

**A SURVEY AND ANALYSIS OF “SUPPORTING
HUMAN RIGHTS AND DEMOCRACY:
THE U.S. RECORD 2002-2003”**

HEARING
BEFORE THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

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A SURVEY AND ANALYSIS OF “SUPPORTING HUMAN RIGHTS AND DEMOCRACY: THE U.S. RECORD 2002–2003”

WEDNESDAY, JULY 9, 2003

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to call, at 10:31 a.m. in Room 2172, Rayburn House Office Building, Hon. Christopher H. Smith [acting Chairman of the Committee] presiding.

Mr. SMITH. The hearing will come to order. Good morning to everyone.

In Beijing in 1991, to press for religious freedom, release of political prisoners and end the forced abortion and coerced sterilization and torture, Congressman Frank Wolf and I met with Premiere Li Peng. After firmly, but diplomatically, making our case, the powerful leader of China unloaded with both barrels. It was a remarkable and dismaying spectacle, for everything was absolutely denied, as we might expect. There were no political prisoners in China, and the tired, old defense of internal affairs was trotted out and invoked.

Clearly ticked off especially by a face-to-face criticism of China's one child per couple policy—presumably no one in the international community had ever done that before—the Premier scolded Frank Wolf and I and said that all relevant documents concerning the U.S.–PRC bilateral relationship, including the Shanghai communique, precluded human rights.

To some extent he was right about those documents. However, the exchange underscored in my mind why human rights concerns must be central, at the core of bilateral relations, and when we subordinate human rights or treat them as an afterthought, the last albeit obligatory item on a set of diplomatic talking points, we miss precious opportunities to ameliorate suffering and may even, however unwittingly, enable abusing regimes to commit abuses by our lack of articulation, by our lack of emphasis or the relative unimportance we devote to human rights.

Human rights is not a side show, or at least it should not be. It ought to be the main event. What is conveyed concerning human rights and what is omitted at all diplomatic levels, but especially at the top, has predictable real world consequences for good or ill for at-risk persons and victims.

As a Member of Congress for 23 years, it has been my experience to discover far too many seasoned diplomats for whom sustained

and meaningful human rights and interventions, especially when it comes to religious freedom or coercive population control, are regarded as impediments to the conduct of serious diplomacy. One would note or would point out that that sort of diplomatic dinosaur hopefully is on the decline, hopefully en route to extinction.

I would note here that by properly honoring and extolling the exemplary work of Foreign Service Officers as is done in this report like Laura Englebret and Mark Lambert, as co-winners of this year's award for exceptional achievements in the field of human rights and democracy, the department signals the high value it places on human rights advocacy. That emphasis can only have a positive effect on State Department culture.

Ladies and gentlemen, the report that we examine today is an important contribution to the ongoing and I hope ever expanding effort to ensure that human rights and democracy building is at the core of U.S. foreign policy. I commend and thank Assistant Secretary Lorne Craner not only for his strong personal and professional commitment to human rights, but for his leadership in compiling this very useful document. In like manner, I congratulate Roger Winter for his extraordinary service to humanity over the course of many, many years, especially to the disenfranchised and to refugees.

In many ways, the report that we are looking at and examining today resembles an executive summary. We get hundreds of thumbnail sketches of robust initiatives in scores of countries. Like many first reports, however, and we saw this with the first human trafficking report 3 years ago, some countries are inexplicably excluded from the report.

For example, despite being classified as tier III countries in the just released *TIP Report*—in other words, countries that failed to meet minimum standards regarding human trafficking and failed to make serious and sustained efforts to eliminate trafficking—five countries—Greece, Kazakhstan, Turkey, Belize and Suriname—are not even mentioned in this report.

Surely the United States has undertaken important projects in each of these nations that a reasonable person would have expected would have been showcased in the report, and, as we would note, Turkey and Kazakhstan performed poorly in other areas of human rights, including the use of torture, especially in extracting confessions. I know for a fact that both Congress and the Executive Branch routinely raise these important issues as well.

Moreover, in its reporting on other tier III countries that are featured in the report—these are in the report, including Liberia, Burma, Sudan and Cuba, but again they are on the *TIP Report* as egregious violators of human trafficking and not making sustained efforts to mitigate that trafficking. There is no mention made about what they are doing and what we are doing, I should say, in response to try to mitigate and end human trafficking in those countries. Perhaps an oversight, but hopefully the next report will get it right.

Moreover, while the section on China contained numerous innovative initiatives designed to foster systemic reforms, no mention was made of the sanctions on population control programs. As Secretary of State Powell noted in his finding of July 21, 2002:

“The PRC Government publicly establishes and enforces detailed planned birth policies with legal births distinguished from out-of-plan births.”

In other words, there are illegal children, and they are subject if the woman continues to carry that child, with very, very serious and Draconian consequences like a social compensation fee that is two to three times the annual income of both parents.

“This regime,”

Mr. Powell goes on to write,

“plainly operates to coerce pregnant women to have abortions in order to avoid those penalties.”

The human rights sanction that this Administration has initiated, the denial of funding to both China and the UNFPA, also was not mentioned. I was also disappointed to see no mention of our response and strategy to China’s terrible crackdown on the WEAGers in Xiangcheng Province.

As we all know, the Chinese Government has cloaked their campaign to imprison and kill thousands of Muslims in the so-called autonomous region. They have cloaked it as an anti-terrorism campaign, somehow analogous to what the United States and our coalition forces are doing to try to end terrorism as we know it.

On the other hand, Jennifer Windsor of Freedom House points out that the report is a critical first step, and I think that needs to be underscored. This is a first step in trying to compile the strategies and the policies of the United States Government to combat human rights abuse and to promote democracy.

She points out that it is an impressive collection and compilation of a portion of the work of the U.S. Government and what we are doing to promote democracy and human rights. In other words, some of the good things that we are doing are highlighted in the bill or in the report, but it does not tell the whole story. It is a good story. Hopefully the future reports all of it. It will probably double the size of it, but it needs to be done as well.

Again, I want to thank our very distinguished witnesses for being here, and I yield to my good friend and colleague, Mr. Lantos, for any opening comments.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND VICE CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS

In Beijing in 1991 to press for religious freedom, release of political prisoners, and an end to forced abortion, coerced sterilization and torture, Congressman Frank Wolf and I met with Premier Li Peng for about an hour.

After we firmly but diplomatically made our case, the powerful leader of China unloaded with both barrels. It was a remarkable, deeply disappointing and dismaying spectacle.

First, everything was absolutely denied, (i.e. there are no political prisoners in China.) Then they trotted out and invoked the tired old defense of “internal affairs.”

Clearly ticked off—especially by face to face criticism of China’s one child per couple policy—presumably no one from the international communities did that before—Li Peng scolded us and said that all relevant documents concerning the US-PRC bilateral relationship, including the Shanghai Communique, precluded human rights issues.

And to some extent—he was right about those documents. However, the exchange underscored in my mind why human rights concerns must be central—at the core—of bilateral relations. It also underscored that when we subordinate human rights or treat them as an afterthought—the last albeit obligatory item on a set of diplomatic talking points—we miss precious opportunities to ameliorate suffering and may even, however unwittingly, enable abusing regimes to commit abuses by our lack of articulation, by our lack of emphasis or the relative unimportance we devote to human rights.

Human rights aren't, or at least shouldn't be, a sideshow—it ought to be the main event.

What is conveyed concerning human rights, or omitted—at all diplomatic levels but especially at the top—has predictable real world consequences for good or ill for at risk persons or victims.

As a Member of Congress for 23 years, it has been my experience to discover far too many “seasoned diplomats” for whom sustained and meaningful human rights interventions—especially when it concerns religious freedom or coercive population control—are regarded as impediments to the conduct of serious diplomacy. One would hope that this sort of diplomatic dinosaur is on the decline en route to extinction.

I would note here that by properly honoring and extolling the exemplary work of Foreign Service officers like Laura Engelbrecht and Mark Lambert as co winners of this year's award for exceptional achievements in the field of human rights and democracy, the Department signals the high value it places on human rights advocacy. That emphasis can only have a positive affect on State Department culture.

The report we examine today is an important contribution to the ongoing—and I hope—ever expanding effort to ensure that human rights and democracy building are at the core of U.S. foreign policy.

I commend and thank Assistant Secretary Lorne Craner not only for his strong personal and professional commitment to human rights but for his leadership in compiling this useful document.

In like manner, I congratulate Roger Winter for his extraordinary service to humanity, especially the disenfranchised, and refugees.

In many ways the report resembles an executive summary. We get hundreds of thumbnail sketches of robust initiatives in scores of countries.

Like many first reports however—and we saw this in the first human trafficking report 3 years ago—some countries are inexplicably excluded from the report.

For example, despite being classified as Tier III in the just released TIP report (in other words countries that failed to meet minimum standards regarding human trafficking and failed to make serious and sustained efforts to eliminate trafficking.) five countries—Greece, Kazakhstan, Turkey, Belize, and Suriname aren't even mentioned in this report. Surely the U.S. has undertaken important projects in each of these nations that a reasonable person would expect to be showcased in this report.

And, as we all know, both Turkey and Kazakhstan perform poorly in other areas as well, including the use of torture, especially in extracting confessions.

Moreover, in the reports on other Tier III countries that are featured in the report including Liberia, Burma, Sudan and Cuba no mention is made of what is being done to mitigate trafficking.

Similarly, while the section on China contained some innovative initiatives designed to foster systemic reforms, no mention was made of the sanctions on population control programs. As Secretary Powell and the Department noted in findings on July 21, 2002, “the PRC government publicly established and enforces detailed planned-birth policies with legal births distinguished from out-of-plan births. Fines on “out-of-plan” births are typically severe “social compensation fees . . . (2–3 times the annual income of both parents) . . . This regime plainly operates to coerce pregnant women to have abortions in order to avoid the penalties . . .”

The human rights sanctions—the denial of funding to both China and the UNFPA—weren't mentioned.

I was also disappointed to see no mention of our response and strategy to China's terrible crackdown on the Uighurs in Xinjiang Province. Cloaked as an anti-terrorism campaign, somehow analogous to U.S. and coalition efforts, the Chinese have executed or imprisoned hundreds of Muslims.

On the other hand, Jennifer Windsor of Freedom House points out that the report “is a critical first step . . . an impressive compilation of a portion of the work the U.S. government is doing to promote democracy and human rights.”

Mr. LANTOS. Thank you very much, Mr. Chairman. Let me at the outset pay public tribute to you because I know of no one in either the House or in the Senate on the Democratic side or on the Re-

publican side who is a more consistent, courageous, articulate, powerful spokesman for human rights across the globe than you are. I think it is appropriate that you are chairing this hearing.

Let me also note, and I am reluctant to single out anybody, that we have some of our nation's leading human rights advocates in the audience, and several of them will be testifying. Ambassador Kirkpatrick's work in this field is legendary. Secretary Koh and others have made incredible contributions to promoting the cause of human rights, and I want to recognize both Secretary Craner and Mr. Winter for their very impressive work. I also must say, Secretary Craner, that from purely a physical point of view and an aesthetic point of view you have outdone yourself with this project.

I think it is a coincidence that the President is in Africa as we open this hearing because his speech yesterday, and I hope all of you heard it, was yet another step in our 200-plus year history of closing the hypocrisy gap. We were way ahead of our human rights practices when we signed and issued and expressed our dedication to the most powerful documents in favor of human rights, and it was good to see the President yesterday at a place where slaves were gathered and sent on their horrendous journey to say *mea culpa, mea maxima culpa*.

It is our collective guilt, and it is good to know that both President Clinton and President Bush have taken the time and trouble to visit Africa and to recognize a historical burden of horrendous proportions. Our whole history can be viewed as an attempt to close the hypocrisy gap between our stated objectives and the life we lead.

I think it is also important to recognize at the outset, Mr. Chairman, that one of our former colleagues, Congressman John Porter of Illinois, played a key role in the establishment of the Congressional Human Rights Caucus almost a quarter century ago, and he and I co-chaired that caucus for many years. Since his departure our colleague, Congressman Wolf, has taken the Republican Chair.

We often relegate human rights to the margins of American foreign policy. I always regret the lack of sustained attention that Congress pays to this most critical subject. Respect for human rights must be at the core not only of our foreign policy, but it must remain a pillar of American foreign policy.

By holding today's hearing at the Full Committee level, we are giving human rights policies the attention they fully deserve, and in issuing its first ever comprehensive report on U.S. human rights policy initiatives, the Department of State appears to have grasped the importance of this issue.

Of course, this landmark report was not spontaneous. It is a response to a requirement established in the Freedom Investment Act of 2002, which I sponsored, Mr. Chairman, and which was approved by the Committee and adopted as part of the State authorization bill in the last Congress.

The report represents a major advance in our efforts to bring human rights into the core of our foreign policy because it breaks down the firewall we have long maintained between the State Department's reporting of human rights abuses in the annual *Human Rights Report* and its policy toward the violators.

This firewall was designed to insure that the State Department did not pull any punches in cataloging the sometimes massive human rights violations found in so-called allied countries such as Saudi Arabia or Uzbekistan. Although this approach has been largely successful, it produces an ever-increasing hypocrisy gap between what we say and what we do.

If there ever was a justification for this gap during our long struggle with the Soviet Union during the Cold War, it surely died with the collapse of the Soviet empire. Like during the Cold War, the struggle against global terrorism requires that we confront, reform and sometimes even force change on regimes that commit gross human rights violations against their people.

The September 11 attack on the United States made it vividly clear to all of us that the bankrupt, corrupt and illegitimate regimes that are the worst violators of human rights also create cesspools of disaffection, intolerance and hatred that allows terrorists to thrive.

Mr. Chairman, the urgent need to confront these human rights violators and to expand democracy and the rule of law was the inspiration for the State Department report that we are reviewing here today. It is a good report, and I want to commend Secretary Craner for the report, but obviously, as with all reports, particularly first reports, there is a great deal of room for improvement. We will talk about this during the course of the hearing.

I think the report in many ways would be more useful if there would be some critical evaluation of which of our policies worked, which of our policies have not worked, which of our policies need to be adjusted, modified, abandoned, changed, so that we have the best practices in our human rights and democracy programs.

I would like to say just a word, if I may, about those who feel that human rights is secondary to the achievement of U.S. foreign policy goals. Without moral authority, the world's one remaining superpower will be unsuccessful in the international arena. We must not abandon the moral authority that this country had during periods of its history, the moral authority which, for whatever set of reasons, has declined in recent times, and we must put it at the top of our agenda to restore that moral authority.

When a few of us many years ago invited the Dalai Lama to meet with Members, we met in a small meeting room with a handful of colleagues, but the room was permeated and filled with the moral authority of a Buddhist monk. It would be hard for us as a superpower to expect ever to attain the degree that a simple Buddhist monk can attain with his own behavior and values and thoughts and actions.

I think it is extremely important at a time when we have undisputed hard power presence on this planet, undisputed military capabilities which are desperately needed, and I am immensely grateful that we have that, that they will never take the place of the moral authority which is the foundation of our republic and which in many ways must be the foundation of our foreign policy.

Thank you, Mr. Chairman. Before I close, Mr. Chairman, I just would like to take 1 minute to mention a few individuals in the Department of State singled out by the department for special recognition. You already mentioned in the Democratic Republic of the

Congo Laura Englebrect; in China Mark Lambert. I would like to, if you will allow me, add a few names of some of our finest Foreign Service Officers.

I know that the department had a tough time selecting these because there were so many who are doing an incredible job in the field of human rights, so let me just list Greg Chapman at Embassy Vientiane in Laos; John Cushing at Embassy Seoul in South Korea; David Garrenbeck at Embassy Yerevan in Armenia; Tobias Glocksman at Embassy Phnom Penh in Cambodia; John Godfrey at Embassy Ashgabat in Turkmenistan; Greg Hicks at Embassy Manama in Bahrain; and Stuart Tuttle at Embassy Bogata in Colombia. These are the heroes who in the field, often at great risk to their own physical safety, carry on the message of America's commitment to human rights.

During the years that you and I have served, Mr. Chairman, and as I look around the room all of our colleagues have met and spent time and visited with those Foreign Service Officers whose portfolio includes human rights. I remember over 20 years ago in the Soviet Union it took a lot of courage for our Moscow Embassy people tasked with dealing with refuseniks and dissidents and human rights advocates to do the things that they did.

I want to commend Secretary Craner for including these outstanding Foreign Service Officers in your report, and I thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Lantos. Thank you for your kind remarks.

I would just say that the feeling is mutual. You have been a stalwart in the area of human rights. We have traveled together, and no one can articulate the position more effectively than you, so thank you for your tremendous work.

I would like to welcome our Assistant Secretary, Lorne Craner, to the Full Committee. Mr. Craner was sworn in as Assistant Secretary of State for Democracy, Human Rights and Labor on June 4, 2001. Mr. Craner coordinates U.S. foreign policy and programs that support the promotion and protection of human rights and democracy worldwide.

Prior to his appointment, he served as President of the International Republican Institute, which conducts programs outside the U.S. to promote democracy, free markets and the rule of law. He served as President of IRI from 1995 until assuming his current appointment.

I would also like to welcome Assistant Administrator Roger Winter. Mr. Winter was sworn in as Assistant Administrator for Democracy, Conflict and Humanitarian Assistance for USAID on January 31, 2002. He also served as USAID's Director of the Office of Foreign Disaster Assistance.

For 10 years prior to joining USAID, Mr. Winter served as Executive Director of the U.S. Committee for Refugees. He has also held administrative positions in refugee resettlement during both the Carter and the Reagan Administrations.

Secretary Craner, please proceed.

Before you do so, without objection all of the testimonies by our distinguished witnesses today will be made a part of the record,

and any opening statements by any of my distinguished colleagues likewise will be made a part of the record.

Secretary Craner?

STATEMENT OF THE HONORABLE LORNE W. CRANER, ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, U.S. DEPARTMENT OF STATE

Mr. CRANER. Thank you, Chairman Smith and Members of the Committee. On behalf of Secretary Powell, I am proud to formally present to the Committee on International Relations the new State Department report entitled *Supporting Human Rights and Democracy*. The State Department welcomed this reporting requirement and the opportunity to catalog the steps we are taking to promote human rights worldwide. We also want to acknowledge the essential role of this Committee in the creation of this report.

Chairman Smith, over the years you have worked tirelessly to advance human rights and democracy and to press our Government to address these needs. We want to thank you for holding a Full Committee hearing to focus attention on this report. I know the legislative calendar in July is especially full, and this hearing yet again clearly demonstrates your commitment to these issues.

Mr. Lantos, you were the source of the legislative language that resulted in this report. This is the latest example of your long record of leadership in the field of human rights and democracy.

I also want to publicly thank those who worked very hard to produce this volume. Special thanks in my office to Liz Dugan, Sally Builcema, Rob Jackson and Cynthia Bunton and their staffs who worked so hard on this report, and to those outside my bureau. This volume would not have been possible without the contributions from hundreds of officers, both throughout the State Department, with AID and with other agencies.

I am especially grateful that you have noted those names in the back of the book of people who really go out of their way, often into danger, to try and advance human rights and democracy in those countries.

I had the privilege of testifying at the end of April in front of the Subcommittee on International Terror, Non-Proliferation and Human Rights to discuss another report that my bureau publishes, the *Country Reports on Human Rights Practices*. This document has a hard-won reputation over many years, including those that preceded my tenure, for being the most comprehensive, accurate volume on human rights conditions around the globe.

I described the report, among other things, as a call to action to direct our efforts on democracy promotion and human rights protection, and that is what brings us here today. For all their value in spotlighting human rights abuse, the *Country Reports* do not answer the very simple question: What are you doing about it?

This new annual report answers the "what are you doing about it" question for 92 of the world's most serious human rights violators. It identifies, in a systematic way, how the U.S. is integrating policy with reporting on human rights. As it demonstrates around the world in every region, the U.S. is implementing programs, advancing policy, taking advantage of the information and under-

standing of global human rights that we have built up over the years in the annual *Human Rights Report*.

We will not shy away from criticizing human rights violations abroad, but we also want to go beyond that and take concrete steps to help the builders of democracy. In short, the report illuminates the fact that our support for human rights is more than a once-a-year exercise in identifying abuses. It is a day-in/day-out effort at the Department of State, AID and U.S. missions overseas.

Since becoming Assistant Secretary 2 years ago, I have defined several priorities for my bureau. One is Central Asia, where we have doubled, and in some cases quadrupled, our resources to advance human rights and democracy since September 11, 2001. Another new area is the Middle East, which for decades had been considered the democratic exception. Those days are over, especially as the United States-Middle East Partnership Initiative comes on line.

Another area is China, which we referred to earlier, and where we note increased pressure inside the country for political reform. This year, for the first time ever, the Bush Administration is not only supporting dissidents outside of China. We are supporting those inside China who are trying to advance structural reforms. We know we will not see change in all these cases overnight, but they offer the best hope for democracy in these regions.

As this report indicates, you should know that the new frontiers of the Middle East and the Muslim world in general have not led us to forget other parts of the world. In just the last week, at President Bush's request, former Secretary of State James Baker traveled to Georgia in a very successful effort to speak to his old colleague, now President, Severdnadze about upcoming elections.

In the last few days, President Bush sat down with the leaders of eight West African countries—Benin, Cape Verde, Gambia, Ghana, Mali Niger, Senegal and Sierra Leone—to talk about how we can better aid the development of human rights in their countries.

This week we requested at a very high level the release of a number of prisoners in Laos. They arrived in Bangkok today. This week, my office committed to fund an effort in Guatemala that we hope to come to fruition, to appoint a commission to investigate recent human rights abuses by the country's "dark forces."

On a global scale, all these hopes are represented in one of our highest priorities to reshape the incentives for democratization through the Millennium Challenge Account, which will provide another vehicle for reducing the gap between human rights ideals and actual practices.

Encouraging democracy and human rights is no longer an exclusive purview of the United States, as we have seen in a number of important international developments. Last November, government representatives from more than 100 nations met at the Community of Democracies Conference in Seoul and affirmed democracy as the best weapon to fight terrorism. One of our goals is to see more nations join the Community of Democracies through our diplomatic efforts and by aiding democratic endeavors through programs like the MCA and MEPI.

In closing, Mr. Chairman, we have tried to provide a report that is true to both the language and spirit of the mandating legislation

that came out of this Committee. We have tried to make the link from reporting to policy. I accept your praise for this volume. I also accept your critiques. It is a first edition. While I am very, very proud of it, there are changes that many in my office can already see need to be made. We will take your remarks as well.

I want to conclude by noting that democracy building has historically been a bipartisan issue. The best example that we can offer folks overseas, and I have seen this from my own personal experience, is that politics need not be a winner-take-all sport.

I look forward to working with this Committee, with both sides of the aisle, in promoting human rights and democracy overseas, for there remains much to do. Thank you again for this hearing. Thank you again for your commitment to human rights and democracy. I would be happy to answer your questions.

[The prepared statement of Mr. Craner follows:]

PREPARED STATEMENT OF THE HONORABLE LORNE W. CRANER, ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, U.S. DEPARTMENT OF STATE

Chairman Smith and Members of the Committee, on behalf of Secretary Powell, I am proud to formally present to the Committee on International Relations a new State Department report entitled, "*Supporting Human Rights and Democracy: The U.S. Record 2002-2003*." As Secretary Powell says in the preface:

"This document complements our annual *Country Reports on Human Rights Practices* in substance and spirit, and details how we are applying the high standards of the *Country Reports* to the actions we are taking to decrease the number and severity of human rights abuses worldwide."

The Department of State welcomed this new reporting requirement and the opportunity to catalog the steps we are taking to promote internationally accepted human rights standards and norms. At the same time, we want to fully acknowledge the essential role of this Committee in the creation of this report.

Chairman Smith, over the years you have worked tirelessly to help human rights victims and to press our government to address their needs. We want to thank you for holding a Full Committee hearing to focus attention on this report; we know that the legislative calendar in July is very full and this hearing clearly demonstrates your commitment to these issues.

Mr. Lantos, you were the source of the legislative language in the FY03 Foreign Relations Authorization Act that resulted in the mandate for the Department to issue this report. This is just the latest example of your leadership in the human rights field.

Before continuing with a description of the report, I would also like to publicly acknowledge those who worked hard to produce this volume. I want to thank everyone in the Bureau of Democracy, Human Rights and Labor for their hard work in compiling this report. Special thanks are due to Robert Jackson, head of the Office for the Promotion of Human Rights and Democracy, and his officers, as well as Cynthia Bunton and the officers who work for her in the Country Reports Office. I also want to thank those outside my bureau because this report would not have been possible without contributions from hundreds of officers from both regional and functional bureaus throughout the State Department, plus USAID, and other agencies, as well as employees of non-governmental organizations.

BURMA.

Before turning to the new report, I want take advantage of this important forum to express our outrage about events in Burma. These events are not covered in the new report because they took place after the report was finalized, but everyone should know that this Administration has lost its patience with the regime in Burma. We consider the attack on the caravan of Aung San Suu Kyi to be the work of government thugs. We have heard reports that Aung San Suu Kyi was being held in the notorious Insein prison and has reported been moved to another undisclosed location. We strongly condemn her continued detention. The Burmese junta must release her and her supporters immediately and form a concrete plan to restore democracy in Burma. We have been working with Members of Congress, our allies in

Europe and ASEAN and others to press for the release of Suu Kyi and other democracy advocates and the implementation of a real plan for democratization in Burma.

WHY WE SUPPORT HUMAN RIGHTS AND DEMOCRACY.

As I said at the Country Reports hearing, spreading democratic values and respect for human rights around the world is one of the primary ways we have to advance the national security interests of the U.S. The defense of liberty is both an expression of our ideals and a source of strength that we have drawn on throughout our history. Democratic values have also been at the heart of America's most enduring and effective alliances. For that reason, this report reflects our solidarity with those brave souls who dare to dream of freedom, not only in democratic societies, but also in repressive ones. They are setting the course of history and we must help them. The President's National Security Strategy explicitly commits the U.S. to work actively to bring democracy, development, free markets and free trade to every corner of the world. We start from these core beliefs and look outward for possibilities to expand liberty. Our goals are political and economic freedom, peaceful relations with states, and respect for human dignity. Secretary Powell has said, "America stands willing to help any country that wants to join the democratic world."

I am also reminded that President Reagan said in his 1982 "Promoting Democracy and Peace" speech before the British Parliament:

" . . . democracy is not a fragile flower; still it needs cultivating. . . . 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 of diversity."

Keeping in mind our desire to extend democracy, but not having unlimited funds available to us, we developed a framework for focusing our resources. One obvious criterion is the importance of a country to America's national interests, but we also need to be realistic about the conditions required to have the desired effect. Key to such considerations will be the understanding of the reality that our assistance is unlikely, in and of itself, to create the changes we seek. In countries where the local dynamic is already moving towards democracy our assistance can help leverage the cause in the right direction. The will for change at a national level is therefore critical. It makes little sense, for example, to spend millions to train judges in a country where the ruler will not tolerate an increasingly independent judiciary, or fund programs in countries with ample private resources but without the will to pursue democratic goals.

If we are to be successful, it most likely will be over the long term. The challenges faced in these regions did not come about, and will not be solved, overnight.

THE PURPOSE OF THE REPORT.

For more than 25 years, the annual *Country Reports on Human Rights Practices*, a factual account of the human rights performance of nations around the globe, has been an increasingly indispensable human rights tool that is often used to shine a spotlight on human rights violators. As Deputy Secretary Armitage said recently about this report, "Every year, for the last 25 years, we have released a 10-inch report on human rights violations around the world. The bulk alone speaks volumes about the distance the world still needs to travel between the reality of the day and the high standard we all want to reach."

We believe in the power of information, and we have been willing, when some others have not, to condemn human rights abusers. Some have called this a "name it and shame it strategy." However, the purpose of our new report is to show that U.S. support for human rights is more than a once-a-year exercise in identifying abuses.

Specifically, the purpose of our new report, as we see it, is to answer the question, "What are you doing about it?" We have written a report to demonstrate, in a systematic way, that the U.S. Government is working hard to integrate human rights reporting into policy.

More and more, we are using human rights reporting to tailor assistance programs to help countries achieve democratic governance. Examples of this approach are President Bush's U.S.-Middle East Partnership Initiative (MEPI) and the Millennium Challenge Account (MCA) for projects in countries whose governments rule justly, invest in their people, and encourage economic freedom. Likewise we are working through innovative fora like the Community of Democracies to help strengthen democratic institutions that protect human rights and to voice both com-

mitment to international standards and concern about continued human rights abuses such as Burma.

THE REPORT PROCESS.

Supporting Human Rights and Democracy: The U.S. Record 2002–2003 details U.S. efforts to support human rights in 92 countries and entities with especially problematic and persistent human rights violations. We take care to include places of concern for “extra judicial killings, torture, or other serious violations of human rights,” as called for in the Foreign Relations Authorization Act, Fiscal Year 2003.

For those who wonder why a certain country is not included, we were asked to issue a report, not on all countries that are members of the UN, as is the case with the *Country Reports*, but on countries where serious problems occur regularly. Just because a country is not in this report does not necessarily mean that human rights problems do not exist in that country; it does mean that we do not see a persistent pattern of human rights violations, or a government policy promoting violations.

I was recently asked if the countries included in the report are the 92 worst countries, to which I responded that that is a fair assessment, both in terms of democracy and human rights. You can find countries in this report that are progressing toward democracy, but they still have human rights problems; and just because a country is not mentioned in this report does not mean that U.S. Government assistance programs are not being provided such countries.

The chapters in the new report typically begin with a very brief mention of the human rights conditions. This snapshot should not be read as providing a complete picture of everything we know about the human rights conditions in any country; those wishing more detail should reference the annual *Country Reports on Human Rights Practices*. Next, we provide a short narrative about our human rights strategy, followed by a sampling of the activities we are taking to defend liberty.

REGIONAL PROGRAMS.

At this point, I would like to provide the Committee with an overview of some of our activities in the various regions. Time does not permit me to describe at length each of the regional sections of the report. I would encourage anyone interested in more detail to refer directly to the report. It is available on the State Department web page at www.state.gov.

This report is an overview of our efforts, not an exhaustive account of all U.S. Government programs. It is a representative sample of our human rights activities. To get a truly comprehensive picture it would be necessary to consider, for example, this Administration’s commitment to try to reform the World Bank and other multilateral development banks to make them more effective in improving the world’s poor areas.

And finally in this vein, while we are very pleased with the way the report turned out, we hope that everyone remembers that this is a first time effort, and that we welcome ideas and suggestions for next year.

I would like to share some examples from the report of the kinds of activities the Administration has undertaken to support human rights and democracy around the world:

Afghanistan continues to recover from 23 years of conflict and political instability. The lack of basic infrastructure and central government authority inhibit basic human rights for minority ethnic and religious groups, for women and for displaced persons. In 2002, the U.S. Government committed \$800 million in assistance, and the Afghanistan Freedom Support Act authorized an additional \$5 million for the Afghan Independent Human Rights Commission (AIHRC). A total of \$80 million has been provided to assist women and girls in education, health care, human rights, and other programs. The U.S. Government also funded the establishment of ten neighborhood-based Women’s Centers in Kabul and several nearby cities to provide vocational training to women and 14 Women’s Centers focusing on literacy and development of vocational skills for \$2,575,000. My Bureau of Democracy, Human Rights and Labor’s Human Rights and Democracy Fund (HRDF) has provided funding to support the AIHRC, which the Bonn Agreement of December 2001 established as the national institution in charge of defining the human rights agenda in Afghanistan.

In *Angola*, 85 percent of the population will soon have access to Angola’s only independent radio station, Radio Ecclesia, which is making a pronounced difference by providing listeners with unbiased reporting; members of Angola’s civil society have called the radio a key player in bringing democracy to the country. I am pleased to note that the funding came from my bureau.

Our human rights and democracy strategy for *Azerbaijan* addresses a wide range of issues, with U.S. assistance in support of the strategy totaling about \$8 million in FY 02. Diplomatic efforts are key, as we have pushed a strong human rights and democracy agenda in meetings with government officials, activists, and religious minorities at all levels. We are enhancing the rule of law through the training of judges, lawyers and students, enhancing legal literacy and improving women's access to justice. A major U.S. focus has been creating the conditions for free and fair elections through strengthening political parties and election administration, training election monitors, and urging the government to undertake necessary reforms. Our Embassy co-sponsored the first-ever nationally televised roundtable debates between government and opposition parties and civil society on proposed Constitutional amendments. We are strengthening non-governmental organizations through small grants and resource centers. U.S. assistance is funding the professional development of journalists and technical assistance to independent television stations. We have pushed the Government to respect religious freedom and have maintained close ties with local religious communities. We even brought some of their representatives on visitors programs to the U.S., to discuss issues such as Islam in America. Finally, to combat trafficking in persons, we promoted preventive measures by the government and awareness campaigns by NGOs, and funded a trafficking research study.

We helped monitor the June 2002 municipal and legislative elections throughout *Cameroon*, contributing to one of the freest and fairest elections in the country's history. Our public diplomacy resources funded election observation workshops and a resource center for journalists, political parties, civil society and local observers. Journalists and others who participated in "Operation Cell Phones for Democracy" said these programs contributed significantly to detecting electoral fraud. To help contain radical Islam, the U.S. involved young Muslim leaders in the International Visitors Program that provided training in religious freedom, democracy and human rights. To address trafficking in persons, the U.S. worked with International Labor Organization on an ambitious four-part plan to encourage legislation, train enforcement personnel, educate parents, and assist victims.

The United States employs multiple strategies to promote human rights and strengthen the rule of law in *China*. We shine the spotlight on human rights abuses and routinely press China in bilateral and multilateral fora to bring its human rights practices into compliance with international human rights standards. The Ambassador and other Department officers also work with Chinese officials, NGOs and other organizations to identify areas of particular concern and encourage systemic reforms. Starting in 2002, the United States has strongly backed its support of systemic reform by funding a multi-million dollar program to promote legal reform and encourage judicial independence; to increase popular participation in government; to promote international labor standards; and to foster the development of civil society in China. All these efforts are coordinated with China's other human rights dialogue partners to ensure that China hears a clear and coherent message from the international community and that programs funded by the international community are complementary.

The 2002–2003 U.S. human rights and democracy strategy for *Colombia* is both proactive and responsive, tackling the root causes of human rights and democratic instability while continuing to invest in emergency humanitarian assistance and protection measures necessary to address the internal armed conflict. In FY02, we provided Colombia with \$130.4 million in aid to support judicial reform, stronger democratic institutions, human rights protection programs, peace initiatives, an early warning system, humanitarian assistance and alternative development. The USG is currently implementing programs to protect threatened populations, increase access to justice, support judicial reforms and the rule of law, promote transparency and anti-corruption in local governance, support peace initiatives, reintegrate child soldiers, and provide humanitarian assistance to displaced populations. DRL's HRDF is supporting a project to temporarily resettle threatened Colombian judicial sector personnel outside the country in order to save their lives and provide them specialized training to enhance their ability to perform their jobs upon their return to Colombia.

While the world's media was focused on the war in Iraq, Internews, through a DRL grant, focused its attention on providing *Arab journalists* invaluable lessons in the role of accuracy, objectivity, and balance in reporting and local media. As part of its on-going series of training Middle East journalists in responsible reporting, Internews trained 40 male and female reporters on basic reporting, interviewing and reporting skills, as well as legal issues, critical analysis, freedom of expression, and ethics. Veiled women worked alongside those not wearing veils. This training

demonstrated once again that the United States can nurture vibrant, pluralistic, and open media.

Iraq is not included in our report due to the rapidly evolving situation. On the democracy front, DRL Deputy Assistant Secretary Scott Carpenter is working closely with Ambassador Bremmer in support of the Coalition Provision Authority's (CPA) efforts to establish a representative Iraqi interim administration. We are looking at a range of activities to lay the groundwork for democratic self-rule, including a constitutional process, political party development, elections, anti-corruption and women's issues. The CPA has set up an Office of Human Rights and Transitional Justice, led by DRL officer Sandy Hodgkinson to deal with mass graves, property claims, missing persons and special courts for crimes against humanity. On mass graves, there has been an initial assessment and we are working to obtain international assistance to begin exhumations and forensic examination.

In *Morocco*, one of the most progressive countries in the Middle East, we pulled out the stops in helping create the conditions for democratic elections, which paid off handsomely in the parliamentary elections last fall—among the best ever held in the region. The U.S. funded projects trained candidates and political parties, strengthened transparency in the election process, and promoted voter outreach and education and the training of women candidates. We are continuing our work strengthening parties and NGOs for upcoming municipal elections. We keep in close touch with a range of civil society activists, including Jewish and Berber community leaders, to help improve the human rights environment, with particular emphasis on women's rights, child labor, trafficking and religious tolerance. The United States also is funding a highly successful American Bar Association/Freedom House program that assisted the Government in reforming the Moroccan Penal Procedure Code. We are now starting to train judges, prosecutors and lawyers on how to implement the new code. We have used visitors programs effectively as well, bringing Moroccan NGOs representatives, government officials and activists to the United States to enhance their ability to confront children's rights and child trafficking, labor rights, prison reform, and women's rights, to the United States. This included five women political activists who observed U.S. Congressional elections last November.

In October 2002 Freedom House opened Central Asia's first resource center for human rights NGOs in Tashkent, Uzbekistan. Demand for resources at the center quickly surpassed its physical capacity, leading Freedom House to relocate the center to a larger building and install additional phone lines for greater Internet access. In April a second center opened in the Fergana Valley and human rights activists in every district in the country have asked for a center. The centers have greatly increased the capacity of human rights activists to effectively react to human rights abuses, including deaths in detention, as well as their sense of security to speak out and press their government for greater accountability. The Government of Uzbekistan has also noticed the centers' presence and has shown an interest in wanting to understand international standards governing press and freedom of expression.

CONCLUSION.

I have been asked if there are places where the U.S. is less aggressive in promoting human rights, for fear of running afoul of an ally. The answer to that question is no. That said, we do not have cookie-cutter approach to democracy around the world. The way we address concerns in one country may not be the way we address them in others. Every country is different and we look for the approach we believe will be the most effective, using the range of diplomatic tools available to us. Mongolia is a democracy, Mali is a democracy and Mexico is a democracy, but they are all headed in different democratic directions and at different paces. Assistance to those countries must be tailored accordingly.

Mr. Chairman, Members of the Committee, we have tried to provide a report that is true to both the language and the spirit of the mandating legislation that came out of this Committee. We have made the link from reporting to policy. The good news is that democracy is now accepted as an international norm.

I want to conclude by noting that democracy building has historically been a bipartisan issue. The best example we can offer overseas is that politics is not a winner-take-all sport. I look forward to working with this Committee in promoting human rights and democracy overseas, for there remains much to do.

Thank you, again, for this hearing. Thank you for your commitment to human rights and democracy. I would be happy to answer your questions.

[NOTE: *Supporting Human Rights and Democracy: The U.S. Record 2002–2003*, submitted by Mr. Craner for the record, is not reprinted here but is available in Committee files. At the time of this printing, this publication is also available on the World Wide Web at: <http://www.state.gov/g/drl/rls/shrd/2002> or on the Committee Web site at: http://www.house.gov/international_relations/educate.htm

Mr. SMITH. Mr. Secretary, thank you so much.

I would like to now yield and recognize Mr. Winter.

STATEMENT OF THE HONORABLE ROGER P. WINTER, ASSISTANT ADMINISTRATOR, BUREAU OF DEMOCRACY, CONFLICT AND HUMANITARIAN ASSISTANCE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. WINTER. Thank you. I will not repeat all of the thank yous. They are all due and merited. What I would like to point out is that while the report demonstrates that much has been accomplished, more than anything in comparison to the basic human rights country practices report, it shows how far we have to go.

Let me speak on behalf of USAID to try to respond to some of the questions that were forwarded to us by your staff on your behalf. First of all, in conversations between outsiders to the government and insiders, I often sort of have it conveyed to me that what the State Department does is in the realm of the real politique, and what USAID does is more kum-ba-yah kind of stuff. In reality, we are very often the arms and legs of the policy as it reaches down into local communities around the world.

