards, or defend against arbitrary deprivation of their property.

It is ironic that the argument for "commercial diplomacy" was heard in the year in which a long-term commitment to trade sanctions and public stigmatization, not business as usual, contributed to President Mandela's triumph over apartheid in South Africa. And that it coincided with the five-year anniversary of the fall of the Berlin Wall, symbol of the yearning for freedom that public criticism and economic pressure helped unleash. In recent years, coordinated economic pressure, involving bilateral donors as well as the World Bank, contributed to multiparty elections in Kenya and Malawi, and the release of some 2,000 political prisoners in Burma and the opening of a dialogue between the Burmese military and opposition leader Aung San Suu Kyi. Indeed, even the Asian governments that the Clinton administration so assiduously solicited have been responsive, in small but significant ways, to sustained public criticism and economic pressure on human rights. But as this pressure gave way to "commercial diplomacy," the Chinese leadership tightened the noose on all forms of dissident activity, deaths in custody mounted at the hands of Indian troops in Kashmir, and Indonesia's government arrested and imprisoned independent labor organizers.

East and South Asia were not the only sites of this fixation on trade and investment. Fearing the consequences for the recently approved NAFTA agreement, the Clinton administration took nearly a month to acknowledge publicly that the Mexican army had committed serious abuses in quelling the Chiapas uprising in January, and then expressed unjustified confidence in the Mexican government's willingness to account fully for them. Commerce Secretary Brown's delegation of corporate leaders toured Latin America without any public effort to address the region's human rights problems. Administration officials pursued construction contracts and military sales in Kuwait and Saudi Arabia, but President Clinton and a host of other senior officials found no occasion during their visits to protest publicly the governments' crackdown on legitimate dissent and systematic discrimination against women. In the newly independent states of the former Soviet Union, the prospect of tapping resources defined U.S. relations with such countries as Turkmenistan and Uzbekistan, with little concern shown for persistent authoritarian practices.

Other governments joined Washington in emphasizing trade over human rights. Germany, France, Canada and Australia all vied for Chinese commercial contracts, with waning interest in Chinese repression. France, driven by geopolitical designs and commercial motives, led the charge to embrace Iraq's genocidal regime. The European Union, having concluded a cooperation agreement with India in 1993 conditioned on respect for human rights, lapsed into silence on the atrocities in Kashmir in 1994. The governments of the Association of Southeast Asian Nations (ASEAN), themselves beneficiaries of diminished attention to their oppressive records, pursued trade and tourism through a policy of "constructive engagement" with the Burmese military junta. National leaders convened for the Asia Pacific Economic Cooperation

forum in Jakarta and planned the Summit of the Americas in Miami without any serious attention to human rights.

For all their emphasis on commerce as a human rights policy, the industrialized powers should at least have supported human rights initiatives by corporations based in their countries. As it de-linked MFN from Beijing's appalling human rights record, the U.S. administration promised a voluntary set of principles for corporate investment and trade in China. By year's end, the effort appeared moribund. During the MFN debate, many corporate leaders (with a few notable exceptions) touted unimpeded investment in China as the best way to enhance human rights. Later, when it came time to subscribe to human rights principles governing operations in China, some of the same business interests denied they could have a meaningful impact. President Clinton might have shown moral leadership by highlighting the duty of corporations to avoid direct complicity in abuse, at least by ensuring that their plants and those of their suppliers remain free of political repression and discriminatory treatment. Instead, he said nothing publicly to discourage Americans from building prosperity on the oppression of others.

The administration did maintain a periodic human rights dialogue with abusive governments. But with no commitment in Washington to back up these conversations with meaningful pressure, the dialogue was increasingly empty. With the President usually trumpeting trade and whispering about rights, victims worldwide were regularly abandoned.

A Few Positive Exceptions

There were exceptions to this disturbing trend. The Clinton administration played a highly constructive role in selecting a prosecutor for the international tribunal for the former Yugoslavia and extending its jurisdiction to Rwanda. Washington maintained strong pressure on the Nigerian military to relinquish power, including the continued suspension of all but humanitarian aid and the presumptive denial of licenses for commercial arms sales. The U.S. Congress conditioned 10 percent of U.S. military aid to Turkey on human rights progress—a welcome and unprecedented, if still inadequate, response to Turkish security forces' routine use of torture and their brutal campaign against a Kurdish insurgency. Congress, echoing administration policy, also restricted certain arms transfers to Indonesia with human rights conditions focused on East Timor. In Peru, despite ongoing anti-narcotics assistance to a police force that tortures, the State Department pressed for an end to the trial of civilians before military "faceless" courts and helped convince the Peruvian government to establish a Central Registry for Detainees in Lima, which contributed to a decrease in the number of forced disappearances.

The administration continued to give strong rhetorical support to combatting violence and discrimination against women, including expanding its treatment of women's rights in the State Department's annual Country Reports on Human Rights Practices for 1993 and supporting the successful effort to appoint the first U.N. special rapporteur on violence against women. However, the administration lagged in implementing this general commitment in particular countries, such as when it sought to discredit evidence of systematic rape by the Haitian military. In Congress, opposition from the Senate Foreign Relations Committee undermined efforts to ratify the Convention on the Elimination of All Forms of Discrimination Against Women. (While several other human rights treaties still await ratification, the administration did obtain ratification of the International Convention on the Elimination of All Forms of Racial Discrimination.)

