

**FOREIGN RELATIONS AUTHORIZATION FOR FISCAL
YEAR 1998-1999: REFUGEES AND MIGRATION**

HEARING
BEFORE THE
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS
AND HUMAN RIGHTS
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
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TUESDAY, MARCH 11, 1997

**HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND
HUMAN RIGHTS,
COMMITTEE ON INTERNATIONAL RELATIONS,
*Washington, DC.***

The Subcommittee met, pursuant to notice, at 2:23 p.m. in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the Subcommittee) presiding.

Mr. SMITH. The Subcommittee will come to order. I am pleased to convene this hearing of the Subcommittee on International Operations and Human Rights. This is the third in a series of hearings devoted to the preparation and enactment of the Foreign Relations Act for fiscal years 1998 and 1999. It concerns authorization for our refugee programs, resettlement of refugees here in the United States, our contributions to international efforts to protect refugees abroad, and the administrative expenses associated with these efforts.

On behalf of my colleagues on the Subcommittee, I would like to welcome the very distinguished Phyllis Oakley, the Assistant Secretary of State for the Bureau of Population, Refugees and Migration.

The last few years have not been kind to refugees. In the early 1990's, the U.N. High Commission for Refugees estimated that there were about 17 million refugees and other persons of refugee concern, such as internally displaced persons and war victims, throughout the world. The current estimate is about 26 million.

Perhaps even more important, as recently as a decade ago, the United States was still unequivocally committed to its traditional role as a haven for those fleeing oppression—in Ronald Reagan's words, the shining city on a hill—and was therefore able to exercise a powerful, persuasive influence on other nations around the world.

The last 10 years have seen a dramatic change in our refugee policy. For the first time in U.S. history, we have undertaken the mass, forcible return of people who have managed to escape from places such as China, Cuba, Haiti and Vietnam, back into the hands of their oppressors. This preference for repatriation over every other durable solution to the plight of refugees has come to characterize refugee programs around the world. When half a mil-

lion refugees returned to Rwanda in order to escape warfare and starvation, many in the international community, including some in the U.S. Government, seemed more interested in celebrating than in helping the 300,000 to 600,000 refugees who were left behind in eastern Zaire. Members of Congress who urged that something be done to help these people were assured that the experts had the situation well in hand. It was frequently implied that anyone who had not already returned to Rwanda might be guilty of genocide or at least of being a camp follower of the genocide perpetrators.

In the intervening months, many of these people, including thousands of children, have almost certainly died of starvation and disease. Many more will die if we do not act quickly to get them food and medical care. In another part of the world, the Government of Thailand, perhaps emboldened by the example of the international community in other mass repatriations around the world, has begun to force thousands of Christian Karen refugees back into the hands of the brutal dictatorship in Burma.

This approach is also reflected in the declining number of refugees resettled in the United States in recent years. In fiscal year 1995, the Department of State budget proposed and anticipated the admission of 110,000 refugees. The fiscal year 1996 and 1997 budgets reduced the anticipated admissions to 90,000 and then to 78,000. The 1998 budget anticipates the admission of only 75,000, about a third cut from 3 years ago.

Some have attempted to justify these dramatic cuts as necessary to address anti-immigrant sentiment in Congress. On the contrary, however, there has been lack of congressional support for keeping refugee admissions at their traditional level, in the range of about 100,000 per year, which is a small fraction of all the people who immigrate to the United States every year. During congressional consideration of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, both the House and the Senate rejected attempts to impose a statutory cap on refugee admissions that would have cut refugee admissions.

Congressional debate on the issue reflected a broad, bipartisan sentiment, that the immigration-related problems facing the United States are caused by uncontrolled, illegal immigration, not by bona fide refugees in need of protection from religious, political, or racial persecution.

In each of the last 3 years, Congress has fully funded the Administration's budget request both for refugee admissions and for overseas protection, and yet, the Administration's budget request for refugee programs have declined during this period, even as their request for other accounts within the State Department have increased.

As I have stated, there is certainly no shortage of refugees who need our protection, and these refugees include, among millions of others, former political prisoners and U.S. Government employees who are still persecuted in Vietnam; Jews and members of other historically persecuted minority groups in the Newly Independent States of the former Soviet Union, who now face resurgent ultranationalism and anti-Semitism; persecuted Christians in China, Cuba, Vietnam, the Sudan and various Middle Eastern countries.

In response to these urgent needs, Congressman Berman and I recently wrote former Secretary of State Christopher, urging him to undertake a thorough review of the Department's recommendation on 1998 refugee admissions to see if we can get that number back within the range set for those fiscal years 1995 and 1996, between 90,000 and 110,000.

Senators Hatch, Abraham and Dewine wrote a similar letter. I hope the Department will undertake this review and recommend a higher number to Congress at the time of the formal consultations on the refugee ceiling later this year.

In particular, I hope the Administration will consider and reverse two assumptions behind the declining refugee admissions. The first of these assumptions is that the U.S. program for the resettlement of Jews, Pentecostal Christians and other high-risk refugees from the former Soviet Union is now in its end stage. This time of instability and uncertainty is no time to close the door on people who have suffered so much for such a long time.

The second erroneous assumption is that it is time to effectively eliminate the refugee component of the Orderly Departure Program for long-time Vietnamese political prisoners, former U.S. Government employees and others who have suffered persecution for their wartime associations with the United States.

As you know, the Government of the Socialist Republic of Vietnam has finally promised to honor its commitment to allow U.S. personnel to interview returned asylum seekers under the ROVR program (Resettlement Opportunities for Vietnamese Returnees), but there are also thousands of other long-time re-education camp victims, former employees and associates of the U.S. Government and members of their immediate families who never left Vietnam. Instead, these people followed the advice the United States and the international community gave them 10 years ago, and have been waiting for years to be interviewed in Vietnam for refugee resettlement under the ODP.