USAID is the humanitarian and development arm of our foreign policy operating in more than 100 countries. With respect to our democracy, governance and human rights programs, we manage more than a \$700,000,000 portfolio, so in many senses of the word USAID is in fact the arms and the legs of the U.S. Government's human rights and democracy programming.

I will not dwell at all on the details of our programs because it is in the written testimony and in some degree in the report itself, but I would like to try to respond conceptually and strategically to some of the issues that you all have raised with us. I will try to be quick.

First of all, USAID believes, and the way we do our programs I think shows, that it is impossible for people to secure their human rights without democratic governance, and no government that abuses human rights can be considered wholly democratic. The rule of law begins with and is based on respect for human rights.

In our budget, you will not see in bold letters the terminology "human rights," but you will see in large letters reference to "democracy and governance." Actually, the way we do much of our democracy and governance programs is human rights specific. This is a very substantial commitment that USAID has on behalf of the American taxpayers and the U.S. Government broadly.

Secondly, USAID, in approaching its development mandate as an agency, recognizes that effective development is not sustainable without democracy and productive governance. Democratic processes allow the people to secure their human rights, to pursue their interests and to resolve their differences without resorting to destructive violence.

Conflict destroys development, and it is, therefore, clearly in our interest as an organization to assure that the promotion of democ-

racy and human rights is at the core of what we do. We also have issued a report, which is called Foreign Aid in the National Interest. The first chapter, because it is first in our minds, has to do with promoting democratic governance.

Third, most of the problems USAID addresses as America's international development agency are interrelated. Lack of democratic governance, oppressive or incompetent governance, human rights abuse, endemic conflict, complex humanitarian emergencies, pervasive conflict, they all tend to show up together in the worst case scenarios that we at USAID focus on. All of these, in our view, actually need in an ideal way to be comprehensively addressed for maximum impact, but democracy and good governance is the key.

Fourth, USAID is a large agency. It has many priorities in many aspects of its variable program. Let me mention two that relate directly to the subject matter this morning. First of all, Lorne Craner mentioned the Administration's Millennium Challenge Account. At AID we recognize that foreign aid from the United States or anywhere else is important, but it is only part of the answer.

Sustainable solutions come about where people and governments truly adopt appropriate policies and institutionalize them effectively. Such an approach makes our foreign aid maximally productive and generates additional aid, including private foreign and domestic investment.

The Millennium Challenge Account proposal flows directly from that premise. It speaks to the issue of concrete performance in ruling justly, in economic freedom and in governments investing in people. These are topics in which we are intimately involved.

It will be, therefore, a major priority of USAID to focus on countries that do not meet the MCA cutoff criteria, but which, if we invest in an organized and robust way, may be able to in the future to meet the criteria of ruling justly, of promotion of economic freedom and of investing in people so they become eligible. The issue of helping to enable countries to become MCA eligible is something that will be a high priority for us.

Perhaps lastly, the second challenge perhaps is that of failed and failing states or fragile states. We are not going to abandon those states. We are the U.S. Government's international development and humanitarian agency, so the issue of fallen states, failed states, this is right down our alley.

The National Security Strategy talks very much about the United States not being threatened by conquering states these days, but by failed states. What we have tried within USAID to do, keeping the issue of democracy, governance and human rights in the forefront, is shift our policy focus on these states to try to approach their issues in a far more organized way than we have in the past.

It is these states that are the incubators of terrorism frequently, these states that engage at the local level in the most ugly of human rights abuses, these states that produce most of the world's refugees, most of the world's internally displaced people and very often host genocide in real and very ugly terms.

It is also in these states that USAID's capital in large amounts is expended for humanitarian assistance programs, so we have an interest in trying to see what can be done to resolve the issues. Hu-

manitarian assistance is necessary, but it is not a solution to the predicament in which people find themselves.

I know this Committee knows very well the situation of Sudan. In the last 13 years, we have spent \$1,400,000,000 in humanitarian assistance in Sudan. That humanitarian assistance kept people alive, but it was not a solution. Democracy is a solution. Human rights is a solution.

What we have done is we have reorganized, and the bureau I head has the special task within USAID of coming up with solution-oriented approaches based on our humanitarian assistance programs that integrate democratization and good governance and conflict management and mitigation aspects to assure that we do not just spend this money forever, but that we do it in a way that approaches solutions realistically.

Thank you.

[The prepared statement of Mr. Winter follows:]

PREPARED STATEMENT OF THE HONORABLE ROGER P. WINTER, ASSISTANT ADMINISTRATOR, BUREAU OF DEMOCRACY, CONFLICT AND HUMANITARIAN ASSISTANCE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Chairman Smith and members of the Committee, thank you on behalf of USAID Administrator Andrew Natsios for the opportunity to testify today about this important report, *“Supporting Human Rights and Democracy: The U.S. Record 2002–2003.”* As Assistant Secretary Craner has said, the report is the product of a lot of hard work by our colleagues around the world. But it is the result, particularly, of the leadership and dedication of Assistant Secretary Craner and the Bureau of Democracy, Human Rights and Labor and of the Congress under the leadership of this Committee.

Although it addresses only 92 of the countries, indeed the 92 with the most human rights abuses, this report represents the first effort to gather publicly the programs from across the entire spectrum of U.S. Government institutions that support democratization across the globe. This accounting evidences the broad participation of U.S. Government departments and agencies in the promotion of democracy and the protection of human rights, which lie at the heart of our foreign policy. We are a profoundly democratic nation, and we have supported freedom abroad from our very beginning as a nation. The extension of liberty, both political and economic, and in particular the promotion of democracy and human rights, is a high priority for President Bush and for Administrator Natsios. To reflect that priority, Administrator Natsios created an entirely new bureau, the Bureau for Democracy, Conflict and Humanitarian Assistance, which I am honored to lead. This new Bureau is designed to address the vexing—and closely related—problems of non-democratic government, human rights abuses, failed and failing states, and the conflicts and humanitarian disasters that result.

In conjunction with our State Department colleagues and through the work of our grantee and contractor partners, our efforts to promote democracy are broad and substantial. The fiscal year 2003 democracy budget managed by USAID is over \$700 million, supporting programs in nearly 100 countries. We are proud of the results these efforts have brought, yet mindful, as this report documents, of how much still remains to be done. There are new challenges to democracy in the world. Our significant achievements cannot be maintained without studying those challenges, and developing new priorities that respond to them. So let me address: first, the components of our programs and some of our accomplishments; second, the challenges we face; and finally, the new priorities USAID is establishing to meet these challenges.

ACCOMPLISHMENTS

Democracy programming in the U.S. Agency for International Development (USAID) is not new. Going back at least to human rights activities in Central America twenty-five years ago and expanding dramatically with subsequent administrations, democracy and human rights assistance has now become a key element of USAID's programs. It is impossible to secure human rights without democratic governance, and no government that abuses human rights can ever be considered wholly democratic. The rule of law begins with, and is based on, respect for human

rights. Independent media and free and fair elections are the hallmarks of a country that respects human rights.

Our national commitment to the promotion of democracy and human rights is bipartisan, and derives its support not only from the Executive Branch but from Congress as well. Mr. Chairman, we are grateful for that support. Together with State Department regional and functional bureaus, and with other departments of the U.S. Government as well, USAID is programming more money for democracy in more countries than ever before, indeed more than four-and-a-half times as much today as ten years ago. We promote democratic practices and values not only because it is the right thing to do, but also because we have learned that, without addressing the political aspects of change, other development programs cannot succeed.

The last quarter century has created a record of accomplishment, some of which is discussed in this report. But it is important to note that, as required by the Congress, the report is a one-year snapshot. It does not purport, therefore, to reflect the full breadth or depth of U.S. Government programming in the promotion of democracy and human rights. To understand even that limited picture, however, it is important to understand the wider context of which it is a part.

First, USAID democracy programming can be categorized into four mutually reinforcing sectors: civil society; elections and political processes; the rule of law; and democratic governance. The first two categories work primarily outside governments, while the latter two work primarily with governmental institutions. Second, we shape our programs to the specific conditions of the countries we assist. No two programs are identical, although there are some common themes. It is our missions abroad that ensure the strategic coherence of our programs and their relevance to the conditions of these countries. Third, we work primarily through nongovernmental organizations (NGOs) and contractors, both American and local. The accomplishments to which I refer are due to the direct assistance those partners provide.

In repressive regimes, where we do not generally work with government institutions, USAID's ongoing assistance to civil society, democratic opposition groups, and the media keeps lit the torch of democratic hope, generates pressure for reform, and provides something of an incubator for alternative, democratic leadership. For example, in Belarus and the Central Asian Republics, our assistance is largely responsible for sustaining independent NGOs and the media. Quick action in 1998 prevented the Government of Uzbekistan from shutting down independent radio stations. In Burma and Cuba, whose dismal conditions are discussed in the report, USAID provides lifeline assistance to human rights activists and opposition groups.

As an important part of our non-governmental assistance, USAID alone has granted over \$250 million to independent media outlets worldwide since 1992. For example, in Burundi we helped establish two new radio stations which broadcast, country-wide, timely accurate news and programs to support the peace process. The point is to create alternatives to the "hate-radio" which played such an important role in exacerbating ethnic conflict and in fomenting the 1993 massacres.

A great deal of public attention tends to be focused on elections, even though less than 10 percent of USAID's democracy and governance budget last year was used to support political parties and elections. I say this to dispel a common public misconception that, for the U.S. Government, democracy is synonymous with elections and that most of our democracy assistance goes to supporting elections. I do not intend at all to understate the importance of elections. Free and fair elections are essential to democracy whose fundamental principle is that people have the right to choose and replace their governments and to establish their public policy. Elections are necessary for democracy, but true democracy is more than just elections.

By allowing citizens to fight for their human rights, further their interests, and resolve their differences through the ballot box, rather than through force, elections provide a device to avoid conflict or to resolve it. Unfortunately, the number of conflicts is growing, and the U.S. Government with its partners is pushing the envelope in finding new ways to manage, mitigate and hopefully avoid conflict and promote human rights. For example, support for political party development in Kosovo helped the nationalist "liberation" force to become a political party. They agreed to work with civilians to develop consensual election rules. On that basis, they participated in elections and ultimately accepted their own electoral defeat. The danger that they would push the elected leadership aside and take power militarily was avoided. A potential civil war, possibly engaging the U.S. forces stationed there, was turned into a peaceful contest for power. In a variety of countries, the promise of elections has helped prevent or end civil wars and produced more representative institutions and more open political systems.

Apart from conflict, our assistance has been instrumental in increasing the number of elections considered free and fair throughout the world, and those elections

have sometimes resulted in dramatic political changes. Our elections assistance helped in the peaceful alternation of power in Nigeria in 1999, Peru in 2001, and Kenya in 2002. Last fall, with U.S. help under the Middle East Partnership Initiative, Morocco held parliamentary elections widely regarded as the first free, fair, and transparent elections in its history.

Central to addressing and preventing human rights abuses has been support by USAID, often through the valuable work of our colleagues in the Department of Justice, for legal reform, especially reform of criminal justice systems. Over the past decade, for example, we continued critical support for criminal code reform across Latin America, including Honduras, Nicaragua, Guatemala, El Salvador, Colombia, Ecuador, and Bolivia. We helped introduce public, oral and adversarial motion hearings and trials where the judge serves as an impartial, independent arbiter of the rules and enforcer of due process rather than as an active investigator or prosecutor. A comparison of today's judicial systems in Latin America with the same systems in the 1980s shows that much has changed for the better, even though much still remains to be done. Prosecutors now direct case investigations and have greater control over police, reducing the likelihood of arbitrary arrests, detentions or police misconduct. The law now limits the duration of pre-trial detention. Defendants less frequently languish in jail without any legal determination of guilt. These programs have helped establish or expand public defender offices in the region, and have trained criminal defense attorneys representing the poor. In general, individual rights have been strengthened, and there is now a procedural embodiment of the principle that the state can be challenged and held accountable.

A key factor in preventing human rights abuses and ending impunity for the abusers is the existence of an independent judiciary that applies the rule of law impartially and effectively. In Central and Eastern Europe, we have helped judiciaries gain greater independence from the executive branch. New courts, such as constitutional courts, and new institutions, such as judges' associations, have been created. As a result of new criminal codes and retrained judges, the twin notions that the prosecution must prove its case and that defendants can be acquitted is gaining ground across the region. In Russia, USAID helped institute jury trials, developed benchbooks for judges and defense attorneys, and supported pilot jury trials. We have seen an increase in acquittal rates in the regions with jury trials, where previously the chance of acquittal was almost zero. These reforms are now being adopted nation-wide by the Putin Administration.

Judges we have helped, particularly those attached to the new constitutional courts, are asserting their independence and are beginning to check executive power. For example, in Ukraine, the Constitutional Court struck down two proposed amendments to the constitution that would have strengthened already-overwhelming presidential powers. In Russia, the courts have overturned government decisions denying registration to religious groups. These changes are fundamental to securing human rights.

Fourth, we have assisted in good governance reforms for years, including support for decentralization, local and national legislatures, and policy reform. More recently, under instructions from President Bush, the U.S. Government has undertaken a coordinated government-wide effort to address global corruption. Since 1995, USAID has been an instrumental, early supporter of the work of Transparency International, the world's leading anti-corruption NGO. USAID has provided sustained financial support for the organization's secretariat in Berlin and has provided technical assistance to a growing number of national chapters, which are now found in over 90 countries around the world.

With help provided under the Americas' Accountability Anti-Corruption Project, nearly every country in Latin America has adopted a financial management model instituting auditing, accounting, and transparency systems that help limit graft, fraud and abuse. The project develops and promotes best practices, improves donor coordination, runs a highly successful anti-corruption website, sponsors networks of NGOs and professional associations, supports courses and pilot projects, and has now expanded its work to municipal governments. In the long run, systemic improvements in practices and oversight—real institutional reform—are the means for permanently improving the poor record of corruption in Latin America.

USAID's governance efforts in Africa are younger and have concentrated on support for reformers within government and on the mobilization of public demand for change by civil society organizations. Our multi-year efforts to improve the skills and strength of a range of civil society actors in Kenya, for example, played a critical role in the rebirth of multiparty democracy. That same support has now enabled the new Government of Kenya to draw on capable, pro-reform resources within the country. For example, the new Minister of Justice applauded our early support for the Kenyan anti-corruption movement. In fact, eight parliamentarians with whom

we worked on anti-corruption initiatives under the Moi government are now cabinet members in President Kibaki's government, and the executive director of a USAID grantee now heads the President's ethics office.

CHALLENGES

Notwithstanding our rich record of accomplishments, we also recognize both failures and new challenges, and we are moving to address them. The report documents some of these failures and challenges, especially where human rights continue to be violated. One challenge is the threat posed by failed, failing and fragile states. These states are incubators of violence and instability which often turn domestic life into a search for mere survival and personal security, but which also threaten to spill over borders and infect entire regions. Second, we are challenged by a variety of new urgent priorities such as terrorism, civil conflict and narco-trafficking for which we stand ready to assist, even as we recognize that other agencies may be taking the lead roles. Third, is the challenge posed by the expenditure of resources with insufficient long-term effect.

The global challenge arising from chaos in failed and failing states is all too clear as we meet this morning. As the President has said in the National Security Strategy, "America is now threatened less by conquering states than we are by failing ones." USAID alone provides well over \$1 billion every year in humanitarian assistance to deal with crises. These crises are often the result of human failures, not natural disasters. Even when natural disasters strike, their costs are magnified by prior governmental failures. The roots of these failures are well documented in this report.

The people of Sudan, for example, have been living through the longest civil war in the history of Africa, a human tragedy of grand proportions. Since 1989, USAID has spent more than \$1.4 billion on humanitarian assistance to ameliorate this disaster. But humanitarian assistance will not solve the governance problem. A just and durable peace is possible only when effective government institutions and processes are responsive to, and benefit all, Sudanese citizens. A unique opportunity exists at this moment, in southern Sudan particularly, to build on indigenous efforts to forge a consensus on democratic governance. In opposition-held areas, our goal is to promote peace, stability, democracy and human rights and to assist the authorities to put into place the basic institutions for effective democratic governance. Over the last two years, we have begun to strengthen courts and judges, local governments, and women's organizations dedicated to local conflict resolution. USAID is the first donor to take concrete steps in this direction. As we move toward the anticipated peace agreement, we are also planning programs, including democracy and governance activities, in areas controlled by the Government of Sudan.

The second challenge—that of transnational threats—covers a wide range of problems including narco-trafficking, trafficking in persons, terrorism, and conflict. Terrorism and transnational criminality thrive in fragile or failing states. Poor governance and disrespect for human rights lie at the heart of each of these threats. Beyond the devastating effect on individual lives and communities, moreover, these problems have clear regional, even global, impact. The conflict in Africa's Great Lakes region is only one example.

The attacks on the United States on September 11th catapulted Afghanistan, and its tragic recent history, to the center of the world stage. An Afghanistan on the road toward freedom and prosperity would serve as a powerful victory over those that champion tyranny and terror. We are bringing to bear concrete, practical assistance between now and next summer as Afghanistan adopts a new constitution and elects the first democratic government in its history. In addition, to establish the foundations for sustainable democratic governance, we are helping rebuild the justice sector, secure human rights, and strengthen the ability of the government to develop and implement vitally needed policy reforms.

The third challenge—too few results for the resources invested—has been the subject of serious review both within the U.S. Government and internationally. At the Monterrey Conference on Financing for Development in spring 2002, governments representing a very wide spectrum of countries, both donors and recipients, rejected the old paradigm of development which emphasized almost exclusively the importance of foreign donors rather than the commitment and performance of recipients. They agreed on a very different approach to development and its financing. They agreed that development is only possible when appropriate policies are truly adopted and the instruments for their implementation are institutionalized. Then, and only then, will the financing for development have the desired results. And when that happens, the major funding will come not primarily from donors but from private investment, both domestic and foreign. Overseas development assistance will

therefore always represent a small portion of the development finances. Foreign assistance can play an important part, but it cannot substitute for self-help. Concrete performance is the key to additional funding, overwhelmingly from the domestic and international private sectors.

The President's proposed Millennium Challenge Account (MCA) flows directly from that basic premise. The United States would provide substantial funding to help countries that have put the right policies and institutions into place. Those right policies and institutions are governed by three themes: ruling justly, promoting economic freedom, and investing in people. Countries that have demonstrated performance in these three areas will be eligible for the additional MCA assistance. USAID recently published its own report, *Foreign Aid in the National Interest*, which supports the same conclusion. More specifically, and more related to our discussions today, the very first, principal chapter of our report is "Promoting Democratic Governance" which of course includes respect for human rights. The evidence is growing, and we are already convinced, that without good governance, little progress will be made or sustained in the other areas.

PRIORITIES

To address these three challenges, USAID is reexamining its entire approach to development, including democratic governance. As Administrator Natsios recently testified, USAID will concentrate its assistance in five kinds of countries. First, to the extent we are asked to do so, we will work with the MCA countries themselves. Second, we will provide help in the countries that just miss the MCA performance criteria, and we will concentrate on those areas in which that performance falls short. We expect that "ruling justly" will be precisely the area in which help is most needed. Third, we will work in mid-range but basically good performing countries with the clear commitment to reform. There too, our aim is to help them to become MCA-eligible. So our assistance will focus on economic growth and democratic governance. As Administrator Natsios has testified, USAID will reduce assistance to countries in which democratic governance is lacking. This tough-love approach is necessary so that we can provide additional resources where they can be more effectively used to advance development. Fourth are the fragile, failing and post-conflict states where, in addition to our very substantial humanitarian assistance, we will also include governance programs to transition to development and mitigate conflict. Finally, we will of course continue to work in countries of substantial strategic importance to the United States. These are the countries that receive the lion's share of Economic Support Funds, SEED and FREEDOM Support Act funds. Indeed, of the total, worldwide democracy funding this year, 75 percent or more comes from these accounts.

Once again, Mr. Chairman, this report documents tangibly both the failures and challenges we confront and the programs which the U.S. Government has mounted to address them. Thank you again for the opportunity to testify and for the support of the Congress in those efforts.

Mr. SMITH. Mr. Winter, thank you very much for your testimony as well.

I would just like to ask a series of questions, and if you would respond. The first is the fact that there are 92 countries that are detailed in this book, leaving obviously many others that were excluded.

Turkey again jumps off with neon lights. I mean, I personally have held hearings on the torture of journalists, the torture and the mistreatment of the Kurds. We all know that they have serious and ongoing human rights problems. We are addressing those. You know, our Embassy in Ankara certainly is raising these issues robustly, so I would hope that that would be included, and you might want to touch on that.

On the U.K., we have had, and this certainly was initiated by the Clinton Administration, and Senator Mitchell did yeoman's work on helping to craft the Good Friday Agreement. Mr. Haas continues that good work. The Department is very aggressively engaged in trying to keep tensions down and hopefully get to a sustainable and durable solution in Northern Ireland.

The U.K., like many other western democracies, is not included, and I think it would be helpful to include them, even though perhaps we do not have other problems. The torture issue certainly does not burst forward with regards to London as it would with Turkey, but again we have a good news story to tell, and I hope that that would be included as well because Northern Ireland certainly has had serious problems, and we have been part of trying to find solutions there. You might want to speak to that.

Trafficking. Again, as I said in my opening statement, I hoped that that would be more adequately addressed because, you know, that issue is very near and dear to me and many other Members of this panel and Congress and certainly to all of the women victims who are abused in that way.

On Vietnam, I noticed that there is talk of the dialogue, and I know that the Special Ambassador for Religious Freedom has spoken very candidly to the Vietnamese that they are at risk of becoming a country of special concern because there has been a manifest deterioration of religious freedom in that country. Perhaps you might want to touch on whether or not you believe, Secretary Craner, as to whether or not Vietnam should be designated a country of particular concern.

Talking about the western democracies, again Mr. Lantos and I, Mr. Hoyer, many of us who work on issues relative to anti-Semitism, have been noticing a tremendous increase of anti-Semitism in many of our best friends and allies. Spain, U.K., Netherlands all have seen an ominous spike in the area of anti-Semitism.

I just got back from the OSC Parliamentary Assembly. I was head of delegation and raised that issue. Ms. Watson was along and was very much a part of that, as were other Members. There have been polls suggesting. The ADL did a poll suggesting that one out of five Europeans in five countries looked at had significant anti-Semitic views, and it has roughly corresponded with the most recent Intifada in the Middle East and a lot of other factors as well. I raise this because we are doing things to try to counter this rising tide of anti-Semitism, and I think it would be helpful if that were included in the book. You might want to touch on that.

Finally, two of the witnesses that will follow, Mr. Koh, who had your position previously, makes the point, and I would appreciate your response to it. This is his criticism:

“In its single-minded pursuit of the war against terrorism, the Administration has permitted some human rights concerns to fall by the wayside and has consciously sacrificed others.”

How do you respond to that?

Tom Malinowski from Human Rights Watch makes the point, somewhat cynically, that the emphasis on programs, particularly those that are let to NGOs, becomes a substitute for the real diplomacy of fighting at the highest levels, the ambassadorial level and even higher. He writes:

“Why has the State Department focused so exclusively on assistance programs? I believe . . .”

he goes on to say,

“USAID grants can safely be disconnected from the conduct of real foreign policy.”

How do you respond to that as well?

Secretary Craner?

Mr. CRANER. Let me go from the top of your list. Basically, we interpreted the legislation to cover a certain category of countries. I take your point on Turkey.

As for other countries: I think it would be more useful next year if we had a longer essay in the beginning to cover some of the achievements there. I take your point on trafficking. I think that is well made.

On Vietnam: We have told the Vietnamese repeatedly over the past couple of months that CPC designation can come at any time. It does not have to come just in the fall when we release our religious freedom report. There are a handful of countries that John Hanford regards as being on the verge of CPC designation. Vietnam is one of them. He and I talk frequently about where they are on that.

As for the two critiques that programs substitute for diplomacy, one of my hopes is that I sent this volume to every Ambassador around the world. You will notice that in some, and I would flag for you Kenya, China, Bahrain, Ecuador, Lesotho, Georgia, the Ambassadors have not been shy about talking about what they have accomplished diplomatically.

It is a source of frustration for me that other Ambassadors are shy about talking about what they have accomplished policy-wise and diplomatically, and it is my hope that those Ambassadors in the latter category will see what the Ambassadors in the former category did.

My point is that you cannot have programs without diplomacy. Let me give you a very good example of a guy named John O’Keefe in Kyrgyzstan. My bureau was interested in funding a printing press in that country. The government in the country was not interested in having the printing press, and through very intense diplomacy up to the very highest levels of the U.S. State Department, that has happened.

You cannot have programs that advance the state of democracy or human rights in these countries without aggressive diplomacy. There are a number of Ambassadors, as well as the kind of people in the back of this book, who deserve great credit for being successful both in advancing human rights and democracy, and in diplomacy.

What I want to do is not just to have diplomacy, but to have the two in tandem. As our programs get more and more aggressive, we are seeing Ambassadors growing more and more diplomatically aggressive on these issues.

The other critique was that some human rights concerns fall by the wayside. I have great respect for Harold and I look forward to hearing his critique.

I think it is certainly fair to critique us and I could cite examples where I think good criticism is deserved, but I honestly do not think there is a whole lot of that. I think when you weigh it out against countries where we have never, ever talked about human rights and democracy—the whole of the Middle East—and against

countries that essentially were not our focus during the 1990s, the weight of the two is far in favor of countries where we really had not done very much and were doing an enormous amount.

My obvious favorite example is Uzbekistan where we are constantly focused on these issues like a laser, from our Ambassador on up. We have not yet had the kind of breakthroughs we would like to in Uzbekistan, but it is certainly the case that if you looked at the years from 1991 through 2001, far less was accomplished in Uzbekistan than the very incremental baby steps they have taken in the nearly 2 years since then. That is the kind of thing that I think we have been able to achieve. I would say it has given us impetus.

Again, I look forward to hearing Harold's critique.

Mr. SMITH. Thank you.

Mr. Lantos?

Mr. LANTOS. Thank you very much, Mr. Chairman.

It is very tempting to deal with 40 separate countries because I have comments and questions on all of them, but I want to focus on just two issues if I may. I will later on ask Ambassador Kirkpatrick very much the same questions.

First of all, I want publicly to thank Ambassador Kirkpatrick for the enormous service she has provided our country at the Human Rights Commission in Geneva earlier this year. Her strong moral voice sent the signal that the United States will no longer tolerate the capture of this very vital international human rights mechanism by rogue states, and we fully support her efforts to clean up the Commission.

The fact nevertheless remains that there is a theater of the absurd atmosphere in Geneva with one of the world's worst violators of human rights, Libya, chairing the United Nation's Human Rights Commission, which appears to be captured now by rogue regimes who lobby for membership nominations from their regional groupings so they can fight against those who wish to improve human rights conditions across the globe. This rogue gallery in Geneva was successful in blocking any meaningful criticism of China, Cuba, Zimbabwe, Sudan, a number of other countries which fully deserved denunciation.

As you know, Mr. Secretary, in May we passed as part of the State Department authorization bill a major piece of legislation entitled the United States International Leadership Act, which my good friend David Dreier of California and I co-sponsored. It would mandate the creation of a democracy caucus in both New York and in Geneva that would work to insure that democratic principles are respected in the U.N. system.

I would be very grateful if you could comment on whether the Administration fully endorses our goals and objectives and what the Administration is doing in addition to Ambassador Kirkpatrick's magnificent work in Geneva.

The second issue I would like to raise relates to Afghanistan, and it relates to Afghanistan as a sort of a case study that was the best of intentions by your bureau. You really cannot get anything done if at the top level conditions are not created that make human rights more feasible.

A few weeks ago we had a hearing here on United States policy toward Afghanistan, and at that time I expressed continuing very severe criticism, which I have been expressing for a long time, that we seem to be satisfied with a government in Afghanistan which for all practical purposes is running Kabul and only Kabul and not that well, the continuing domination of human rights violating warlords through much of the country, and I am particularly disturbed by the growing and systematic harassment and persecution of women in Afghanistan, which while it has not yet reached a level of outrage in activity that we witnessed under the Taliban, it is moving in that direction.

Now, the State Department as a whole and our Government as a whole must see to it that Afghanistan is treated as a country and not just Kabul as a city. We saw what happened at the Pakistan Embassy there yesterday, so Kabul is not a haven of security in a civilized context. So, with the best of intentions, your bureau can achieve little or nothing to promote human rights if the basic framework is not created to the extent feasible by U.S. foreign policy in alliance with our allies and friends.

I would be grateful if you could comment on the U.N. Human Rights Commission absurdity and the Afghanistan situation.

Mr. CRANER. We think the U.N. Human Rights Commission has been a disgrace over the past couple of years, but we also think it is indispensable. There is no other multilateral human rights organization in the world. Some would like to see the Community of Democracies as a counterpart, but it cannot yet carry the weight, and it will be some years before it can.

Having said UNHRC is indispensable, it is only indispensable if it is a whole lot better than it is now. A year ago, we were able to get back on the Commission, but we made a decision that we did not intend to join the Commission to continue to watch it go downhill and that we were going to work to improve it. The Commission did not get to this pathetic state in only the last year or 2. It took a couple of years to decline, and it is going to take a couple of years to get better.

I was professionally and personally delighted that the Administration chose Ambassador Kirkpatrick to be our Ambassador because I thought this sent two signals. Number one, we want to take you seriously. We are appointing one of the most highly regarded diplomats of the past couple of generations to be our Ambassador to your body; but, number two, we are going to clean this place up. That is part of what Ambassador Kirkpatrick did to the U.N. in the 1980s: She helped to clean it up. We wanted to send those two messages.

The second thing we have been working on is improving the membership. There are 53 nations on the Commission of whom close to 20 are basically dictatorships. It used to be around 10. I do not think that the Commission should be purely made up of perfect democracies. I think dictatorships or authoritarian countries should have their place in a handful of slots at the Commission.

We have been working very hard on the membership. This year, for the very first time in many years, we saw a slight increase in the number of democracies that came onto the Commission, and that is something we are going to be pursuing over the next couple

of years, particularly in Africa. Of the close to 20 countries that are on the Commission that are authoritarian in nature, about two-thirds come from Africa, so that is something we will be pursuing very much there.

Lastly, obviously during Commission sessions, we are going to try and get more and better resolutions passed. Along with the international organizations, my bureau had a big effort with the Europeans to iron out a lot of the problems that had come between us and that led to unnecessary bickering during Commission sessions.

We were able to do that this year, but we also intend to work much more closely with other democratic countries that are on the Commission. That is why we were so taken with the Democratic Caucus idea, both at the Commission and at the General Assembly. That is something that we did not think we had time to do before CHR, given the rest of the mess we were trying to clean up there; so we are going to try to do it for the General Assembly and then the Commission on Human Rights session.

As for the legislation in terms of objectives and ideals, I do not think there is anything in there that anybody at the State Department disagrees with. In fact, many of the suggestions for action are those that we are currently undertaking.

As for Afghanistan: It is a very fair statement to talk about the status of governance. One of our biggest desires is to see the rule of the central government extend outside of Kabul. We understand that this is not a country that has had a very tightly run, central government controlled type of political society over its history, but it is certainly the case that we want to see that reach extend further than it does.

Mr. LANTOS. My point, Mr. Secretary, is not so much the issue of a central government, but the extent to which the regional areas of governmental structures have some respect for human rights.

Mr. CRANER. Yes.

Mr. LANTOS. I realize that the regional leadership will be there for a long time. There are ethnic and tribal patterns that will persist, and we need to work with them and should work with them.

Mr. CRANER. But we take your point that enlightenment in those regions would be a good thing. That is something we work on day by day. My former deputy was part of a PRT down in Kandahar for months after he left. As a matter of fact, he and I are going back there next week to address some of these issues.

It is certainly the case if you talk to people in Afghanistan. There was a very interesting *USA Today* article yesterday—if you have not seen it, I would commend it to you—about how people in Afghanistan think they are doing versus how they were doing 2 years ago. But that is not our goal.

Our goal is to see things much better in terms of trying to extend central control. The issue of taxes that President Karzai has been working on is also beginning to get at this, as well as the issue of planning elections for next year, which we are very mindful of and that we work on day by day. We also believe, however, that some of these structural issues—taxes, elections, et cetera—are going to be able to get at some of these problems in a time period that should not be too long. We are very conscious of this.

Mr. LANTOS. Thank you.

Mr. SMITH. The Chair recognizes Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman.

Harkening back to the opening comments especially of the Ranking Member when he talked about the moral high ground that the United States now has to take and we should always take and some of the impediments to our achieving that, he mentioned the fact that there may have been a point in time when we had to equivocate because we were in conflict with the Soviet Union and, therefore, some human rights issues had to be relegated to a lower level of concern.

I think that what I see, what I perceive in the actions of the Department of State, is that there is still this degree of equivocation. It is generated out of a number of things I think, but certainly I have heard often times the response when I make a request for a more aggressive policy in certain areas, and I am going to say specifically the Sudan. If it is not a direct response to me, it is an implied response that the reason that we cannot do more is because, of course, we are relying on the Government in Khartoum for support in our war against terrorism. Therefore, we compromise our position there.

What I am wondering is is there a certain criteria that we establish that says, you know, in this country or in that country we cannot go as far as we would like to go because of this issue? What is that criteria?

Is it a totally subjective thing that we say well, in Sudan, for instance, we are going to just have to play it by ear with them because, after all, they may give us some support in identifying people or holding people, I mean, telling us where we might find individuals?

Can that not be counterproductive, because does that not then give them the opportunity to play us off in that way? I do not know. That is all.

Mr. CRANER. That is a very fair question. Frankly, I think that whoever has been telling you that does not understand what we are trying to do in Sudan. This is a very complex issue that has long predated 9/11 in terms of both the poor conduct of the government in Sudan toward its own population and the human rights violations throughout Sudan.

What I think the President, Secretary of State Walter Kansteiner, and Senator Danforth have done is to try and deconstruct the Sudan problem, and figure out what are the strands of problems in Sudan so they can address each one.

I think they have been making progress on this, but it is not going to come quickly. Anybody who tells you we are not pushing this issue because of the war on terror just does not know what he is talking about because the President and Secretary Walter Kansteiner spend a lot of time on it.

I think you can critique whether or not we should be doing this or that as we deconstruct it, and I think that is fair; but, the critique that we are not pushing because of the war on terror in Sudan is not a fair critique.

Mr. TANCREDO. Thank you.

Mr. WINTER. Could I add to that, please? From the beginning of the Senator Danforth initiative, the war on terror or terrorism collaboration from the government was only one of the issues that was on our agenda. The human rights and humanitarian issues were equally as large, and there were a number of others.

You know Sudan quite well, and all of us are grateful for the Sudan Peace Act that you put in place, but let me say we are all—

Mr. TANCREDO. Unfortunately, it did not put peace in place.

Mr. WINTER. Well, we are working on it. Let me say we are plagued, I would say, by the fact that there is such a level of division within that government that sometimes creates a level of frustration that I share with you.

There are people clearly in the Sudan Government who have played their cards in such a way as they have committed themselves to the peace process. These are key people in many cases at the top of the heap, but there are equally strongly placed people within the government who seem beyond any command and control structure at this point in time who show a real unwillingness to come to peace, so we are constantly in the position of trying to deal with these disparities.

I believe that there will be a peace agreement signed within the next 60 days or so, as does Assistant Secretary Kansteiner.

Mr. TANCREDO. Really?

Mr. WINTER. I think the issue is will this group of people who seem out of control within the governmental system find—will they be exited in some fashion from their position because I think the better oriented officials see this peace process as very viable and actually in their interests in the long run. They, too, are threatened by this out-of-control crowd.

It is part of the frustration that Mr. Kansteiner and all of the rest of us have when we are dealing with Sudan. It has more than one major element within it.

Mr. TANCREDO. Thank you. Thank you, Mr. Chairman.

Mr. SMITH. The Chair recognizes the gentlelady from California, Ms. Watson.

Ms. WATSON. I want to sincerely thank the Chair for providing me this opportunity to respond to the State Department's report, but also for allowing me to accompany you and watch you in action as you pursued human rights information from the countries that attended our dialogue in Rotterdam. Thank you so much for that. You showed sterling leadership in that regard.

I also want to extend my thanks and appreciation to the State Department for your efforts that have been undertaken to promote human rights in many, many countries that have been slow in developing to what we consider the standards for the treatment of human rights. I appreciate it.

I have perused the section on the Western Hemisphere, and it contains reports on Colombia, Venezuela, Ecuador, Peru, among others. However, I just want to raise this particular aspect. I am going to have to leave when I finish, but maybe the other panelists, including Panel No. 1, can start looking at these issues and maybe address them in writing, will follow up with a letter.

Nowhere in the report does it mention efforts to deal with the pervasive historical human rights abuses of the indigenous and Afro-Latino descendants who together are estimated to make up close to 50 percent of Latin America's population. I think race is directly linked to poverty in Latin America. Without poverty alleviation, the economies of Latin America are truly doomed.

IADB President Enrique Iglesias stated that only by utilizing the existing skill and capacities of the indigenous peoples and persons of African descent can the economies of the region substantially grow.

David DeFarante of the World Bank says that one of the major obstacles to poverty alleviation is the discrimination that exists against particular ethnic, racial and other social groups. For example, in Colombia, which has a significant African or Afro-Latino population, an Afro-Latino's life expectancy is 10 to 30 percent lower than the national average. Many Afro-Latinos live in areas where the drug cartels dominate. Their lands have been expropriated and their lives marginalized.

In Peru, 93 out of every 1,000 Afro-Peruvian children die before turning 5. Illiteracy rates for Afro-Colombians are 45 percent compared to 14 percent for the non-Blacks. In Brazil, Peru, Bolivia and Guatemala, indigenous and Afro descendent groups constitute an overwhelming majority of those who are poor. However, nowhere in this report is there any mention of this I think glaring and pervasive abuse of the human rights of approximately 50 percent of the Latin American population.

Number one, I just want to know if this is an issue on the radar screen, or is this a new level, a new dimension that I am raising? I would like to know if you consider racial discrimination, particularly the pervasive racial discrimination still found in most parts of Latin America, to be a significant human rights abuse.

We are all going to have to move out in a minute, but if the panelists who are to come after this panel could respond to that I would appreciate it. If you run out of time, and I am going to have to run out of here, I will put it in writing. I would appreciate you addressing it.

Thank you so very much, and thank you, Mr. Chairman.

Mr. SMITH. Thank you, Ms. Watson. It was a privilege to join you at the Parliamentary Assembly as well. Although you were new to that forum, I would say to my colleagues you were not hesitant to stand up. Even when it came to the thorny issue of Guantanamo, I thought your statement was very eloquent and very timely. It was great to travel with you.

Did you want to respond to Ms. Watson?

Mr. CRANER. If I could just briefly respond? This is meant as a companion volume to the much thicker *Human Rights Reports* in which we do address a lot of those issues. The section in the Brazil report comes most to my mind.

We certainly regard it as a human rights issue. We have signed onto the convention to eliminate racial discrimination. I actually testified in Geneva with my friend, Ralph Boyd, the head of the Civil Rights Division at the Justice Department, in delivering our report on how we had done on these issues. It is certainly something that we regard as a human rights issue.

Thank you.

Mr. SMITH. Mr. Rohrabacher?

Mr. ROHRABACHER. Yes. Thank you very much.

I would like to just note for the record the great job that Secretary Craner has done in the past in places like Cambodia and elsewhere and appreciate the serious commitment that you have made personally to the cause of liberty and justice in different parts of the world.

I would like you to note that the Government of Nepal is slated to receive \$10,000,000 in foreign military assistance and \$600,000 in military training. Just for the record, this congressman, and I was joined by Congressman Lantos in expressing our just astonishment and opposition to Nepal's policy now, which seems to be of returning Tibetans to China.

This is of great concern, and I want to make sure that that is put on the record and that people take that seriously because I do not see why if the Government of Nepal is going to be doing that why we should be helping the Government of Nepal.