As for the European Union, it attempted to strike a more appropriate balance between

trade and human rights in its policy toward Vietnam. Through protracted negotiations to overcome Vietnamese objections, the E.U. insisted that a proposed trade and cooperation agreement include a standard human rights clause. Senior officials from Sweden, Britain, the Netherlands, and the E.U. also raised human rights during visits to Vietnam.

By contrast, Japanese Prime Minister Tomiichi Murayama found no occasion to mention human rights during his stay in Vietnam, despite the obvious leverage of \$640 million in Official Development Assistance (ODA). Japan did on human rights grounds cut all but humanitarian assistance to Sudan, Sierra Leone, Nigeria and, until the governments changed, Haiti and Malawi. But Burma was the only Asian government to face restrictions on ODA funds. Aid continued unimpeded to such abusive regimes as China, Indonesia, and India, where the Japanese preferred "quiet and continuous démarches" on human rights.

Misguided Neutrality at the United Nations

The past year highlighted an increasingly apparent conflict among the different roles that the United Nations has been asked to assume. On the one hand, the U.N. was called on to mediate conflicts and deliver humanitarian supplies. On the other hand, it was requested to prevent the slaughter of innocent civilians. The first required strict impartiality. The second demanded siding with the victims of abuse. To choose impartiality when both tasks must be performed is to signal a moral equivalence between victim and victimizer. Yet to choose the defense of human rights compromises the U.N.'s role as mediator and risks retaliation against U.N. personnel involved in delivering humanitarian aid.

The conflict was most apparent in Bosnia. The U.N. showed some signs in 1994 of a determination to protect civilians. A February mortar attack on an open-air market in Sarajevo led to a U.N.-authorized NATO ultimatum that Serb forces withdraw their heavy weaponry. The near fall of Gorazde to Serbian troops in April led NATO to vow to use air power to defend all six Security Council-declared "safe areas."

But Yasushi Akashi, the senior U.N. representative in the former Yugoslavia, repeatedly vetoed efforts to protect civilians in the "safe areas" and, in his public pronouncements, regularly sought to equate abuses by Serbian and Muslim/Croat forces, despite far greater Serbian culpability. On the few occasions when "safe areas" were defended, the main contribution was to introduce the concept of "pinprick" bombing into our lexicon to denote the token nature of the action. Backed by Britain, France and U.N. Secretary-General Boutros-Ghali, Akashi's concerns were maintaining the neutrality needed to protect U.N. personnel on the ground, negotiate the delivery of humanitarian supplies and, ultimately, he hoped, arrange an end to the conflict. What emerged was a policy of endless compromise, which placed accommodation with the killers above protection of their prey. Squandered was the opportunity to play a forceful role in protecting Bosnian civilians from ethnic slaughter and expulsion.

A similar conflict arose in Rwanda. The U.N. was painfully slow to recognize that the neutrality it maintained between the two warring parties was no longer appropriate once the war became a sideshow to orchestrated genocide. The Security Council's April 21 decision to reduce the U.N. peacekeepers to a skeletal presence was the classic response of a neutral peacekeeper to the breakdown of peace. But a full two weeks after the massacre of civilians had begun, the decision was a virtual invitation to extend the slaughter. Then, to avoid the legal obligation to stop the killing, the Security Council took another three months before venturing to call it

genocide.

The Clinton administration, which deserves much of the blame for abandoning Rwanda, saw the crisis as a test case of its new cautious policy toward peacekeeping. To avoid "another Somalia," it developed a checklist of potential problems, but contributed little to their solution. The lesson evidently drawn from Somalia was the importance of not taking sides in a conflict. But it is one thing to choose favorites among abusive military leaders, as the U.N. and the U.S. did in Somalia, and quite another to be partisan on behalf of helpless victims. Washington's passivity toward the Rwandan slaughter was particularly inexcusable because, with its active support, the U.N. could have saved countless lives simply by creating safe havens, without entering the war on behalf of government or rebel forces. (Indeed, if the goal of protecting human rights had been fairly and evenly applied in Somalia—as part of a strategy to marginalize all abusive warlords whenever possible—the U.N. might have attracted the broad support among Somalis that was a prerequisite for success. That strategy, at the very least, should have included efforts to document and publicize the warlords' atrocities and to ensure that any contact with these killers avoided legitimizing them.)

At the height of the Cold War, when the world was divided into two nuclear-armed blocs, neutrality may have been the United Nations' only option. But in today's multipolar world of smaller conflicts, the choice is less clear. There are many seasoned diplomats who might play the part of mediator without U.N. affiliation. And there are humanitarian agencies outside the U.N. that, given comparable resources, might deliver humanitarian aid, using the same methods of negotiation that the U.N. now favors. But the U.N. is unique in its capacity to legitimize force in the most extreme circumstances to uphold human rights. Even if in recognition of its limited operational capacities it hands off the running of enforcement operations to regional bodies, the U.N.'s unequaled ability to identify when force might legitimately be used should make it hesitant to set impartiality as its highest aspiration. Faced with genocide and mass slaughter, neutrality should not be the ultimate value.

One might have looked to the first occupant of the newly created post of U.N. High Commissioner for Human Rights, José Ayala Lasso, to protest this disturbing trend in U.N. human rights protection. But his voice was not heard on the major human rights questions of the day, be it stopping "ethnic cleansing" in Bosnia, reversing the mercantilist abandonment of human rights in Asia, integrating human rights into U.N. military operations, building an international system of justice, or even encouraging specific governments to cooperate with the U.N.'s traditional human rights machinery. For his first three official trips, he chose Switzerland, Austria and Denmark. When he did address more pressing problems, such as the desperate need for monitors in Rwanda and Burundi, his efforts were undermined by the failure to develop country-specific expertise at the U.N.'s Centre for Human Rights and by inadequate funding from U.N. headquarters in New York. On his few high-profile visits with oppressive governments, he opted for quiet persuasion, what he called "human rights diplomacy." During his November visit to Cuba, for example, he offered no public comment on the government's repressive human rights record or even its refusal to allow a visit by the U.N.'s special rapporteur on Cuba, who would have reported his own findings publicly. By pointedly refraining from public criticism, the High Commissioner squandered his unique capacity to stigmatize abusive conduct and abandoned his most powerful weapon to defend human rights.

The U.N.'s tendency to underestimate the importance of human rights to war and peace was paralleled worldwide by mediators who acted as if human rights were an irrelevant irritant.

The attitude was evident in signals emanating from Paris, London and Moscow that the territorial division of Bosnia was more important than the cessation of "ethnic cleansing" and accountability for war crimes and crimes against humanity. It was seen in the Clinton administration's silence on human rights violations by the Israeli government, justified on the grounds that contentious issues should now be left to negotiations between Israel and the Palestine Liberation Organization, and in its indifference to political restrictions imposed by the Palestinian authority, which boded ill for the region's democratic future. It was apparent in Washington's selection of a peace envoy for Sudan who was precluded from publicly voicing human rights concerns. And it was visible in the administration's muted criticism of human rights abuses in Angola, Guatemala, Lebanon and Syria in the name of not jeopardizing ongoing peace talks. Until the protection of human rights is seen as an essential component of peace, wars are likely to be prolonged and suffering magnified.

Ethnic Hatred and Communal Violence

As in 1993, hatred and violence along ethnic and religious lines continued to pose the paramount threat to human rights worldwide. The genocide in Rwanda was only the most horrendous example of a phenomenon that ranged from "ethnic cleansing" in Bosnia and similar atrocities in Nagorno-Karabakh to increasing xenophobia and anti-immigrant hysteria in parts of the West.

Preventive diplomacy, much touted these days in U.N. circles, is ideally suited to combatting communal violence, since the precursors of such bloodshed are well known. Without stimulation by opportunistic governmental leaders, communal tensions rarely rise to large-scale violence. Recent evidence of the governmental origins of such violence includes the state-orchestrated genocide in Rwanda, the security-force involvement in past political violence in South Africa (as confirmed this year by the Goldstone Commission), and the role of governmental restrictions on Kurdish political and cultural freedoms in stoking the devastating war in southeastern Turkey.

Yet in 1994, the international community showed little inclination to heed these early signs of disaster. One positive example was the successful effort to diffuse a potentially inflammatory situation by convincing the Latvian government to drop proposed restrictions on citizenship for ethnic Russians. Unfortunately, the international failure to impede the brewing tragedy in Rwanda was more characteristic. Human Rights Watch and others had issued repeated warnings that officials with a demonstrated propensity for ethnic slaughter were training and arming militia, with notable French help. Yet no one acted to halt this ominous trend while genocide might have been averted. As the year ends, renewed slaughter is once more threatening Rwanda as these same armed killers regroup in Zairean refugee camps and discipline among largely Tutsi troops in Rwanda wears thin. Neighboring Burundi stands poised to join the butchery as militias are armed, impunity for past killing reigns, and hatred is spewed over the government-controlled media. Yet despite urgent need, the deployment of international monitors, the building of viable justice systems, and the demobilization and quarantine of armed murderers proceed at a snail's pace.

Early warning of ethnic or religious strife might also be found in the hardening of divisions between northern and southern Nigeria caused by the military's suppression of

democracy advocates, the ethnic tensions heightened by the government's restrictions on political competition in Ethiopia, the Cambodian government's continued refusal to provide legal protection to long-term ethnic Vietnamese residents, continued Serbian repression of the Albanian majority in Kosovo, the Indian government's failure to prosecute police for participating in attacks on Muslims, and the Russian government's selective attention to the rights of Russian-speakers in the "near abroad" while neglecting the rights of minorities within Russia itself.