The Administration has for the first time committed itself, and again from your opening statement I appreciate that, and you perhaps are the man to lead the job, Mr. Craner. We have not in the past addressed human rights in Muslim countries, especially in Arab countries. I think America is paying the price for that today.

We have sided with kings, and we have sided with tough guys. That has prevented the decent people who would naturally, we believe, flow into positions of authority from happening in Muslim countries. We supported the Shah of Iran over Mozaday. I mean, I have read accounts of this. Mozay was an elected government there. Now we end up with a bunch of Mulahs who hate the United States and are repressing their own people.

I think for a long-term strategy for peace and a long-term strategy for freedom those two strategies go together. As Jeane Kirkpatrick demonstrated during the Cold War, you achieve peace by promoting freedom.

I would like to note for the record, as we speak there is a rally going on on the front steps of the Capitol by Iranians who are standing in solidarity with the young people in Iran who are risking their lives.

It is time for the Mulahs to go back to the mosque not just in Iran, but elsewhere, and it is time for the United States to support the cause of democracy and freedom and justice in the Muslim world. I was happy to hear that you and the Administration are making this a priority. I would be happy to have you comment on that.

Mr. CRANER. Thank you, sir, and thank you also for your commitment over the years on all of these issues.

On the Government of Nepal and the Tibetans that were returned to China: We thought that was a terrible thing. We worked hard as soon as we became aware of it, as well as in the days and hours leading up to when it happened, to try to prevent it.

I think the transfer actually occurred on a Saturday night, and during the night, Paula Dobrianski, I, and others, including some from the Secretary's traveling party, were involved in trying to prevent that. That did not happen, unfortunately.

We do face an issue in Nepal of the opposition to the Nepalese Government, as awful as this particular incident was, of what would come absent the Nepalese Government. The Nepalese Government obviously needs to make reforms, but the fact is that they are opposing a group whose ideology you do not see much these days—basically Maoist guerillas. The question is, what would happen to Nepal were they to be victorious.

We are obviously pleased that they are now engaged in dialogue with them, and we will see what comes of that. Just as was the case in Cambodia, in which we did not do the right thing, and in Peru, in which, in a sense, we did the right thing, but for not long enough. This is the kind of people you really do not want to see take over a country. That is the issue for us.

On your comments on Muslim countries: There is nothing you have said that I would disagree with at all. I think the fact that we have initiated this effort, especially in the Middle East, is something for which we deserve credit. It is also something for which we deserve a lot of security, as people are looking at us and making sure we are: A, doing the right thing; and, B, that it is continued. This is not a 2- or 3-year effort. It is going to take many years, and in some places, could take decades to see real change in these countries.

In a number of countries, you are seeing top down change, usually by young kings who have decided that they want their country to move into the 21st century. There are, however, many laggards in the region, and we are going to have to push them very hard over the next couple of years.

I think you know that both the President and the Secretary and Bill Burns are very committed to this, and they have a very good person working with them, Liz Chaney, with whom I work very closely on these issues.

Mr. ROHRABACHER. Mr. Chairman, if you would indulge me just 1 second, and that is I would like to put on the record that I am very concerned, and I have very close ties to the people and the leaders in Kuwait, but I am very concerned that the movement away from women's rights and a real democracy, the movement that we just saw last week. This should be a cause of concern for all of us.

Mr. CRANER. I share your concern. It is another one of the stops on this trip that I am about to take.

What I think you are going to see over time in Kuwait is Kuwaitis looking across the Gulf at Qatar and at Bahrain, saying, "what is different about our country? Why is it that women not only do not have the vote here, but also cannot run like they can in Qatar, Bahrain and Oman, for example?"

You are going to see these countries that are not yet perfect in terms of democracy and human rights, but are really making efforts to advance. You are going to see them become the leaders in the area, and I hope and think you are going to see them and Iraq become the examples that people are going to follow over time.

Mr. ROHRABACHER. Thank you.

Mr. SMITH. Mr. Rohrabacher, thank you very much.

I would ask our two distinguished witnesses if you could hang on just for a few minutes. We have two votes. We could reconvene in

another 15 minutes. I apologize to our witnesses who have been very patient for this delay.

On deck is Ms. McCollum, to be followed by Chairwoman Ros-Lehtinen, to be followed by Mr. Faleomavaega and then Mr. Green in order of their appearance when they showed up at the Committee. As soon as we reconvene in 15 minutes or so, we will go right to Ms. McCollum.

We stand in recess.

[Recess.]

Mr. SMITH. The Committee will resume its sitting. The Chair recognizes Mr. Green.

Mr. GREEN. Thank you, Mr. Chairman. Just very briefly, a question for Mr. Craner.

Mr. Craner, as you well know, the nation of Laos has, to put it mildly, a poor record on human rights. This year's annual report from the State Department notes that citizens do not have the right to change the government. Members of security forces are abusing detainees. Prisoners are abused and tortured. The government has restricted freedom of speech, press, assembly and association.

The government continues to restrict freedom of religion, and police and provincial authorities have arrested and detained more than 60 members of Christian churches just recently. Most recently of all, a U.S. citizen, a Lutheran minister from St. Paul, Minnesota, was just released after being detained without right of counsel, access to diplomatic representation and so on and so forth.

I guess the question I have is given all of that and given what your report points out rightly, is the Administration still serious about pushing forward with its request for normalized trade relations with Laos this year?

Mr. CRANER. I think we are going to be looking at that in light of this detention, the situation in Laos, and the release.

As I mentioned at the outset, we had very high-level communications with them about these prisoners, and we were very happy to see them released. Nonetheless, we, as well as our Ambassador Hartwick there, have made clear on a number of occasions that this is the kind of thing that endangers the prospect for extension of normal trade relations.

Mr. GREEN. Well, as someone who has been historically pro trade, I find it very difficult to believe there would be any set of circumstances right now in which we seriously engage with them in a discussion of normalized trade relations.

I guess what I point to is since they know and much of that region knows that we have been discussing the prospects of normalized trade relations with Laos, one would think that Laos would have been on its very best behavior, and yet at a time when it would supposedly be at its very best behavior it undertook these actions which, of course, violate every single standard of human rights; not just our own, but accepted in any civilized nation.

Given that and given the timing of that and given their support publicly for North Korea, their support publicly for Iraq, how is it that we think that normalizing trade relations would have any positive effect or would be appropriate at this point in history?

Mr. CRANER. I will tell you that I am not among those who think that economic change leads inevitably to political change. I often jokingly call that the "80 year plan"—that it will happen if you wait about 80 years.

I think you have seen in a number of countries that have been very closed, that trying to open them up economically can lead to an infusion of new ideas in a country. You then follow that up so that it does not take 80 years by trying to make sure that the new ideas of a country are not just economic ideas, but that people are exposed to other things outside of their country.

I have repeatedly seen people in the country who are very isolated. I told this story yesterday about a woman I know from Russia whose father was arrested and spent many years in a prison camp thanks to Stalin. She told me her father loves Stalin. I asked, "How can your father love Stalin if he was in prison for all those years by Stalin?" She said, "Because he thought that is what happened everywhere in the rest of the world." When he came to understand that that is not what happened in the rest of the world, he did not love Stalin anymore.

In a country that is extremely isolated, I think it is very useful for people in that country to be exposed to outside ideas so that they begin to question, "Why is it that it is like this here?" That is why, in this particular case, I actually think over the long term it could be helpful.

Mr. GREEN. I guess I come back to the question does that mean that the Administration is pursuing normalized trade relations this year? To me, again I understand. I get the big picture about opening up dialogue.

On the other hand, at the very time when they have just imprisoned and now, thank goodness, released an American citizen, the very time that they have expressed support for North Korea, a regime, of course, with which we are struggling mightily and have expressed support for a previous regime in Iraq, would the timing not be real bad in terms of sending not just I think a poor signal to Laos, but to a number of countries in that region and around the world about what we expect and what the rewards and sanctions might be?

Mr. CRANER. Like I said, I am sure that over the next couple days and week, people are going to be examining, and we will get back to you on whether we are going to continue to push it. I would say in this case, however, that I think of it not just as a reward for the Lao Government.

They may look at it that way, but I think of it in this particular case as something that may catalyze change in that country because it is rather isolated.

Mr. SMITH. Thank you very much, Mr. Green.

Ms. McCollum?

Ms. MCCOLLUM. Thank you, Mr. Chair. How interesting. I was going to ask a question on Laos also.

Mr. Mau is my constituent, and we have in the Fourth Congressional District in St. Paul, Minnesota, one of the largest Hmong-Laotian-Vietnamese-Cambodian groups. It has been so wonderful, the economic activity, how they revitalized University Avenue in St. Paul and just put so much life into it. It is so wonderful.

Going back to the report, I think many of the comments that you made are very important. Ambassador Hartwick and his staff on the ground in Laos deserve so much credit for the release and working with the other European Ambassadors, but he has really worked tremendously hard in pushing forward human rights and religious freedoms.

I was trying to reach him just the other day, and he was on the ground right down checking out something that was going on to make sure that the religious freedoms that are now in the Laotian constitution actually become a reality.

As you pointed out in your report, we have seen not only in the last 15, 10, 5 years in my interactions with the community so much moving forward, being more open, as more of the Hmong and Laotian community from Minnesota and California and from Wisconsin are constantly going back home, monitoring situations and reporting back sometimes things are not very good, but they know that the world is watching them.

My question to you would be first whether is pursuing trade or continuing to foster diplomatic relations. Laos and the United States did \$6,000,000 last year, so this is not about bringing economic growth to the United States or rewarding a government. This is about continuing to take that crack in the door and swinging it wider and wider open as there is more exchange with my constituents going over to Laos and reinforcing what Ambassador Hartwick has been working on.

Do you see us moving forward in the issues of recovering MIAs, drug trafficking, the war on terrorism? I have to say this is the very first time I have heard Laos supporting either Korea or Iraq, and we are verifying that with the State Department, because this is the very first time I have—

Mr. GREEN. If the lady will yield? It is in writing.

Ms. MCCOLLUM. Well, I want to get it from the State Department. If they do not turn to us, they are going to turn to Vietnam, which, as you just pointed out, is worsening while Laos is improving, and they are going to turn to China.

What is in our strategic best interest and the best interest for human rights, to isolate them, push them more toward Vietnam and China, or to find ways to reinforce the movement that they have made and to encourage more movement?

Mr. CRANER. As I said before, it is not my belief that economic openness leads inevitably to political openness. You see where, at best, some political openness has been stopped in its tracks in Vietnam; however that is a country with which I and others, including my old boss, John McCain, John Curry and others and a number of people here, advocated opening up relations some time ago.

In the case of Laos: Again, I regard it as a country that has been extremely isolated not for years, but for decades. I have been there. I have traveled around the country. I was there even before there was any kind of change within Laos in Vientiane.

I think it would benefit the cause of liberty over time to have more openness with Laos; to have people, like you said, from your district going back and telling people in Laos what it is like in the outside world, not only economically and how much better things are, but also politically.

I have to tell you both what I have seen, and I came to Washington 20 years ago. I got very interested in these issues at the time. At the time, there was hardly a democracy in Latin America and in Africa. The only democracy in Asia was Japan, really, and obviously Australia and New Zealand, but democracy was largely a West European and an American thing. It is not anymore.

I talked about this Community of Democracies before. If you had had that Community of Democracies meeting 20 years ago, you would have had maybe 30 countries there. There were over 120 countries there. They are not perfect democracies, but over the last 20 years that is the kind of growth you have had in democracy. In large part, it is because people in those countries have seen what it is like in the rest of the world.

You know, in Russia, the people started to understand that people did not always go to prison in every other country in the world, so they started asking for more. Today, whether it is in Latin America, in which you can hardly find a dictatorship with one exception of Cuba, or in Asia, where more and more countries have become democratic, or in Africa where we had 14 countries at this Community of Democracies, that is a good thing.

These are countries whose citizens want them to open up, who see more and more countries around the world becoming democratic, and think, "Why do I not have that?" To the extent that we can catalyze that, that is a good thing. That is some of what we talk about in this report.

You know, I said a few weeks ago, you can go to some of these countries and ask leaders in the democratic government, "Did you ever go on an exchange program to America? Did anybody from AID help you 15 years ago? Did anybody from the National Democratic Institute help train you as a political figure 5 years ago?" You get a lot of "yes." Those are good things.

To the extent to which you can bring people out and let them see the outside world, those are all things that help advance democracy and human rights.

Mr. SMITH. Ms. Ros-Lehtinen? Chairwoman Ros-Lehtinen?

Ms. ROS-LEHTINEN. I would be glad to yield my time if he has a follow-up question on that issue. I would hate to have them break away. If you would acknowledge me after that, Mr. Chairman?

Mr. SMITH. Of course.

Mr. GREEN. I appreciate the good lady. I really wanted to add one comment.

All of what you are saying is true. However, just as sort of adding a dose of reality here, my constituents, and I have a fairly large Hmong-American population, would love to go back and forth to Laos. However, when one of those families did that 2 years ago the father went over. He has never been heard from or seen since and almost certainly was executed by the government.

There is a limit to the openness that Laos has been ready to subscribe to, so it is not as easy as one might believe. This is a terribly repressive regime, as your own reports document.

Mr. CRANER. Yes. You are absolutely right. It is a very repressive regime. That is part of why it is in this list of 92. These are the least developed regimes, and that is one of the least developed of those. The issue is, how do you begin to open it up?

Mr. GREEN. I thank the good lady for yielding.

Ms. ROS-LEHTINEN. Thank you. Thank you so much. Thank you, Mr. Chairman, for this excellent hearing, and I thank you for holding it at the Full Committee hearing.

I am sorry for the panelists that we have an ongoing series of Subcommittee hearings and other briefings that have required the presence of our other Members, but I am looking forward especially to the testimony of Ambassador Kirkpatrick as well in the second panel.

Thank you, Mr. Craner and Mr. Winter, always for excellent testimony, and I thank you for a good first draft of our *Human Rights Report*. I wanted to ask three questions, one on Bahrain, the second one on anti-Semitism, and the third one on Syria.

Secretary Craner, with respect to the Middle East or the Near East, the report on Bahrain acknowledges the tremendous strides that this country has made toward democracy, but it notes the need for a great deal of improvement, especially in the judicial system. How is this report and our *Human Rights Reports* being used as road maps for projects under MEPI, the Middle East Partnership Initiative?

Following up on what Chairman Smith had said about the growing anti-Semitism, the incitement to violence in many countries in the Arab world and in Europe, what is our United States strategy, and what specific actions have we undertaken to reverse this very disturbing and grave trend?

Some of the Members and I met with some EU representatives a week and a half ago. Mr. Solano said there is no rise in anti-Semitism in the European Union, which was quite astounding to us. In fact, one of the Members said well, he had heard about an old Europe and a new Europe. He just did not know that there was a blind Europe. Obviously some do not even want to acknowledge that there is a problem.

With respect to Syria, the report states that in an effort to stimulate discussions about the full range of issues confronting our bilateral relationship, the Embassy helped organize and participated in the second round of United States-Syria dialogue earlier this year.

I wanted to know if the issue of human rights, of freedom, of political reform, were also raised by Secretary Powell in his recent visit with the Syrian leader and what concrete, specific political reforms are we demanding of the Syrians, not necessarily just related to the Operation Iraqi Freedom and their participation in that effort in terms of people fleeing into the country, et cetera.

Thank you, and I thank you for your leadership as always on human rights in general. Thank you.

Mr. CRANER. Thank you very much. On Bahrain: This report and the *Human Rights Report* are the road maps that we are using. I went there about a year ago now. I know that a number of people from the Near East Bureau have also been there.

A lot of us have a great deal of respect for how the Government of Bahrain has moved ahead, but the Government of Bahrain would also be the first to tell you that there are still many problems, including in the judicial and labor areas, that they think they need to address. They would also be the very first to say this is not

the end of the road in terms of democracy in Bahrain, and that they intend to continue to develop it.

All those are things that factor in MEPI. By the way, MEPI is just coming on line, for the last 2 years, we and the NEA Bureau have been able to bring together smaller amounts to be able to fund activities in the Gulf. We are very thankful that the Congress has had the wisdom to fund MEPI to the extent that it has. Over the last 2 years, we have been able to fund things like bringing journalists together from around the Gulf, and bringing elections officials together from around the Gulf to learn how they can improve their practices.

Just let me skip over quickly to Syria, and then I will come back to anti-Semitism. I was not with the Secretary when he was in Syria, but I do not think I have been in a meeting with him with a country that is in this book where these issues have not come up. He feels these issues from his heart, and he is very forthright about expressing them. He has been very forthright in the Middle East about expressing what needs to happen, so although I was not there, I am very confident that these issues came up.

On anti-Semitism: You know that we have worked very hard to have a special OSCE session on this. You also know that we have encountered a great deal of resistance from some of our partners. We have made the case that anti-Semitism is not something that is limited to Europe. You also find instances here.

As I think you know, we have asked Mr. Giuliani to head our delegation, and this is something that we are going to have to work through and take a lot of time on and really be very focused and dedicated on with the Europeans because this is a cultural issue, to an extent, in Europe.

I was surprised to hear that comment from the head of the EU because it is something that a number of European leaders have owned up to and have gone on their own national TV to try to stop, but it is also something, in some cases, that appears to be deeply ingrained.

It may also be abetted by some of the recent history in Europe, and by recent I mean in the last 2 or 3 decades, but it is something we are all going to have to work on very diligently because it is ingrained, in some respects.

Mr. SMITH. Thank you.

Ms. ROS-LEHTINEN. Mr. Chairman, if I could ask just one more question?

Thank you to Mr. Craner.

On page 148, related to the West Bank and Gaza, we talk about the USAID program and \$1.2 million of these funds to 160 grants to keep Palestinian organizations. How can we track those monies to make sure that those funds are not being used as commingled with funds from terrorist organizations, organizations even if they are educational that will be using incitement toward violence as part of their textbooks, even in their health clinics that they will be using some kind of program that would be anti-Semitic or anti-Israel in its nature?

How much monitoring can we do when we are giving these Palestinian organizations so much money and they are so commingled with other funds?

Mr. WINTER. USAID has a mission in West Bank/Gaza. That mission and also our Embassy authorities scrub each of the subgrantees, as we do in other circumstances too, for those kind of security concerns.

Obviously it is not a perfect system, but we are not aware of any violations or any nasty feedback of any kind at this point in time, but there is a scrubbing process before subgrants are actually approved.

Ms. ROS-LEHTINEN. You have faith that of those 160 grants, they are not going to any Hamas Front groups or any organization that would have any relationship with terrorist, anti-Israeli efforts?

Mr. WINTER. Well, let me say it like this. If we knew it, obviously they would not have a grant in the first place, or we would not continue it. I am just not aware that there has been any such violation. We would treat it seriously and very, very quickly.

If you would like, I would be happy to try to get a more specific report on this particular grant to try to tell you what the status is, because I am not familiar with this particular one.

Ms. ROS-LEHTINEN. That would be wonderful. Thank you so much.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Chairwoman Ros-Lehtinen.

I would like to ask one very specific, timely question with regard to Azerbaijan and then would go on to our second panel.

Today I sent over a letter signed by some of my fellow commissioners on the Commission on Security Cooperation in Europe. As you know, Azerbaijan has scheduled presidential elections in October. As we know, all previous elections, and that goes back to OSE monitoring in 1995 and thereafter, did not correspond to the international standards for free and fair elections.

Azeri opposition leaders have stated that the decision of the Central Election Commission not to register one of the major opposition candidates, Guillev, was groundless and politically motivated.

I was wondering if you could tell us what the department is doing to protest that exclusion by this opposition candidate?

Mr. CRANER. I believe that is not the only exclusion that has occurred, and we are going back to seek explanations as to why these parties would not be allowed to be registered. This year, I think we are spending about \$8,000,000 through AID and the Democracy Commission to try to advance the democratic practices in Azerbaijan.

I have to tell you, I was there for the 1998 elections, and they were perhaps the least sophisticated fraud I have ever seen. It was actually quite disappointing as fraud goes.

We have now embarked on a strategy, and the trip by Secretary Baker that I referred to is part one of a strategy within the caucuses to try to improve elections within the caucuses, and also the general practice of democracy. You will certainly see that kind of dedication and activity because we are aware that whatever one thinks of the leaders who are there now, they are passing from the scene in a sense, and the question is of the future of these countries. If they do not have democratic practices, it could be a very ugly future for them.

Mr. SMITH. Thank you very much. Without objection, the letter to Secretary Powell will be made a part of the record.

[NOTE: The information referred to above was not received by the Committee prior to this hearing going to press.]

Mr. SMITH. I want to thank our very distinguished witnesses for your answers, for the leadership you are providing. I appreciate it. [Panel excused.]

Mr. SMITH. I would now like to ask our second panel to make their way to the witness table. Again, I apologize for the lateness and the interruptions we had with voting.

Appearing on behalf of the International Republican Institute is Ambassador Jeane Kirkpatrick. Dr. Kirkpatrick sits on the board of directors of the International Republican Institute. Among her many distinctions, Dr. Kirkpatrick was the first woman appointed to serve as permanent representative of the United States to the U.N. and as a member of Ronald Reagan's Cabinet and National Security Council from 1981 to 1985.

She also served as a member of the President's Foreign Intelligence Advisory Board from 1985 to 1990, the Defense Policy Review Board from 1985 to 1993, and chaired the Secretary of Defense Commission on Failsafe and Risk Reduction in 1991.

Ambassador Kirkpatrick was also awarded the Medal of Freedom, the nation's highest civilian honor, in May 1985 and received her second Department of Defense Distinguished Public Service Medal, the highest civilian honor for the Department of Defense, in December 1992. After her service in the U.S. Government, she returned to her previous positions as Leading Professor of Government at Georgetown University and a Senior Fellow at the American Enterprise Institute.

We will next hear from Mr. Kenneth Wollack representing the National Democratic Institute for International Affairs. Mr. Wollack joined NDI in 1986 as Executive Vice President and was elected President of the Institute in 1993.

Before joining NDI, Mr. Wollack co-edited *The Middle East Policy Survey* and wrote regularly on foreign affairs for the *L.A. Times*. From 1973 to 1980, he served as Legislative Director for the American-Israeli Public Affairs Committee. Mr. Wollack also serves as Senior Fellow at the UCLA School of Public Policy and Social Research.

Our next witness after that will be Carl Gershman. Mr. Gershman was appointed President of the National Endowment for Democracy by the Endowment's board of directors in April 1984.

Prior to assuming his position with the Endowment, Mr. Gershman served as Senior Counselor to the U.S. Representative to the United Nations. During this tenure he served as U.S. Representative to the Third Committee, which oversees human rights issues. While at the U.N., Mr. Gershman also served as Consultant for the National Bipartisan Commission on Central America.

Also appearing will be Mr. Harold Koh. Mr. Koh is professor of international law at Yale Law School where he has taught since 1985. From 1998 to 2001, he served as Assistant Secretary of State for Democracy, Human Rights and Labor and also on the Helsinki Commission I will note.

He served as a Law Clerk to Judge Malcolm Wilkey of the DC Circuit and Justice Harry Blackman of the U.S. Supreme Court. He was awarded the Wolfgang Freedman Award from Columbia Law School for his outstanding work in international law. He has been awarded seven honorary doctorates and more than 20 awards for human rights work.

We are also pleased to have Mr. Tom Malinowski, Washington Advocacy Director for Human Rights Watch. Mr. Malinowski has held this position since April 1991. Prior to joining Human Rights Watch, he was a Special Assistant for former President Clinton and Senior Director for Foreign Policy Speech Writing at the National Security Council.

From 1994 to 1998, he was a speech writer for Secretaries of State Christopher and Albright and a member of the State Department's Policy Planning staff. Mr. Malinowski is also a member of the Council on Foreign Relations.

Our final panelist is Jennifer Windsor, Executive Director of Freedom House, a position she has held since January 1991. Prior to her position with Freedom House, Ms. Windsor served for over 9 years with USAID, most recently holding the positions of Deputy Assistant Administrator and Director of the Center for Democracy and Governance in the Global Bureau. Ms. Windsor is also an Adjunct Professor at Georgetown University.

Dr. Kirkpatrick, if you could begin?

**STATEMENT OF THE HONORABLE JEANE J. KIRKPATRICK,
BOARD OF DIRECTORS, INTERNATIONAL REPUBLICAN INSTITUTE,
APPEARING ON BEHALF OF GEORGE A. FOLSOM,
PH.D., PRESIDENT AND CHIEF EXECUTIVE OFFICER, INTERNATIONAL REPUBLICAN INSTITUTE**

Ms. KIRKPATRICK. Thank you very much, Mr. Chairman. I am honored to be here today. I am here under only slightly misleading circumstances. I am standing in, as you know, for the President of the IRI, who is out of the country right now and could not be back. He did, however, Mr. Chairman, work on the report for this appearance, which I would ask you please to accept for the record.

Mr. SMITH. Without objection. It will be a part.

Ms. KIRKPATRICK. I will make some remarks of my own. I am a board member of the IRI, and as a board member of IRI I know a good deal about the program. We have another member of IRI, a senior member of the IRI staff here today, Mr. George Fauriol, who is very expert and will know the answer to any questions concerning IRI to which I do not know the answer. Mr. Fauriol is right there.

I should like to begin by saying that in democracy building, the democracy promotion function is extremely important. Nothing we do is more important. It is wholly consistent with our tradition and our purposes.

In thinking about that, I always recall those two critical lines in the Declaration of Independence which occur after the unalienable rights have been enumerated:

“Life, Liberty and the pursuit of Happiness. —That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed . . .”

That is the purpose of government. Governments are instituted among men deriving their just powers from the consent of the government. These two sentences tell us with absolute clarity what makes government legitimate.

Americans can have no debate about what makes government legitimate: The consent of the governed. It is clear in our most basic document. I believe that we have by now vast evidence accumulated from all continents and concerning the tight relationship between democracy, respect for human rights, capacity for economic development and peace.

The relationship among these is very close, so I believe that anything that the U.S. Government can do to encourage and promote the development of democracy and respect for human rights is very important.

I like the report. I read the report. I read the IRI report, which is a good report. The State Department report is a lot thicker, and it is also a very good report.

I am happy to be associated with this whole project and proud of my long association with the Director of the National Endowment for Democracy, Carl Gershman. I believe that the democracy promoting activities of NED, IRI, and NDI are all important, Ken.

I am proud of the work that they all do, and I think that our Government in promoting the creation of new democracies and the strengthening of transitional democracies is doing good work.

I have if anything, a stronger conviction about this than ever as a consequence of my experience at the International Human Rights Commission on which I served this spring as the head of the U.S. delegation there.

That is a sobering experience which I commend to everyone who is seriously interested in human rights to go spend 6 weeks at the Commission on Human Rights in Geneva.

Ms. ROS-LEHTINEN. Especially with Libya heading it, right?

Ms. KIRKPATRICK. Pardon?

Ms. ROS-LEHTINEN. Especially with Libya heading it.

Ms. KIRKPATRICK. Well, yes. Yes, yes, yes. Her contribution was not a major one, let me say. It was symbolically absolutely correct. It fit with the spirit of the occasion. Actually, Libya is worse than the whole Commission. I am not that cynical about the Commission.

The Commission was disappointing and I would like to just mention a couple of those if I could because they fit with other testimony here today. One of the ways in which it was most disappointing to me was the continued exclusion of Israel from WROG, from the western group.

I had high hopes that that instance of discrimination might finally be eliminated in Geneva for the Human Rights Commission. We made a major effort, and we failed.

The members of the WROG continued to decline to accept Israel for membership. As you know, the regional groups are the arenas in which most of the decisions which determine the memberships on committees and bodies and commissions and so forth in the U.N. system are made. It is deeply regrettable that this discrimination was not eliminated.

I was also very disappointed by the ever increasing number of genuine tyrannies present. World-class human rights abusers who are members of the Human Rights Commission. I understand why they are members. They decided they could protect themselves better that way, but it is a catastrophic for the Human Rights Commission that that should be the case.

I compare them in my own mind with OAS (Organization of American States), which has states standards for membership. It requires that all the members be elected in a competitive election. That is very substantially better. That criteria would have a big impact on the Human Rights Commission if it were adopted.

I mention that because Congressman Lantos had raised that issue with me. That is not IRI. IRI does a great deal of good work around the world. I will just say a couple of things about that.

One, IRI is in 52 countries, as you know, but 19 of those are countries in which it has only recently become very active. It is not equally effective in all those countries because in some of those countries it has more opportunity than in others, and knows more about operating in some countries than in others. It takes a while for anyone to learn to operate in some of these countries with which the United States has had no previous or very little previous contact.

IRI does very good work in informing the populations in the countries where it is present about the basic tools and mechanisms of democratic governance and elections, polling, communication. Communication is so important to the establishment and the maintenance of democracies.

This is very good work, and I think I will just stop with that. I congratulate the Congress for their efforts in supporting this work in democracy building.

Thank you.

[The prepared statement of George Folsom, Ph.D., follows:]

PREPARED STATEMENT OF GEORGE A. FOLSOM, PH.D., PRESIDENT AND CEO,
INTERNATIONAL REPUBLICAN INSTITUTE

It is an honor to be asked to testify before the House International Relations Committee on the work that my organization, the International Republican Institute, conducts around the world. At IRI, we refer to our mission as "Advancing Democracy Worldwide". By promoting strong democratic practices and good governance, we are also advancing the cause of human rights worldwide.

Democratic institutions succeed in safeguarding human rights far better than any other system because working democracies allow all citizens to voice their opinions and concerns without fear of retribution or mistreatment.

By advancing democracy worldwide, IRI helps to give a voice to the voiceless, enabling citizens to become advocates for improvement in human rights conditions in their countries and communities.

THE TIMING OF THIS HEARING

This hearing is an important opportunity to consider the progress that we have made in this regard, and the Chairman and members of the Committee should be congratulated for undertaking this valuable step in exercising congressional oversight over U.S. policy in this area.

Congress should be commended for mandating the preparation and publication of the State Department's new report, *Supporting Human Rights and Democracy: The U.S. Record 2002-2003*, which was released on June 24. In addition, I must commend my predecessor at IRI, Lorne Craner, Assistant Secretary of State for Democracy, Human Rights and Labor, for the outstanding job he and his team at State have done in preparing this first-of-its-kind document.

This report demonstrates the tremendous impact of the United States government's efforts to promote democracy and human rights. The government does so directly, but also gains a significant multiplier effect from working indirectly through support of organizations like IRI, as well as the National Democratic Institute and the National Endowment for Democracy, represented here today by my colleagues and good friends, Ken Wollack and Carl Gershman.

GIVING VOICE TO THE VOICELESS

Many of those testifying before you today are part of the U.S. NGO community working to give voice to the voiceless millions suffering poor human rights conditions under repressive or simply anarchic regimes.

Human rights abuses are sadly most common where democracy is least present, and where the institutions of democratic governance are the weakest, such as

- competitive political parties
- respected rights of assembly and free speech
- a free media
- the rule of law
- accountability of the governors to the governed

At IRI, we seek to strengthen democratic governance in each of these areas with expert training, advice, and organizational assistance. There are at least four important techniques we employ when the baseline conditions are poorest:

1. Support to dissidents who need international attention to their struggle for freedom;
2. Public opinion polling;
3. Fostering the political participation of women, young people, and marginalized groups;
4. Organizational assistance to political parties and opposition movements.

Let me now address each of these four areas in turn, with specific examples of how each of these techniques contributes to stronger democratic institutions and the improvement of human rights conditions on every continent. Although some of the countries cited below are not on the State Department's "worst offenders" list, it is important to single them out as further examples of where progress is being made.

PUBLICIZING DISSIDENT STRUGGLES

For the heroes of democracy whose lonely struggle for basic human rights is often met with severe repression, nothing is more critical than to know that the outside world has not forgotten them, and cares what happens to them. In these most dire of circumstances, IRI works to connect dissidents with the world's media and with NGOs outside the country that support their efforts.

In Cuba, IRI has supported the efforts of brave advocates for democratic change such as Dr. Elias Biscet, recipient of IRI's 2002 Democracy's People Award, and Oswaldo Paya, who was recently honored by NDI—to exercise their constitutional rights within Cuba's repressive police state and seek space for reform.

In Burma, IRI has been a key supporter for the National League for Democracy, led by Aung San Suu Kyi. Her continued detention by the Burmese military junta is an outrage that concerns all of us deeply. We applaud the leading role the U.S. Congress has played in tightening sanctions on the Burmese junta following the recent crackdown.

PUBLIC OPINION POLLING

Who speaks for the people who suffer when they cannot speak for themselves?

Without democracy, it is difficult to determine the legitimacy of self-appointed spokespeople claiming to represent their communities.

Without polling, it is difficult to know whether the agendas promoted by such leaders reflect the needs and aspirations of their communities. Polling is a critical tool in fashioning campaigns by developing the right message that will maximize impact on voters.

This has been the dilemma faced by the United States in Iraq since the war, as numerous individuals have stepped forward as self-proclaimed leaders. IRI has responded with a new program that will work with Iraqi citizens to develop local polling capacity to test the claims of leaders and assess the needs and hopes of Iraqis for their future.

IRI faced a similar challenge in Kenya, prior to recent elections that brought an end to the long rule of Daniel Arap Moi. When Moi retired, Kenyans were told that the opposition had no chance to form a government, but with IRI help, public opinion polls showed considerable support for the opposition—giving hope to Kenyan voters who subsequently elected a new government.

In Indonesia, IRI hosted a national focus group training conference in Jakarta last year to help develop the skills of local practitioners in assessing public concerns. In attendance were representatives of the major political parties in Indonesia, who are beginning to use polling to determine the priorities and concerns of the people of this diverse archipelago.

POLITICAL PARTICIPATION

No one can advance the cause of human rights in a society where they are not permitted to participate.

In Turkey, where traditional political parties had alienated young people, IRI has engaged in a youth participation drive using the Internet and a web site called GencNet (Turkish for “youth net”). By encouraging young people to become politically active in advocating causes they feel strongly about, GencNet has done much to re-establish the connection between Turkey’s young people and politics. Recently, Turkey’s parliament adopted legislation drafted and promoted by GencNet activists to lower the age of eligibility for parliamentary candidates from 30 to 25—expanding opportunities for Turkey’s massive youth population to have a greater voice in public affairs.

In South Africa, political participation for many is not a question of exclusion, but a consequence of the tragic onslaught of HIV/AIDS. Communities overwhelmed by the unprecedented scale of the HIV/AIDS epidemic there have been effectively paralyzed. With crucial support from the NED, IRI has worked there with local municipal leaders to develop HIV/AIDS emergency management plans with the active input of local citizens. This is a critical effort, demonstrating that democracy can be part of the solution to such problems, and not a luxury to be enjoyed when times are better.

For Serbia’s historic 2000 elections that toppled Slobodan Milosevic, IRI provided training and support for NGOs and civic groups to encourage voters to go to the polls. Last autumn, a series of presidential elections produced a plurality of support for pro-reform candidates. A new president was not chosen, however, because of insufficient voter turnout. Clearly, there is still work to be done.

In Afghanistan, war lords continue to dominate political life, and pose a significant challenge to the heroic efforts of President Hamid Karzai to build a democratic government there. Key to the success of his efforts, and perhaps to his survival, is the creation of a civic culture that enables all Afghans to participate in national debates. IRI has worked in Afghanistan to enable publication of the country’s only independent daily newspaper—published in Pashtu and Dari—creating space for political participation, and for public accountability of the government and the war lords.

In Mexico, IRI has worked with a local partner, the *Asociacion Nacional Civica Femina*—Mexico’s equivalent of the League of Women Voters—to develop a program to monitor the performance of elected officials on key issues of importance to women. Our goal is to publicize the record of legislators in order to give voters the chance to hold them accountable during their legislative terms. It is a new and powerful challenge to the entrenched interests in Mexico, and provides critical support to the country’s recent efforts at democratic development.

PARTY BUILDING

The most important poll, of course, is the one on Election Day. For new political movements, the challenge is to learn how to organize in order to effectively market ideas to the voters. Often, political movements concerned with human rights find it advantageous to raise awareness by running candidates in local and national elections, challenging the status quo and demanding change.

In Azerbaijan, IRI has been working with political parties preparing for the October 2003 presidential elections. We have focused on training for campaign strategists in the development of political platforms and communications plans to enable their parties to articulate their ideas effectively. There is a wide and potentially damaging gap between citizens and their elected deputies because of the limited communication between the voters and Azeri policymakers. IRI has worked with Members of Parliament to help them to open constituency offices for the first time across the country.

Similarly in Ukraine, IRI helped to prepare democratic candidates for the March 2002 parliamentary and local elections. IRI trained more than 250 representatives in eight cities to run for office in these elections. Fifty-six candidates who received IRI training were elected to their first term in office in the Ukraine's parliament, the Verkhovna Rada.

In Cambodia, IRI has worked with opposition leaders who grew out of the campaign by Cambodians to confront the human rights atrocities committed during the Khmer Rouge era. Over time, these leaders have made the transition from civil society activists to candidates for new political parties capable of contesting the status quo. Our efforts to develop these leaders in Cambodia are particularly important in advance of parliamentary elections that are scheduled to take place on July 27.

ADVANCING DEMOCRACY AND HUMAN RIGHTS WORLDWIDE

As we look over the horizon, IRI is broadening its efforts to include new factors that provide crucial support to democracy and human rights worldwide.

One such factor is what I would describe as the "economic content of democracy". In other words, how does economic reform interact with support for democratic institutions? What is the relationship between dysfunctional political structures and economic growth?

We also consider the relationship between the free flow of information made possible by information technology—the Internet and beyond—and the promotion of democratic practices to be a key factor. Already, technology has revolutionized the way in which we give witness to human rights abuse. We hope to bring innovation to democracy promotion, capturing a virtuous cycle that will reinforce human rights as well.

At IRI, we believe strongly that the United States must lead other nations to join in the promotion of high standards of democracy and human rights around the world. We are making efforts to bring together U.S. allies for democracy to collaborate in IRI technical training and assessment missions.

IRI is a proud member of the U.S. Coordinating Committee for the Community of Democracies, an important assemblage of the world's democratic governments dedicated to mutual support. And in this regard, I want to acknowledge the tremendous efforts of Undersecretary of State Paula Dobriansky, who has been a key champion within the administration of this coalition of willing supporters for accountable, representative governance around the globe.

In addition, we have joined other NGOs and civil society groups from around the world in the World Movement for Democracy, an important network that brings together the foot soldiers for freedom, whose growing ranks are bolstered by sharing ideas and inspiration among peers. The World Movement is a credit to the efforts of Carl Gershman and his colleagues at NED, who have developed an unparalleled standing among civil society groups by being there in the trenches as many countries struggled to escape tyranny and the oppression of man's unchecked inhumanity to man.

By giving a voice to the voiceless—and even lending them a megaphone when necessary—we at IRI believe we are advancing the cause of human rights worldwide. Democracy is the best guarantee any people can have for the respect of their human rights.

As President Reagan said twenty years ago, at the simultaneous founding of the National Endowment for Democracy, IRI and NDI:

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

Mr. Chairman, honorable members of the Committee, freedom is the ultimate human right, and democracy is its ultimate guarantee.

Thank you.

Mr. SMITH. Ambassador Kirkpatrick, thank you very much.

Mr. Wollack?

STATEMENT OF KENNETH WOLLACK, PRESIDENT, NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

Mr. WOLLACK. Thank you. Thank you, Mr. Chairman. On behalf of NDI's board of directors and our Chairman, Madeleine Albright, I wanted to thank you for the opportunity for the Institute to

present its views on U.S. democracy assistance programs on the occasion of this important document.

This publication I believe reflects the evolution of the Department's Bureau for Democracy, Human Rights and Labor. Where it once was limited to raising a voice, albeit an important one, and reporting on human rights and democracy issues, the Bureau now has resources that can help address these issues. This change sends a strong signal about U.S. policy both within our Government and internationally to autocrats and democrats alike.

The worldwide democratic revolution over the past few decades has demonstrated the nearly universal appeal of democratic values and cemented a leadership role for the United States in advancing those values. The notion that there should be a dichotomy between our moral preferences and our strategic goals is a false one.

Our ultimate foreign policy goal is a world that is secure, stable, humane and safe and where the risk of war is minimal; yet the undeniable reality is that the geostrategic hot spots most likely to erupt into violence are found for the most part in areas of the world that are non-democratic or where governments are anti-democratic.

Democracy and human rights are also pragmatic tools that are powerful weapons against political extremism. Non-democratic countries in the Middle East and the wider Islamic world are caught in what is increasingly understood to be a destabilizing cycle of authoritarianism and the radicalism it helps to breed. The polarization of political life, marked by sharp cleavages between secular and religious forces and between ruling elites and civil society has only reinforced extremism.

Marginalized is a democratic middle ground that could offer viable political alternatives to citizens whose voices remain unorganized and often unheard; yet the seeds of such alternatives do exist. Throughout the Islamic world, democratic, political and civic activists are trying to discredit extremism by creating new space for debate and participation. To succeed, they must be armed with the skills, knowledge and institutional networks to recruit broad constituencies.

In Afghanistan, for example, the National Democratic Front, a broad coalition of 45 civic and political groups, are attempting to provide a middle ground between warlords and religious extremists. In Iraq, an NDI assessment team that just returned discovered disparate groups all over the country attempting to operate between the remnants of the Baath party on one hand and the clerics on the other.

NGOs such as NDI have greatly appreciated the expansion of democracy initiatives undertaken by the U.S. Government. U.S. Government support for democracy programs comes from a variety of sources and through various mechanisms. In the early 1980s, these programs were funded primarily through the National Endowment for Democracy. Since then, the U.S. Agency for International Development's support has allowed for a significant increase in democracy promotion activities around the world, as has the Department of State's application of economic support funds for these purposes.

Increased resources within the Bureau of Democracy, Human Rights and Labor has allowed even greater opportunities for much

needed assistance. At times there have been advocates for a highly coordinated and standardized approach to democracy assistance. However, pluralism in assistance has served the U.S. well. It has allowed for diverse, yet complementary programming that over the long term could not be sustained by a highly static and centralized system.

Funding from the Endowment, for example, has allowed NDI and the other core institutes to respond quickly and flexibly to emerging opportunities and sudden problems in rapidly shifting political environments. Also, the NED has been able to operate effectively in closed societies where direct government engagement is more difficult.

USAID funds have provided the basis for a longer term commitment in helping to build a country's democratic institutions, and funding from DRL and, most recently, from the Near East Affairs Bureau's Middle East Partnership Initiative, have given the State Department the capacity to support without cumbersome regulations cutting edge and highly focused democracy programs in individual countries and for regional and global initiatives.

While it is encouraging to see additional resources being allocated for the Middle East, it is of great concern that democracy funds to Africa, Latin America and certain countries in eastern Europe and Eurasia may be reduced.

The U.S. Congress can also play an important role by insuring needed and continued support for the National Endowment for Democracy. The NED and its core institutes I believe have the expertise and the networks of relationships necessary to conduct effective programs around the world, but the need for assistance far outstrips available resources.

While U.S. Government can set the tone and foreign aid can provide needed resources for democracy development, much of the real work must be done by non-governmental organizations. Groups such as those at this table are capable of assuming responsibility, and yet are not constrained by the stringent rules of formal diplomacy.

NGOs can readily share information, knowledge and experiences with groups and individuals who are pursuing or consolidating democracy, sometimes without the cooperation or sanction of their government. Perhaps most important, in countries where one of the primary issues being addressed is the paucity of autonomous civic and political institutions, the fundamental idea that government ought not to control all aspects of society can be undermined by a too visible donor-government hand in the development and implementation of democracy programs.

If there is one area where the allocation of additional resources would increase the effectiveness of democracy assistance, it would be in the area of political party reform and modernization. It should come as no surprise that when political parties fail to fulfill their special roles, the entire democratic system is placed in jeopardy.

In conclusion, Mr. Chairman, I would just say that the United States Congress has been a special institution for democratic activists around the world. In many instances, it has provided them with the first international recognition of their struggles.

I hope that the Committee will continue to view democracy assistance as critical to American foreign policy and to expand these activities through foreign assistance programs. While the results of these activities might not always be instantaneous, they ultimately serve our interests and reflect our highest values.

Thank you.

[The prepared statement of Mr. Wollack follows:]

PREPARED STATEMENT OF KENNETH WOLLACK, PRESIDENT, NATIONAL DEMOCRATIC
INSTITUTE FOR INTERNATIONAL AFFAIRS

The National Democratic Institute (NDI) thanks the Committee for this opportunity to present its views on U.S. democracy assistance programs on the occasion of the release of the Department of State's first annual report on *Supporting Human Rights and Democracy*. This publication reflects the evolution of the Department's Bureau for Democracy, Human Rights and Labor. Where it once was limited to raising a voice, albeit an important one, and reporting on human rights and democracy issues, the Bureau now has resources that can help address these issues. This change sends a strong signal about U.S. policy, both within our government, and internationally, to autocrats and democrats alike.

PROMOTION OF DEMOCRACY AND U.S. INTERESTS

The worldwide democratic revolution over the past two decades has demonstrated the nearly universal appeal of democratic values and cemented a leadership role for the United States in advancing those values. NDI firmly believes that the United States should attach the highest priority to democratic development as an essential element of its foreign assistance programs.

Foreign assistance is not only a charitable endeavor, but an exercise in enlightened self-interest. The promotion of democracy is not some idealistic crusade, but rather a quintessential exercise in *realpolitik*. Nothing better serves the interests of the United States—economic, political, ideological—than the promotion of democratic practices and institutions. A more democratic world is not simply a more orderly and humane place. It is a more peaceful and more prosperous place.

The notion that there should be a dichotomy between our moral preferences and our strategic goals is a false one. Our ultimate foreign policy goal is a world that is secure, stable, humane and safe, and where the risk of war is minimal. Yet the undeniable reality is that geostrategic "hot spots" most likely to erupt into violence are found, for the most part, in areas of the world that are nondemocratic or where governments are anti-democratic.

Even from the traditional foreign assistance perspective, the establishment of democratic institutions is the best way to assure sustainable development. Deforestation, rural dislocation, environmental degradation and agricultural policies that lead to famine all trace to political systems in which the victims have no political voice, in which government institutions feel no obligation to answer to the people, and in which special interests feel free to exploit the resources, land and people, without fear of oversight or the need to account.

Terrorism and political extremism pose an immediate security threat that must be confronted directly and forcefully. Concurrently, there must be a new urgency in the promotion of the rule of law, pluralism and respect for human rights. Democracy and human rights are not only ideals to be pursued by all nations—they are also pragmatic tools that are powerful weapons against extremism.

Nondemocratic countries in the Middle East and the wider Islamic world are caught in what is increasingly understood to be a destabilizing cycle of authoritarianism and the radicalism it helps to breed. The polarization of political life, marked by sharp cleavages between secular and religious forces, and between ruling elites and civil society, has only reinforced extremism. Marginalized or absent is a democratic middle ground that could offer viable political alternatives to citizens whose voices remain unorganized and often unheard. Yet the seeds of such alternatives do exist. Throughout the Islamic world democratic political and civic activists are struggling against great odds to build a "third way." These men and women are trying to discredit extremism by creating new space for debate and participation. To succeed, they must be armed with the skills, knowledge and institutional networks to recruit broad constituencies.

Without support for this moderate, democratic middle, radicalism will grow in ways that are bound to undercut the battle against terrorism, for political extremists live in a symbiotic relationship with nondemocratic regimes. Autocracy, corrup-

tion, and the lack of accountability feed powerlessness, poverty, and despair. Authoritarianism bars change within the system; among its subjects, it produces easy rationales for extra-legal methods.

During the 1980s, an important lesson was learned about political transformations in countries like the Philippines and Chile—that political forces on the far left and far right enjoy a mutually reinforcing relationship, drawing strength from each other and, in the process, marginalizing the democratic center. Prospects for peace and stability only emerged once democratic political parties and civic groups were able to offer a viable alternative to the two extremes. These democratic forces benefited from the solidarity and support they received from the international community and in the U.S., Republicans and Democrats joined together to champion their cause.

Today, these conditions find their parallel in the Middle East and Asia, where democratic activists now fear that they might be caught between governments that are using the call to action against terrorism to root out even benign forms of political participation, and fundamentalists who have always regarded democratic reform as a threat to their vision of a religious state.

The U.S. agenda in these countries can help support those working for freedom of speech and expression, for fair elections that reflect the will of the voters, for representative political institutions that are not corrupt and that are accountable to the public, and for judiciaries that uphold the rule of law. Future programs can identify key areas where democracy assistance can be effective, particularly concentrating on encouraging women's participation, strengthening democratic institutions and practices at a local and municipal level, and supporting journalists and activists in opening up debate throughout the Middle East. Such initiatives should explore sub-regional and regional approaches that facilitate experience sharing and help build linkages between democratic activists in the region. This strategy focuses on building institutions that pull together the disparate voices that constitute civil and political society and helping them to identify their common interests and to channel them towards common ends.

MULTINATIONAL APPROACHES

The promotion of democracy does not lend itself to unilateralism. If we are to be effective, we must join other nations in this endeavor and we must help create enforcement mechanisms within international and regional organizations. As a practical matter, peoples attempting to make the transition to democracy require diverse skills and experiences. The insights of democrats from other nations are often more relevant than our own.

Cooperative approaches such as these are not merely a matter of common sense. They convey a deeper truth to nations attempting a transition to democracy: that they are not ceding something to the United States when they develop democratic institutions; rather, they are joining a community of nations. That other nations have traversed the same course. That while autocracies are inherently isolated and fearful of the outside world, democracies can count on natural allies and an active support structure. That other nations are concerned and are watching—something that would-be autocrats will bear in mind.

U.S. GOVERNMENT SUPPORT

NGOs such as NDI have greatly appreciated the expansion of democracy initiatives undertaken by the U.S. government. These programs have provided the resources necessary to maintain a permanent field presence in many countries and to sustain, on a long-term basis, political development activities. We hope that needed democracy assistance resources will be maintained and that these programs will not be reduced as a result of increased spending in other areas.

U.S. government support for democracy programs comes from a variety of sources and through various mechanisms. In the early 1980s, these programs were funded primarily through the National Endowment for Democracy (NED). Since then, the U.S. Agency for International Development's (USAID) support has allowed for a significant increase in democracy promotion activities around the world, as has the Department of State's application of Economic Support Funds for these purposes. Increased resources within the Bureau of Democracy, Human Rights and Labor (DRL) has allowed even greater opportunities for much-needed assistance.

At times, there have been advocates for a highly coordinated and standardized approach to democracy assistance. However, pluralism in assistance has served the U.S. well. It has allowed for diverse yet complementary programming that, over the long term, could not be sustained by a highly static and centralized system. Funding by the National Endowment for Democracy, for example, has allowed NDI and the

other core institutes of the Endowment to respond quickly and flexibly to emerging opportunities and sudden problems in rapidly shifting political environments. Also, the NED has been able to operate effectively in closed societies where direct government engagement is more difficult. USAID funds have provided the basis for a longer-term commitment in helping to build a country's democratic institutions; and funding from DRL and most recently, from the Near Eastern Affairs Bureau's Middle East Partnership Initiative (MEPI) has given the State Department the capacity to support, without cumbersome regulations, cutting-edge and highly focused democracy programs in individual countries, and for regional and global initiatives.

At a time when there is growing recognition, even from such unlikely places as the international financial institutions, of the connection between economic prosperity and open political systems, it is important that global democracy assistance be expanded, not reduced. And while it is encouraging to see additional resources being allocated for the Middle East, it is of great concern that democracy funds to Africa, Latin America and certain countries in Eastern Europe and Eurasia may be reduced.

Democracy funds to Russia, for example, could be cut by as much as one-third in FY2004, and plans are to "graduate" Russia from the Freedom Support Act soon thereafter. While much progress has been made over the past decade, a stable democracy in Russia remains an unmet goal. The challenges are numerous: an independent media must be established, the judiciary must overcome corruption, civil rights must be respected and peaceful political opposition must be tolerated. The task of clearing these hurdles is not just an internal problem for Russia. The lack of transparency and accountability that marks aspects of the current system affects U.S. interests, including cooperative threat reduction programs for dismantling weapons of mass destruction. It also affects Russia's relations with its neighbors. To withdraw or reduce funding for Russia at this moment may damage Russian democratic progress.

The U.S. Congress can also play an important role by ensuring needed support for the National Endowment for Democracy (NED). The NED and its core institutes (NDI, the International Republican Institute, the American Center for International Labor Solidarity and the Center for International Private Enterprise) give concrete expression to America's democratic values while serving our country's national interest by promoting political environments that are inhospitable to political extremism.

These organizations have the expertise and the networks of relationships necessary to conduct effective programs around the world, but the need for assistance far outstrips the available resources. The NED's original authorization in 1984 was \$31.4 million; its current budget, which includes the first significant increase in many years, is \$46 million. The request for FY 2004 is \$33 million; if approved, this reduction may have the effect of significantly reducing the NED's capacity.

IMPACT OF DEMOCRACY ASSISTANCE PROGRAMS

There are a variety of ways to analyze political situations in which democracy assistance has made a measurable contribution. In some cases, U.S. assistance has played a critical and transformative role at a certain moment in a country's democratic transition. In other situations, longer-term assistance has allowed for the growth and development of stable, democratic institutions and processes grounded in the principles of inclusion, transparency and accountability. And in those places where democratic change has not occurred or has stalled, assistance has provided protection to, and solidarity with, courageous democrats seeking peaceful reform.

At the risk of oversimplification, I would suggest five broad categories of countries in which democracy programs are carried out: closed societies, breakthrough situations, post-conflict settings, consolidation of institutional change and semi-authoritarian environments. It is important to note that these are shorthand descriptions of political situations. They suggest neither a linear nor a natural progression for democratization.

Following is a sampling of NDI-sponsored programs that have been supported by either USAID, the NED or DRL. NDI is proud to work with courageous democrats in every region of the world who struggle against tremendous odds to promote democratic change, and with leaders of new democracies who are seeking to create better lives for their citizens.

- 1) *Closed Societies* where political space does not exist for opposition parties, civil society, and independent media or a judiciary.
 - In Burma, international networks of parliamentarians, political party leaders and Nobel Laureates have been formed to support the country's democracy movement led by Aung San Suu Kyi.

- In Cuba, a similar international campaign is being developed in support of Oswaldo Payá and the Varela Project, a historic petition drive for peaceful democratic change.
- 2) *Breakthrough Situations* in which an event, such as a multiparty election, allows for a transition toward democratic government.
- In Kenya, during the lead-up to last December's historic national elections, technical assistance helped the opposition National Rainbow Coalition maintain cohesion; youth and political party programs led to inter-party dialogue and "codes of conduct" that reduced election-related violence.
 - In Serbia, regional communication centers were used by opponents of Slobodan Milosevic for training thousands of grassroots democratic activists. Today, these 22 centers, dubbed *Contact Serbia*, are being used as meeting places for citizens, government officials and parliamentarians.
 - Since the "people power" movement created the 1986 democratic breakthrough in the Philippines, citizens have mobilized in large numbers to protect the integrity of the elections in more than 65 countries. NDI has worked with more than 150 citizen organizations and coalitions, sometimes themselves comprised of hundreds of member groups across a country, that have deployed thousands and even hundreds of thousands of civic pollwatchers on election day in countries as diverse as Azerbaijan, Bosnia, Cambodia, Indonesia, Kenya, Mexico, Morocco, Nigeria, Peru, Romania, Ukraine and Yemen. These organizations have also helped political parties to agree upon codes of conduct; they have monitored the incidence of violence in election campaigns, the accuracy of voter registries, and the performance of the news media; and they have conducted a range civic and voter education activities to promote citizen participation. Between elections, these organizations have helped to open parliaments to the public, successfully advocated for law reform, organized "town hall" meetings for elected officials and promoted popular political participation.
- 3) *Post-Conflict Settings* in which countries emerge from long periods of internal strife.
- In Afghanistan, a broad coalition of 45 political parties and civic groups have joined forces to create the National Democratic Front, providing a democratic middle ground between warlords and religious fundamentalists.
 - In Bosnia, organizational assistance to multi-ethnic parties helped them increase their support from 2 percent at the time of the Dayton Accords to the point where they defeated nationalists in the 2000 general elections.
 - In Sierra Leone, programs for youth groups to monitor the polls and encourage non-violent participation helped promote peaceful elections following a decade-long civil war.
 - In Nicaragua, civil-military programs led to the creation of the country's first civilian-led defense ministry and to security sector reform that subordinated the military to civilian control.
- 4) *Semi-Authoritarian Societies* in which some institutional forms of democracy exist but political space is highly restricted and the government, or ruling party, dominates the political system.
- In Cambodia, 14 multiparty debates for the upcoming parliamentary elections are enabling disadvantaged parties to gain visibility in public forums throughout the country and are helping to create a more tolerant political culture.
 - In Kazakhstan, a coalition of nongovernmental organizations successfully lobbied the parliament to overturn legislation that would eliminate the last remnants of independent media. The legislation was later passed, but the exercise left behind a civic movement dedicated to protecting and advancing political rights.
 - In Kyrgyzstan, a network of community reading rooms and discussion clubs is helping to bring the previously isolated rural population into a national dialogue on democracy and human rights.
- 5) *Democratic Consolidation* where there exists a shared commitment to the development of democratic institutions and processes, including a system of political checks and balances.

- In Namibia and South Africa, information technology systems are establishing communication among local, provincial and national governments, and providing linkages between citizens and elected officials.
- In Latin America, where a crisis of confidence in political parties is threatening democratic systems, emerging leaders from 22 parties in eight countries are participating in programs to reform, modernize and democratize party structures.
- In Senegal, campaign training was provided to 2,100 aspiring women candidates, 1,700 of whom were nominated last year by their respective parties to run for local office. Ultimately, 1,500 women won seats.

In addition to these country specific activities, two regional initiatives deserve special mention.

- In the Middle East, DRL is supporting a series of NDI-sponsored training academies located in Morocco, Jordan and Bahrain for political and civic leaders in the region. The academies provide practical organizing skills for a burgeoning network of Arab democratic activists.
- In southern Africa, USAID has supported NDI's partnership with the SADC Parliamentary Forum, which comprises the national legislatures of 12 southern African countries. SADC-PF has established democratic election standards for the region, created linkages among the parliaments through the Internet, and is developing an inventory of HIV-AIDS legislation to promote more effective means to combat the pandemic.

ROLE OF U.S. NON-GOVERNMENTAL ORGANIZATIONS (NGOS)

While the U.S. government can set the tone, and foreign aid can provide needed resources for democratic development, much of the real work must be done by non-governmental organizations. Groups such as NDI are capable of assuming responsibility, yet are not constrained by the stringent rules of formal diplomacy. NGOs can readily share information, knowledge and experiences with groups and individuals who are pursuing or consolidating democracy, sometimes without the cooperation or sanction of their government.

Perhaps most important, in countries where one of the primary issues being addressed is the paucity of autonomous civic and political institutions, the fundamental idea that government ought not to control all aspects of society can be undermined by a too-visible donor government hand in the development and implementation of democracy programs.

NGO initiatives must grow out of the needs of democrats struggling on the ground in the host country. The work should always be in the open and should be conducted with partners committed to pluralism and nonviolence. At the same time, consultation is necessary with the Congress, USAID missions and embassies. When public funds are used, transparency and accountability should always prevail.

FUNDING FOR POLITICAL PARTY PROGRAMS

If there is one area where the allocation of additional resources would increase the effectiveness of democracy assistance programs, it would be in the area of political party modernization and reform.

Political parties serve a function unlike any other institution in a democracy. By both aggregating and representing social interests, they provide a structure for political participation. They act as training grounds for political leaders who will eventually assume governing roles. They foster necessary competition and accountability in governance. In the legislative arena, they translate policy preferences into public policies. And it is political parties, acting through the legislative process, that the public must ultimately rely on to design anticorruption measures and oversee their enforcement. It should come as no surprise, then, that when political parties fail to fulfill their special roles, the entire democratic system is placed in jeopardy.

Despite the importance of parties to democratic development, in recent years civil society has become especially favored within the international democracy-assistance community. Indeed, civil society has been described as the wellspring of democracy. Thus, the international development community has buttressed civic groups and aided and abetted their rise, often from the ashes of discredited political parties. This has been a good and necessary endeavor; NDI has participated in such initiatives and continues to do so. At the same time, there is a distinct danger in focusing almost exclusively on civil society development. We have found, most starkly in places like Peru (prior to 2001) and Venezuela, that civil society activism without effective political institutions quickly creates a vacuum. It sows opportunities for

populists and demagogues who seek to emasculate parties and legislatures, which are the cornerstones of representative democracy. The international community must respond to the need to build, sustain, and renew political parties. This “supply side” of the political equation deserves equal footing with civil society, the “demand side.”

Over the past several years, there has gradually emerged a new recognition of the need to support political party development. In its new Inter-American Democratic Charter, the Organization of American States (OAS) affirms that the “strengthening of political parties is a priority for democracy.” The World Bank has begun to explore ways to include legislatures as well as civic groups in the development of its Poverty Reduction Strategy Papers, which form the basis for concessional lending and debt relief in nearly 70 countries. And with the support of NDI, the three largest global groupings of political parties—the Liberal International, Socialist International, and Christian Democratic International—representing 340 parties in 140 countries, are joining forces to promote political party modernization, reform, and renewal.

The democratization of political parties must be a priority in the efforts to restore public confidence in parties and the democratic process as a whole. Greater citizen participation, accountability of leadership, transparency, and institutional safeguards are more important now than ever for this democratization effort to succeed. Organizations and institutions that have the commitment and expertise to underpin and promote these initiatives lack adequate resources to do so at present.

FUTURE CHALLENGES

NDI has never believed that democracy promotion is a panacea but sees these activities as one element of a mix of foreign aid and development initiatives that include economic development and socio-political considerations. But economic reconstruction efforts in Afghanistan, for example, are unlikely to succeed in the long term unless democratic political institutions are also developed. Democracy promotion programs, to be effective, must identify specific challenges in each country, and address those challenges while taking culture, tradition and history into consideration.

Even in countries which are widely regarded as democratic success stories, “next generation” democracy challenges—such as corruption, economic progress, political party reform, information technology, women, youth and minority participation, leadership development and addressing public apathy and disaffection—must be tackled through greater linkages between the citizenry and political institutions and elected officials.

The United States Congress has been a special institution for democratic activists around the world. In many instances, it has provided them with the first international recognition of their struggles. I hope that the Committee will continue to view democracy assistance as critical to American foreign policy and to expand these activities through foreign assistance programs. While the results of these activities might not always be instantaneous, they ultimately serve our interests and reflect our highest values.

Mr. SMITH. Mr. Wollack, thank you very much.
Mr. Gershman?

STATEMENT OF CARL GERSHMAN, PRESIDENT, NATIONAL ENDOWMENT FOR DEMOCRACY

Mr. GERSHMAN. Thank you, Mr. Chairman. Let me begin by thanking you and on your behalf the entire Committee for your leadership on human rights and democracy issues. Your vigorous advocacy really helps energize and focus the work of the whole community of people who are working on these issues.

My written testimony mentions 35 countries, and I think all of the institutions at this table have a global perspective on democracy and human rights which is a very important feature of our work. I want to briefly mention NED supported human rights programs in five countries that for different reasons that I will explain have a particular relevance at the moment. This is meant to be illustrative of our general work, if not comprehensive.

The first country is North Korea. Next week, we are going to be presenting our democracy award to three survivors of the North Korean gulag, as well as to the South Korean leader of the movement for human rights in North Korea. An entire international coalition has developed around the efforts of these individuals, and the North Koreans have just created the first organizational, non-governmental organization, run by North Koreans whose purpose is to expose the gulag that exists in North Korea, which the government of North Korea denies exists.

I am pleased to say that a number of satellite photographs are now being released to the public, and we have former prisoners who can identify these photographs. Indeed, I hope that next week we will be able to have photographs of the Yadok camp, which is the most notorious of all the prison camps in North Korea, and have one of the survivors of that camp be there to identify this photograph.

The second country is Egypt. Just last week, I was in Cairo to attend the reopening of the Ibn Khaldun Center of Saad Eddin Ibrahim, who was arrested on June 30, 2000, by the Egyptian Government. His organization was closed, and through a lot of the pressure and advocacy by people in this country and around the world Saad Eddin Ibrahim was ultimately released, and on June 30 of last week he reopened the organization. It is going to have a vigorous program, a focus on democracy issues, on the issues of minority and women's rights, as well as on dialogue issues having to do with Islam and the rest of the world.

While I was there and with Saad Eddin Ibrahim, we had a meeting with four of the human rights organizations in Egypt that we support. One of them, the Human Rights Center for Assistance of Prisoners, monitors prison conditions and trains lawyers and activists in reporting on violations of human rights in the prisons of Egypt.

The Egyptian Organization of Human Rights investigates abuses, educates the public and also lobbies for the incorporation of international law into Egyptian law; the Assistance for Human Rights Legal Aid, which provides legal and court aid for victims of human rights; and the Regional Program for Human Rights Activists, which tries from the center in Cairo to try to build cooperation and solidarity among more than 30 human rights organizations that exist throughout the Middle East region.

The third country I want to mention briefly is Ukraine. We have just completed an evaluation of our programs in Ukraine, 10 of some 25 programs that we support there. Three of these programs have to do with human rights, which I just want to mention briefly.

One is the Kharkiv Center for Women's Studies, which has been responsible for a new law in Ukraine on domestic violence against women. It is the first time, the first law of its kind that has been adopted in the post Communist world, and this organization was responsible for the advocacy, the drafting and the lobbying which led to the adoption of this law.

The second organization is the Kharkiv Human Rights Protection Group, which not only documents abuses such as wiretapping, the harassment of journalists, and abuses in the prisons, but also investigates these cases, works to educate the public and also has a

program whereby some 2,000 students wrote essays on human rights as an educational tool, but also has become a vital connecting link between the human rights movement in the Ukraine and the international human rights community.

Third, the Ukrainian American Bureau for the Protection of Human Rights run by the former Soviet dissident, Semyen Gluzman, which has pointed out many of the problems in the prisons in Ukraine. One of the abuses that is pointed to is the fact that 3,000 people die in prison in Ukraine each year from poor care and also psychiatric abuse which continues in which people are hospitalized for minor problems, and then their property is stolen while they are in prison.

The fourth country I want to mention because the President is now in Africa, and there is even the thought that American troops will be sent to Liberia, has to do with Liberia. Currently in Liberia the Endowment is supporting a dozen indigenous NGOs promoting and protecting human rights and democracy with grants, very small grants on an order of \$20,000 to \$44,000 a year.

These include old partners such as the Press Union of Liberia, which has received support for many years now, the Catholic Justice and Peace Commission, and the Center for Law and Human Rights Education, as well as new and dynamic initiatives to reform the security forces, provide training for independent community radio, create community based human rights committees, protect the rights of refugees and increase the participation of youth and women in the political process.

Many of these groups have had their offices looted and their staffs severely beaten in the recent fighting, but they have expressed their determination to continue despite unimaginable hardships. As the possibility of peace has now emerged, these groups are poised to play a leading role in the reconstruction of Liberia.

Finally, Mr. Chairman, today is, as you know, the fourth anniversary of the student uprising in Iran. There are demonstrations today. I want to note in this regard the grant that NED makes to the Iran human rights memorial Web site, which is named after the father of Ladan and Roya Bouremond, who was assassinated in Paris, a leading Iranian democrat assassinated in Paris in 1991.

The site memorializes and provides information about thousands of people who were executed by the regime in Iran, and also it has an electronic library on human rights laws and instruments. It is not just a memorial, but also a tool for education of the youth of Iran who represent that country's future.

These are just a few examples of the kinds of programs we support. There are many, many others, and I welcome the Committee's interest and questions.

[The prepared statement of Mr. Gershman follows:]

PREPARED STATEMENT OF CARL GERSHMAN, PRESIDENT, NATIONAL ENDOWMENT FOR DEMOCRACY

Chairman Hyde, Ranking Member Lantos, and Members of the Committee:

We are pleased to have been asked to participate in this important hearing on the State Department's recently released report entitled "Supporting Human Rights and Democracy: The U.S. Record 2002-3."

This November the National Endowment for Democracy (NED) will celebrate its twentieth anniversary. As you know Mr. Chairman, this Committee played the major role in initiating the NED Act, which authorized funding for the newly cre-

ated institution, funding which, through that and subsequent reauthorizations, has enabled us to further our mission of promoting democracy in every region of the world. To say that we are grateful to this Committee for its support and encouragement over the years would be an understatement.

One of the key factors that we believe has played a role in our effectiveness, and which this Committee understood well from the outset, has been our independence, which has enabled us to focus on our singular bipartisan mission of promoting democracy. The promotion of human rights can be a sensitive undertaking in situations where there are critical bi-lateral security or other interests at stake. The fact that we have been able to be involved in the most difficult situations underscores the wisdom of our arms length relationship with those responsible for the day-to-day execution of U.S. foreign policy. At the same time, we have maintained excellent relations with each Administration that has been in office since our founding, and are grateful for their periodic expressions of support for our program over the years.

We are particularly pleased with the relationship we have developed with the State Department's Bureau of Democracy, Human Rights and Labor under the capable leadership of Lorne Craner. Lorne is a true friend of democracy, and we are proud of his accomplishments, given his many years as a member of the NED family.

As described in our Annual Report for the fiscal year 2002, NED programs are operating in nearly eighty countries. Much of the work is carried out through four American-based institutions: the Center for International Private Enterprise (CIPE), the American Center for International Labor Solidarity (ACILS), the International Republican Institute (IRI), and the National Democratic Institute for International Affairs (NDI). I understand that the Committee will hear from representatives of these institutions who have, over the years, played a pioneering role in programs supporting open markets, the rights of workers, the strengthening of political parties, and many other key facets of democracy.

In addition to the significant work carried out by these four institutes, NED is funding programs in a number of other critical areas, including independent media, civic education, the participation of women and youth, civil-military relations and human rights. Because of the central role that this latter category plays in the State Department's recent report, my prepared statement will deal primarily with that important aspect of our work, as well as closely related areas such as the rights of women. Nevertheless, I would be pleased, as always, to share with the Committee any information it desires about any other component of our worldwide program.

HUMAN RIGHTS AND DEMOCRACY

As pointed out in the Endowment's Principles and Objectives, one of the first documents approved by our original Board of Directors, NED's work is rooted in universally recognized principles of international law, including those recognized in the Universal Declaration of Human Rights, other United Nations agreements, and the Helsinki Final Act, all of which commit governments around the world to honoring the fundamental human rights that are guaranteed to citizens of the United States and other free societies. Thus, we have always recognized not only that democracy involves the right of the people to determine their own destiny but also that the exercise of this right requires a system that guarantees freedom of expression, belief and association, as well as respect for the inalienable rights of all individuals.

That human rights and democracy are inseparable should be self-evident. In the Statement of Principles and Objectives, the NED underlined that "While democracy and human rights are not identical objectives they reinforce each other: human rights groups protect democratic activists and expand the political space available to them; and democracy is the best guarantee for the respect of human rights." Indeed, democracy is the only form of government that can guarantee that rights are institutionalized and not dependent on the whim of a particular leader or ruling party. And what about those countries that hold free elections but whose victors do not respect fundamental rights? Can they claim the democratic label? Obviously, free and fair elections are an important first step toward democracy, and indeed, are an indispensable element of it. But leaders who fail to respect fundamental safeguards that protect the rights of their citizens can hardly be considered democratic.

Human rights is also an important aspect of our program because, as described in more depth below, in many countries it is the only kind of meaningful democracy-related work that can be carried out under the circumstances. From the outset, NED has been determined, as stated in the Statement of Principles and Objectives, that it would "not neglect those who keep alive the flame of freedom in closed societies." Since the time the Statement was implemented, some of those societies have become more open, due in no small part to those who struggled for the freedom and

dignity of their fellow citizens under the most adverse of circumstances. But many closed societies, whose rulers deny the most basic freedoms, remain.

Next week the National Endowment for Democracy will honor with its Democracy Award a group of people who have dedicated their lives to bearing witness to the inhumane conditions in a country that has the dubious distinction of serving as the world's most egregious abuser of human rights, namely, North Korea. They are Benjamin Yoon, founder and driving force behind the South Korea-based (and NED supported) Citizens' Alliance for North Korean Human Rights, and three courageous individuals who not only survived the North Korean gulag but who are also determined to expose it to the world.

It is courageous individuals such as these, many of them unsung heroes working away from the international spotlight, who have formed the core of the Endowment's human rights program. They are living testimony to the fact that even the world's most difficult situations are not hopeless.

Before I begin describing individual programs, I would like to submit for the record the complete listing of Endowment-funded human rights programs in FY2002 and FY2003.

MAINTAINING A GLOBAL GRANTS PROGRAM

Mr. Chairman, the challenge to the Endowment since September 11, 2001, has been determining how to maintain our global grants program even as we are focusing increased resources and attention on strengthening democracy in the those parts of the Middle East, Africa, and South and Central Asia where repression and political failure have spawned extremism. Long before that fateful September 11, it had become clear that the forward momentum associated with the third wave of democratization that swept over large parts of the world in the preceding decades had slowed throughout the world and even stalled in some regions. Thus, the barriers to democratic progress loom larger today than at any time since the third wave began more than a quarter of a century ago.

The countries where these barriers are greatest, and where our current strategic plan calls for concentrating our greatest resources, fall into two broad categories, namely, dictatorships and semi-authoritarian systems. There are two additional categories where we are concentrating a somewhat lower level of resources: war-torn or failed states that lack virtually any institutions of governance, and transitional countries where there has been significant progress in democratization, but where democratic institutions remain weak.

In all of these situations, NED is funding programs that promote human rights, whether through exposing and documenting abuses, training monitors, providing legal assistance, educating the public about their rights, or generally building up the capabilities of human rights organizations, which, in many cases, are struggling simply to survive under adverse circumstances. However valuable the work of international organizations that devote attention and resources to the promotion of human rights, it is these indigenous groups that, in the end, will have to carry the heaviest burden of helping move their societies in a positive direction.

I. OPENING DICTATORIAL SYSTEMS:

NED has always placed special emphasis on opening closed dictatorial systems, because the needs are so great and the courage of the pro-democracy activists is so admirable. Moreover, these countries tend to be ignored by most democracy-assistance institutions, which require an in-country presence (and thus the permission of the host government) before they will conduct programs or provide support.

NED's policy of making direct grants to indigenous groups as well as to groups in exile has enabled it to play an effective role in these difficult situations, often at a relatively low financial cost. In addition to providing access to independent information, the Endowment's programs in dictatorial countries place special emphasis on the defense of human rights.

Thus, in the case of **North Korea**, we have provided support to groups in South Korea that document the repressive conditions in the north and are working to build an international campaign for the defense of human rights there. In **China**, our core support for the organization Human Rights in China enables it to support its program of information gathering, reporting, publicity, and advocacy; to support victims of political persecution; and to produce and circulate materials informing Chinese citizens about their rights. A number of projects supported through the Solidarity Center, one of NED's four core grantees, deal with issues related to worker rights in both China and **Hong Kong**.

NED programs in dictatorial countries vary along a spectrum of possibility. Although there are no opportunities to work inside North Korea at the present time,

a very different picture emerges in a country like China, where the Endowment is able to aid both external programs that provide access to independent ideas and information and that defend human rights, including those that support the rights of the Tibetans, and internal programs that promote democratization, worker rights, and market reform. Assisting groups inside has also been possible in a country such as **Cuba**, where NED supports the work of independent journalists, independent workers' organizations, and cooperatives, all the while maintaining exile-based programs that expose the repressive conditions inside and develop international support for the heroic work of internal human rights activists.

At a time of both increased independent activity in Cuba and heightened government repression, the role of human rights groups is critical. For decades Cuban human rights groups on the island and in exile have helped to bring world attention to the efforts of the regime to repress the democratic opposition and have provided a much-needed source of reporting on and monitoring of abuses. Groups such as the Miami-based Cuban Committee for Human Rights use Endowment support to provide assistance and information to human rights and dissident groups inside as well as to inform the world about their situation, thereby creating outside pressure for liberalization.

Repression by the Communist Party also continues in **Vietnam**, which imprisons both Buddhist Monks calling for democracy as well as "cyber dissidents" trying to use the internet to post information about the situation inside the country. The Endowment has long supported the tireless efforts of the Paris-based Association for Vietnamese Overseas, through its bimonthly Vietnamese-language publication *Que Me*, to provide uncensored news, promote democratic values and raise awareness of human rights abuses.

In **Belarus**, where President Alexander Lukashenka ("Europe's Last Dictator") has sought to limit all independent activity by arresting activists, closing down offices, and confiscating equipment, civil society groups have used NED support to oppose his attempts to control or eliminate the independent media, nongovernmental organizations, and trade unions. The pro-democracy movement in Belarus has also benefited from cross-border programs supported by NED that bring organizations from Poland, Lithuania, Ukraine and the Czech Republic to support groups inside who can benefit from the experiences of those who were successful in fighting the dictatorships of the past.

Mr. Chairman, when military-backed thugs in **Burma** attacked pro-democracy leader Aung San Suu Kyi and her convoy on a dark road on May 30 of this year, all hope for a quick and peaceful negotiated settlement to that country's long crisis evaporated. Since the 1989–1990 period, when Burma's dictators unleashed a violent crackdown that left thousands dead, in prison or exile, NED has provided timely and critical financial assistance to the country's courageous democracy movement. Recent reports by NED grantees have documented the use of rape as a weapon of war in the Shan states, religious persecution of Christians in Chin State, forced labor in Mon State, displacement in Karen State, and violation of women's rights throughout the country. These groups and others we support are working to inform the international community of the human rights conditions in Burma and to empower people inside to fight to protect their rights. Additional support has gone to numerous cross-border efforts that provide training, education, and information to Burmese groups to help them develop their institutional capacity and their ability to communicate internally and with the international community.

II. DEMOCRATIZING SEMI-AUTHORITARIAN COUNTRIES:

Somewhere between dictatorship and electoral democracy sit the largest and most diverse group of countries in which the Endowment funds programs. The ruling parties in these countries conduct questionable elections and preside over weak state institutions that are often corrupt, do not respect the rule of law, and frequently violate the human rights of their citizens.

While NED's programs in these countries are designed primarily to strengthen political parties, trade unions, business associations, policy institutes, independent media, and governing institutions, non-governmental organizations that promote human rights and the rule of law have an important role to play. A recent evaluation by an outside expert of NED-funded programs in one quintessential semi-authoritarian country, **Ukraine**, confirms the importance of supporting a number of human rights initiatives.

For example, while other women's organizations in Ukraine provide direct services to women in need, the NED-funded Kharkiv Center for Women's Studies aims to change the political and legal context in Ukraine that infringes upon the human rights and economic opportunities of women. The Center provides training on

human rights to young leaders of women's and youth NGOs as well as to journalists from Eastern Ukraine, produces television programs dedicated to women's human rights issues for both national and regional television channels, and played an instrumental role in the drafting and passing of Ukraine's law on domestic violence prevention, the first law of its kind in the former Soviet Union.

Another NED grantee, the Ukrainian-American Bureau for the Protection of Human Rights, has devoted special attention to abuses in the judicial and penal systems and the psychiatric care system. Its research revealed the scandalous number of people who die in prison each year from poor care (nearly 3,000) and exposed the Draconian prison sentencing practices of the criminal justice system, which, along with the overcrowding of the country's psychiatric system, results in large economic costs to the society. The Bureau is led by Semyon Guzman, a former inmate of the gulag, whose work in defending the rights of those in psychiatric clinics in Ukraine was described as "unique" by the evaluator.