In similar fashion, violence by Islamist movements was aggravated by Middle Eastern governments' denial of political freedoms. The raging violence in Algeria, a legacy of three decades of one-party rule which culminated in the 1992 decision to halt the electoral process, illustrated the consequences of closing off legitimate avenues of dissent. In 1994, the Egyptian government, backed by U.S. aid, persisted in barring the Muslim Brotherhood from participating in the political process in its own name, and continued to use incommunicado detention, torture, and excessive deadly force to combat Islamist militants. The militants, in turn, intensified their political violence against members of the security forces and civilians, including foreigners. The Israeli government, also supported with U.S. aid, announced a toughening of permissible interrogation methods, which already constituted torture, to battle Islamist militant groups that had attacked Israeli soldiers and civilians.

Some governments abetted violence by ignoring or endorsing it when directed by fundamentalist religious groups against secular activities. In Bangladesh, the government failed to denounce, investigate or punish violence by militant Islamist groups against minorities, journalists and those seen to promote women's rights. Instead, it capitulated to the demands of these groups by banning books and issuing arrest warrants for writers. In Pakistan, the government succumbed to pressure from religious parties by postponing amendment of the country's "blasphemy" laws, which have been used primarily against religious minorities. In Mauritius, where the author of a book on sexual violence against women faced violent threats by Hindu militants, the government compounded her danger by accusing her of offending Hindu morality.

European and North American governments showed their own ambivalence toward ethnic and religious diversity as they responded to mounting xenophobia at home by restricting asylum. In Bosnia as well, they offered a peace plan that divided the country along ethnic lines with little meaningful guarantee of minority rights—an ethnic partition that is antithetical to the respect for individual difference that is a core human rights value. The "ethnic cleansing" that continued during 1994 in the Bosanska Krajina and Bijeljina regions—Serb-held areas of Bosnia that were far from any war zone—illustrated the likely fate of ethnic minorities under such a peace.

The Brightening Prospects for International Justice

Perhaps the year's most important positive human rights development was the progress made toward building an international system of justice for the worst human rights criminals. Traditionally, apart from rare military ventures, public stigmatization and economic pressure were the sole tools available to defend human rights. During 1994, it seemed increasingly possible that there would be a new tool: an international judicial system to ensure that those responsible for genocide, war crimes and crimes against humanity are held accountable. For the

first time since the Nuremberg and Tokyo tribunals, such a system would promise justice for the victims of extreme abuse and deterrence for those tempted to repeat such crimes.

The two largest steps toward this goal were the appointment of Judge Richard Goldstone as chief prosecutor for the international tribunal for the former Yugoslavia and the addition of Rwanda to the jurisdiction of that court. Both received the strong, public support of the Clinton administration. Hans Corell, U.N. under secretary-general for legal affairs, played an important role in breaking the Security Council's deadlock over the choice of prosecutor.

The creation of a tribunal for Rwanda reflected growing international awareness that the rule of law must be established to break the cycle of violence and retribution that has plagued that country. Some of those who survived the genocide will predictably resort to summary revenge and further killing unless they can see justice done lawfully. Judge Goldstone, who built a reputation for investigating the South African government's role in political violence, vowed to pursue to the very top those who directed the killing in Rwanda as well as Bosnia and Croatia. But the allocation of resources—both to the international prosecutors and to the Rwandan legal system—remains a test of the international community's will to see justice done. The record for 1994 leaves cause for concern.

The idea of an International Criminal Court, having been debated for decades, was taken up seriously in 1994 by the U.N. General Assembly. This court, too, would handle the gravest human rights crimes, and possibly other offenses as well. One of the greatest impediments to its establishment was Washington, which insisted that the Security Council approve on a case-by-case basis any episode to be considered by the court.

The Clinton administration alleged it was motivated only by a desire to prevent overloading the court's docket and to ensure for prosecutors the political backing of the Security Council. But Washington's motives were suspect in light of its traditional unwillingness to subject itself to international human rights mechanisms. Evidently informing its position was the desire to avoid criminal prosecution of American pilots or soldiers. Theoretically, the U.S. government could indulge this parochial view by simply refusing to accept the court's general jurisdiction. But because that could prove politically embarrassing, the administration wanted instead to be able to embrace the court...sort of, by retaining the option of exercising its Security Council veto over any category of prosecutions. That stance threatened to undermine a fundamental premise of justice, that it should apply even-handedly to all.

Human Rights Law for Others Only

Washington's position on the International Criminal Court reflected its attitude toward international human rights law more generally—that it is meant only for other people, not for Americans. The perspective could be seen in the continued failure to grant Americans a judicial remedy for violations of the International Covenant on Civil and Political Rights. Although the U.S. government ratified the covenant in 1992, its declaration that the Covenant was "non-self-executing" and its failure to enact implementing legislation rendered ratification a cosmetic gesture for external consumption rather than a genuine effort to provide international human rights guarantees at home.

This distrust of international human rights mechanisms could not be attributed simply to the Senate Foreign Relations Committee, whether before or after the shift in power following the U.S. elections in November. It was also evident in the State Department's first-ever assessment of U.S. compliance with the covenant, submitted to the U.N. Human Rights Committee in July.