NED funding in **Russia** has helped a number of grantees working in a variety of areas to fight for greater freedom and openness and to resist authoritarian trends. The International Protection Center is working to increase the observance of international human rights norms in the Russian judicial system. The Moscow Helsinki Group offers legal support to selected victims of "spy" cases and distributes information about ongoing cases to human rights NGOs and the Russian and international media. The Saratov Legal Reform Project operates a free legal clinic that is staffed by professional lawyers and student interns and that services up to 1,000 clients each year.

One of the great ironies of Russia today is that while very few citizens are untouched in some way by the Soviet gulag, knowledge about it remains quite limited. This lack of knowledge contributes to the renewed popularity not only of authoritarian rhetoric but of actual admiration even among young people for Stalin's totalitarian rule. In an effort to compensate for the almost total lack of visual evidence of the gulag's existence, the Perm-36 Memorial Museum of Political Repression and Totalitarianism is keeping alive the memory of the USSR's leading camp for political prisoners. The museum has used NED funding to develop exhibits, including a series of traveling exhibits, and a recent grant has enabled it to begin developing teaching materials that can be used by history teachers throughout the country.

I should add that the museum is bringing its traveling exhibit to Washington this fall to display it in the Russell Senate Office Building beginning on September 29. For the opening of the exhibit, we are organizing a program on the legacy of the gulag to which all members of the Committee will be invited.

In Central Asia and the Caucasus, the countries of which fall predominantly within the semi-authoritarian category, many of the Endowment's grantees face growing political repression in their pro-democracy activities. A good example is independent journalist Sergei Duvanov, whose Internet-based Independent Information Agency "Politon" NED has supported since 2001. For his work in exposing high level government corruption, Duvanov is serving a prison term that resulted from highly dubious rape charges and a trial described by OSCE observers as highly unfair.

As with all of its programs in Central Asian countries, NED's human rights advocacy work reaches beyond the capital cities. For example, the Kyrgyzstan Committee for Human Rights has developed a regional network of offices providing legal advice and human rights assistance as it presses the government to comply with international human rights norms. In Uzbekistan we are supporting human rights monitoring networks that seek to uncover and document the government's abuses against its own people, usually pertaining to illegal arrest, but also to torture of prisoners while in detention. Such groups also provide support networks to the victims and encourage them to petition the state for redress of grievances.

In the Muslim world and elsewhere, the Endowment is making a substantial effort to promote the participation and empowerment of women in the political system and in society more generally. Women's programs are of central significance in many countries with large Muslim populations since, as a number of observers have pointed out, gender-related issues sit on the fault line dividing the Muslim world from the West. In the Middle East alone, NED supports:

- The **Bahrain** Women Society, which provides training for professional women on their legal and political rights;
- In **Jordan**, the Women's Organization to Combat Illiteracy, which trains young women in disenfranchised villages and refugee camps on the importance of democratic political participation; the Women's Union in Jordan, which provides a legal hotline service that helps rural women defend their rights, especially on the question of domestic violence; the Arab Women's Media Center, which works to strengthen women's communication skills; and

the Sisterhood is Global Institute-Jordan, which provides training on human and citizenship rights;

- In **Lebanon**, the Philanthropic Amlieh Association, which educates Shi'ite Muslim women and girls about their rights within Islam; and the Renee Moawad Foundation, named after the assassinated prime minister, whose widow is a leading campaigner for women's rights and democracy;
- In **Palestine**, the Women's Affairs Technical Committee, which provides training in the Jenin refugee camps and surrounding villages in preparation for the upcoming legislative elections; and the Jerusalem Center for Women, which provides leadership training for election candidates;
- The Committee of the Families of the Disappeared in **Algeria**, which collects data on victims of Algeria's civil conflict and trains women in advocacy techniques and networking;
- The **Egyptian** Center for Women's Rights, which works with NDI on issues related to political advocacy;
- The Democratic Association of **Moroccan** Women, which promotes women's leadership and their participation in political and public affairs; and
- In **Yemen**, Sisters Arabic Forum, which provides technical training to women's groups working to raise public awareness of women's rights; and

The Endowment also provides support for an innovative cross-regional program operated by the Women's Learning Partnership (WLP) that is creating multimedia culture-specific education tools for individuals and organizations that will strengthen women's participation in building civil society. WLP is implementing leadership-training programs for women and girls in twelve Muslim-majority countries in addition to developing culture-specific training materials in ten languages.

Human rights also plays an important role in Endowment-funded programs in sub-Saharan Africa. In **Uganda**, the Foundation for Human Rights Initiative is working on four issues affecting human rights: freedom of association, assembly and expression; extrajudicial execution; conflict management; and corruption. In **Ethiopia**, Endowment funding enables the Ethiopian Human Rights Council to engage in a variety of activities related to human rights training, monitoring, and research. And in **Chad**, where the press is actively repressed, extrajudicial executions are common, and human rights activists are harassed, the Ligue Tchadienne des Droits de l'Homme is using Endowment support to engage in a full range of activities, including human rights education through the use of community radio.

III. HEALING WAR-TORN SOCIETIES:

Mr. Chairman, we see a number of regions in the world that have experienced heightened ethnic and religious conflict in recent years with the breakdown of old political structures brought on by the forces of international change and uncertainty. While wars in the Balkan region have attracted the most attention, many conflicts in such countries as Somalia, Sudan, Democratic Republic of Congo, and Afghanistan have been even more devastating. Peace agreements in these situations will not last unless civil society is brought into the process and becomes invested in negotiated solutions through an inclusive democratic process.

In many of these situations, NED has been able to provide critically needed support to groups in civil society that defend human rights, educate about democracy, and provide training in conflict resolution. In effect, these groups establish enclaves of democratic values and inter-ethnic dialogue and become centers of grassroots pressure for peace and reconciliation. They also help marshal international support for democracy assistance and the defense of human rights.

In the **Democratic Republic of Congo**, where NED grantees in civil society have assumed a major role in pressing the belligerents to negotiate an end to the war, NED has devoted considerable resources, funding no fewer than twenty-four separate groups in the last fiscal year alone, all of whose work is closely related to some aspect of human rights, whether monitoring, training, advocacy, or education

In the epicenter of the Congo conflict, the eastern area formerly known as Kivu province, a proliferation of arms, the existence of militia, and the involvement of neighboring Uganda and Rwanda have combined to create high levels of violence, displacement and death. Despite this stark picture, there are aggressive efforts to create space for peace initiated by a cross-section of local actors, including local chiefs, religious and ethnic leaders, women's groups and other civil society actors. Many civil society organizations continue to advocate for peace, human rights and an end to impunity. One of the most effective of these is the Kindu-based Fondation pour le Renforcement des Capacites des Populations (FORECAP). The group con-

ducts a full program of human rights education, advocacy, monitoring and training, the latter including how to work with and influence decision makers. FORECAP is part of a coalition of nongovernmental organizations that helped initiate peace negotiations earlier this year, resulting in a cease fire.

In **Sudan**, where, since 1983, a civil war has cost at least two million lives and generated four million internal and external refugees, alliances have been formed and broken across the religious, ethnic, partisan and regional divides, creating an environment of death, displacement, distrust and despair. The displacement situation, which Southern Sudanese, as well as peoples of the Nuba Mountains and the Southern Blue Nile who fled the civil war, are enduring in Khartoum's outskirts in displaced person camps, poses serious human and social problems. The Kwoto Cultural Center, founded in 1994 and a NED grantee since 2000, is a popular cultural arts group that brings together youth from twenty southern Sudanese language groups through dance, music, poetry and drama. Kwoto reaches hundreds of thousands of Sudanese in the north and south, in displaced persons camps, universities, prisons, and even the national theatre, with a subtle but powerful message of pride and dignity in diversity and with an appeal for peace, democracy, and human rights.

In addition to supporting Kwoto, NED supports several groups in Sudan that are taking a leadership role in the peace movement, creating a domestic political environment for negotiations while inculcating a greater awareness of human rights and democracy. NED grantees also form the core of the human rights movements in **Sierra Leone** and **Liberia**, seeking to consolidate democratic gains in the former while resisting their erosion in the latter. In **Somalia**, which after more than eleven years of anarchy still has no functioning government, NED has supported the Dr. Ismail Jumale Human Rights Organization, which has been an active representative at a reconciliation conference seeking to establish a federal government. The organization, named after the late respected human rights advocate and run by his widow Miriam Hussein Mohammed, a recipient of the 2002 NED Democracy Award, is the most prominent and credible group reporting and advocating for human rights in the country. It has initiated many campaigns for human rights, peace, and reconciliation, such as human rights day commemorations, peace demonstrations, sport competitions, and petition drives.

The Balkans continue to be a major priority region for NED, where we fund a variety of programs related to independent media, government transparency, economic reform, worker rights, local government and civic involvement. Although tensions between the ethnic Albanian minority and the Macedonian majority have diminished somewhat since the signing of an internationally brokered peace agreement, **Macedonia** remains a fragile state wracked by interethnic tensions. The Association for Democratic Initiatives has received Endowment funding to conduct a comprehensive monitoring and advocacy program to ensure that state institutions implement the minority rights provisions contained in the peace agreement.

In **Bosnia**, the Tuzla Human Rights Office, in collaboration with the Bijelina Human Rights Office, provides citizens in the Federation and the Serb Republic with information on international standards of human rights, human rights abuses, and how to counter these violations. The Tuzla and Bijeljina offices also work to influence the legislative process to ensure that laws passed in the republic protect basic human and civil rights. The Helsinki Committee for Human Rights in **Republika Srpska**, a nongovernmental human rights organization based in Bijeljina, continues to monitor the human rights situation in the Serb Republic, disseminating information through the print and electronic media on human rights abuses to local residents and the international community, and educating residents on their basic human rights.

In **Kosovo**, NED funding to the Council for the Defense of Human Rights and Freedoms enables it to monitor the human rights and minority rights situation in the province, to disseminate information about human rights abuses to the international community, and to maintain the operations of its Prishtina-based headquarters.

NED continues its active support of a variety of programs in the troubled Andean region of South America. Several programs are helping to address the many human rights problems associated with the continued armed conflict in **Colombia**. Recent estimates indicate that the conflict has produced as many as two million internally displaced persons, who suffer political, economic and cultural exclusion. Two organizations that represent groups disproportionately represented among the displaced, namely women and Afro-Colombians, are receiving Endowment support to provide human rights education and related assistance.

IV. CONSOLIDATING NEW DEMOCRACIES:

The fourth category of countries that form the core of the Endowment's global grants program comprises those newly established democracies with weak institutions where democracy cannot be taken for granted. Although NED support in such countries pays particular attention to the problems related to making government more accountable and transparent, increasing broad-based participation in the political process, and strengthening the capability of political parties, it is important that these democracies continue to be sensitive to the need to respect the rights of all citizens.

A good example is **Bulgaria**, a country in transition to democracy that nonetheless continues to be wracked by deep-rooted societal problems. The Roma ("Gypsies") in Bulgaria still face widespread prejudice, discrimination, stereotyping in the media, and negative attitudes from the majority of the population. NED funding for the Tolerance and Mutual Aid Foundation enables it to maintain its nationwide network of young Roma leaders who act as liaisons between local government officials and the Roma community, work with local officials and legal professionals to reduce widespread discrimination against Roma, monitor human rights abuses at the local level, and provide legal aid to victims of abuse.

Another country in transition to democracy is **Mexico**, where human rights education is the focus of a grant to Universidad Iberoamericana, which is establishing a Web site and listserv for human rights materials; developing a curriculum on human rights training for use in Mexican law schools; promoting the incorporation of human rights curricula in private and public universities; and establishing human rights clinics and service programs in the universities. The group also trains civil society organizations in human rights law and its application to the Mexican legal system.

WORLD MOVEMENT FOR DEMOCRACY

Building from its global grants program, as well as from networks of scholars associated with the *Journal of Democracy* and democracy promotion foundations that it has helped to spawn, the Endowment has developed an initiative that brings democrats together from all regions of the world for mutual support and cooperation. The World Movement for Democracy has grown from its initial meeting in New Delhi, India, in February 1999 into a large umbrella for democracy-related networks that connect through use of the Internet and periodic meetings.

Through its large network of democratic activists, the World Movement is active in the area of human rights: issuing periodic alerts through its secretariat and its network of parliamentarians calling attention to human rights abuses, providing information about organizations worldwide that are engaged in human rights related work, circulating a newsletter that reports on activities and conferences sponsored by participants, and pursuing the gamut of democracy-related issues through workshops at its periodic world assemblies. At the last assembly held in Sao Paulo, Brazil, for example, one workshop on human rights documentation was led by lawyers who demonstrated how they investigated and developed a database on abuses in Kosovo. Another looked at strategies for opening up closed societies. At the upcoming assembly in Durban, which is scheduled for February 2004, there will be workshops on Addressing the Threats to Democracy and Human Rights Activists in Authoritarian Countries, Strategies for Democrats in Situations of Armed Conflict, and Challenges to Political Participation: Linking Human Rights and Democracy.

One great advantage of a nongovernmental initiative like the World Movement is that it is able to break down the isolation of democrats working in difficult circumstances, bringing them into contact with others who have had similar experiences and gaining worldwide attention for their causes. At the Second Assembly in Sao Paulo, special recognition was paid to several groups and movements that have distinguished themselves in relative isolation from the international spotlight. The first set of recipients of the Democracy Courage Tributes were:

- The Iranian Student Movement
- Democratic Mayors of Colombia
- The Civil Society Movement in Democratic Congo
- The Mothers of Tiananmen Square
- LAM, a human rights group that works in Chechnya

At the upcoming Third World Assembly in Durban, recognition will be paid to the Peace and Democracy Movements in Sudan and the Mano River region (Liberia, Sierra Leone, Guinea), the Belarus Democracy Movement, and two groups working for reconciliation in the Israeli-Palestinian conflict.

CONCLUSION

When asked by an interviewer whether she thought that democracy would ever be achieved in her country, Aung San Suu Kyi responded, "I think the will of the people to achieve a system that guarantees their rights is getting stronger and stronger. Also, the rest of the world is on our side."

Mr. Chairman, we believe strongly that in every situation, no matter how desperate, there are courageous individuals, some of them well known like the Burmese Nobel Laureate, but many, many others whose names are unknown outside their communities, who are working tirelessly to bring to these communities the fundamental rights many of us take for granted. It is our hope that with the continued support of this Committee and the Congress, we will be able to provide the kind of assistance that one day will make the visions of Aung San Suu Kyi and others like her a reality.

Thank you.

 ENDOWMENT-FUNDED HUMAN RIGHTS PROGRAMS IN FY02 AND FY03
Training Programs

- **Angola:** Associação Horizonte para o Desenvolvimento do Jovem Rural e Agricultor de Angola trains both civil society and human rights trainers to participate in community based debates, publishes pamphlets on human rights, and organizes provincial forums on the rights and duties of citizens.
- **Azerbaijan:** Southern Resource Center for Human Rights Organizations provides training workshops for representatives from regional human rights NGO's. It also holds conferences for regional human rights NGO's.
- **China (Tibet):** Tibetan Youth Congress organizes intensive leadership-training courses for Tibetan college students in India, facilitating their involvement in the political struggle for democracy and human rights in Tibet.
- **Democratic Republic of Congo:** Structure de Culture d'Education Populaire et des Droits de l'Homme (SCEPDHO) organizes human rights training workshops for human rights activists and a series of civic education workshops on relevant national and international human rights documents. SCEPDHO also monitors the human rights situation in the Boma region.
- **Democratic Republic of Congo:** The Justice and Peace Commission of the Diocese of Kindu (JPC) organizes human rights training sessions for representatives from 18 parishes in the Kindu area. After the training, participants share what they learn with their local parishes. JPC also produces and broadcasts a human rights program on the local government radio station.
- **Democratic Republic of Congo:** Collectif des Organisations des Jeunes Solidaires du Congo-Kinshasa (COJESKI) conducts training for democracy and human rights activists, including leaders of youth associations from three provinces. At the conclusion of the training seminars, each province establishes a human rights group. COJESKI works with the groups to develop human rights promotion programs appropriate for each province.
- **Democratic Republic of Congo:** The International Human Rights Law Group provides institutional and technical training to human rights organizations in four provinces in eastern Congo. The training includes individual one-on-one consultations and larger region-wide workshops, supplemented with on-going technical assistance programs for local NGOs.
- **Democratic Republic of Congo:** Convergences provides human rights education, conflict resolution and non-violence training for youth in Kitshanga. It conducts a training of trainers program for young leaders, who then train youths in the community on human rights.
- **Democratic Republic of Congo:** Haki Za Bin Adamu trains judges and judicial personnel in Maniema on human rights issues, as well as conducts a human rights training program for youth activists in the province. Supplemental human rights information is available to human rights activists and other interested residents through its human rights resource center.
- **Democratic Republic of Congo:** Promotion et Appui au Developpement Communautaire conducts a training program for paralegals, allowing the participants to consult with potential victims of human rights violations in rural areas.
- **Democratic Republic of Congo:** Fondation pour le Renforcement des Capacites des Populations (FORECAP) conducts a series of human rights

training sessions for human rights activists, police officers, and traditional leaders. FORECAP also conducts quarterly meetings with recently established human rights clubs, and produces and broadcasts radio programs.

- **Democratic Republic of Congo:** Fondation Pour le Renforcement des Capacites des Populations conducts training for human rights activist from across the Maniema province of Congo as well as for judicial officials. It also conducts roundtable discussions focusing on the rights of women and children.
- **Democratic Republic of Congo:** Heritiers de la Justice provides training for human rights activist in South Kivu. Workshops are held for members of local chapters of Heritiers de la Justice, which focus on the theoretical and legal tenets of human rights. Workshops are also held for representatives of local NGO's and focus on the broad principles of human rights and strategies for monitoring, reporting, and advocacy work.
- **Egypt:** Human Rights Center for the Assistance of Prisoners (HRCAP) trains lawyers, social workers, student activists and NGO leaders in investigating and reporting human rights abuses in prisons and detention centers, educating the populace on the rule of law, and training its staff.
- **Lebanon:** Generation for the Integrity of Lebanon conducts training workshops on human rights, pluralism, democracy, and civic participation for youth in Southern Lebanon then publishes an Arabic manual on human rights, based on the training curriculum and experience.
- **Liberia:** The Prisoners Assistance Program (PAP) provides human rights training to residents and police commanders in targeted communities. PAP and the training participants then set up community-based action structures to promote and defend human rights in each of the communities.
- **Liberia:** The Rural Human Rights Activists Programme (RHRAP) conducts training for human rights activists, produce a training manual, and conducts a lecture series in schools, religious institutions, and refugee and IDP camps. RHRAP also produces and broadcasts a radio program, develops billboards with human rights messages targeting the rural illiterate population, and produces a monthly newsletter distributed nationwide.
- **Russia:** The International Memorial Society trains human rights activists in the use of public opinion polling data. Using existing polling data on how Russians think about human rights issues, human rights activists develop information campaigns intended to raise public concern about specific human rights issues.
- **Russia:** Center for Support of Democratic Youth Initiatives offers training in human rights education to teachers from the Perm oblast. The Center also develops and tests human rights curricula in local schools and publishes teachers training guides and textbooks.
- **Russia:** Youth Center for Human Rights and Legal Culture provides a training program for youth interested in working in the human rights field. Additionally, the Center carries out campaigns to draw youth into the human rights movement, and organizes course-graduate internships with human rights organizations.
- **Uganda:** Human Rights Concern (HURICO) conducts training of trainers sessions on human rights education. After the training sessions, the participants train their own staff and their organizational constituencies on the principles they have learned. HURICO provides assistance through translating materials into local languages as necessary and participation in as many of these follow-up sessions as possible.
- **Ukraine:** Donetsk Human Rights School conducts human rights training and curriculum development for secondary-level teachers.
- **Asia Regional:** The International Center for Ethnic Studies conducts a human rights training program to strengthen civil society organizations that focus on the promotion and protection of minority rights.
- **Europe - Eurasia Regional:** The American Bar Association's Central European and Eurasian Law Initiative (ABA CEELI) conducts a training program for human rights activists from the Ferghana Valley region of Central Asia. Representatives from human rights organizations based along the borders of Kyrgyzstan, Tajikistan and Uzbekistan attend a two-week training course at the CEELI Institute in Prague to learn skills and mechanisms needed to defend and combat violations of human rights.

Education Programs

- **Afghanistan:** The National Commission of Human Rights of Afghanistan (NCHRA) conducts a series of human rights seminars, workshops and short-term educational courses for lawyers, teachers, law enforcement personnel and judges in the provinces of Kapisa, Wardak, Paktiya and Kabul. NCHRA also publishes and distributes its human rights bulletin, and investigates alleged human rights allegations and independently monitors the central government's policies to ensure effective application of human rights norms.
- **Algeria:** Algerian League for the Defense of Human Rights is pursuing a campaign for greater respect for human rights and rule of law in Algeria. Its program includes meetings with Algerian civil society representatives, national conferences, and an informational Web site.
- **Angola:** Organização de Ajuda ao Desenvolvimento Comunitario conducts training sessions in order to raise public awareness of human rights and Angolan democratic structures. It also provides established prisoners' groups with material to ease their re-entry into Angolan society, and has a counseling center in Luanda, staffed by a lawyer and two paralegals.
- **Azerbaijan:** Model Constitutional Court holds a series of mock trials around the country in order to raise the Azerbaijani public's understanding of the rule of law and the benefits of a democratic system.
- **Chad:** Radio FM Liberté broadcasts a public-information program devoted to democracy, human rights and development issues.
- **China:** *Press Freedom Guardian*, a Chinese-language newspaper, provides analysis of democratic ideas, human rights cases and the treatment of political prisoners.
- **Republic of Congo (Brazzaville):** Association pour les Droits de l'Homme et l'Univers Carceral (ADHUC) conducts a series of workshops and training seminars to increase the understanding of human rights concepts among the judiciary, police force, youth and community groups, and prison guards.
- **Democratic Republic of Congo:** Action Pour le Developpement et la Paix Entre les Ethnies is organizing a series of workshops on the causes and consequences of, and solutions to, conflict in the region of South Kivu. It is also conducting human rights training workshops and human rights investigations.
- **Democratic Republic of Congo:** Group d'Appui-Conseils aux Realisations pour le Developpement Endogene conducts training workshops for teenagers of North Kivu to discuss how to protect and promote human rights in periods of conflict.
- **Democratic Republic of Congo:** Les Amis de Nelson Mandela conducts training for its members on human rights investigative techniques and ways to develop effective communication strategies for human rights groups.
- **Democratic Republic of Congo:** Haki Kwetu promotes interethnic dialogue and provides human rights training in South Kivu. Additionally, it documents local concerns and strategies for combating interethnic violence, provides tailored training workshops to impart strategies for ethnic cohabitation and conflict resolution.
- **Democratic Republic of Congo:** Group Justice et Liberation conducts human rights training sessions, workshops on transitional justice, forums on social and economic rights. It also produces publications on peace and human rights issues.
- **Democratic Republic of Congo:** Centre d'Etudes Juridiques Appliquees (CEJA) conducts a program of human rights advocacy and education, including seminars on the investigation of human rights abuses, publication of a quarterly human rights newsletter, and production of a human rights education program for radio. CEJA also trains paralegals for its legal assistance program for victims of human rights.
- **Democratic Republic of Congo:** Promotion et Appui aux Initiatives Feminines (PAIF) conducts a series of one-day conferences on a variety of human rights issues. The conference is supplemented by workshops providing training on essential skills to allow women to participate in the peace process. PAIF also has a human rights monitoring program, broadcasts a weekly radio program on human rights issues, and sponsors street theater performances to reinforce the messages of human rights, women's rights, and public participation in politics.

- **Democratic Republic of Congo:** Maniema Libertes (MALI) produces a monthly radio program on peace, tolerance, and ethnic cohabitation, as well as human rights concepts and principles. MALI also brings together speakers from different political factions to discuss issues related to peace, human rights and democracy in a bi-monthly public debate series.
- **Democratic Republic of Congo:** Groupe Lufalanga conducts a civic education and human rights program to engage youth associations in the city of Kisangani. Groupe Lufalanga also publishes a newsletter containing human rights information and news supplied by local youth groups.
- **Democratic Republic of Congo:** Groupe Lotus conducts a program of human rights education, monitoring and advocacy through a series of training sessions and workshops on human rights and conflict resolution, as well as the publication of issue press releases, special reports and a newsletter.
- **Democratic Republic of Congo:** Groupe Jeremie conducts an information program including publications, radio programs, a bi-annual human rights report, and visits to local secondary schools in Bukavu to reinforce the message of human rights and peace. Groupe Jeremie also monitors the human rights situation in prisons and offers judicial assistance to indigent victims of human rights abuse.
- **Democratic Republic of Congo:** Centre de Droits de l'Homme et du Droit Humanitaire conducts a human rights education and advocacy program in Katanga province, monitor the cases of political prisoners, distributes approximately copies of its quarterly newsletter, and publishes and distributes copies of two brochures on women's rights.
- **Democratic Republic of Congo:** Association des Jeunes Femmes du Maniema (AJFM) conducts a human rights information and training program of workshops, roundtable discussions, cultural activities, and a working group for residents of Maniema province. AJFM also produces and broadcasts a radio program focusing on human rights and issues affecting women.
- **Democratic Republic of Congo:** Centre Chretien pour le Developpement des Paysans en Milieu Rural conducts a broad campaign of human rights education, advocacy and training for the Fizi and Baraka zones of South Kivu. The program includes production of a human rights newsletter, a series of discussions and seminars on non-violence, production of training materials, and human rights education and advocacy in local schools.
- **Democratic Republic of Congo:** Federation des Droits de l'Homme conducts a program of human rights education and advocacy, including human rights education training in secondary schools, seminars for judges on human rights protections, legal assistance to prisoner victims of human rights abuses, and producing monthly television and radio programs devoted to general human rights issues.
- **Democratic Republic of Congo:** Promotion de la Femme Rurale (PROFER) conducts a human rights and democracy training sessions for community leaders, hosts public discussions on human rights, and hosts roundtable discussions with other NGOs on local issues affecting the progress towards democracy and the protection of human rights. PROFER also produces and broadcasts 24 half-hour radio and television programs focusing on theory and application of human rights principles, rule of law and protection of human rights.
- **Gaza Strip:** Gaza Center for Rights and Law conducts courses on international and local applications of human rights, rule of law, and freedom of the press, for Palestinian journalists in Gaza.
- **Georgia:** Human Rights Information and Documentation Center conducts trainings for students as well as teachers, concentration on offenses made by the police, as well as a roundtable series titled "Human Rights Problems and Prospects of Policing in Georgia". It is also producing a made-for-television film titled "The Police and Human Rights", as well as teaching materials for human rights training.
- **Iran:** Abdorrahman Boroumand Foundation is establishing an Iran Human Rights Memorial Web site to highlight the extra-judicial cases and victims of political violence. The site will offer a Farsi-language electronic library on human rights laws and instruments.
- **Iraq:** The Badlisy Cultural Center continues a human rights campaign in northern Iraq, holding workshops on human rights, developing an NGO net-

work, publishing a newsletter on human rights, and producing short plays to raise the awareness of human rights in northern Iraq.

- **Lebanon:** Philanthropic Amlieh Association provides human rights training to Shi'ite Muslim girls and women, which utilizes specialized manuals addressing human rights within Islam.
- **Mexico:** American University works with deans of Mexican university law schools to implement human rights curriculum in Mexican law schools to train students on human rights issues.
- **Morocco:** Citizenship Forum is organizing civic clubs in Morocco to undertake civic initiatives and disseminate concepts of democracy, pluralism, tolerance, transparency, accountability, active participation, human and civil rights, citizenship, and community development. Additionally, the Forum will publish a Arab language newsletter, *Civic Education*, linking the civic clubs to each other and publicizing their concerns and initiatives.
- **Nigeria:** Committee for the Protection of People's Dignity is launching a youth-democracy camp program in the northern, eastern, and western zones of Nigeria. Participants will be educated about critical democracy and human rights issues.
- **Nigeria:** Human Rights Monitor educates citizens on democracy and human rights through the development, production and placement of a series of radio and television public service announcements; sponsorship of interactive, phone-in radio and television programs; publication of quarterly articles on the elections and electoral process; and translation of Independent Electoral Commission materials into three languages.
- **North Korea:** The Citizens' Alliance for North Korean Human Rights educates both the South Korean public and the international community about the human rights situation inside North Korea through a weekly electronic newsletter, a quarterly journal, its Web site, a volunteer program, an international conference, and a series of activities designed to encourage interaction between North and South Korean youth.
- **North Korea:** The Network for North Korean Democracy and Human Rights (NKNNet) publishes three bulletins, maintains a bi-lingual Web site and conducts a series of workshops in its effort to raise public awareness of the need to support democracy and human rights in North Korea.
- **Russia:** The Center for the Support of Democratic Youth Initiatives provides a program of teacher training, human rights curriculum development and publication.
- **Russia:** Ecology and Human Rights Center is working on the publication of a new journal, *Ecology and Human Rights*, which will examine the closely related issues of the environment, government, and human rights. The journal will be both posted on the Internet, and distributed in those areas of Russia where the Internet is inaccessible.
- **Russia:** Human Rights Publishers is publishing three issues of *Human Rights Defense*, which features articles on human rights issues throughout the Federation.
- **Russia:** Tochka Oporyis awarding grants to regional NGO's for programs in key areas, such as human rights education, involvement of students in local decision-making processes, development of an anti-totalitarian world view through study of the Soviet past, and reduction of interethnic tension.
- **Russia:** Youth Human Rights Movement holds seminars and conferences for young human rights activists from throughout the Russian Federation. It also publishes a monthly bulletin.
- **Russia:** The Committee for the Defense of Human Rights in Tatarstan organizes the publication of materials on human rights in newspapers in the local language of three non-Russian republics, and administers training for human rights activists, journalists, and representatives of government agencies in each republic. The Committee also provides free human rights defense services and administers a series of public information lectures for residents of rural regions of the republics.
- **Somalia:** The Dr. Ismail Jumale Human Rights Organization (DIJHRO) conducts human rights training workshops designed to strengthen awareness of human rights to groups of participating police officers, primary school teachers and youth. DIJHRO also investigates and documents human rights abuses to be combined into regional reports made available to the public.

- **Somaliland:** Samo-Talis conducts a series of seminars and training workshops on human rights and publishes a monthly human rights newsletter and three English-language supplements.
- **Somaliland:** Institute for Practical Research and Training conducts training sessions with members of the House of Representatives of Somaliland and their staffs that will build upon earlier training focused on governance, human rights, and electoral processes. The organization will also purchase new books, manuals, and periodicals for its resource center and will publish the first three issues of the Official Parliamentary Bulletin.
- **Sudan:** Badya Center for Integrated Development Services operates a school program for street children and displaced girls, and holds training workshops for adults on skills for conflict resolution and human rights education.
- **Sudan:** Community Development Center educates internally displaced persons (IDPs) in Upper Nile State about their legal rights. It also holds workshops on human rights, IDP's, and Sudanese laws.
- **Sudan:** Khartoum Center for Human Rights holds trainings and workshops, and seminars on various aspects of human rights. It is also conducting a media campaign promoting human rights.
- **Uganda:** Foundation for Human Rights Initiative produces thematic reports on four important issues affecting human rights in Uganda: freedom of association, assembly, and expression; extrajudicial execution; conflict and conflict-management; and corruption. The Foundation also organizes high-level conferences on democratization and human rights for approximately seventy participants from the government, opposition parties, the human rights commission, the electoral commission, NGOs, religious organizations, and the military.
- **Uganda:** Lwo Development, Inc. is conducting a baseline needs assessments in northern Uganda and conducts civil rights awareness programs that include production of leaflets, posters, magazine articles, and radio programs. Based on the assessment, LDI will conduct a series of training workshops on civil rights, a media-advocacy campaign highlighting the role of gender in peace-building, and a workshop on conflict resolution.
- **Ukraine:** The Foundation for Regional Initiatives educates Ukrainians about their rights and the means available to defend them by producing and transmitting a series of public service announcements over regional Ukrainian television stations, accompanied by a program of publications, conferences and roundtables intended to multiply the impact of the program.
- **Vietnam:** The Association of Vietnamese Overseas published a Vietnamese magazine focusing on democracy and human rights, distributes mini-bulletins on pressing topical issues and international human rights advocacy, and publishes a series of books on Vietnam's democracy movement.
- **West Bank/Gaza Strip:** Middle East Center for Nonviolence and Democracy is training Palestinian youth in nonviolent conflict resolution, communication skills, and human rights, who will then produce a quarterly educational newsletter and stage play on non violence and conflict resolution.
- **Central Africa Regional:** Agir Ensemble pour les Droits de l'Homme conducts a training program on the basic tenets of human rights for approximately 50 young people per session. Agir Ensemble then chooses from 20 to 25 students for a human rights practicum which will combine theory and practice.
- **Central Asia Regional:** International Memorial Society provides objective, detailed, and comprehensive information on the human rights situation in the countries of Central Asia. Information from each country is collected and disseminated by means of press releases to international human rights organizations, or in the form of bulletins and special publications.
- **Middle East Regional:** Human Rights Club is holding a series of roundtable debates on the prospects of democracy and human rights in the Arab world, and to build a network of democrats and human rights activists in the Middle East.
- **Middle East Regional:** Regional Program for Human Rights Activists is organizing human rights workshops around the Middle East. It will also be printing copies of the presentations and recommendations from the workshops and distributing them to Arab civil society organizations and human rights activists, groups, and institutions.

- **Middle East Regional:** Human Rights Information and Training Center is working on holding a five-day regional workshop to train representatives of women's organizations, lawyers associations, and human rights organizations and activists from Arab countries, in human rights issues.

Monitoring and Documentation

- **Republic of Congo (Brazzaville):** Congolais des Droits de l'Homme (OCDH) monitors and documents the human rights situation in the Republic of Congo (Brazzaville) through a compilation of reports of human rights violations and the publication of a report on detention conditions in Congo-Brazzaville. OCDH also offers a legal assistance program, and organizes an informational workshop titled "The Struggle Against Impunity: The Problem of Torture in Congo."
- **Cuba:** The Cuban Committee for Human Rights collaborates with the U.N. Human Rights Commission in its monitoring and investigation of human rights conditions in Cuba, publishes and disseminates (in Cuba and internationally) several publications on human rights, and provides humanitarian assistance to political dissidents and prisoners of conscience in Cuba.
- **Democratic Republic of Congo:** Association Africaine pour la Defense des Droits de l'Homme en Republique du Congo investigates and researches human rights conditions nationwide to be published in an annual human rights report and quarterly bulletins.
- **Ethiopia:** The Ethiopian Human Rights Council conducts human rights monitoring and research activities and presents its findings at human rights conferences.
- **Kosovo:** The Council for the Defense of Human Rights and Freedoms monitors the human rights situation in the province, and disseminates information on abuses to the international community.
- **Russia:** The Environmental Human Rights Center publishes its journal, *Ekologia I Pravo* (Ecology and Human Rights), which examines the issues of the environment, government and human rights.
- **Russia:** The Information Center of the Human Rights Movement conducts a campaign of press releases, press conferences and press monitoring to publicize the goals and activities of the human rights movement. In addition, the Center helps human rights organizations work more effectively with the press by offering training in press relations at human rights workshops and seminars.
- **Russia:** The Center for Development of Democracy and Human Rights produces a monthly bulletin containing analyses of pending legislation and parliamentary activity on human rights issues, organizes press conferences to increase the availability of information about pending legislation and the public response, and publishes a short book analyzing voting by members of the Duma.
- **Russia:** The Kaliningrad Resource, Information and Analysis Center (RIAC) trains six human rights monitors, employs a variety of methods to monitor adherence to a wide range of human rights norms, prepares their findings in a report to be distributed to local officials, organizes a roundtable for representatives of regional law enforcement agencies, and holds a seminar for leaders of Kaliningrad oblast NGOs on human rights.
- **Sierra Leone:** The National Forum for Human Rights monitors human rights abuses nationwide and publishes its findings in quarterly reports, annual reports, press releases, and advocacy bulletins.
- **Sudan:** The Sudan Human Rights Association-Uganda monitors and investigates refugee conditions and human rights abuses. Reports are disseminated to appropriate government representatives, international organizations and other targeted groups. The organization also produces a newsletter and runs a paralegal training program.
- **Uzbekistan:** The Tashkent Branch of the Human Rights Society of Uzbekistan "Ezgulik" monitors and reports cases of arbitrary detention on political and religious grounds, abuses and torture of such prisoners, and official discrimination against their families. Ezgulik monitors the trials and transcribes the proceedings; provides free, quality legal advice to the victims of human rights violations; and represents victims before various courts, tribunals and other institutions to seek redress. Five fact-finding and instructional trips to regional offices are organized and research obtained from these activi-

ties provide material for a quarterly report, a monograph, and a manual for activists.

Legal Assistance

- **Azerbaijan:** The Legal Education Society provides free legal advice and preparation of cases for consideration by the European Court of Human Rights and the UN Committee on Human Rights, training courses for the legal and human rights communities and for members of the media, and a university-level survey course on the international system of human rights protection.
- **Democratic Republic of Congo:** Femmes et Enfants pour les Droits de l'Homme provides pro-bono legal assistance to indigent victims of human rights abuse.
- **Democratic Republic of Congo:** Promotion de la Democratie et Protection des Droits Humains (PDPDH) provides pro-bono legal assistance to indigent victims of human rights abuse in the Goma area. PDPDH also publishes human rights monitoring reports on prisons abuses, as well as providing legal and social services to underage soldiers in prison.
- **Kazakhstan:** The Kazakhstan International Bureau for Human Rights and Rule of Law provides free legal consultations, observes trials, organizes a legal aid telephone hotline, and reports on these activities via the media.
- **Russia:** The Saratov Legal Reform operates a free legal clinic staffed by professional lawyers and student interns to participate in all forms of legal work relating to human rights violations, and undergo extra training in practical aspects of legal work.
- **Russia:** The International Protection Center offers free legal representation to individuals who have exhausted all possibilities in the Russian legal system and wish to pursue their cases in the European Court of Human Rights.
- **Russia:** The Moscow Helsinki Group offers support to selected victims of “spy” cases and to distribute information about ongoing cases to human rights NGOs and the Russian and foreign media.
- **Serbia:** The Helsinki Committee for Human Rights in Serbia operates a legal aid office in Belgrade where individuals can report human rights abuses and seek assistance in countering the violations. The committee also monitors the drafting and enforcement of laws to ensure they are in compliance with international standards of human rights.
- **Turkmenistan:** “Flamingo” Public Education Center conducts a human rights program of pro-bono legal advice.

Other

- **Armenia:** The Republican Center for Democracy conducts a program of defending political, civil, economic, and social rights. The program consists of public education, legal assistance to needy citizens and NGOs, and participating in the drafting of legislation relevant to fundamental human rights and freedoms.
- **Armenia:** The Helsinki Association drafts legislation concerning fundamental issues of human rights and civil liberties monitors the court and prison system, provides legal advice and representation, and provides information to the general public through a legislative database and newsletters.
- **Azerbaijan:** The Human Rights Center of Azerbaijan (HRCA) monitors the judicial process and educates the Azerbaijani public about legal standards and procedures, including the process of appealing to international bodies. The Center conducts courtroom monitoring, provides legal counseling to persons who complain about arbitrary judicial behavior, and conduct a series of seminars in Baku to teach victims and human rights defenders how to use Azerbaijan’s laws and international instruments to press their cases against the government.
- **Belarus:** The People in Need Foundation conducts a series of study visits and exchange programs between Belarus and the Czech Republic for 18 young political leaders, educational experts and human rights activists. The Program strengthens effective local government, promotes educational reform and highlights human rights issues.
- **Bosnia-Herzegovina:** The Helsinki Committee for Human Rights in *Republika Srpska* monitors the human rights situation in the Serb Republic, uses the media to disseminate information human rights abuses to local residents and the international community and educates residents of the Serb

Republic on their basic human rights. In addition, the Committee operates a legal aid office where citizens of the Serb Republic can obtain information on international human rights standards, report human rights abuses and seek assistance in countering these violations.