The report ignored the range of concrete human rights problems in the United States, from the Border Patrol's abuse of undocumented migrants to the arbitrary use of inhumane supermaximum security prisons, from the federal government's abdication of its role in fighting police abuse to its summary repatriation of Haitian refugees. Instead, the report's 213 pages consisted of dry analysis of judicial decisions and constitutional and statutory provisions, divorced from the reality of their implementation. Concrete human rights problems, such as racial discrimination and the legacy of slavery, were mentioned in the report's introduction, but only as history, to herald the U.S. government's stated success in overcoming them. A reader could search in vain for acknowledgment that Americans, too, might benefit from the right to rely on international human rights standards.

The Persistent Threat of Amnesty

Another impediment to the international quest for justice, particularly in Bosnia, was the international community's uncertain commitment to it as an essential element of lasting peace. A time is likely to come when Bosnian Serb leaders offer a cease-fire in return for amnesty for their war crimes (or its functional equivalent, a pledge that each party will try its own abusers). Madeleine Albright, U.S. ambassador to the U.N., led the defense against this ploy by affirming, as recently as January, Washington's opposition to the lifting of sanctions against Serbia if Belgrade failed to cooperate with the international war crimes tribunal, including extraditing indicted war criminals. The vow seemed to reflect recognition in Washington that the former Yugoslavia would not emerge from its cycle of retaliatory killings until impunity for atrocities ended and the rule of law was established.

Yet as the year progressed, the commitment to justice seemed in jeopardy, as Washington appeared increasingly willing to reward Serbia for political steps despite Belgrade's persistent failure to cooperate with international human rights investigators. Following the initiative of London, Paris and Moscow, Washington endorsed the lifting of some sanctions in return for Belgrade's agreement to permit the placement of 140 civilian observers along its border with Bosnia to deter military aid from reaching Bosnian Serb forces. But Belgrade persisted in denying admittance to the U.N. special rapporteur for the former Yugoslavia, Tadeusz Mazowiecki, and to monitors from the Conference on Security and Cooperation in Europe. It also continued to withhold cooperation with international prosecutors while denouncing the international tribunal as discriminatory.

The quest for justice in Bosnia and Rwanda was also undermined by the Clinton administration's position on the same issue in Haiti. Throughout his three years of forced exile, Haitian President Aristide resisted Washington's pressure for an amnesty for the thousands of murders committed by the Haitian military and its allies. While President Aristide offered amnesty for crimes against the state such as the act of rebellion, he refused to grant amnesty for crimes against individuals such as murder, rape and torture. Yet with U.S. troops about to be deployed, the Clinton administration's envoys, including former U.S. President Jimmy Carter, offered these killers a general amnesty as a last inducement to step down. While President Aristide and the Haitian parliament ultimately rejected a blanket amnesty, the episode left the U.S. government open to accusations that it insists on justice for human rights crimes only when its own troops are not at risk and its own shores do not face a massive refugee influx.

Washington was not alone in finding it periodically convenient to countenance impunity for murder and other atrocities. Latin America's much-hailed democratic trend continued to be

marred by the same phenomenon.

Outgoing Colombian President César Gaviria (now secretary-general of the Organization of American States) vetoed a bill that would have treated forced disappearance as a common crime exempt from military court jurisdiction and the defense of obedience to orders. He contended that this crime against humanity was an "act of [military] service." Typical of the result of such impunity was the report from Colombia's leading trade union that 1,542 of its members had been killed since 1986, without a single killer having been convicted.

The Guatemalan military fended off efforts to investigate its abusive conduct by selectively killing police officers and judges. A proposed truth commission was denied the right to name the names of those responsible for atrocities, while the military tried to preclude U.N. human rights monitors from conducting investigations.

Eleven months after the Chiapas uprising, no one from the Mexican army had been prosecuted for any of the documented acts of abuse committed in the course of suppressing the rebellion. Government investigators seemed more intent on exonerating the army than investigating its crimes.

President Alberto Fujimori's purge of the Peruvian judiciary and his decision not to allow the courts to be independent meant a continued lack of control over a highly abusive military.

Local police continued to engage in "social cleansing" killings of street children and other "undesirables" in Colombia and Brazil without fear of punishment.

In Latin America and elsewhere, however, there were some advances in the effort to hold abusive forces accountable for their crimes.

In Ethiopia, trials were set to begin of 1,315 former officials of the Derg regime for their alleged role in the "Red Terror." While it was inexcusable that these officials had been held for some three years in detention without formal charges, the Ethiopian government appeared willing to embark on a serious effort to bring them to justice lawfully.

In Honduras, National Commissioner for Human Rights Leo Valladares issued a report representing the first official acknowledgment of governmental complicity in disappearances during the 1980s. President Carlos Roberto Reina dissolved the military's infamously abusive Dirección Nacional de Investigaciones and transferred investigative powers to a civilian-controlled agency.

In Chile, judges in two cases against a former secret police official endorsed the view that crimes committed in violation of international law were not subject to a national amnesty decreed in 1978. Sixteen officers accused of the post-amnesty murder of three Communists—the so-called degollados case—were also convicted.

In Argentina, a court ordered Admirals Massera and Lambruschini, former leaders of the military dictatorship, to pay damages for their role in the disappearance of the Tarnopolsky family. The government began paying reparations to people who had been held under the dictatorship in administrative detention without trial, and the Congress was contemplating a bill to pay reparations to all other victims of the "dirty war." For the second year in a row, public outcry forced the Congress to deny promotions to two notorious members of the Navy's ESMA "task force," which had been responsible for thousands of disappearances.

In Nicaragua, a new military code required members of the armed forces who were accused of common crimes to be tried in civilian rather than military courts.

South Africa presented a mixed case on the issue of accountability for human rights crimes. Although the African National Congress (ANC), the dominant party in the new

government of national unity, supported a truth commission to investigate the crimes of the past, it was forced to water down its commitment under pressure from the security forces and the outgoing National Party. After long negotiations, the interim constitution mandated amnesty legislation. Subsequent draft legislation called for individuals to apply for amnesty and disclose the acts to be covered, but did not require public amnesty hearings as proposed by the ANC. Moreover, in the waning days of the old government, then President F.W. de Klerk granted amnesty under existing legislation to a number of notorious security force members without disclosure of any kind.

Similarly in Russia, a human rights committee established by President Boris Yeltsin issued a highly critical report on the government's troubling human rights record in 1993. But the report made no mention of serious violations of the laws of war committed by members of Russia's armed forces during conflicts in 1992-93 in Georgia, Moldova, and Tajikistan. Nor were steps taken to identify or punish those responsible.

Civilians as the Target of War

Some of the most severe abuses of 1994 took place in the course of armed conflicts. As in recent years, civilians were less the incidental victims of warfare than its targets. The purpose of military action in many corners of the world went well beyond defeating an opposing army to include eradicating its civilian sympathizers or even expelling a civilian population. While war is horrendous under any circumstances, the suffering only escalated as the scope of conflict widened. International law sets clear rules to minimize the impact of war on those who do not take up arms. Yet these rules were regularly flouted in 1994.

The Bosnian conflict remained the paradigmatic war on civilians, with the principal point being the acquisition of territory by expelling members of the "wrong" ethnic group.

In Angola, both government and rebel UNITA troops spent much of the year indiscriminately attacking and starving besieged cities, where tens of thousands died. UNITA also attacked relief convoys, compounding the misery.

In southeastern Turkey, the military continued to force ethnic Kurds to become "village guards" against the rebel Workers Party of Kurdistan (PKK) which, in turn, retaliated brutally against anyone who cooperated with the government. Hundreds of thousands of civilians, mostly ethnic Kurds, have been displaced in the ten years of fighting.

Radical Islamist groups in Algeria made good on death threats to civilians accused of supporting the government or acting contrary to their notions of Islam. The government, with substantial credit and loan guarantees from France and the United States as well as aid from other European countries and Japan, also targeted relatives of suspected Islamists, suspected sympathizers, and the local population where armed groups were active.

Armenian troops forcibly expelled some 50,000 Azeri civilians from their homes in areas surrounding Nagorno-Karabakh, adding to the 450,000 who had been displaced the previous year.

All factions in the Liberian civil war targeted civilians. Throughout the five-year conflict, far more civilians have been killed than combatants.

The Sudanese government indiscriminately bombed civilians in the southern part of the country, adding to the hundreds of thousands who have been displaced in the country's eleven-year war.

During a two-month war against separatists, the Yemeni government placed half a million

civilian residents of Aden under siege, bombarding them and cutting off their water.

The civilian population in Guatemala and Peru continued to bear the brunt of the armies' counterinsurgency efforts.

The Khmer Rouge in Cambodia and the government in Burma frequently abducted civilians to use as forced porters.

Rebel groups in Colombia and Guatemala continued to exact "war taxes" by kidnapping civilians for ransom.

Foreign powers contributed to this high civilian toll by flooding many of these conflicts with weapons. Once the product of geopolitical machinations, these arms sales today derive increasingly from commercial motives. The impact can be devastating. As ruthless as the Haitian military was during its three-year rule that ended with President Aristide's return, its capacity to exact terror was limited by its modest supply of arms. But Haiti was more the exception than the rule. In Angola, Afghanistan, Nagorno-Karabakh, Rwanda, and Somalia, the slaughter was made immeasurably worse by external governments supplying abusive forces with the weapons of war.

Symptomatic was the continued proliferation of landmines. Even as de-mining operations were underway in Cambodia, where an estimated four to seven million landmines are buried, these deadly weapons continued to be deployed. Thousands more mines have been laid in Angola since fighting resumed in 1992, contributing to an estimated 70,000 mine amputees nationwide. In Mozambique, the site of some two million mines, hundreds of civilians have been killed or maimed since the 1992 peace accord was signed. Globally, landmines claim some 15,000 victims each year, most of them civilians. In 1994, a moratorium on the export of antipersonnel mines, originally declared by Belgium, France, the Netherlands, and the United States, was joined by Argentina, the Czech Republic, Germany, Greece, Israel, Italy, Poland, the Slovak Republic, South Africa, Spain, Sweden, Switzerland, and (for some mines) the United Kingdom. President Clinton pledged to seek the eventual elimination of all anti-personnel landmines.