- **Bosnia-Herzegovina:** The Tuzla Human Rights Office works with the Bijeljina Human Rights Office to provide human rights resources centers, where citizens of the Serb Republic and the Federation of Bosnia-Herzegovina can learn about international standards for human rights and seek assistance in countering abuses. The two offices also work to ensure that new legislation protects basic human and civil rights.
- **Bulgaria:** The “Tolerance and Mutual Aid” Foundation maintains its nationwide network of young Roma leaders who will act as liaisons between local government officials and the Roma community, work with local officials and legal professionals to reduce widespread discrimination against Roma, monitor human rights abuses at the local level, and provide legal aid to victims of abuse.
- **Cambodia:** The Cambodian Human Rights Action Committee investigates human rights abuses, offers legal and diplomatic action on behalf of victims, and human rights advocacy and information dissemination.
- **China:** Human Rights in China (HRIC) supports the human rights movement inside China through activities that fall under the categories of: humanitarian aid and support for political prisoners; research and publication of in-depth reports, as well as a quarterly journal; information dissemination via the Internet, including website expansion and listserv services; and monitoring compliance with international human rights obligations.
- **Cuba:** Center for a Free Cuba provides emergency relief to political prisoners and their families, to former political prisoners, and to members and families of the pro-democracy movement.
- **Democratic Republic of Congo:** Centre Mater Misericordiae du Bukavu (CMM) offers a program of human rights monitoring to identify and rehabilitate victims of human rights abuse, particularly women and under-aged boy soldiers. CMM also conducts conferences on human rights issues for lawyers, human rights activists, victims of human rights abuse, and religious leaders. Finally, CMM produces and air programs about the major issues regarding the recruitment, rehabilitation and treatment of victims of forced recruitment.
- **Democratic Republic of Congo:** Solidarité pour la Promotion Sociale et la Paix conducts a human rights program in North Kivu that includes monitoring for abuses, lobbying activists, education and training, and publication of pamphlets on democratic principles.
- **Democratic Republic of Congo:** Jeunes Paysans en Action (JPA) conducts a human rights education, advocacy and training program through a training of trainers program, the organization of local human rights committees, and bi-monthly discussions and debates on human rights. Following the completion of the civic education program, JPA holds an evaluation seminar with its trainers to discuss the campaign and devise strategies to revise and expand its outreach program.
- **Democratic Republic of Congo:** Solidarite des Femmes de Fizi pour le Bien-Etre Familial conducts human rights education sessions, training session on human rights documentation and monitoring, mental health counseling, pro bono legal aid to victims of human rights violations, exchange visits with leading human rights organizations, and sponsors a human rights contest for the best traditional song and skit highlighting the themes of human and women’s rights.
- **Egypt:** The Egyptian Organization for Human Rights investigates and reports on human rights abuses; educates the public on the benefits of tolerance, pluralism, and dialogue; and calls for the incorporation of international human rights norms in Egyptian legislation.
- **Fergana Valley:** The Fund for Legal and Economic Reforms in Kyrgyzstan maintains a human rights NGO network in the Fergana Valley that conducts regional training seminars for activists; a news bulletin; consulting and technical assistance for new and established NGOs; and a Web-assessable database of human rights information.
- **Kyrgyzstan:** The Jalal-Abad Regional Human Rights Organization “Spravedlivost” organizes a network of human rights organizations, protects human rights through the provision of pro bono legal services; trains mem-

bers of the network; monitors human rights conditions; and disseminates information in Kyrgyzstan and abroad.

- **Kyrgyzstan:** The Kyrgyzstan Committee for Human Rights provides legal advice and human rights assistance, and lobbies the government to comply with international human rights norms. The Committee also provides rehabilitation services to victims; works to solidify international pressure on the government to improve compliance with human rights norms; and conducts training of activists.
- **Kyrgyzstan:** Shoola Kol trains police officers and middle school teachers in human rights norms; provides legal assistance to indigent citizens; publishes a newsletter; and brings together local activists, lawyers, and government officials to work towards improving human rights in the country.
- **Kyrgyzstan:** The Youth Human Rights Group conducts a human rights program that includes research, monitoring of detention facilities for youth, provision of pro bono legal consultations, classes for secondary school students, training for teachers, and seminars for students in regional colleges and universities.
- **Lebanon:** The Rene Moawad Foundation (RMF) organizes human rights and civic clubs in Lebanese schools.
- **Liberia:** The Justice and Peace Commission produces and broadcasts weekly human rights and civic education radio program focusing on the basic tenets of human rights, conducts workshops on human rights instruments, monitoring, reconciliation and peace-building and provides free legal services through its Legal Aid Program to indigent people whose rights have been violated.
- **Liberia:** The Committee for Peace and Development Advocacy, Inc. (COPDA) teaches adults to read while simultaneously learning about the Liberian constitution and basic human rights. COPDA also visits surrounding towns and villages to hold regular consultations with those who are unable to participate in the Center's program. COPDA gathers information regarding human rights abuses on these visits, and compiles the information into a database that will be used to identify human rights abuse trends. Finally, COPDA publishes a quarterly newsletter, *Human Rights News*.
- **Liberia:** The Center for Law and Human Rights Education offers pro bono legal assistance in its legal-aid clinic for victims of human rights abuse; broadcasts human rights education activities through the radio; administers an outreach program to the half-dozen counties where it currently has activities; and conducts a legislative advocacy program aimed at enacting new laws protecting human rights.
- **Malaysia:** The Asian Forum for Human Rights and Development supports human rights awareness programs and advocacy campaigns aimed at strengthening human rights protections in Malaysia.
- **Moldova:** The Moldovan Helsinki Committee for Human Rights monitors the human rights situation in Moldova, disseminates information on abuses, and educates residents in Moldova on their basic human rights. The committee maintains the operations of its legal aid office, where citizens can obtain information on international human rights standards, report abuses, and seek assistance in countering these violations. The committee also monitors the actions of the current communist government, including the drafting and enforcement of legislation, to ensure that Moldovan institutions are in compliance with international standards of human rights.
- **Niger:** The Association Nigerienne pour la Defense des Droits de l'Homme produces and distributes a quarterly newsletter, and reaches out to other civil society organizations in Niger working on human rights and democracy to increase the level of coordination and communication between groups.
- **Nigeria:** The Centre for Constitutional Governance (CCG) conducts training workshops on the Nigerian Constitution, the electoral process, human rights, and civic responsibilities for Volunteer Local Government Educators (VOLGEs), community educators and state facilitators. Through CCG's three human rights centers in each state, it provides free legal assistance to individuals seeking legal reparations for human rights abuses in the Nigerian courts, and compiles information into the third and fourth editions its magazine.
- **Romania:** The Association for the Protection of Human Rights in Romania-Helsinki Committee (APADOR-CH) encourages political leaders to create a

legislative framework that respects civil liberties, provides legal advice to victims of human rights abuses, monitor and document human rights violations, and educate citizens on legal norms for the protection of human rights.

- **Russia:** The Independent Council for Legal Expertise provides human rights organizations with expert analysis of pending legislation, intervenes in particularly complex instances of human rights violations, and works to develop effective mechanisms of social influence to guarantee individual rights.
- **Russia:** The Youth Human Rights Network offers training and internships to young human rights activists throughout the NIS, publishes a newspaper devoted to youth rights, and develops informational materials in support of nationwide campaigns on human rights issues and human rights organizations throughout Russia and the NIS.
- **Russia:** *Za Prava Cheloveka* conducts a program of informational activities and directs human rights assistance to coordinate the activities of human rights organizations throughout Russia. *Za Prava Cheloveka* also offers free legal assistance to victims of human rights violations, publicizes human rights violations through the mass media and on its own Web site and provides analyses of patterns of human rights violations.
- **Russia:** The Independent Council of Legal Expertise provides human rights organizations and other influential groups with expert analyses of pending legislation, intervenes in particularly complex instances of human rights violations, and works to develop effective mechanisms of social influence to guarantee individual rights.
- **Russia:** The Tomsk Research Center for Human Rights conducts a program of free legal aid to impoverished victims of human rights abuses, a human rights monitoring and research program, and publication of a monthly newspaper and an analytical bulletin on the state of human rights in Tomsk oblast.
- **Russia:** The Chelyabinsk Oblast Public Fund "Helping Hand" offers a free legal-aid clinic for the indigent and human rights training to employees of pretrial detention centers in order to improve the overall human rights situation in the oblast. Helping Hand also provides a training program for NGO leaders, and operates an NGO resource center of support materials and consulting services to local NGOs.
- **Russia:** The Interregional Foundation for Civil Society supports a small-grants program for regional human rights organizations that offers grantees the opportunity to improve professionalism, gain project-development and management skills, and learn how to apply for and manage external funds.
- **Sierra Leone:** The Campaign for Good Governance (CGG) provides a program of human rights education, monitoring and advocacy focusing on the rights of women and children, especially in rural areas. CGG also dispatches lawyers to provide support to victims of human rights abuses, provides medical service to the victims of human rights abuse that it encounters in any of its workshops and hosts weekly radio and television programs on human rights principles and issues facing the country.
- **Sierra Leone:** The Campaign Against Violent Events provides human rights training for activists, coordinates activities to attract youth participation in human rights work, and conducts a program of civic education through theater troupes, radio programs, and roundtable discussions.
- **Sierra Leone:** The Center for Democracy and Human Rights conducts workshops, outreach meetings, press conferences, and radio discussion programs in Northern Province on such topics as responsibilities of the police and citizens, governance and participation, gender mainstreaming, decentralization, inheritance and chieftaincy laws relating to women, corruption, basic human rights, and "You and the Law." The Center also monitors, documents, and reports human rights abuses.
- **Sudan:** The Sudan Human Rights Organization branch in Cairo (SHRO-Cairo) monitors human rights violations by the Sudanese government and other warring groups, conducts a training workshop for 12 local human rights activists from different cities of Sudan, provides educational material on human rights principles, and provides legal aid to internally displaced persons and the refugee community in Cairo.
- **Tajikistan:** The Bureau of Human Rights and Rule of Law conducts a project that includes provision of legal assistance for needy citizens, monitoring of and reporting on human rights violations in the country; lobbying the govern-

ment to enact legislation relevant to guarantees of fundamental human rights and freedoms; regular lectures on human rights issues in universities; and provision of a database of new laws, legislation, judicial rulings, and other relevant legal documents to the public.

- **Tibet:** The Social and Resource Development Fund provides one-time grants to Tibetan grassroots organizations, associations and ad hoc committees working to inform and educate their communities about democracy and human rights.
- **Ukraine:** The Kharkiv Human Rights Protection Group (KHRPG) produces and distributes several periodicals on human rights in Ukraine, monitors torture and the right to privacy, and organizes training seminars for human rights teachers, NGO activists, government officials and lawyers. KHRPG also produces a television program on human rights which will be broadcast nationwide.
- **Uzbekistan:** The Association of Central Asia publishes reports on each session of the UN Committee Against Torture, including the Uzbek government's report on torture; an alternative report prepared by a coalition of Uzbek human rights NGOs, the U.S.-based International League for Human Rights, and the Russian-based "Memorial" Human Rights Center; testimony transcripts; and the official conclusions and recommendations of the UN committee.
- **Uzbekistan:** The Andijon Branch of the Human Rights Society of Uzbekistan "Ezgulik" provides a program of human rights monitoring and legal aid in the Ferghana Valley. The project consists of four parts: receiving local citizens with human rights complaints as a method of monitoring the human rights situation in the area; providing free, quality legal advice to the victims of human rights violations; representing the victims before various courts, tribunals and other institutions to seek redress for such violations; and publishing a quarterly bulletin which will contain the results of the monitoring and make policy recommendations.
- **Multi-regional:** The Center for Sustainable Human Rights Action supports activities related to the further development of its Institution Building Handbook Series. The Center conducts training program for human rights groups in Central America and West Africa, and provides individual human rights training sessions.

Mr. SMITH. Thank you very much, Mr. Gershman.
Secretary Koh?

STATEMENT OF THE HONORABLE HAROLD HONGJU KOH, GERARD C. AND BERNICE LATROBE SMITH PROFESSOR OF INTERNATIONAL LAW, YALE LAW SCHOOL

Mr. KOH. Thank you, Mr. Chairman, for inviting me back. Let me take this opportunity to thank you publicly for the unstinting support that you gave to me and my bureau when I served as Assistant Secretary for Human Rights both in your leadership capacity here on this Committee and also on the Helsinki Commission.

I want to congratulate the department on its report, which raises a very important question: Namely, how do we evaluate our Government's support for human rights and democracy worldwide? As you read this report, you have two strong, conflicting feelings about American exceptionalism.

First, on the one hand we demonstrate exceptional leadership in human rights at a level of commitment and influence far beyond that of any other country. On the other hand, in our single-minded pursuit of the war against terrorism, the Administration has permitted some human rights concerns to fall by the wayside and has consciously sacrificed others, in the process, I think, needlessly antagonizing our allies and suggesting that somehow we should be exempt from rules that apply to others.

Ambassador Kirkpatrick mentioned some key phrases from the Declaration of Independence. To me, a key phrase relevant here is that “a decent respect for the opinions of mankind” is a very important part of our founding idea, and that is the decent respect that we have not given enough to foreign views in recent days.

My view is that democracy and human rights cannot be pursued in a piecemeal fashion. These two faces of our exceptionalism are increasingly in conflict with each other. By using our exceptional power to entrench double standards, we are undercutting our ability to provide exceptional leadership.

Let me quickly demonstrate by reviewing what I think are the four principles that should govern any human rights and democracy policy. These are the principles I tried to apply myself during my time in office. First, telling the truth about human rights at home and abroad. Second, accountability toward past abuses. Third, engagement, both inside and outside, with current abusers, and, fourth, preventing future disasters and promoting democratization.

On each of these four criteria I suggest, the Administration’s approach has only been partly successful. The first goal obviously, truth telling, requires that we tell the truth about human rights at home and abroad. The Administration’s report points to many trouble spots, but you cannot read it without feeling that its focus has been selective.

As you yourself mentioned, Mr. Chairman, more than 100 countries are missing. Key countries like Turkey and Singapore are not mentioned. Very little public criticism is given of our allies in the war against terrorism, and one senses that our public criticism of Saudi Arabia, Uzbekistan and Pakistan has been softened. I think we make ourselves vulnerable to charges of double standards if we do not subject our allies in the war against terrorism to the same public disapproval we give to countries of less strategic importance.

I think we also have to be honest about our human rights abuses at home, which have caused great concern in the world. Just to give four examples: The recent Inspector General report from the Department of Justice about the mistreatment of detainees; secondly, the standardless use of the label “enemy combatant” to treat even American citizens on U.S. soil as extralegal persons; third, the holding of more than 600 detainees on Guantanamo in a place that law forgot; and, finally, the pending use of military commissions.

I cannot emphasize the way in which these errors are coming back to harm us abroad. Just two examples. On July 7, in the House of Lords, the Blair government criticized this Administration for the indication that two British citizens would be brought before military commissions in Guantanamo. Baroness Simons expressed her frustration and concern on behalf of the British Government.

A second example, from today’s *New York Times*: The indication that the Government of Indonesia now plans to set up an offshore island on which prisoners from Aceh could be held, citing Guantanamo as an example. This is another sign that Guantanamo is something which is going to cause problems for our foreign policy that are created by our own practices.

The second goal, accountability, is something that we worked on very hard in our Administration. When Secretary Powell appeared

before you at the beginning of this Administration, he signaled that he would generally support accountability and toward the International Criminal Court would take a position of benign neglect, but since then the Administration has taken a decidedly hostile position toward the International Criminal Court by unsigned that treaty, de facto unsigned it with the Military Commission's proposal, and now moving very aggressively to use a lot of diplomatic capital to punish those countries who will not sign ICC immunity agreements with regard to U.S. citizens.

I think this ignores two very basic points. First, that international criminal adjudication since Nuremberg has been in our long-run national interest, and, secondly, it is because of international adjudication that we have not had to do the kinds of military interventions elsewhere. It is one of those reasons that we are not militarily occupying Belgrade today.

I think the short-sightedness of the Administration's approach became clear at the start of the Gulf War when President Bush said that Saddam Hussein and the leading violators would be prosecuted.

My view is that Milosevic is at the War Crimes Tribunal, and that has spared us from a much greater military intervention.

At this point, the absence of an international criminal adjudication mechanism for Baghdad has created a problem for where we would try Iraqi war criminals.

Also on the accountability side, let me say that the Administration has reversed a long-standing position with regard to the Alien Tort Claims Act in the *Unocal* case, not only turning against victims of human rights abuse in Burma, but also now potentially creating a situation in which victims of terrorism will not have available to them a civil accountability remedy. It is a strange way to fight a war against terrorism to deprive victims of terrorism of a well-tested tool of accountability.

Third, the strategy of engagement, which I think has to be pursued on both a bilateral and a multilateral basis. I think the Administration's human rights agenda in Latin America has been obsessively preoccupied with Cuba. This has diminished our influence in Latin America, strained our relations with close allies like Mexico, Argentina and Chile, and impeded the development of a strong regional human rights agenda.

Until this week, we had very little in the way of an African human rights policy. Our Africa policy has been largely focused on Zimbabwe and to a lesser extent, Sudan. In the Mideast, we only recently reengaged in the peace process, recognizing belatedly there would be no peace in that region without aggressive, hands-on American participation.

In the AGOA (African Growth and Opportunity Act), we continue to go easy on countries we think are strategically valuable. Several years after our embarrassing ouster from the Human Rights Commission, we have yet to develop, I believe, an effective and meaningful multilateral human rights policy.

On the bilateral side, I do not think we have had a strong human rights agenda toward North Korea and Iran, the other two "axis of evil" countries, and we need to do so much more with regard to the outrageous situation in Burma.

In short, I think our engagement efforts have been too halting and ad hoc. We have disengaged where we should have engaged, and we have been too easy on our allies at the same time as we have been ineffective in mobilizing their support for our multilateral diplomatic goals.

Finally, I think our goal should be prevention of human rights disasters and promotion of democratization. In Africa, particularly Liberia, I think we have responded with too little, too late. I applaud the President's recent statements with regard to Liberia, but I think we need to keep the pressure on and introduce peacekeepers quickly to halt the downward spiral.

A more active early warning system would have prevented situations in Congo and Cote d'Ivoire from eroding, and I think we have to attack the fuel on the regional African fire, small arms, by supporting the small arms initiative which is going on at the U.N. this week.

As for democracy promotion, our efforts are increasingly shifting toward militarily-imposed democracy promotion. I think this has been done without a clearly stated Administration strategy for promoting democratization in the Mideast, Central Asia and elsewhere in the non-Arab Muslim world. Mr. Craner suggested that we do have a strategy. But that strategy is very invisible to those of us on the outside.

I think we have let the war on terrorism soften our democracy-promotion efforts toward such pivotal countries as Pakistan, Uzbekistan, Saudi Arabia and Kuwait. I think we need to support the Community of Democracies' initiative. Most discouraging has been the slow progress on human rights and democratization in Afghanistan and Iraq, two countries to which we have devoted extraordinary military expenses, winning brief wars, but having now failed adequately to secure the peace.

In closing, let me say we have the tools to make the world safer and more democratic, but only if we use them fairly and consistently. September 11 changed our perspective, but it did not change our values or the guiding principles of our human rights and democracy policy.

We should not use our exceptional power in ways that entrench double standards and that make it difficult for us to exercise our exceptional world leadership. When we do, we invite charges of hypocrisy that undermine our ability to pursue a positive human rights agenda. That result, Mr. Chairman, does not constitute paying "decent respect to the opinions of mankind."

Thank you.

[The prepared statement of Mr. Koh follows:]

PREPARED STATEMENT OF THE HONORABLE HAROLD HONGJU KOH, GERARD C. AND BERNICE LATROBE SMITH PROFESSOR OF INTERNATIONAL LAW, YALE LAW SCHOOL

Thank you, Mr. Chairman and members of the Committee for inviting me back before your Committee, which gave me such unstinting support between 1998-2001, when I served as Assistant Secretary of State for Democracy, Human Rights and Labor. Although I once again teach at Yale Law School and now sit on the Boards

of Directors of several human rights organizations,¹ the views I express today are mine alone.

Let me congratulate the State Department on its report, which answers Congress' directive that the Secretary report on U.S. efforts to encourage an end to torture, extrajudicial killings and serious violations of human rights in countries around the world.² This report raises a critical question: how, in the 21st century, should we evaluate our government's efforts to support human rights and democracy worldwide?

As I have recently argued, and as this report illustrates, our democracy and human rights policy increasingly reflects two competing faces of "American exceptionalism."³ On the one hand, the Administration's many commendable ongoing projects—particularly the fine work of my old bureau, the Bureau of Democracy, Human Rights and Labor—reflect our *exceptional commitment* and leadership on human rights. The Department's detailed report testifies to the myriad, specific ways in which our nation seeks to promote the development of democracy and human rights worldwide. In particular, the report's mention of the two foreign service officers—Laura Engelbrecht and Mark Lambert, who won this year's Award for Exceptional Achievement in the Field of Human Rights and Democracy—reminds us of how many committed American diplomats work so hard, every day and in every embassy around the world, to promote the rule of law, monitor human rights and intervene on behalf of political prisoners, even in countries that most Americans could not locate on the map.

On the other hand, in its single-minded pursuit of the war against terrorism, the Administration has permitted some human rights concerns to fall by the wayside and has consciously sacrificed others. We have needlessly antagonized our allies and suggested that we (or those who side with us in the war against terrorism) should somehow be exempted from rules that we previously applied to them and that we still apply to others.

But democracy and human rights should not be pursued in a selective or piecemeal fashion. The events of September 11th make clear that the United States must work to achieve its global objectives within a framework of international law and multilateral cooperation, holding ourselves to the same standards to which we hold others. As I detail below, I fear that these two faces of American exceptionalism are increasingly working against each other: by using our position of exceptional power to entrench double standards between us and the rest of the world, we are unwittingly diminishing our capacity for exceptional leadership to address the global human rights challenges ahead.

In a recent article, I suggested four principles, which I tried to apply during my own tenure, which should serve as the cornerstone of a consistent, coherent American human rights strategy: (1) *telling the truth* about human rights abroad and at home, (2) *promoting accountability* with regard to past human rights violations, (3) *pursuing a strategy of engagement, from both the inside and the outside*, with current violators and (4) seeking to *prevent future abuses* by early warning systems and consistent promotion of democratization.⁴ Evaluating the State Department's report along these four criteria, let me suggest why the Administration's policy has been only partially successful in each category.

1. TRUTH-TELLING AND HUMAN RIGHTS AT HOME

The first goal, *truth-telling and human rights at home*, requires that the United States speak honestly about human rights abuses both around the world and within our own borders. The Administration's report deserves credit for spotlighting abuses in such troublespots as Zimbabwe, Liberia, Democratic Republic of the Congo, Burundi, and Cote d'Ivoire, as well as in such post-conflict societies as Bosnia, Sierra Leone, Somalia, and countries of traditional human rights concern, such as Burma, China, Cuba, Iran, Libya, Syria and North Korea.

¹ These include the National Democratic Institute, the Lawyers' Committee for Human Rights, Human Rights in China, and the International Campaign for Tibet.

² Section 665(a), Foreign Relations Authorization Act of FY 2003, Pub. L. No. 107-228 ("for each country with respect to which the [annual country report] indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, [the Secretary of State shall report on] the extent to which the United States has taken or will take action to encourage an end to such practices in the country. . . .")

³ See Harold Hongju Koh, "On American Exceptionalism," 55 *Stanford L. Rev.* 1479 (2003), available at <http://lawreview.stanford.edu/content/vol55/5/Koh.pdf>.

⁴ Harold Hongju Koh, "A United States Human Rights Policy for the 21st Century," 46 *Saint Louis Univ. L.J.* 293 (2002)

But one cannot read through the entire report without noticing its selective focus. While some ninety countries are mentioned, more than 100 are omitted entirely. The Administration has visibly softened its critique of human rights abuses committed by our allies in the war against terror. The report makes no mention, for example, of American efforts to address the human rights situation in Turkey, despite well-chronicled mistreatment of the Kurdish population and documented accounts of the torture and abuse of prisoners by such NGOs as the Lawyers Committee and Amnesty International. While the report notes that the State Department has been working with government officials in Saudi Arabia, Uzbekistan, and Pakistan to end human rights violations, no public criticism of those governments is mentioned. The report refers to Egypt's history of "improper use of . . . military courts, . . . which contribute to human rights abuses" but does not acknowledge the parallel defects in our own final rules for military commissions, under which the Administration has recently announced that that six detainees will now likely be tried.⁵ Even when the report does publicly criticize an ally, such as Russia, China, or Kuwait, the extent of the ally's misconduct is too often downplayed. We make ourselves vulnerable to charges of hypocrisy and "double standards" if we do not subject our allies in the war against terrorism to the same strenuous public disapproval that we give to other countries of less strategic importance.

We also undermine our own credibility with the rest of the world when we commit human rights abuses at home in the name of fighting a war against terrorism. As former Secretary of State Albright presciently noted in April of 2000:

One of the most dangerous temptations for a government facing violent threats is to respond in heavy-handed ways that violate the rights of innocent civilians. . . . *We have found, through experience around the world, that the best way to defeat terrorist threats is to increase law enforcement capacities while at the same time promoting democracy and human rights.*⁶

Four examples illustrate the overbreadth of this Administration's anti-terrorism response. First, as the recent report by the Inspector General of the Justice Department makes clear, hundreds of immigrants with no connection to the war on terror have been held on immigration charges and given little opportunity to challenge the appropriateness of their confinement.⁷ Second, the Justice Department has used the standardless label of "enemy combatant" to designate several 9/11 detainees—including American citizens Jose Padilla and Yasser Hamdi and a Qatari national, Ali Saleh Kahlah al-Marri—as "extra-legal persons" who can be held indefinitely and without counsel on U.S. soil without any basic procedural rights.⁸ Third, by holding more than 600 detainees on Guantanamo, and according those allegedly connected with terrorist groups no Geneva Convention rights, the Administration has created an "extra-legal zone" to house human beings who are denied fundamental human rights protections. Fourth, as I have argued elsewhere, using military commissions to try terrorism suspects is both dangerous and misguided:⁹ dangerous because secret commissions impair accountability and convey the unfairness to the rest of the world, and misguided because it falsely suggests that regular American courts are incapable of administering justice to those who grossly violate international law.

If the United States wants to show the world its commitment to the very rule of law that the September 11 terrorists sought to undermine, we should not mistreat detainees, hold them without rights, assign them extralegal labels, or try them in "rights-free zones" or under "due process-free" rules. By resorting to such practices, we encourage other countries to commit similar abuses in the name of fighting terrorism and undermine our own ability to protest when they do.

⁵For a thorough analysis of the defects in these rules, see Lawyers Committee for Human Rights, *Trials Under Military Order: A Guide to the Final Rules for Military Commissions* (June 2003), http://www.lchr.org/us_law/a_guide_to_the_final_rules.pdf.

⁶Secretary of State Madeleine K. Albright, Speech at University of World Economy and Diplomacy, Tashkent, Uzbekistan (Apr. 17, 2000), <http://secretary.state.gov/www/statements/2000/000417.html> (emphasis added).

⁷See Office of Inspector General, Department of Justice, "The September 11 Detainees: A Review of the Treatment of Aliens Held on Immigration Charges in Connection with the Investigation of the September 11 Attacks" (June 2003), available at <http://www.usdoj.gov/oig/igspeer1.htm>. The report describes "unduly harsh" conditions of detention, documents evidence of physical and verbal abuse, and suggests that insufficient efforts were made to distinguish those detainees of legitimate national security interest and from those who are not.

⁸See *Hamdi v. Rumsfeld*, 316 F.3d 450 (4th Cir. 2003), *Padilla ex rel. Newman v. Rumsfeld*, 233 F. Supp. 2d 564 (S.D.N.Y.2002).

⁹Harold Hongju Koh, *The Case Against Military Commissions*, 96 AM. J. INT'L L. 337 (2002).

2. ACCOUNTABILITY

The second goal, *accountability*, means bringing to account, civilly and/or criminally, those who are responsible for the most serious human rights violations. In the last administration, we pressed hard to support the development of a post-Cold War global justice system by supporting the International Criminal Tribunals for the Former Yugoslavia and Rwanda, mixed international-domestic tribunals in Cambodia and Sierra Leone, the Pinochet prosecution in Spain and Chile, the civil adjudication of international human rights violations in U.S. courts under the Alien Tort Claims Act, and, during his last days in office, President Clinton's signature of the International Criminal Court (ICC) Treaty. I congratulate this Administration, as its report chronicles, for continuing to support international accountability efforts in Cambodia, Sierra Leone, and East Timor.

The current administration faced four options with respect to this global justice system: first, continued support for its growth and development; second, constructive engagement, to encourage it to develop in a manner that served long-term American interests; third, benign neglect—to leave the system alone to evolve its own way; or fourth, declaring hostility to that system and placing the United States outside of it, in effect adopting a double standard toward global adjudication. Secretary Powell initially signaled to Congress his preference for benign neglect,¹⁰ but in recent months the Bush Administration has decisively opted, with three decisive measures, to pursue a hostile course.

First, in May 2002, the Administration sent the U.N.'s Secretary-General a letter seeking to "unsign" President Clinton's December 2000 signature of the International Criminal Court Treaty.¹¹ Second, the administration's military commission scheme *de facto* "unsigned" our commitment to global adjudication by declaring that claims involving international crimes of terrorism should henceforth be heard not in international court, or even in U.S. civilian or military courts, but rather, in *ad hoc* military commissions under military control. Third, the Administration has pursued an extraordinarily counterproductive effort to bully countries who will not sign agreements exempting our citizens from ICC jurisdiction, initially vetoing extension of the U.N. law enforcement assistance mission in Bosnia because the Security Council would not grant an indefinite and universal exemption from ICC jurisdiction for all U.S. officials engaged in peacekeeping operations. As I speak, the Administration is devoting extraordinary political capital to threatening aid cutoffs against scores of nonsignatory countries whose support we will surely need in the continuing war against terrorism.

Each of these decisions ignores two realities. First, for more than half a century, the United States has promoted international criminal adjudication as being in our long-run national interest.¹² Second, in many cases, supporting global adjudication has served U.S. national interests by sparing us from far more costly military interventions. Without the Yugoslav Tribunal, for example, it would have been hard for the United States to avoid sending troops to Belgrade to seize and oust Slobodan Milosevic.

The second Gulf War has already underscored America's shortsightedness in rejecting a permanent standing international criminal court. As the war began, President Bush announced that high-ranking Iraqi war criminals, including Saddam Hussein, would be prosecuted, raising the obvious question: "Where?"¹³ Iraqi courts

¹⁰ See *Statement and Testimony of Secretary of State-Designate Colin L. Powell Before the U.S. Senate Committee on Foreign Relations*, Jan. 17, 2001.

Take note of the fact, though, that once America signs a treaty such as this, we are in some ways expected not to defeat its purpose, intended purpose. And the expectation is that we would ultimately ratify it. But in this case I don't think it likely you'll see this administration send it up for ratification.

Id.

¹¹ See Letter from John R. Bolton, Under Secretary of State for Arms Control and International Security, to Kofi Annan, U.N. Secretary General (May 6, 2002), available at <http://www.state.gov/r/pa/prs/ps/2002/9968.htm>.

¹² This policy has stemmed from a sensible prediction that, on balance, the United States is far more likely to act as a plaintiff than as a defendant before these tribunals, and thus, has much more to gain than to lose from their effective functioning. Bosnia, for example, taught that indictment alone can be a valuable political tool. Although two of the leading architects of ethnic cleansing in Bosnia, Radovan Karadzic and Ratko Mladic, have not yet been brought to trial, their indictment before the International Criminal Tribunal for the former Yugoslavia (ICTY) has effectively removed them from political life, creating space for more moderate political forces to emerge.

¹³ See Press Release, The White House, President Says Saddam Hussein Must Leave Iraq Within 48 Hours (Mar. 17, 2003), available at <http://www.whitehouse.gov/news/releases/2003/03/20030317-7.html>

are in shambles, and American courts will be viewed throughout the Mideast as prejudiced adjudicators. Neither the United States nor Iraq have ratified the ICC, eliminating that as a possible venue. Nor, given the intense misgivings that Security Council permanent members France and Russia expressed about the war, will the United States easily persuade the Security Council to create an *ad hoc* tribunal under chapter VII, as it did in spearheading the movements to create international tribunals to try war criminals from the former Yugoslavia and Rwanda. International legal structures like the ICC provide us with more, not fewer, options for ensuring accountability for human rights violators. By turning against the ICC just as it was coming into existence, the Administration has unwisely ceded any influence we might have had on that body to those who do not share our priorities and might now turn the court against us.

Similarly misguided has been the Administration's decision, without a congressional change in the wording of the Alien Tort Claims Act (ATCA) and the Torture Victim Protection Act (TVPA),¹⁴ to reverse the positions of the Carter and Clinton Administrations supporting the use of U.S. courts under these two statutes to promote the civil accountability of Paraguayan torturers and Bosnian Serb war criminal Radovan Karadzic.¹⁵ In *Doe v. Unocal*, which was recently argued en banc before the U.S. Court of Appeals for the Ninth Circuit, the Justice Department radically changed its interpretation of the 214 year-old ATCA statute.¹⁶ Opposing victims of the Burmese military junta, the government's brief insists that victims of gross abuse cannot sue any foreign defendants under the ATCA for fundamental violations of international human rights norms, if the claimed abuses occur outside of the United States, because a ruling against the corporation would endanger American interests in the war on terror.¹⁷

The Administration's position toward the ATCA and TVPA is perverse in four ways. First, it would virtually repeal these laws, without congressional participation, by granting immunity to all human rights abusers, whether official or corporate, so long as they commit their violations abroad. Second, the Administration's approach does not help, but rather undermines the war against terrorism, for it would immunize from suit not just corporate defendants, but also Fidel Castro, Kim Jong Il, Saddam Hussein or any state sponsor of terrorism. Third, if under this theory "private enterprises" such as corporations cannot be held liable for gross human rights abuse overseas, then neither can Osama bin Laden, Al Qaeda, other terrorist groups like Hizbollah and Hamas, and or any other private terrorist organization. Fourth, if adopted, the Administration's position would perversely push similar lawsuits against our companies into foreign courts, where they will lack the protections of U.S. law. Surely, it is a strange way to fight a war against terrorism to deprive victims of terrorism of a well-tested tool of accountability.

3. INSIDE-OUTSIDE ENGAGEMENT

A third goal of U.S. human rights policy should be *inside-outside engagement*, namely, pursuing a comprehensive bilateral and multilateral human rights agenda with respect to current human rights violators. As the report chronicles, the Administration has been actively engaged with such countries as Zimbabwe and China, particularly with regard to Tibetan prisoners, and with Egypt in protesting the imprisonment of Saad Eddin Ibrahim.

At the same time, however, the United States has noticeably been less successful in meaningfully engaging the rest of the world from a clear human rights position.

("[A]ll Iraqi military and civilian personnel should listen carefully to this warning. In any conflict, your fate will depend on your action. . . . War crimes will be prosecuted. War criminals will be punished. And it will be no defense to say, "I was just following orders.").

Id.

¹⁴28 U.S.C. § 1350 & 1350a.

¹⁵See Memorandum for the United States as Amicus Curiae, *Filartiga v. Pena-Irala*, (2d Cir. 1980), reprinted in 19 *Int'l Leg. Mats.* 585 (1980); Statement of Interest of the United States, *Kadic v. Karadzic*, No. 94-9035 (2d Cir. 1995) (affirming the ATCA and the *Filartiga* litigation).

¹⁶Brief of the United States as amicus curiae in *Doe v. Unocal* (9th Cir. May 8, 2003), argued en banc June 17, 2003).

¹⁷Similarly, in *Doe v. Exxon Mobil*, which is currently pending before Judge Oberdorfer in the U.S. District Court for the District of Columbia, the Legal Adviser of the State Department filed an affidavit asserting that adjudication of an ATCA lawsuit against a U.S. corporation operating in Aceh, Indonesia would "risk a potentially serious adverse impact on significant interests of the United States, including interests related directly to the on-going struggle against international terrorism. Letter of July 29, 2002 written to Judge Louis F. Oberdorfer by William H. Taft IV, The Legal Adviser of the Department of State, in *Doe v. Exxon Mobil Corp.*, Civ. No. 01-1357 (LFO) (DCDC 2003).

The Bush Administration's human rights agenda in Latin America has been obsessively preoccupied with Cuba and the war against terrorism, which have together diminished our influence in Latin America, strained our relations with close allies like Mexico, Argentina and Chile, and impeded our development of a strong regional human rights agenda with like-minded hemispheric partners. Similarly, until the President's long-overdue visit to Africa this week, our African human rights policy has been focused almost exclusively on terrorism, Zimbabwe and, to a lesser extent, Sudan, with only a recent surge of interest in the AIDS crisis, Liberia and the Democratic Republic of the Congo. In the Middle East, the Administration only recently reengaged in the Peace Process, belatedly recognizing that there will be no peace or human rights protection in that region without aggressive, hands-on American participation.

We continue to "go easy" on those countries we believe to be strategically valuable, even in the face of strong congressional mandates. In applying the human rights eligibility criteria of the African Growth and Opportunity Act (AGOA), the Administration has granted AGOA eligibility even in countries such as Côte d'Ivoire, Eritrea, and Rwanda, where it has acknowledged that human rights conditions are poor. Following on the most recent International Religious Freedom Report, the State Department named Burma, China, Iran, Iraq, North Korea, and Sudan as "Countries of Particular Concern," all of whom were previously named, but omitted such allies as Saudi Arabia, Turkmenistan and Uzbekistan, where the right to worship freely is also systematically violated.

Several years after our embarrassing ouster from—and return to—the U.N. Human Rights Commission, we have yet to develop a meaningful and effective multilateral human rights policy. While Secretary Powell has supported the Community of Democracies Initiative, he unfortunately could not attend the 2002 Seoul meeting, and the Administration has not been able to build a Democracy Caucus within the United Nations cohesive enough to keep gross human rights violators off the Human Rights Commission.

On the bilateral side, there has been a distressing lack of a strong human rights agenda toward North Korea and Iran—the other so-called "Axis of Evil" countries. In North Korea, which I visited with Secretary Albright in November 2000, the Administration unwisely abandoned a diplomatic approach for many months, closing off opportunities for engagement and eroding any influence we might have had. Attempts to isolate, rather than engage, North Korea proved counterproductive as Kim Jong Il only further developed his nuclear capabilities.¹⁸ Now that tripartite talks have finally resumed, the challenge has become how the United States can use these talks to create a new, enforceable Agreed Framework: negotiating directly in a multilateral setting with the North Koreans without rewarding North Korea's bad behavior.

In Iran, the Administration needs to speak and act more forcefully against the brutal reaction to demonstrations by students in Tehran and other cities over the past few weeks by military and paramilitary forces claiming to be acting on Ayatollah Khamenei's orders. Similarly, as Congressman Lantos' recent hearing for the Congressional Human Rights Caucus graphically showed, the Administration can and must be more proactive in addressing the outrageous, mounting abuses of the Burmese military junta.

In short, our engagement efforts have been too halting and ad hoc. We have disengaged where we should have engaged: e.g., in North Korea and the Mideast. We have been too easy on our allies at the same time as we have been ineffective in mobilizing their support for our multilateral diplomatic goals.

4. PREVENTION AND DEMOCRATIZATION

The fourth and final goal of U.S. human rights policy should be *prevention of human rights disasters* and *promotion of democratization* as a long-term antidote to human rights abuse. Rather than wait until deteriorating circumstances erupt into

¹⁸While plainly violated in part by the North, the Agreed Framework had yielded clear benefits: the freeze at Yongbyon, North Korea's reduction of its nuclear missile production, and its moratorium on tests of long-range missiles. As Deputy Secretary of State Richard Armitage acknowledged recently, in testimony before the Senate Foreign Relations Committee,

I think it's quite clear that from 1994 to now, Yongbyon itself did not produce more plutonium, which could be turned into nuclear weapons. And so, there are dozens of nuclear weapons that North Korea doesn't have because of the framework agreement, and we have to acknowledge that, I believe.