However, the Pentagon and other militaries continued to resist this trend. They cited various legitimate uses of landmines and proposed new restrictions on use short of abolition, such as mandating the deployment of self-destructing mines. But these restrictions will inevitably be flouted, just as the current regulatory regime has been, and the civilian toll will again undoubtedly far exceed the legitimate military benefits. Only when the use, possession, manufacture and transfer of all mines are banned and stigmatized will these dangerous weapons cease to exact such civilian suffering. Whether the international community has the courage to act on this fact will be seen when an international conference convenes in 1995 to consider tightening the current weak restrictions on landmine use.

The Right to Monitor

Human Rights Practices

Twenty-four human rights monitors are known to have been killed or disappeared in the past year, more than double the toll for 1993. The genocide in Rwanda took the largest number, eleven. Among those slaughtered were Patrick Gahizi, Joseph Habarugira, Fidele Kanyabugoyi, Father Chrysologue Mahame, S.J., Sylvestre Nkubili, Abbé Augustin Ntagara, Ignace Ruhatana, Augustin Ruzindana, Charles Shamukiga, and Matthieu Uwizeye. The government-allied Radio Mille Collines also singled out as "enemies" or "traitors" who "deserved to die" such human

rights activists as Monique Mujawamariya, executive director of the Rwandan Association for Human Rights and Public Freedoms, who narrowly escaped with her life. In addition, in May, the Rwandan Patriotic Front killed Charles Mbabajende.

Elsewhere, thirteen monitors were killed or disappeared, including three in Turkey and two each in Brazil and South Africa.

Muhsin Melik, Ikram Mihyas, and Mehmet Sen, all members of the Turkish Human Rights Association, were killed by unknown assailants.

In Brazil, Reinaldo Guedes Miranda and Hermógenes da Silva Almeida Filho, advisors to a Workers Party city councilwoman in Rio de Janeiro, were killed, evidently for their role in investigating the Candelária and Vigário Geral massacres, in which military police were suspects. Both monitors had received numerous death threats.

In South Africa, two "peace monitors" of the political violence in Natal, Isaac Shandu and Petras Mphathekhaleni Mbokazi, both members of the Inkatha political party, were shot by unidentified assassins as they left a meeting of monitors.

María Lucía León Nuñez, a human rights activist with the Commission on Human Rights in El Salvador, was murdered in Chalatenango. A warrant was issued for two suspects, one of whom she had been investigating in connection with a rape case, but as of mid-November, no one had been arrested.

The president of the Algerian League of Human Rights, Youcef Fathallah, was assassinated by unknown assailants. He had been a critic of both government and opposition abuses.

José Sucunú Panjol, an active member of the Guatemalan human rights group CERJ, disappeared. Military commissioners and civil patrollers in his village had repeatedly questioned him about his human rights activities.

In India's Punjab, human rights lawyer Sukhwinder Singh Bhatti disappeared after being abducted by armed men thought to be police.

Jairo Barahona, a Colombian human rights activist and long-time target of harassment and intimidation by security forces, disappeared in September at the hands of men who identified themselves as members of the Anti-Extortion and Kidnapping Unit of the National Police.

Former Libyan diplomat Mansour Kikhia, a founding member and board director of the Arab Organization for Human Rights and a prominent member of the Libyan political opposition, disappeared from his Cairo hotel room in December 1993. The Libyan government was widely believed responsible.

Violence short of murder was used in several cases. Unidentified attackers sprayed bullets at the house of Clement Nwankwo, one of Nigeria's leading human rights monitors. Sara Poroj Vásquez, a Guatemalan monitor, was stabbed and seriously wounded by unidentified men. The five-year-old daughter of an employee of a U.N. human rights worker in Cambodia was abducted and shot in the leg. Monitors from Cuba, Turkmenistan, and Uzbekistan were beaten, as were women's rights activists in Kenya. Death threats were issued to monitors in Brazil, Colombia, Guatemala, Honduras, Peru, Haiti under the military regime, Mexico, Pakistan, and Venezuela. Threats of rape were used against women's rights activists in military-dominated Haiti.

A variety of other techniques were employed to prevent human rights reporting. Monitors were detained or imprisoned in Angola, Burma, China, Cuba, Egypt, India, Lebanon, Mexico, Saudi Arabia, Syria, Tajikistan, Tunisia, Turkey, and Uzbekistan. Libel suits were

brought in Mexico and Colombia. Egypt refused to register the Egyptian Organization for Human Rights, impeded its investigators, and blocked distribution of its annual report. Indonesia published a draft decree that would justify dissolving human rights groups if they acted against an undefined "national interest" or provided assistance to "foreign parties" (presumably the international press and international human rights organizations) that was in any way "damaging to Indonesia's foreign policy." China issued a new state security law that widened the basis for restricting peaceful dissent and independent organization, and imprisoned members of the Shanghai Association for Human Rights while setting up its own China Society for Human Rights Studies, whose statements were indistinguishable from government policy.

Turkey harassed several human rights groups in its Kurdish region, and confiscated File of Torture, a report by the Turkish Human Rights Foundation. A Chilean human rights lawyer was charged with sedition. Ethiopia denied a license to its only national human rights organization on the grounds that it was "political." Uzbekistan also refused to register its only independent human rights group. Kuwait, having refused to license its local human rights groups, closed them down for being unlicensed. Sudan continued to outlaw its leading human rights organization.

Open monitoring by local human rights activists continued to be impossible or extremely restricted in Brunei, Burma, China, Cuba, Iran, government-controlled Iraq, Kuwait, Libya, North Korea, Saudi Arabia, Singapore, Sudan, Syria, eastern Turkey, Turkmenistan, Uzbekistan, and Vietnam.

Human Rights Watch

At Human Rights Watch, we took significant steps in 1994 to internationalize our strategies for change. While our concerns have always been broadly international—we regularly work in some seventy countries, investigating human rights conditions, reporting our findings, and generating international pressure to curb abuses—our advocacy traditionally has been centered on Washington and the U.S. press. Today, however, we recognize the need to extend the scope of our advocacy to other fora and major powers. We believe that only such a multilateral approach, with pressure coming from multiple sources, will ensure that abusive governments feel compelled to reform.

Applying this strategy, in May we opened an office in Brussels to facilitate our efforts to monitor and influence the human rights policies of the European Union and its member governments. In November, we created our first full-time staff position to scrutinize human rights policy at the United Nations. Over the year, we began transforming our Moscow office from a center for launching field investigations to one that also addressed Russian foreign policy. Through visits and regular exchanges of information, we intensified our efforts to influence Japanese foreign policy. And we undertook more systematic efforts to infuse our information and views into decision-making at the World Bank.

As "commercial diplomacy" spread among the major economic powers, we also began to focus on multinational corporations, with the purpose of enlisting their influence on behalf of human rights. Our goal was to ensure that, at minimum, they do not become complicit in repression and, more positively, to encourage them to use their presence to promote human rights actively. With respect to China, we developed a draft set of principles that seeks to prevent workplace restrictions on expression, association and religious belief and to promote the monitoring of compliance with these principles by company-owned factories and their suppliers.

We also began a dialogue with American companies on their prospective role in addressing human rights problems in Indonesia and Vietnam.

While seeking to encourage voluntary measures in support of human rights, we also publicly criticized corporations that ignored human rights in the conduct of their or their suppliers' operations. Cases of concern in 1994 included the suspension of a religious dissident (later reinstated) from a Chrysler joint venture in China, the use of excessive violence against ethnic Ogoni protesters by Nigerian security forces called in by Shell Oil, and the forced repatriation from Thailand to Burma of ethnic Mon refugees just days before a consortium of companies, including Total of France and Unocal of the United States, announced plans to build a natural-gas pipeline near the camp that the refugees had occupied.

As we expanded the reach of our advocacy, we continued to build our capacity to investigate and expose human rights abuses. To facilitate this core part of our work, we added offices in 1994 in Dushanbe, Tajikistan, and Rio de Janeiro, Brazil. At the same time, we recognized that in many parts of the world it is not enough simply to publish information about human rights abuses. The expanded scope of our advocacy efforts allowed us to link this information to the policy decisions of governments and institutions with influence in the countries in question. By demonstrating the concrete steps that major powers can take to promote respect for human rights, we exerted pressure on these bodies to take action while helping to undercut the sense of despair and hopelessness that the mere publication of information about abuses can engender.

The past year saw the addition of our fifth thematic project, on children's rights. The project reflected our awareness of a class of victims who tend to fall outside the classic paradigm of political persecution but who nonetheless merit the attention of the human rights movement. While Human Rights Watch has long defended child victims of abuse, we felt the need to institutionalize our commitment through the creation of a special project. Its initial focus will be the use of child soldiers, a particularly common phenomenon in conflicts in Angola, Liberia, Sudan and elsewhere. Children suffer special psychological harm when forced to witness or participate in violence that they lack the maturity to comprehend. In addition, because of their diminished judgment, child soldiers are particularly prone to abuse others. Current international law permits the use of child soldiers as young as fifteen. We began a campaign to promote international efforts to raise the age to eighteen.

What follows is a review of human rights in sixty-five countries. The report covers events from December 1993 to November 1994. For each country examined, we discuss some of the major human rights developments of the year, and our own strategy and work toward improving human rights conditions. Reflecting the increasingly international focus of our advocacy efforts, our traditional discussion of U.S. policy is often combined with an analysis of the broader international community's response. We also examine restrictions on human rights monitoring in the country.

This is our fifth report that describes human rights developments worldwide, and our twelfth that examines U.S. human rights policy. This volume does not include a chapter on every country where we worked. Nor does it discuss every issue of importance. The countries and issues treated reflect the focus of our work in 1994, which in turn was determined by the seriousness of abuses, our access to information about them, our ability to influence abusive practices, and our desire to balance our work across various political and other divides.