Testimony of Deputy Secretary of State Richard Armitage Before the Senate Foreign Relations Committee on North Korea, FED. NEWS SERVICE, Feb. 4, 2003.

full-blown infernos, the United States must commit itself to an aggressive policy of prevention.

In Africa, the Administration has reacted with too little, too late to mounting crises. In West Africa, the human rights situation has deteriorated sharply in recent months. In Liberia, war crimes committed by both sides of the bloody civil war have left thousands of civilians dead and tens of thousands homeless. Human rights groups report that both sides have engaged in the forced recruitment of children, forced labor, sexual violence, attacks against humanitarian workers, and the murder of civilians. Most of eastern Liberia is reportedly under rebel control and has been inaccessible to humanitarian agencies since at least March. I applaud President Bush's recent decision to focus attention on Liberia and to call for the removal of Liberian President Charles Taylor—an indicted war criminal—but we need to keep the pressure on, and to introduce peacekeepers quickly to halt the downward spiral.

Similarly, a more active policy of early warning and prevention might have kept circumstances in the Democratic Republic of the Congo and Cote d'Ivoire from eroding to their current state. The problem is not an absence of information; the dire human rights situation of these countries has been well-known for years. Rather, the problem has been one of political will—getting the right information into the right hands at the right moment, and mobilizing action, before large-scale abuses actually take place.

In addition, we need to address the proliferation of arms and mercenaries that fuel the African conflicts. As more than 100 governments gather in New York this week (July 7–11) to assess progress in stemming small arms trade under the U.N. Program of Action that was agreed upon two years ago, the United States should announce its vigorous support for a workable, enforceable small arms regime.¹⁹

At every opportunity, the United States should make clear to the world that democracy-promotion is a core priority, both as a means and as an end in itself.²⁰ But since the U.S. invasion of Afghanistan, our democracy-promotion efforts seem to have shifted toward *militarily-imposed democracy*, characterized by United States-led military attack, prolonged occupation, restored opposition leaders and the creation of resource-needy postconflict protectorates. At present, a new and discouraging, four-pronged strategy seems to be emerging: “hard,” militarily-imposed democracy-promotion in Iraq and Afghanistan; “soft,” diplomatic democracy-promotion in Palestine; optimistic predictions of “domino democratization” elsewhere in the Middle East; and reduced democracy-promotion efforts elsewhere. But if extended globally, as was done during the Cold War, such a U.S. strategy of making “the world safe through imposed democracy” could quickly transform into an unsustainable strategy requiring near-unilateral military interventionism, extended support for client governments and imperial overstretch.

Most troubling has been the absence of any clear Administration strategy for promoting democratization elsewhere in the Mideast, Central Asia, and elsewhere in the non-Arab Muslim world.²¹ In all of these regions, we have let the war against terrorism soften our democracy-promotion efforts toward such pivotal countries as Pakistan, Uzbekistan, Saudi Arabia, and Kuwait.

The Department's report makes clear that Congress has acted wisely in increasing the funds flowing into the Human Rights and Development Fund. As the report chronicles, these funds have been well spent in myriad places. I particularly welcome the report's discussion of the four critical “democracy-priority” countries that were of particular concern to us in the last Administration and deserved continued sustained attention: Colombia, Indonesia, Nigeria and the Ukraine. In addition, we should build our multilateral democratization agenda by strongly supporting the next Community of Democracies Ministerial in Santiago, and pressing more consistently for the creation of a Democracy Caucus within existing international organization.

Most troubling, however, has been the slow progress toward human rights and democratization in those countries that have recently been subject of U.S. military intervention. After our extraordinarily swift and successful military campaign in Afghanistan, we have faltered badly in securing the peace. Unlike Bosnia, where the

¹⁹For one proposal, see Harold Hongju Koh, “A World Drowning in Guns,” 71 *Fordham L. Rev.* 2333 (2003). But see John R. Bolton, Statement to the Plenary Session of the U.N. Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects (July 9, 2001), available at <http://www.un.int/usa/01—104.htm> (“The United States will not join consensus on a final document that contains measures abrogating the Constitutional right to bear arms.”).

²⁰Ken Wollack, on whose Board at the National Democratic Institute I serve and who appears with me today, well summarizes my own views of the strengths and weaknesses of our overall democratization agenda.

²¹See generally Noah R. Feldman, *After Jihad: America and the Struggle for Islamic Democracy* (2003) (surveying countries).

United States famously “went in heavy” after the Dayton Accords, in Afghanistan, the United States has committed far fewer peacekeepers to a significantly larger geographic area. The predictable result: while Hamid Karzai nominally acts as president of Afghanistan, outside of Kabul, much of the country remains under the de facto control of warlords and druglords. Karzai’s vice president was assassinated and Karzai himself narrowly avoided assassination, necessitating the commitment of a cordon of U.S. diplomatic security personnel to ensure his safety.²² Human rights abuses continue, in no small measure under Northern Alliance leaders whom the United States supported during the war.²³ Simply put, the Administration has not lived up to its human rights commitments in Afghanistan. Rebuilding efforts in Afghanistan are under-funded and understaffed, even as the Administration has moved on to a far more ambitious war and nation-building exercise in Iraq.

In Iraq, which the Department’s report does not address, only a glimpse at the daily headlines reminds us that the brief period of major combat operations was also only the beginning. Lawlessness still predominates, tens of thousands of Iraqis still struggle to meet their basic needs, and American troops are too few in number and insufficiently trained in the peacekeeping and nation-building tasks to which they have been committed. Progress towards restoring democracy has been slow, our soldiers are daily at risk, and the human rights situation remains dire.

5. CONCLUSION

In conclusion, let me say that we have the tools to make the world safer and more democratic, if only we use them fairly and consistently. September 11th changed our perspective, but it did not change our values, or the guiding principles of our human rights and democracy policy.

What this survey suggests is that the United States should not use its position of exceptional power in ways that entrench double standards between us and the rest of the world. When the Administration proposes that a different rule applies to us and our allies than applies to others, we invite charges of hypocrisy that undermine our ability to pursue a positive human rights agenda. We shortsightedly call our own commitment to democracy into question and make our own human rights conduct the subject of global scrutiny at just the time when we are trying to focus the spotlight on human rights and democracy deficits elsewhere. Not only do we lose our moral authority and sacrifice our legitimacy as a truth-teller, but we end up condoning other countries’ human rights abuses, even when we previously criticized them.

Most damaging, by opposing the global rules, the United States can end up undermining the legitimacy of the rules themselves, not just modifying them to suit America’s purposes. By so doing, the United States disempowers itself from invoking those rules, at precisely the moment when it needs those rules most to serve its own national purposes.

If the United States is to retain its moral authority to lead the world towards a greater respect for human rights and democracy, we must hold ourselves to the same high standard that we expect from others. We should never forget that our exceptional leadership in human rights derives not just from our exceptional “hard” military power, but from our moral standing. A consistent policy toward observance of international norms is in our own best interests: it builds U.S. “soft power,” enhances our moral authority, and strengthens our capacity for global leadership in a post-September 11 world.

Thank you. I now stand ready to answer any questions the Committee may have.

Mr. SMITH. Mr. Koh, thank you very much for your testimony.
Mr. Malinowski?

²² See Carlotta Gall, *Threats and Responses: Karzai’s Progress*, N.Y. TIMES, Dec. 25, 2002, at A1.

²³ See Dexter Filkins, *The Anxiety of Postwar Afghans*, N.Y. TIMES, Mar. 31, 2002, at D5; Carlotta Gall, *Afghan Leader Swears In 5 Deputies With an Eye to Balance*, N.Y. TIMES, June 28, 2002, at A6 (explaining Hamid Karzai’s attempts to negotiate a political alliance with powerful regional-ethnic warlords and Rashid Dostum’s ongoing resistance to a centralized Afghan state); Press Release, Human Rights Watch, *Anti-Pashtun Violence Widespread In Afghanistan*, Human Rights News (Mar. 3, 2002), available at <http://www.hrw.org/press/2002/03/afghanistan0303.htm>.

**STATEMENT OF TOM MALINOWSKI, WASHINGTON ADVOCACY
DIRECTOR, HUMAN RIGHTS WATCH**

Mr. MALINOWSKI. Thank you, Mr. Chairman. Thank you. Can you hear me?

Let me start by adding my thanks to that of everyone else on the panel for your leadership, your consistent and constant willingness to ask tough questions of whatever Administration may be in office. We could do nothing without your support, so thank you. Thank you also for gathering us. This is a vital set of issues and I would argue far more important to American national security today than they were before September 11.

As President Bush, to his credit, has recognized I think particularly in the Islamic world, we have a profoundly important interest in promoting respect for human rights and democratic governance for the simple reason that when governments deny their people the right to dissent peacefully, support for groups that dissent violently inevitably groups, and when oppressed people associate the United States with the governments that deny them their freedom we often become increasingly a target.

Yet despite this, we have never before had in one place at one time a description of what the United States Government is doing to try to right the wrongs that it identifies in its *Human Rights Reports*. Like you, and I think everyone here, I think the report that we are examining is indeed a breakthrough, and I thank the Congress for requiring it.

At the same time, I would agree with you that the product itself and the policies it describes do leave a great deal to be desired. Here I think is the fundamental problem that we face. You and others mentioned the all important quality of moral authority. I think the problem the United States faces in the world right now is that the Administration speaks with commendable moral clarity, but still lacks moral authority, particularly in the part of the world where we should be most concerned about the need to promote this interest, namely the Middle East and the Islamic world.

The reasons for that are many. First of all, I completely agree with Assistant Secretary Koh that we are not always setting a good example at home. I can testify from my own experience that that is killing in many cases American credibility in precisely the countries where it needs to be the highest to promote democratic change.

It is a problem because we are still too closely associated with repressive governments in the region of Pakistan, Uzbekistan, Egypt and others and because we are not seen as using all of the tools of influence that the United States enjoys to press for change in many of these societies, and that I think is the most relevant issue as we examine this report, which is meant to describe the tools that the United States is using.

You mentioned one of my critiques of the report, which is that if you look at entry after entry after entry what you see is a compendium of assistance programs that our Embassies, USAID, that Human Rights and Democracy Bureau run around the world. I do not want you to misunderstand that critique. I think these are excellent programs. I think we need more of them, not less of them. I think we ought to be concerned, as others have mentioned, that

the Administration is actually proposing cuts in some of these programs, particularly in Russia.

At the same time, there is limits to what foreign aid can do in repressive societies. I think it would be naive to treat that as the primary tool of human rights and democracy promotion. A State Department grant, for example, can help a Chinese human rights activist develop his skills. It can help a Russian radio station buy equipment. It can help villagers in the Congo set up political parties of their own.

That grant cannot prevent the activists from being arrested and tortured. It cannot prevent the radio station from being shut down or the villagers from being massacred. At the end of the day, you need to raise these issues at a high level between governments. You need to use leverage, sometimes targeted sanctions and diplomatic pressure in order to achieve clear goals. I think that is what the United States does when an issue truly is a priority of our foreign policy.

Again, I think the focus on these assistance programs in the report is quite revealing because I think they can be disconnected from the pursuit of foreign policy as usual. The State Department can easily write a check to a human rights organization in a closed society without in any way altering its engagement with the government of that society or making tough tradeoffs.

Let me identify a few other I think relevant problems in the report. You have mentioned and others issues in countries that are left out. Turkey would be on the top of my list as well. I was particularly struck by the Afghanistan entry, which includes no mention whatsoever of the warlords or regional leaders that are terrorizing people in 95 percent of the country. It is the central human rights problem. There is no reference whatsoever to efforts to deal with that or to expand the authority of the central government.

There are numerous references in all these entries to efforts by our Embassies, by Ambassadors, low level demarches to try to influence government behavior. There are virtually no references to efforts by the President or the Secretary of State to raise issues at a very high level, and again I think that is a revealing example of the caution of the authors of the report.

One very important point I think from the point of view of the Congress. There is virtually no reference in any entry—in fact, they studiously avoid any mention of efforts to seek compliance with congressionally mandated conditions on foreign aid.

For example, last year Congress conditioned aid to the Government of Uzbekistan—I know you have many concerns about that country, Mr. Chairman—on its progress in meeting a series of democracy and human rights commitments that it made to the United States, yet the entry on Uzbekistan in the report does not mention this fact.

Did United States diplomats ever tell the Uzbek Government that it stood to lose assistance if it did not take specific steps forward? The report does not say, and yet last month the State Department certified to the Congress that the Uzbek Government was making the substantial and continuing progress required by law despite intensifying repression of dissent and continuing evidence of gruesome torture in its prisons.

I think the clear message of that decision and of the absence of the discussion of it in this report is that most American diplomats are simply uncomfortable using the tremendous leverage the United States has with countries like Uzbekistan. Even when they use it, they are uncomfortable discussing it.

That brings me to the last point, which is that in a way more bizarrely, the report fails to mention a large number of concrete actions that the Administration is in fact taking to promote human rights and democracy around the world. For example, I mean, we know that President Bush and Secretary Powell raise these issues commonly. We know, to name another country example, Zimbabwe. We have targeted sanctions on Zimbabwe, a diplomatic effort in southern Africa to try to bring pressure on that country. You will not read about any of that in this report.

We know that the Administration threatened to defer aid increases to Egypt last year over the jailing of Saad Ibrahim. You will not read about that in this report. We know that it has held up economic support for central African countries that have forces in the Congo. Again, you will not read about it.

It seems to me that even when the United States is willing to rock the boat, the State Department prefers to pretend that the seas are calm. It does not like to talk about these tough-minded efforts, even when they are ongoing.

I think that is revealing. In some ways it is troubling. It suggests to me that many diplomats do not take these efforts as seriously as they should. It suggests that they lack the conviction that the promotion of human rights is a central American interest and the confidence to believe that the promotion will make a difference, and so they are not even all that eager to talk about it.

The good news is this report provides us with a tool, a constructive tool, to ask tough questions, and I think that is what we ought to be doing. I think we ought to be taking these country entries and for the next year asking why are certain key issues not covered? Why are actions we thought were being taken not mentioned? What are the objectives of U.S. policy in the countries it covers? How are those objectives being communicated to the governments? By whom? What tools is the Administration willing to use to leverage progress?

I have attached to my written testimony some of the specific questions that Human Rights Watch will be asking. I hope the Congress will join us in asking these and others. If we do, we will not only have a better report next year, but a better human rights policy.

Thank you.

[The prepared statement of Mr. Malinowski follows:]

PREPARED STATEMENT OF TOM MALINOWSKI, WASHINGTON ADVOCACY DIRECTOR,
HUMAN RIGHTS WATCH

Mr. Chairman:

Thank you for holding this hearing and for inviting me to comment on the State Department's first ever report on supporting human rights and democracy around the world. The publication of the report is indeed a breakthrough.

For more than 25 years now, the State Department has issued annual reports on human rights violations around the world. With increasing thoroughness and candor, it has described acts of political and religious repression, torture, extrajudicial killings, and the suppression of democratic freedoms by America's friends and foes

alike. At times, however, the Department has acted as if merely describing these problems is enough. Time and again, American diplomats, when asked “what are you doing” about human rights violations in a particular country, have responded: “We put out an excellent human rights report—doesn’t that prove we care?” But of course, a human rights report is not a human rights policy. To make a difference, words must be backed by actions. And those actions must follow from a coherent strategy, consistently pursued.

The need for an effective and principled strategy to promote human rights around the world has never been more important to America’s national security. As the Bush administration has rightly acknowledged since the attacks of September 11th, political and religious repression fuel support for terror—a problem that is particularly evident in the Middle East. When governments deny their people the right to dissent peacefully, support grows for movements that dissent violently. And when those people associate the United States with the governments that oppress them, the United States is far more likely to become a target of their anger.

So it is very welcome that we now have, for the first time, in one place, a description of what the United States is doing to help right the wrongs identified in the State Department’s annual human rights report. This new report will help U.S. hold the State Department, and particularly its regional bureaus, accountable. At least once a year, they will have to have a good story to tell and results to show. So I congratulate the Congress for requiring the report. I commend Assistant Secretary of State Craner for championing the idea and for turning it into a reality.

At the same time, the report and the policies it describes leave a great deal to be desired. Admittedly, this is the first time the State Department has gone through this kind of exercise, and the result was bound to be uneven. And yes, the report does catalogue countless programs to promote human rights and democratic change for which the State Department and the administration deserve credit. But in the final analysis, it tells U.S. more about what is not being done, about the tools not being used, and about the progress not being made in bringing the fight for human rights into the mainstream of American diplomacy.

The first thing I noticed when reading this report is that most of the country entries focus overwhelmingly on U.S. assistance programs—on the small grants that the State Department and USAID give out to worthy projects and organizations around the world. Now, there is nothing wrong with these kinds of assistance programs. On the contrary, we need more of them; and we need to object to the irresponsible cuts the administration is proposing in democracy assistance, especially for Russia and the former Soviet Union.

At the same time, it would be extraordinarily naïve to rely on foreign assistance as America’s primary tool for promoting human rights and democracy around the world. A State Department grant, for example, can help Uzbek or Chinese human rights activists develop their skills; it can help an independent radio station in Russia purchase equipment; it can help villagers in the Congo to participate in political parties. But that grant cannot protect the activists from being arrested and tortured, or the radio station from being shut down, or the villagers from being massacred. What’s more, in many countries—Saudi Arabia for example, or Turkmenistan or Burma—the provision of assistance to organizations working for democratic change is simply impossible, because such organizations are not permitted to exist.

So why does the State Department report focus so exclusively on assistance programs? Because, I believe, USAID grants can safely be disconnected from the conduct of “real” foreign policy. The State Department can write a check to a human rights organization in a closed society without in any way altering its engagement with the government of that society, without facing any difficult trade-offs in its bilateral relationships. And so, for example, we have program for training Chinese lawyers and encouraging elections in Chinese villages, which is good, but easy. Yet when President Bush last met with China’s President Hu, he did not, according to the White House, demand any specific improvements in human rights at all. Pressing uncomfortable issues at a summit is harder than cutting a check. But it is ultimately more effective in communicating American priorities.

Serious people understand that U.S. assistance programs can do little good unless the U.S. government is willing to confront the governments that seek to frustrate the goals of those programs. Where the promotion of human rights and democracy is a genuine priority, the United States uses every tool of influence at its disposal—sometimes diplomatic pressure, public diplomacy, and international broadcasting; sometimes holding up high level summits and foreign assistance; sometimes imposing economic sanctions and on rare occasions employing military force to achieve its objectives.

And yet we hear very little about the use of these perfectly commonplace tools of American influence in this report on supporting human rights and democracy. I can only conclude that the State Department is reluctant to use those tools, or reluctant to acknowledge that it is using them.

A number of country entries, for example, mention low level demarches by U.S. embassy officials on human rights issues, but make no mention of any efforts by high level officials to press U.S. concerns. The report relates a number of disturbing human rights problems in Egypt, for example. But did President Bush or Secretary Powell raise any of these issues in their numerous meetings with the Egyptian leadership last year? The report doesn't say. In the entry on Chechnya, it tells U.S. that concerns about Russian atrocities were raised by a Deputy Assistant Secretary of State and by Under Secretary of State Dobriansky, thus implying that the issue never made it into the President's or Secretary Powell's talking points. In fact, in 2002, President Bush and Secretary Powell held bilateral meetings with the leaders of at least 44 countries covered by the report; in only four cases does the report say that they pressed human rights concerns. Moreover, in very few entries do we get any sense of what, specifically, the United States is asking governments around the world to do to improve their human rights records or how it will measure progress.

In some key country entries, the report studiously avoids mentioning tools the Congress has legislated to bolster the administration's efforts to promote human rights. For example, last year Congress conditioned aid to the government of Uzbekistan on that country's progress in meeting a series of democracy and human rights commitments to the United States. Yet the entry on Uzbekistan in the State Department report does not mention this fact. It does not say whether U.S. diplomats ever told the Uzbek government that it stood to lose assistance if it didn't take specific steps forward. Last month, the State Department certified to the Congress that the Uzbek government was making the "substantial and continuing progress" required by law, despite intensifying repression of dissent in that country, and continuing evidence of gruesome torture in Uzbek prisons. The clear message of that decision, and of this report, is that the State Department is uncomfortable using America's considerable leverage with Uzbekistan to promote reform. That message is probably not lost on the Uzbek government.

If you think this omission of any reference to Congressionally mandated conditions on aid is inadvertent, look at the entry on Colombia. Congress has conditioned military aid to Colombia on that country's progress in cutting ties between its military and the paramilitary organizations responsible for massacres of civilians. It is my understanding that the State Department does at least make an effort each year to convince Colombia to meet this condition. Yet this report makes no mention of any such efforts. Indeed, it does not even refer to the problem of collusion between the Colombian military and the paramilitaries. Nor does it discuss efforts to help Colombia restore the rule of law in areas terrorized by armed groups. All we get is a compendium of assistance programs, none of which challenge the Colombian government to change its policies in any way.

Disturbingly, though not surprisingly, a number of tough issues the Bush administration is trying to avoid dealing with are ignored by this report. The Afghanistan entry, for example, fails to mention any efforts to rein in abuses by the warlords who control most of the country. The China entry makes no reference to the Chinese government's crackdown on Muslims in the province of Xinjiang—or its efforts to justify the crackdown as part of the global war on terrorism.

But perhaps most revealing is the report's curious failure to take credit for actions the administration has taken to promote human rights and democracy around the world. We do, in fact, know that President Bush and Secretary Powell have often raised these issues with foreign leaders, yet in many country entries the authors of this report were too cautious to say so. We know that the administration threatened to defer aid increases to Egypt over the jailing of a leading dissident last year; we know that it cut aid to a Colombian air force unit accused of covering up killings; we know that it held up economic support for Central African countries whose troops were terrorizing civilians in the Congo. Yet these and many other positive, tangible actions are never mentioned in this report. Even when the United States is willing to rock the boat, the State Department prefers to pretend the seas are calm.

This is disturbing because it suggests that the Department takes action to defend human rights primarily to please outside constituencies, including the Congress, but that it still does not take these efforts all that seriously. It lacks the conviction that the promotion of human rights is a central American interest and the confidence to believe it will make a difference. And so it is not even all that eager to talk about it.

The good news, Mr. Chairman, is that this report provides U.S. with an opportunity to challenge the Department to do better. Each country entry raises questions we should be asking the administration, not just today, but throughout the year. Why are certain key issues not covered? Why are actions we thought were being taken not mentioned? What are the objectives of U.S. policy in the countries covered by the report? How are those objectives being communicated to their governments? What tools is the administration willing to use to leverage progress?

I am attaching below some of the questions Human Rights Watch will be asking about this report. If the Congress joins us in seeking answers, we'll not only have a better report next year, but a better human rights policy.

QUESTIONS FOR THE STATE DEPARTMENT:

Afghanistan: Why is there absolutely no reference in the report to abuses committed by warlords and regional leaders who control most of Afghanistan, or to U.S. efforts to help the central government assert control outside Kabul? What is the U.S. doing to address this central human rights issue in Afghanistan?

Algeria: Has the recent increase in International Military and Education Training (IMET) funds to the Algerian military been accompanied by any efforts to curb impunity for members of the armed forces involved in disappearances? Why is there no discussion in the report of efforts to coordinate with France and the European Union on human rights initiatives toward Algeria, in contrast to the coordination described in the entry for Tunisia?

Angola: Why is there no reference to U.S. efforts to promote transparency in energy revenues in Angola (as there is, for example, in the entries on Cameroon and Equatorial Guinea)? Are we to assume that this is not a priority in Angola?

Bosnia and Herzegovina: Why does the report contain no reference to any U.S. initiative to pressure Republika Srpska to surrender to the custody of the International Criminal Tribunal for the former Yugoslavia the more than a dozen Bosnian Serbs indicted for war crimes, including Radovan Karadzic, none of which the Republika Srpska authorities have arrested and sent to the court so far? Why is there no mention of any U.S. financial contribution to the reconstruction of destroyed or damaged houses belonging to refugees and displaced persons willing to return to their pre-war homes? Why there is no mention of the U.S. pressure on local authorities to properly investigate and bring to justice those responsible for violent attacks against minority returnees? Do these omissions indicate that no such efforts were made during the period covered in the report?

China: Why is there no reference in the report to U.S. efforts to press China to end abuses in Xinjiang, and to stop using the war on terrorism to justify those abuses? Did President Bush and Secretary Powell raise these concerns in their meetings with their Chinese counterparts? Indeed, were any human rights issues raised at all when President Bush last met Chinese leader Hu at the G-8? Since the Chinese government agreed that the U.N. Special Rapporteur on Torture could go to China "without conditions," as the report states, what, if anything, has happened? Has the administration pressed China to permit the U.N. High Commissioner for Refugees access to refugees on China's border with North Korea, and to honor its commitment not to repatriate North Koreans in China who should be considered refugees? Has the State Department assessed the effectiveness of the rule of law assistance programs mentioned in the report? Do programs designed to promote human rights address violations of workers rights in China?

Colombia: Why is there no reference in the report to the need to end collusion between the Colombian military and the paramilitary groups responsible for most killings of civilians in Colombia? Why is there no reference to the importance of reasserting state control in areas run by paramilitaries and guerrillas, and to bring to justice perpetrators of crimes against civilians? Why are these issues not even listed among the "strategic objectives" of U.S. policy that the report outlines? Why is there no mention of conditions mandated by U.S. law that tie military assistance to Colombia to progress on these issues, or to U.S. efforts to persuade Colombia to meet those conditions? Are we to assume no such efforts were made? Why does the report not mention the unilateral actions the administration has taken to crack down on human rights violators in Colombia, including de-vetting an air force unit accused of covering up killings, vetting Colombian officers slated for training in the U.S., and suspending the visas of officers implicated in crimes?

Congo: Why is there no reference in the report to U.S. efforts to press Congo's neighbors to rein in their forces and allied forces in Congo? Why no reference to efforts to hold accountable those responsible for mass killings (as there is in the Ivory Coast and Sierra Leone entries)?

Cuba: Why is there no reference in the report to diplomatic efforts with Latin American and European countries to broaden pressure on the Castro government? Have any such efforts been made?

Egypt: Were any of the concerns mentioned in the report raised by President Bush and Secretary Powell in their numerous meetings and conversations with their Egyptian counterparts? What is the U.S. doing to deny Egypt the effective veto it has over how the assistance programs mentioned in the report are spent? Why does the report not mention that the administration threatened to defer future aid increases to Egypt over the detention of dissident Saad Ibrahim? What steps, if any, has the administration taken to defend others imprisoned in Egypt for their political beliefs? The report correctly observes that Egypt's Emergency Law is "one of the greatest contributors to Egypt's human rights problems," and states that the U.S. "lobbied intensively for the non-renewal of this law." Yet when the law was renewed, in February 2003, the State Department spokesman said only that "we have serious concerns ...concerning the manner in which that law has been applied" and that the U.S. "urge[d] the Egyptian government to take these concerns into consideration as they apply that emergency law." Why has the U.S. not spoken in public more strongly about the inherent injustice of the law itself, instead of merely its application? Has the President or the Secretary of State explicitly raised non-renewal of the emergency law in talks with their Egyptian counterparts? Is the U.S. making any effort to persuade Egypt to repeal this law?

Eritrea: The report states that "increased cooperation with the U.S. depends on demonstrated improvement with respect to democracy and human rights." Has the administration made clear that this includes military cooperation? Has that message been conveyed to Eritrea by Department of Defense (DOD) officials?

Georgia: What steps, if any, did the U.S. take to ensure that Georgian security forces receiving U.S. military assistance do not commit human rights abuses, including in operations in the Pankisi Gorge?

India: The report states that the U.S. embassy publicly condemned killings of Muslims in Gujarat. But did U.S. officials urge the Indian government to take any steps in response to the violence, including to hold the perpetrators accountable? The report mentions U.S. funded anti-trafficking programs in India. Did the U.S. also urge India to take more effective steps to combat trafficking? How is the administration using the leverage provided by the Trafficking Victims Protection Act to promote change? Why is there also no reference to pressure on the Indian government to effectively enforce its laws prohibiting the use of bonded child labor? Has the U.S. linked such enforcement to the financial assistance it has given India to address child labor?

Israel: The entry titled "West Bank and Gaza" notes "Israel's poor human rights record," but does not mention any steps the U.S. has taken in Israel or vis-a-vis the government of Israel to address this poor record. Why not? Does the U.S. raise with Israel concerns about the serious Israeli human rights violations in the occupied West Bank and Gaza that the State Department has identified in its most recent Country Reports on Human Rights Practices, including arbitrary arrest and detention, excessive use of force at checkpoints and in response to unarmed protestors, and routine failure to investigate suspicious killings of Palestinians by Israeli security forces? Why does the report not mention that the U.S. has, in fact, publicly expressed concern about Israel's severe restrictions on freedom of movement and humanitarian access in the occupied West Bank and Gaza Strip? Does the U.S. raise with Israel human rights concerns pertaining to matters within the recognized borders of the country, such as discrimination in the provision of services, including administration of justice, to minority communities?

Kyrgyzstan: Given the continued detention of leading prisoners of conscience and closure of independent newspapers, has the administration indicated to the government of Kyrgyzstan that continued repression will have any consequences for its relationship with the United States? What concrete steps have been taken, other than demarches by the embassy and visiting officials, to obtain the release of political prisoner Feliks Kulov? Did DOD officials press any of these concerns with their Kyrgyz counterparts?

Malaysia: The report states that "because the Malaysian government believes that U.S. criticisms of Malaysia's human rights practices are culturally biased and politically motivated, pressing controversial human rights questions directly with official counterparts can be counterproductive." Does the State Department in fact believe, as this statement implies, that U.S. efforts to promote human rights in Malaysia make matters worse? Have Malaysian complaints about U.S. efforts made U.S. officials more reticent in raising human rights issues there? Did President Bush and Secretary Powell in fact raise such issues (including the detention of Anwar Ibrahim and the use of the Internal Security Act) in their meetings with Malaysian leaders?

Morocco: Given the Department's concerns over the lack of an independent judiciary, why is there no discussion in the report of sending observers on a regular basis to political trials, as the U.S. Embassy in Tunis practices to good effect?

Nigeria: The report mentions U.S. assistance programs designed to promote human rights and the rule of law, but does not mention any diplomatic efforts to press the Nigerian government to improve its record. Did President Bush, Secretary Powell, and other U.S. officials raise with their Nigerian counterparts the need to stop extrajudicial killings and other abuses by security forces, or to end the numerous incidents of violence directed by political candidates, including those of the ruling People's Democratic Party, in the months leading up to elections in 2003? In view of the U.S. government's increased interest in oil supplies in West Africa, did it raise with the Nigerian government the need to find a peaceful solution to the conflicts in the oil-producing Niger Delta, rather than using force to repress protests? What is the basis for the assertion that U.S. government assistance to the Nigerian military "contributed to a significant decline in reports of military extrajudicial killings of civilians while performing policing roles in 2002"?

North Korea: Does the administration intend to ask North Korea to strengthen respect for human rights and to grant access to outside monitors as part of any comprehensive agreement dealing with broader security issues it may negotiate with Pyongyang? If so, has it made that clear in its dialogue with the North?

Pakistan: The report states that U.S. officials raised human rights and democracy concerns with the Pakistani leadership. But what exactly did President Bush, Secretary Powell and other officials ask President Musharraf to do to meet these concerns? What are the administration's goals with respect to reform in Pakistan and how does it plan to pursue them?

Russia/Chechnya: The report states that concerns about Russian conduct in Chechnya were raised by the U.S. ambassador, by Under Secretary Dobriansky, and by a Deputy Assistant Secretary of State. Are we to assume that they were not raised by any more senior officials, including the President and Secretary of State? What steps has the administration taken to counter President Putin's efforts to use the war on terrorism to justify Russian actions? What steps has the administration taken to discourage the repatriation of displaced Chechens to the war zone in Chechnya? What actions did it take to seek Russian compliance with the terms of U.N. Human Rights Commission resolutions on Chechnya that the U.S. supported?

Saudi Arabia: Has the U.S. raised the need for reform in the justice sector with the Saudi government?

Serbia and Montenegro: Why is there no reference at all, given that aid remains conditioned on cooperation with the International Criminal Tribunal for the former Yugoslavia?

Singapore: Why is there no entry at all?

Tunisia: Given the government's recent announcement of prison reforms, what is the U.S. doing to try to mitigate the horrific conditions endured by political prisoners and the arbitrary punishments imposed on released political prisoners?

Turkey: Why is there no entry at all on Turkey, given the importance of sustaining this country's progress toward democratic reform and of ending remaining abuses, including torture, so that it can join the European Union? What efforts is the administration taking to encourage Turkey to meet its commitments on these issues?

Uganda: The report mentions assistance to N. Uganda, but why is there no reference to U.S. diplomatic pressure on the government to end abuses by the Uganda People's Defense Force, including rapes of civilian women and girls, and child recruitment? Has the U.S. urged the government to take more effective steps to protect the civilian population in the north, particularly children who are vulnerable to recruitment by the Lord's Resistance Army?

Uzbekistan: The report mentions human rights commitments Uzbekistan made to the U.S. in their Declaration of Strategic Partnership. Why is there no reference in the report to the fact that assistance to the government of Uzbekistan is conditioned by Congress on progress in meeting those commitments? How did U.S. officials use this law? Did they make clear to the Uzbek government that they needed to take specific steps forward to continue receiving aid? The report mentions the visit to Uzbekistan of the U.N. Special Rapporteur on Torture—how did the administration press the Uzbek government to implement the Special Rapporteur's recommendations? Did U.S. officials urge the release of prominent prisoners of conscience—and if so, why no reference in the report? Was the administration's message on human rights reinforced during visits to Uzbekistan by DOD officials?

Venezuela: Why does the report not once refer to the attempted coup that took place in Venezuela in April 2002? The U.S. government failed to immediately condemn the coup as an interruption in the constitutional order. Rather, on April 12,

in an initial State Department statement, the U.S. blamed the Chávez government itself for precipitating the coup, stating that “undemocratic actions committed or encouraged by the Chávez administration provoked” the crisis. Are we to assume that the U.S. still does not recognize that the attempted coup was a serious threat to Venezuela’s democratic stability, and does not regret its misguided response to the crisis?

Zimbabwe: Why is there no reference to any efforts by the U.S. to increase international pressure on the Mugabe government, including through sanctions? Why no mention of efforts to engage Zimbabwe’s neighbors on the need to press for reform? Is there a comprehensive strategy on Zimbabwe that is simply not mentioned in this report?

Countries with whose leaders President Bush and Secretary Powell held bilateral meetings in 2002, according to the State Department and White House web sites. Human rights and democracy issues were raised with countries listed in bold type, according to the State Department’s report: Supporting Human Rights and Democracy: The U.S. Record 2002–2003.

COUNTRY

Africa

Angola
Ethiopia
Gabon*
Kenya
Mozambique
Nigeria
Uganda

E. Asia & Pacific

China
Indonesia
Malaysia*

Europe / Eurasia

Albania
Bosnia-Herzegovina
Georgia
Kazakhstan
Kyrgyz Republic
Macedonia
Moldova
Russia
Tajikistan*
Ukraine
Uzbekistan*

WHA

Colombia
Dominican Republic
Ecuador
Guatemala
Peru

N. East / N. Africa

Bahrain
Egypt
Jordan
Kuwait
Lebanon
Morocco
Oman
Qatar
Saudi Arabia
Syria
Tunisia
Yemen

S. Asia

Afghanistan

Bangladesh
 India
 Nepal
 Pakistan
 Sri Lanka

Mr. SMITH. Thank you very much, Mr. Malinowski. You might have noticed that some of those questions you had I did pose to the Administration. We will follow up.

As a matter of fact, all of you, and then we will get to Ms. Windsor, have made some very, very incisive, many incisive comments, and I am very pleased that Secretary Craner has stayed to hear all of this and will not just be getting a memo later on.

I mean, hearing your oral presentations I think brings to life just how important getting it right, going forward, building on the success of this first report and asking those tough questions. This has been a tremendous panel.

Ms. Windsor?

**STATEMENT OF JENNIFER WINDSOR, EXECUTIVE DIRECTOR,
 FREEDOM HOUSE**

Ms. WINDSOR. Mr. Chairman, Freedom House is pleased to be asked to testify today on this new report issued by the State Department on *Supporting Human Rights and Democracy*. I am summarizing my testimony and ask that the full version be included in the record.

Mr. SMITH. Without objection.

Ms. WINDSOR. We believe the preparation of this report is an important new initiative. We hope it is the beginning of a greater effort by the U.S. Government to ensure that it is strategically addressing the most critical human rights and democracy challenges around the world.

There is much to commend in this new report. It is indeed an impressive summary of the current work of the U.S. Government, work that is the result of efforts by Congress, NGOs and individuals within the State Department and USAID to integrate democracy and human rights concerns into U.S. diplomacy and foreign assistance.

I would like to recognize the important contributions of two of the leaders within the State Department who are here today, Harold Koh and Lorne Craner, as well as the tireless work of Jerry Hyman, now Director of USAID's Democracy and Governance Center, who has worked for over a decade on these issues.

Freedom House applauds the Bush Administration for the high priority it has given to the promotion of democracy and human rights in its foreign policy and approach to foreign assistance. The United States should be recognized for its strong stance on human rights in Belarus, Burma, Cuba, Zimbabwe and parts of Central Asia. However, there are a number of countries we believe could use more attention.

One such case is Uzbekistan where we fundamentally disagree with the recent Administration determination that the government is making substantial and continuing progress in human rights. That judgment was not only unwarranted given the deplorable human rights situation on the ground; it also reduces United

States influence with the Uzbek Government at a critical time when improvements are desperately needed.

The second case is Egypt. While we applaud the Administration's strong stance on releasing Egyptian human rights activist Saad Eddin Ibrahim, the United States must be willing to use more of our leverage with the Egyptian Government to bring about concrete improvements in human rights and genuine political reform in that country.

Finally, we urge the United States to more strongly raise with the Putin Government the human rights impact of its brutal policies toward Chechnya and the relentless chipping away at independent media within Russia.

We hope that the Congress and the Administration ensure that the new Millennium Challenge Account funds are not directed at dictatorships and human rights abusers such as Vietnam.

We appreciate the Administration's inclusion of Freedom House's ratings in the MCA decision making process. However, we worry that the current formula and the absence of any democracy and human rights expertise on the new governing board could result in funding decisions that will contradict the stated commitment to use the MCA to reward genuine democratic progress.

A larger issue is the total amount of U.S. Government resources available to directly support democracy and human rights objectives. While the funds allocated for democracy assistance have greatly increased in the last 15 years, these funds are insufficient to meet current challenges. The need for democracy assistance is particularly acute in the Middle East and Africa, the two regions where the majority of the world's most repressive states can be found.

In the wake of the September 11 tragedy, there has been a great deal of attention focused on the democracy deficit in the Middle East, so I would like to focus my remarks on Africa where President Bush is currently promoting important health and trade initiatives. However, Africa is a region which has lagged behind other parts of the world in terms of democratic development, yet democracy assistance levels have largely remained stagnant there over the last 10 years.

The 48 countries in Africa now receive only about 10 percent of the global democracy budget. The vast majority of African countries will fail MCA democratic governance rule of law and human rights criteria. It is thus essential that the Administration increase both diplomatic and programmatic resources toward promoting democratic progress in its relations with Africa.

Kenya is a case in point. In the past year, Kenya has shown encouraging signs of a movement toward democracy. The new government still faces enormous challenges in improving corruption and rule of law, but as things currently stand the United States is slated to spend only a third of what we spend in promoting democracy in countries in Europe and Eurasia.

There are a number of reasons for this, but one critical factor is that the State Department and USAID have budget processes which are driven mainly by regional perspectives. Africa has always been underfunded in terms of democracy, and there is no in-

stitutional process to correct that fact. The Administration lacks any process to set clear global priorities for democracy aid.

The U.S. Government must have an overall strategic vision and a budget allocation process that ensures that adequate funds for democracy are requested and allocated so as to meet the most compelling challenges and opportunities. The lack of an overall global administration democracy strategy is reflected in this report. In reading the document, there is no sense of the relative priority of countries, and there is no attempt to illuminate the scale of human rights abuses within each.

I am providing to the Committee a comparative ranking of countries that are discussed in the report which represent Freedom House's view on which countries have the worst record. Future Administration reports also need to systematically capture the relative size of U.S. assistance effort in each country and provide an overview of the total amount that the U.S. provides globally for democracy support—how funds are allocated by country, by region, and the trend lines of that support over the last 10 years.

On a more positive note, I want to conclude with some of the work that Freedom House is doing in the countries listed in this report. We are implementing human rights defender strengthening programs in Uzbekistan, one of the world's most repressive regimes, as well as in Kyrgystan, where we also are in the process of opening a new, independent printing press, all of which is made possible by the United States Government.

We have also worked with United States Government resources in the Middle East to strengthen the professional capacity of the human rights defender community in Morocco and on the issues of disappearances in Algeria where the government has recently seemed more willing to engage with human rights groups on this important issue.

In conclusion, we want to commend Congress for requiring and the Administration for preparing this report. We recognize the important work that is already ongoing, but we urge the Administration to seek and Congress to allocate adequate funds for democracy promotion.

That assistance will be most effective if the Administration increases the priority it gives to democracy and human rights in its relations with key countries, many of whom are still not meeting internationally accepted standards of respect for human rights and democratic practices and principles.

Thank you.

[The prepared statement of Ms. Windsor follows:]

PREPARED STATEMENT OF JENNIFER WINDSOR, EXECUTIVE DIRECTOR, FREEDOM HOUSE

Mr. Chairman and Members of the Committee, Freedom House is pleased to testify today on the new report issued by the State Department on "Supporting Human Rights and Democracy."

The release of this report is an important new initiative. Freedom House has often expressed its concern that in many cases the annual human rights report issued by the State Department does not have a significant impact on U.S. diplomatic and programmatic actions. This report is a critical first step towards addressing that concern.

There is much to commend in the new report. The countries chosen include some of the worst performers in Freedom House's annual survey of Freedom in the World

(see attached list for the latest Freedom House findings, with the full report available at www.freedomhouse.org.) It is an impressive compilation of a portion of the work the U.S. government is doing to promote democracy and human rights. The report does not even represent the totality of U.S. efforts, as the U.S. also works to strengthen democracy in many countries that are not being discussed here today.

The range and depth of current U.S. government democracy promotion work is the culmination of efforts by Congress, non-governmental groups and individuals within the State Department and USAID to integrate democracy and human rights concerns into U.S. diplomacy and foreign assistance. I would like to recognize the important contributions of two of the leaders within the State Department who are here today, Harold Koh and Lorne Craner, as well as the tireless work of Jerry Hyman, now Director of USAID's Democracy and Governance Center, who has worked for over a decade on these issues.

Freedom House applauds the Bush Administration for the high priority it has given to the promotion of democracy and human rights in its National Security Strategy, as well as in new initiatives such as the Millennium Challenge Account, and the Middle East Partnership Initiative. The U.S. should be recognized for its high-profile work in raising concerns about human rights violations in Belarus, Burma, Cuba, Zimbabwe and parts of Central Asia. It should also be commended for its emphasis on encouraging democracy and the rule of law within Afghanistan and Iraq.

However, there are a number of countries that we believe should receive more diplomatic attention and focus from the U.S.

- One such case is Uzbekistan, where we fundamentally disagree with the recent Administration determination that the government is making "substantial and continuing progress" in human rights and democracy. Given the deplorable human rights situation on the ground, that judgment was not only unwarranted, it poses a risk of undercutting U.S. influence at a time when it is desperately needed to bring about concrete improvements in the Uzbek government's poor human rights performance.
- While we applaud the Administration's successful efforts to free democracy leader Saad Eddin Ibrahim in Egypt, we believe that the U.S. needs to make greater use of our influence with the Egyptian government to bring about genuine political reforms within that country.
- We also urge the U.S. to place a higher priority on human rights and democracy issues in its relations with Russia. Much more attention needs to be focused on the Putin government's brutal policies towards Chechnya. We should also raise our concerns over the Russian government's relentless chipping away at independent media within Russia proper.
- Perhaps the greatest human rights challenge that we face today is China. We disapprove of the Administration's decision not to sponsor a resolution on China at the UN Human Rights Commission in Geneva this past spring. Moreover, the report's description of China-related policies and programs is unimpressive, and one hopes it is not representative of the full extent of U.S. efforts to bring about progress in human rights and democratic reform.

Turning now to foreign assistance, we urge the Administration and Congress to take steps to ensure that MCA funds do not reward dictatorships and human rights abusers, such as Vietnam. We appreciate the Administration's inclusion of Freedom House ratings in the MCA decision-making process. However, we worry that the current formula, and the absence of any experts on political rights and civil liberties as members of the new governing board, could result in funding decisions that may send a mixed signal as to the Administration's commitment to the spread of democracy.

A larger issue is the total amount of available U.S. assistance that directly supports democracy and human rights objectives. Such democracy assistance has been leveraged in recent years to support successful political reforms in countries ranging from the Philippines to Poland to Chile and, more recently, in Slovakia and Serbia. While the funds allocated for democracy assistance have greatly increased in the last fifteen years, many important challenges remain that merit increased U.S. resources.

The need for democracy assistance is particularly acute in the Middle East and Africa, which are the two regions where the majority of the world's most repressive states can be found. In the wake of the September 11th tragedy, there has been a great deal of attention focused on the democracy deficit in the Middle East. So I would like to focus my remarks on Africa, where overall democracy assistance levels have largely remained stagnant after initial increases in the early 1990s. Despite

the fact that Africa is the region with the second highest proportion of “Not Free” countries, the continent only receives 10 percent of overall U.S. democracy assistance.

This problem of insufficient resources will be further compounded by the fact that the vast majority of African countries will fail MCA democratic governance, rule of law and human rights criteria. It is thus essential that the Administration increase both diplomatic and programmatic resources and efforts devoted to promoting democratic progress in its relations with Africa.

Kenya is a case in point. In the past year, Kenya has shown encouraging signs of a movement towards democracy. The new government still faces enormous challenges in the areas of corruption and rule of law. But as things currently stand, the U.S. is slated to spend less than \$2 million to support further democratic reforms in Kenya, only a quarter of what the U.S. now invests in Albania.

In other regions where democratic progress has occurred but democratic institutions remain fragile and reform incomplete, such as Central and Eastern Europe and Latin America, the Administration is reducing its support for democracy, which risks reversals.

The bottom line should be clear: the Administration should seek and Congress should allocate adequate funds for democratic promotion. But to do so, the State Department and USAID need to revamp their budget processes to allow for a global—not just a regional—perspective on establishing clear priorities. The U.S. government must have an overall strategic vision—and a budget allocation process—that ensures that funds for democracy are requested and allocated so as to meet the most compelling challenges. They simply do not have one now.

The lack of a global Administration strategy for democracy promotion is reflected in the report we are discussing today. In reading the document, there is no sense of the relative priority among the countries discussed. The report makes little attempt to illuminate the scale of human rights abuses from country to country. I am providing to the Committee a comparative ranking of countries that are discussed in the report, based on the latest Freedom House ratings, which may be helpful in making such determinations. The list also includes a number of human rights abusers—such as Turkey—which were left out of this first report without any explanation.

Indeed, the overall level of U.S. resources being applied to the promotion of democracy and human rights is not clear from the document. It is essential that future reports systematically list the total size of the program for each country, both in country narratives as well as in an overview chart at the beginning of the report. That chart should also include the total amount of U.S. assistance going to promote democracy and human rights, and indicate the rise and decline of democracy support over the recent period. It would also be useful to indicate the major areas where assistance is provided: rule of law, human rights, elections, civil society, independent media, or corruption.

On a more positive note, I want to conclude with just a word about some of the programs that Freedom House is implementing in a number of countries in this report, thanks to the support of both USAID and the State Department. We have been actively engaged in reform efforts in Central Europe, in Ukraine, and in Belarus. Moreover, as a result of increased attention to human rights in Central Asia, Freedom House is implementing human rights defenders strengthening programs in Uzbekistan—one of the most repressive regimes—as well as Kyrgyzstan, where we also are in the process of opening a new independent printing press with U.S. government support.

We also enthusiastically endorse the Administration’s new emphasis on democracy and human rights in the Middle East. In Morocco, Freedom House has worked with USG resources to strengthen the professional capacity of the human rights defender community, and provided experts that led to legislative changes in the new criminal procedure code. We also have an ongoing program in Algeria, where our work with human rights groups on disappearances in the civil war has led the Algerian government to give more priority to this important issue.

In conclusion, we want to commend Congress for requiring, and the Administration for preparing this report. We recognize the important work that is already ongoing, but we urge the Administration to place greater priority on democracy and human rights in both its diplomatic strategies and its assistance decisions in order to meet the very real challenges that remain.



FREEDOM HOUSE RATINGS OF WORST COUNTRIES IN WORLD

COUNTRY	Political Rights	PR Trend	Civil Liberties	CL Trend	Rating
Syria	7		7		Not Free
Sudan	7		7		Not Free
Saudi Arabia	7		7		Not Free
Libya	7		7		Not Free
Korea, North	7		7		Not Free
Iraq	7		7		Not Free
Cuba	7		7		Not Free
Burma	7		7		Not Free
Turkmenistan	7		7		Not Free
Laos	7		6		Not Free
Eritrea	7		6		Not Free
China	7		6		Not Free
Uzbekistan	7		6		Not Free
Vietnam	7		6		Not Free
Somalia	6		7		Not Free
Equatorial Guinea	7 ▼		6		Not Free
Rwanda	7		5 ▲		Not Free
Afghanistan	6 ▲		6 ▲		Not Free
Qatar	6		6		Not Free
Liberia	6		6		Not Free
Iran	6		6		Not Free
Haiti	6		6		Not Free
Egypt	6		6		Not Free
Congo (Kinshasa)	6		6		Not Free
Cameroon	6		6		Not Free
Zimbabwe	6		6		Not Free
Belarus	6		6		Not Free
Cote d'Ivoire	6 ▼		6 ▼		Not Free
West Bank and Gaza	6		6I, 5P*		Not Free
Bhutan	6 ▲		5 ▲		Not Free
Brunei	6 ▲		5		Not Free
Angola	6		5 ▲		Not Free
Burundi	6		5 ▲		Not Free
Tajikistan	6		5 ▲		Not Free
Yemen	6		5 ▲		Not Free
Swaziland	6		5		Not Free
Pakistan	6		5		Not Free
Tunisia	6		5		Not Free
United Arab Emirates	6		5		Not Free
Oman	6		5		Not Free
Maldives	6		5		Not Free
Lebanon	6		5		Not Free

Kyrgyzstan	6		5	Not Free	
Kazakhstan	6		5	Not Free	
Guinea	6		5	Not Free	
Chad	6		5	Not Free	
Cambodia	6		5	Not Free	
Togo	6	▼	5	Not Free	
Algeria	6		5	Not Free	
Azerbaijan	6		5	Partly Free	
Jordan	6	▼	5	Partly Free	
Uganda	6		4	▲	Partly Free
Congo (Brazzaville)	6	▼	4	Partly Free	
Bahrain	5	▲	5	Partly Free	
Russia	5		5	Partly Free	
Morocco	5		5	Partly Free	
Mauritania	5		5	Partly Free	
Malaysia	5		5	Partly Free	
Ethiopia	5		5	Partly Free	
Central African Republic	5		5	Partly Free	
Comoros	5	▲	4	Partly Free	
Singapore	5		4	▲	Partly Free
Gabon	5		4	Partly Free	
Nigeria	4		5	Partly Free	
Kuwait	4		5	Partly Free	
Guinea-Bissau	4		5	Partly Free	
Djibouti	4		5	Partly Free	
Tonga	5		3	Partly Free	
Kenya	4	▲	4	▲	Partly Free
The Gambia	4	▲	4	▲	Partly Free
Bosnia-Herzegovina	4	▲	4	Partly Free	
Zambia	4	▲	4	Partly Free	
Sierra Leone	4		4	▲	Partly Free
Armenia	4		4	Partly Free	
Georgia	4		4	Partly Free	
Colombia	4		4	Partly Free	
Burkina Faso	4		4	Partly Free	
Ukraine	4		4	Partly Free	
Niger	4		4	Partly Free	
Nepal	4	▼	4	Partly Free	
Guatemala	4	▼	4	Partly Free	
Bangladesh	4	▼	4	Partly Free	
Malawi	4		4	▼	Partly Free
Turkey	3	▲	4	▲	Partly Free
Venezuela	3		4	▲	Partly Free
Tanzania	4		3	▲	Partly Free
Paraguay	4		3	Partly Free	
Fiji	4		3	Partly Free	
Indonesia	3		4	Partly Free	
Sri Lanka	3		4	Partly Free	
Mozambique	3		4	Partly Free	
Moldova	3	▼	4	Partly Free	
Madagascar	3	▼	4	Partly Free	

Antigua and Barbuda	4		2	Partly Free
Solomon Islands	3 ▲		3 ▲	Partly Free
Macedonia	3 ▲		3 ▲	Partly Free
East Timor	3 ▲		3	Partly Free
Albania	3		3 ▲	Partly Free
Scycheles	3		3	Partly Free
Nicaragua	3		3	Partly Free
Honduras	3		3	Partly Free
Ecuador	3		3	Partly Free
Trinidad and Tobago	3		3	Partly Free
Argentina	3		3	Partly Free
Senegal	2 ▲		3 ▲	Free
Lesotho	2 ▲		3 ▲	Free
Yugoslavia (Serbia and Montenegro)	3		2 ▲	Free
Brazil	2 ▲		3	Free
Benin	3		2	Free
Thailand	2		3	Free
Philippines	2		3	Free
Papua New Guinea	2		3	Free
Namibia	2		3	Free
Mali	2		3	Free
Jamaica	2		3	Free
India	2		3	Free
Ghana	2		3	Free
El Salvador	2		3	Free
Bolivia	2 ▼		3	Free
Peru	2 ▼		3	Free
Mongolia	2		2 ▲	Free
Mexico	2		2 ▲	Free
Samoa	2		2	Free
Romania	2		2	Free
Korea, South	2		2	Free
Guyana	2		2	Free
Dominican Republic	2		2	Free

*Freedom House divides The Israeli Territories into "Israeli Administered" (I) and "Palestinian Authority"
 Bolded countries are those in State report on "Supporting Democracy and Human Rights"



Combined Average Ratings: Independent Countries – 2003

FREE

1.0

Andorra
Australia
Austria
Bahamas
Barbados
Belgium
Canada
Cyprus (G)
Denmark
Dominica
Finland
France
Germany
Iceland
Ireland
Italy
Kiribati
Liechtenstein
Luxembourg
Malta
Marshall Islands
Netherlands
New Zealand
Norway
Portugal
San Marino
Slovenia
Spain
Sweden
Switzerland
Tuvalu
United Kingdom
United States
Uruguay

1.5

Belize
Bulgaria
Cape Verde
Chile
Costa Rica
Czech Republic
Estonia
Greece
Grenada
Hungary
Japan
Latvia
Lithuania
Mauritius
Micronesia
Monaco
Nauru
Palau
Panama

Poland

St. Kitts and Nevis
St. Lucia
St. Vincent and
Grenadines
Sao Tome and
Principe
Slovakia
South Africa
Suriname
Vanuatu

2.0

Botswana
Croatia
Dominican Republic
Guyana
Israel
Korea, South
Mexico
Mongolia
Romania
Samoa
Taiwan

2.5

Benin
Bolivia
Brazil
El Salvador
Ghana
India
Jamaica
Lesotho
Mali
Namibia
Papua New Guinea
Peru
Philippines
Senegal
Thailand
Yugoslavia (Serbia and
Montenegro)

PARTLY FREE

3.0

Albania
Antigua and Barbuda
Argentina
East Timor
Ecuador
Honduras
Macedonia
Nicaragua
Seychelles
Solomon Islands
Trinidad and Tobago

3.5

Fiji
Indonesia
Madagascar
Moldova
Mozambique
Paraguay
Sri Lanka
Tanzania
Turkey
Venezuela

4.0

Armenia
Bangladesh
Bosnia-Herzegovina
Burkina Faso
Colombia
The Gambia
Georgia
Guatemala
Kenya
Malawi
Nepal
Niger
Sierra Leone
Tonga
Ukraine
Zambia

4.5

Comoros
Cote d'Ivoire
Djibouti
Gabon
Guinea-Bissau
Kuwait
Nigeria
Singapore

5.0

Bahrain
Central African Rep.
Congo (Brazzaville)
Ethiopia
Malaysia
Mauritania
Morocco
Russia
Uganda

5.5

Azerbaijan
Jordan

NOT FREE

5.5

Algeria
Angola
Bhutan
Brunei
Burundi
Cambodia
Chad
Guinea
Kazakhstan
Kyrgyzstan
Lebanon
Maldives
Oman
Pakistan
Swaziland
Tajikistan
Togo
Tunisia
United Arab Emirates
Yemen

6.0

Afghanistan
Belarus
Cameroon
Congo (Kinshasa)
Egypt
Haiti
Iran
Liberia
Qatar
Rwanda
Zimbabwe

6.5

China (PRC)
Equatorial Guinea
Eritrea
Laos
Somalia
Uzbekistan
Vietnam

7.0

Burma
Cuba
Iraq
Korea, North
Libya
Saudi Arabia
Sudan
Syria
Turkmenistan

Mr. SMITH. Thank you very much, Ms. Windsor. I appreciate your testimony.

I just on that last point would observe that when I chaired the International Operations Human Rights Subcommittee and we wrote the State Department bill, the authorization bill, during the three terms that I had that chair we increased in one of those years, in one of those State Department reauthorization bills that became law, the Admiral-Nance-Mdonovan Foreign Relations Act of 2000–2001, increased significantly the amount of money for the Department of Human Rights, Democracy and Labor precisely and used the fact that the protocol office amount far exceeded the amount of money earmarked for such a vital function.

We got back a very lame view while we were trying to push that bill, and again it was eventually adopted, that every Foreign Service Officer as part of his or her portfolio, every Ambassador, the promotion of human rights, which, frankly, was not availing, having traveled the world over and seen that it very often was a very small part of that portfolio. Thankfully, that bill was signed into law by former President Clinton, and we appreciated that, and we did get a major boost forward on that, so your point was well taken.

I would like to ask Ambassador Kirkpatrick, if you would. You obviously have been a leader in the area of human rights all of your life, having most recently led that delegation to the U.N. Conference on Human Rights. What reforms do you think are necessary?

You know Mr. Lantos has a bill in that would try to invigorate more multinational, multilateral efforts, more specialized training. We may get it well on bilateral, but when it comes to multilateral we seem to be not quite neophytes, but we certainly do not have an effort that is commensurate with what we are capable of.

Ms. KIRKPATRICK. Congressman Smith, thank you very much. I would like to address that question if I may.

I was very impressed with I was the U.S. permanent representative in New York, by the relative skill and sophistication with which a number of our allies performed their jobs there by comparison with us.

I concluded a decade ago at least that it would be very important for the United States, for the State Department, to develop a specialization in multilateral diplomacy—they are called cones, those specializations, I learned—to be available to the Foreign Service so that we would have continually some Foreign Service Officers highly trained for operating in multilateral arenas, multilateral diplomacy is a different activity which plays by different rules and requires different skills than bilateral diplomacy.

I spoke to Secretary George Schultz about that when he was Secretary of State, and I have spoken to a number of people since then, all to no avail. But I still believe that it would be very useful, given the fact that multilateral diplomacy becomes ever more important in the world, that it would be very useful for American Foreign Service Officers, for the State Department, for others who participate in our foreign affairs, to have specialists in multilateral diplomacy.

I cannot think of a single reform that would be likely to produce more beneficial results for American diplomacy than to have some specialists in multilateral affairs, as indeed our principal allies do.

Second, the second reform that would be very important is not so much of the way we conduct affairs, our foreign policy, as the way that some of the U.N. agencies conduct foreign affairs. I think it would be very important for some U.N. agencies to have more standards.

The fact that every country in the world is a member of the United Nations, virtually every country in the world is a member of the United Nations, is a good thing, but that does not mean that it is necessary to have no standards for membership, for example, on the Human Rights Commission, which I already mentioned. I think it would be important to have standards for membership for the Human Rights Commission.

I have read the Lantos-Dreier bill, which the Congress has already endorsed, I think, and incorporated it into the State Department authorization bill. It should lead to some significant progress, in fact, in the conduct of our foreign affairs, particularly our multilateral affairs.

Thank you.

Mr. SMITH. Thank you very much, Ambassador Kirkpatrick.

Mr. Koh, you mentioned that the United States is vulnerable to charges of double standards, and obviously every Administration that I have served under, and that starts with Reagan, we have always been charged with not getting it right somewhere and perhaps engaging in double standards.

I also believe, and I appreciate your comment, Mr. Malinowski, that party loyalty is always trumped 24/7 by a transparent and a firm commitment to human rights because whether we are talking about torture or any other egregious abuse to the person who is victimized, they could not care less if a Democrat or a Republican is in the White House or controls Congress. They just know they are hurting. They are in pain, and they want relief, and they certainly should be entitled to that.

Thankfully, this Committee, and I mentioned it earlier about Mr. Lantos and I and certainly Chairman Hyde, we do take a very bipartisan perspective, but I would like to know, and I mean this seriously, Mr. Koh. You said we are vulnerable to those charges of double standards. In your opinion, is there a double standard?

Mr. KOH. I think we have adopted policies in which we are increasingly creating double standards.

Let me just go to the issue of multilateralism, which Ambassador Kirkpatrick mentioned. I think there are three important fixes there. First, I do not think the State Department is the problem. I think the State Department favors multilateralism and works very hard at it.

The problem is I think that the Justice Department and many of its practices and the Defense Department and many of the things it is doing are creating an impression of the U.S. going it alone, and this causes problems which make it harder for our diplomats to function.

The second point is that this is a repeat player game. If you come back to a country and ask it for help, you have to consider its inter-

ests the day before. It is not as if you can blow them off one day and then the next day ask them for a favor.

Now, obviously we have to make hard choices. I think the real question is that sometimes we are pressing these other countries on issues that really are not that important to us. For example, the pressure that we are putting now on all of these countries to sign immunity agreements with regard to the International Criminal Court is creating havoc. A huge amount of diplomatic capital is being spent on this. It is going to create multilateral problems, and really what are we getting for it?

Today, President Bush did not meet with President Mandela because of President Mandela's irritation about our unilateralism. At the same time as we are trying to establish a partnership with the South Africans, we are pushing them on this hypothetical issue in the future which could be dealt with at the time when South Africa might consider surrendering someone to the ICC. It really is an extraordinary waste of time and of our goodwill, which we need for other issues.

I do believe, for example, that in Latin America we just have not been able to develop our regional agenda because of a lot of irritants that we have unnecessarily introduced into the mix.

Third and finally, I think Congressman Lantos' point about the democracy caucus is critically important. There is no reason why we should not be able to work with these other democracies to achieve our mutual goals. Why should the Latin democracies not care more about us than they do about Cuba?

I think we have to maintain our high ground and our moral position. These other countries have to see the payoff from working with us. If we are people who are asserting double standards for ourselves, they will not see that payoff.

Mr. SMITH. If I could, and perhaps others might want to respond to this as well. I think we are faced with a Catch-22. I have supported and I know Members of this Committee have supported whether it would be Rwanda or the Yugoslav tribunal. David Crane is doing a stellar job in Sierra Leone at great risk to himself and others who are part of that process, having recently indicted Charles Taylor especially, and yet we look at the international or the U.N. Human Rights Commission in Geneva, and I and others have grave fears that the International Criminal Court has the capability or the potential of replicating that kind of politicalization.

Wesley Clark certainly faced the possibility of charges. Thankfully, the prosecutor at the Hague did not consider it sufficient to bring it. Tommy Thompson is facing the same kind of potential. Where you have responsible prosecutors and accountability you have at least a reasonable expectation those kinds of frivolous lawsuits will not go forward.

Many of us have a concern that in concept the ICC is great. The Rome statute is something we all ought to be, you know, breaking out the champagne over, yet in real world application it may mirror the debacle that we see time and again in Geneva. Added to that we saw the hate fest at Durbin, to say is that the direction this will take, especially as it evolves.

Also, and I think it is a matter of perception and reality, not to editorialize too much, but I did come back from this Rotterdam con-

ference. I was head of delegation. While we got successful passage of an anti-Semitism and anti-trafficking, the ICC and on Guantanamo, we lost in terms of a perception at least. There was a vote, and we lost on that as well.

The hyperbole was breathtaking, as if we were torturing prisoners left, right and from the middle in Guantanamo, which is not true. Human Rights Watch said most recently in *The New York Times* articles that there is not physical abuse that they could detect. *The New York Times* reporter found the same. It does lend itself to a perception problem.

I am always more worried about reality than perception, but, unfortunately, perception can end up hurting you in other efforts, especially on human rights. We are in a Catch-22. Those of us who believe that peacekeeping is so vitally important feel that the ICC might hurt peacekeeping as we know it.

Why deploy your soldiers when Tripoli and its friends can bring charges that ultimately will hold our people to account for flying over 3,000 feet, which is one of the things that was brought against Wesley Clark. We were trying to protect our pilots.

There was perhaps damage caused by that, but my point is—

Mr. KOH. I hear what you are saying.

Mr. SMITH. I think you do.

Mr. KOH. Mr. Chairman, I think the answer is pretty straightforward. We have two choices in these multilateral institutions. First, stay in and try to clean them up and make them serve our purposes, which we think are universal purposes. That is the attitude that I think Ambassador Kirkpatrick has wisely taken with regard to the Human Rights Commission. Or second, walk away. Those institutions will exist anyway, and we can be sure they will be turned against us.

The ICC exists. The judges are picked. They are setting up shop in The Hague. They are picking prosecutors. They are developing rules. If we walk away now, by having walked now and picking a side issue on which to go after all of these countries, we are effectively guaranteeing that they will have an anti-American orientation in years to come.

I would suggest that by going to the OSCE in Rotterdam as you did, you won respect for our positions because you showed up, you engaged and you showed we have an affirmative agenda for that multilateral organization, which is exactly what we should be doing with the ICC.

Mr. SMITH. I regret that we have three votes pending on the House Floor.

Not only were your testimonies extraordinarily good and effective, and we will disseminate to the other Members and as a Committee, both Democrats, Republicans. We will use what you have given us, believe me, to work with our friends over on the Executive Branch side to hopefully do a better job, which we all could do.

I thank you for your testimony. Unless you have anything else to add, we are almost out of time on that House Floor vote. I apologize for that.

Thank you very much. We may have some written questions which we would like to submit to you. As quickly as you could do a turnaround on that, we would appreciate it. Thank you.

The hearing is adjourned.
[Whereupon, at 1:46 p.m. the Committee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF INTERNEWS NETWORK, INC.

This written testimony is being submitted for the July 9 hearing, "A Survey and Analysis of Supporting Human Rights and Democracy; the U.S. Record 2002-2003," on behalf of Internews. We are pleased to have been invited to participate in this important event.

Internews is an international non-profit organization that supports open media worldwide. The company fosters independent media in emerging democracies, trains journalists and station managers in the standards and practices of professional journalism, produces innovative television and radio programming and Internet content, and uses the media to reduce conflict within and between countries. Internews programs are based on the conviction that vigorous and diverse mass media form an essential cornerstone of a free and open society.

THE NEED FOR AN OPEN AND INDEPENDENT MEDIA IN THE MIDDLE EAST

- Communal societies and authoritarian states are the seeding-ground for terrorism.
- Transforming communal to civil societies is necessary to winning the war on terrorism.
- Enhancing education and developing an open media are essential strategies.
- An open and independent media is an essential part of any program of persuasion.
- The war on terrorism cannot be won without an open media in the Middle East.

Executive Summary

To affect change in the Middle East it is necessary to strengthen the institutions of civil society by increasing the participation of larger segments of the population, thus supporting the transformation of these societies from communal to civil societies and from authoritarian states that are the breeding grounds of terrorism to democratic states in which conflicts can be mitigated rather than nurtured and then exported as terrorist acts.

Such a transformation cannot take place without the media playing a vital role. An essential element of any such transformation is the free flow of information. Information is the currency of freedom, as it is the basis of all choice. The free flow of information is the best means to undermining the narrow and dogmatic certainties of the kinds of mentalities that support and endorse terrorism.

For information to play a transformational role and to have the power to persuade it must be seen to be credible. Such a perception is critical. Such credibility can only come from an open and independent media.

As part of developing an open and independent media it will be necessary to launch a range of initiatives that will include educating media professionals in the values of civil society, and in internationally recognized professional standards and practices.

Strengthening civil society through an open media will set up a self-reinforcing cycle for more open media that will itself strengthen civil society and result in better accountability and greater transparency in business and governance.

Supporting the development of an open and independent media in the Middle East should be a major priority of the war on terrorism.

The Shock of Terrorism

The events of September 11, 2001 heralded the beginnings of a new conflict of global proportions. It also signaled the start in earnest of a different kind of war. A war in which the military component is only one part and which at best is an act of containment of the immediate physical threat, while other more subtle means are deployed to bring about the ultimate victory through persuasion.

The physical threat is dangerously real. The consequences of letting our guard down again could be truly cataclysmic given that the enemy has a religious mindset that appears to long for Armageddon and the End of Time. Much of Bin Laden's rhetoric is richly laden with expressions of apocalyptic visions and draws on a sacred history of enmity towards other religions and cultures. Such an opponent is capable of any form of mass murder.

For every one person who may be willing to be an active member of al-Qaeda there are thousands who will turn a blind-eye to a Bin Laden supporter simply because such a person is a member of their community. To such people community is an extended family, not necessarily linked by ties of kith and kin, but a community of similarly minded people with similar religious loyalties, or people who share a language, culture and elements of a sacred history.

Communal societies have a tendency to mistrust foreigners, those who speak a different language, or the same language with a particular accent, who have a different religion, or who have different ideas that challenge the precepts encoded in the community's sacred history.

The more the terrorist is able to use the precepts of sacred history the better he is able to convince a community to protect him and the more he is likely to win adherents and build support among that community's disaffected and marginalized elements.

If language conditions thought then we should pause and consider that the Arabic word for stranger or foreigner comes from the root word for the West. Therefore by definition, that which is from the West is strange or foreign.

Centralized States and Communal Societies

Under Ottoman rule, traditional Middle Eastern society was communal. The name given to that particular type of communal structure was the millet system. With the collapse of the Ottoman Empire, after the end of the First World War, the communal structures continued in place, changing gradually. The degree of change depended on region and to some degree on class or social segment as well as on economic conditions. Factors included the scale and speed of urbanization and industrialization as well as the role of the European colonial power that took over after the departure of Ottoman rule, as well as the nature and policies of the state that came into existence after the withdrawal of the colonial powers.

In most cases the countries of the Middle East adopted post-colonial regimes where the state was centralized, authoritarian and militaristic. In some cases, policies of rapid industrialization were adopted through centralized socialist planning. Such policies generally failed because of state bureaucratization and poor economic planning. Another major factor was the lack of adequate capital.

With the failure of these policies, and at times attempts to rectify these errors, through poorly adopted and executed market policies, particularly during the 1970s and 1980s, the cities experienced an influx of population from the countryside that generally caused a ruralization of the cities. New communities were formed centered less around concepts of family and village relations and more around a shared sacred history and religion which people believed underpinned the values of their old communities that they missed and longed for but could not return to or regenerate within the urban setting. Moving to the city brought the mass of country people more directly into contact with the apparatus of the state and at a more fundamental level of existence. In the shantytowns, homes were built without licenses and therefore subject to state intervention and demolition. Issues of poor sewage and lack of drinking water and consistent electrical supplies all became greater issues than they were in the village because now the density of population was much greater and competition for employment tougher. But also, in the city the state could more easily enforce its writ. The authoritarian state now seemed more oppressive than before.

The stalling of economies and the oppression of the state combined to make the message of the new communalists much more attractive. Modernization and Modernism are seen as the problem. This double perspective, of a return to communal life and a rejection of the modern, is a common element in the writings of many of the intellectuals of the Muslim Brotherhood. It is in some respects a defining quality of their writing. Other Islamist groups are also defined by the degree to which they support or disagree with this binocular perspective.

The failure of Middle East societies and states both economically and politically means a failure to develop civil society in the broadest sense. Lacking the institutions of civil society means that genuine participatory government cannot develop and market reforms hampered.

Though one should be careful not to generalize too broadly, it is fair to say that by and large much of Middle Eastern society, though increasingly urbanized, remains communal, though maybe not in the traditional sense of village-based communities.

If the war on terrorism is to succeed in the long term and lead to peace, we must commit ourselves to aiding the transformation of Middle Eastern societies from failed states lacking in participatory political systems, with stagnant economies and communal societies, to economically dynamic, democratic civil societies.

Affecting Change

The reason that Middle Eastern states are the way they are is because of strong local vested interests in maintaining the status quo. By definition, the beneficiaries of such a situation are the current elites. They are who they are because the situation is as it is. We cannot really expect that many of them will welcome a change to a system that they are so handsomely rewarded by. Trying to bribe or buy them off is no solution. They will take the money and stall all they can to ensure that change does not happen.

On the contrary, it is necessary to focus on the engine for change from communal to civil society. That engine is the rudimentary structures and institutions for civil society that currently exist within the Middle East. Many of these organizations have been compromised by poor management or by corruption. Nevertheless, they should not be abandoned. What should happen is a broader involvement by an ever-growing number of people in these organizations while pressure is kept up on them by funding bodies to ensure that they become more accountable and responsible to the people they claim to represent.

Mass media has the kind of impact that can start the process of improving awareness and unblocking the informational flow that will lead to the undermining of the often xenophobic assumptions of communal society propel the process to a stronger civil society.

Authoritarian states try to control the flow of information while communal societies seek to restrict it because free flowing information undermines the states' and the community's grip on people's minds and hearts. Information is the currency of freedom. It is the kind of freedom that makes people question and doubt. If they can, they will want to live in societies with flourishing economies and where they have a voice that can be heard. In other words, they will not want the kind of societies that are the breeding grounds of terrorism.

Hearts and Minds

The essence of winning over the hearts and minds of the people of the Middle East is a campaign of persuasion. That is not the same as a public relations campaign or a propaganda campaign, though, under specific and limited circumstances such campaigns may be necessary.

The people of the Middle East are familiar with a deceitful media. They have lived with such a media for decades. They also know how to recognize a relatively free media. If they didn't know what that was before satellite TV was being beamed to their homes they certainly do now. The fact is nothing convinces like the truth and nothing has the ring of the truth about it more than information transmitted by a credible source. In this context, that credible source can only be a free and independent media.

The transformation of the media in the Middle East to a free and independent one is not a side skirmish. It is one of the central battles of the war on terrorism that we cannot afford to lose.

Such a media will not always be our friend. It doesn't have to be, not just because on occasion we may deserve criticism, but because an open and independent media that supports and encourages the free flow of information giving access to a plurality of voices will of itself undermine the restrictive uniformity of the Islamists' message. It will encourage discussion and debate. It will raise doubts and ask questions. The more it does that the more effective will it undermine the certainties and bigotry of the Islamists that provide the general intellectual context for terrorist thinking.

By criticizing us one day their praise of us the next will be more credible. The question then becomes how to ensure that we get our fair share of praise?

Creating a Constituency for Change

Media professionals want to be taken seriously. They want to be viewed as credible in their own right. They want to be appreciated by their readers and respected by their colleagues abroad. The question is rarely will media professionals accept training, but what kind of training will create the kind of media that can lead to the kind of changes we desire?

Where as much of the reporting in Middle East media is about leaders and their families and a recounting of their statements, to transform communal societies we need to reach into those same communities and publish their stories drawing on local sources that give the stories both interest for the reader and credibility. Presenting the stories in a manner that respects the facts teaches the journalist the importance of responsible reporting. Teaching journalists about professional ethics and responsibility is an important component of any effective training program.

Media professionals educated in the values of civil society will be able to present perspectives previously denied or withheld by the authorities in a manner that is persuasive and accessible. This will introduce transparency where none existed before in government and business. We have found this to be the case with the training we have conducted so far.

Educating media professionals in best international practices and standards is a way of not just broadening their horizons. It also gets them asking questions and sets into motion a process of challenging the status quo and its assumptions about the need to restrict information flows and restricting social, political and economic freedoms. This creates a genuine Fourth Estate: one that can become a constituency for change from a communal society to a civil society. This is a role that the media played in Europe's transformation. It is a role that a free and independent media can play in the Middle East and North Africa.

The values of a civil society are necessary for success in the modern world, underpinning as they do a free market economy, democratic governance and human rights. These values will take stronger root and become part of a self-reinforcing cycle if they can be nurtured in an environment with an open and independent media. The strengthening of civil society by an independent media will of itself demand a stronger and freer media to ensure greater transparency in political and economic transactions. This feedback cycle of change demanding greater change will transform the terrain on which the war on terrorism is being conducted. It is only by changing that terrain that we can be certain of winning this war.

Internews' Programs Supporting an Open and Independent Media in the Middle East

Internews is currently developing and implementing a number of projects aimed at promoting an open and independent media in the Middle East.

With a grant from the State Department's Bureau of Democracy, Human Rights and Labor (DRL), Internews completed a series of journalism trainings in Amman, Jordan; Cairo, Egypt; and Muscat, Oman, even while the war in Iraq was raging next door. This project combines technical assistance, production support, and mechanisms for publishing articles in the mainstream Arab press. The training workshops engaged participants in the fundamentals of professional journalism, with strong emphasis on interviewing and reporting skills, as well as training in legal issues, critical analysis, freedom of expression, and professional ethics.

In addition, Internews in conjunction with the Foreign Ministry of Greece, recently President of the European Union, organized a conference last month in Athens, Greece to help create a framework for new media architecture in Iraq, as part of the process of building democracy.

The results of these programs have been extremely encouraging. Through the DRL project, over 100 journalists from 11 countries have been trained in fact-based journalism, reporting on civil society and human rights issues. Many of these journalists were women. Their articles have been, and will continue to be, placed in leading Arabic language publications and such articles reflect the benefits of training.

As of April 2003, over 85 new articles have been placed in major local and regional Arabic language publications including *al-Hayat*, *al-Ahram*, *al-Arab*, and *al-Bidaya*. A website to act as a resource for local editors and journalists has been developed and will be placed on the Internet. A stringer network is being developed, using trained journalists to produce articles that can be circulated on the Internet and local publications. These accomplishments have led to an increase in the availability of fact-based reporting in place of emotional and politically biased journalism.

The Iraq Media Law Conference produced a new media law and regulatory framework for an open Iraqi media that was adopted by 75 leading Iraqi, Arab and West-

ern media and human rights NGOs, journalists and media law experts in Athens over the course of three days of meetings in early June.

Lessons Learned

The lessons learned in the process of implementing these programs include that:

- There is a tremendous demand for journalism training in the Middle East. In Egypt, for example, 300 journalists, mostly mid to senior level, applied for thirty training slots.
- There is some room from which democracy and free expression can bloom. In one example, following the training in Egypt, a representative of the Journalists' Syndicate stated that his organization will be establishing a committee on free expression and welcomes future trainings for the sort.
- The use of local trainers and local organizations are invaluable to implementing programs that best meet the needs of journalists in context of their situation on the ground.

Suggestions for Future Programs and Areas that Should be Expanded

In addition to the projects that are now being implemented, Internews is working on developing programs that will provide some of the following needs of media in the Middle East:

- Training to enhance journalism, business and internet skills of local media;
- Training to raise awareness and provide accurate information on women's and children's issues, including domestic violence and female genital mutilation;
- Media law, policy and advocacy to promote an environment in which pluralistic and diverse local media can flourish; and
- An Open Media Fund for material support and capacity building of new information channels.