Now, the State Department plans to shut the refugee component of ODP, apparently for no other reason than that we are now in the process of normalizing relations with the Republic of Vietnam. We cannot simply shut down the program and abandon these people who have suffered for years because they were on our side.

Assistant Secretary Oakley, in making these suggestions, I do not want to ignore the real accomplishments of the United States and the international community on behalf of refugees. I congratulate you on the apparent success of the effort to get the Vietnamese Government to honor its commitment on ROVR and on recent U.S. decisions to be somewhat more generous to refugees in need of resettlement from the former Yugoslavia. I am thankful that the last of the Golden Venture passengers, people who were held in U.S. jails for 4 years for no crime other than escaping Communist China, have finally been released. I understand that the Administration also rejected proposals to make even deeper cuts in refugee admissions this year, and I congratulate the Administration officials who resisted this effort for their compassion and for their courage.

I believe I speak for the majority of my colleagues in pledging strong support for any new initiatives the Administration may wish

to undertake on behalf of those fleeing oppression. If more money is needed to fund these initiatives, perhaps a modest increase on the scale of the Administration's request for increases in the rest of the State Department budget, so that we can continue both the level of refugee admissions and the level of overseas protection that we provided in previous years. The Administration will provide the necessary leadership. I am sure the Congress will act consistently with American values and the United States can still be that shining city on the hill.

I would like to ask my very distinguished colleague and ranking Member of our Subcommittee, Mr. Lantos, for any opening statements you may have.

Mr. LANTOS. Thank you very much, Mr. Chairman. Let me first commend you for holding this hearing. Let me also thank you for your very important support of my position that I raised in the lunch we just concluded with President Mubarak of Egypt. I personally appreciate it.

Let me also say that I identify myself with many of your comments in your opening remarks, and I want to welcome our most distinguished Secretary, Secretary Phyllis Oakley, who has done such an outstanding job, both with respect to the immigration and refugee issue, and there, I think, our praise for her is unanimous, and on the population issue, where my praise is very strong. I will not speak for you, Mr. Chairman.

Ms. OAKLEY. Thank you.

Mr. LANTOS. I have no lengthy opening observation, except for one. You made the comment, Mr. Chairman, that the number of refugees in recent years skyrocketed from 17 to 26 million. Of course, the reason why we find this appalling and unacceptable upsurge in the numbers of refugees, most of them women and children, is because there is a growing tendency on the part of many nations, including this one, of not wanting to become involved in the problems of other peoples.

Those of us who spoke out publicly and strongly while Yugoslavia was still a country for the need to prevent the explosion of hostilities, mass rapes, ethnic cleansing and the creation of two million refugees, were not listened to by the previous Administration. Had the previous Administration taken the steps that many of us called for, namely to implement the deterrent capability of NATO, the two million refugees of the former Yugoslavia would now be living in their homes, undisturbed, carrying on their normal lives. The 150,000 men, women and children who have been killed in the former Yugoslavia in the last few years would now be living.

The tragedy of the African refugee situation, which we see occasionally on our television sets—not often enough—is another reminder that a policy of looking away from the crisis and the nightmare and the tragedy of the suffering of millions is simply an inappropriate policy for decent and civilized human beings. I strongly support your call for a more compassionate and better funded program vis-a-vis refugees. It is simply absurd that years after the end of the cold war, we see an increase in the refugee population globally, we see a skyrocketing of human suffering from Bosnia to Rwanda and there is a growing determination and eagerness to en-

gaze in escapism, rather than facing up to these very painful and difficult facts.

I want to commend Secretary Oakley for her outstanding work and I want to commend you, Mr. Chairman, for calling this hearing.

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

Congressman Hilliard from Alabama.

Mr. HILLIARD. Thank you very much, Mr. Chairman. Let me thank you, Madame Secretary. Madame Secretary, I appreciate the type of job you are in and the type of situations you are confronted with, and you are really in charge of some very complicated areas of foreign policies and foreign assistance. I commend you for the work you have done.

However, I have some concerns and let me start with the President's request for assistance in areas of Africa. You requested \$159 million, which is about \$9 million less than 1997, and \$16½ million less than 1996. Because of the continued fighting in Zaire and in that region, it seems as if there is going to be additional need for more money. How do you justify that request?

Ms. OAKLEY. Would you like me to answer that now?

Mr. SMITH. It might be appropriate for the Secretary to present her testimony.

Mr. HILLIARD. OK.

Mr. SMITH. During the course of it, she might want to answer the question or wait until the questions and answers.

Ms. OAKLEY. I am making note of that question. If you have any others, I will be glad to answer them.

Mr. HILLIARD. That is great.

Mr. SMITH. I would like to introduce to the Subcommittee someone whom we know very well. Phyllis Oakley is the Assistant Secretary of the Bureau of Population, Refugees and Migration. Mrs. Oakley joined the Foreign Service in 1957 and is a career foreign service officer, as well as a member of the Senior Foreign Service.

Mr. LANTOS. Mr. Chairman, I am sure she was 2 years old.

Ms. OAKLEY. That is right, I was a child genius, yes.

[Laughter.]

Mr. SMITH. The record so shows it. Prior to her current post, Assistant Secretary Oakley held a variety of positions in the State Department. Mrs. Oakley served as deputy spokesperson of the State Department for 3 years and was the first woman to hold this position. She also worked with the Afghanistan cross-border humanitarian assistance program in Islamabad, Pakistan, from 1989 to 1991, following her service as the State Department's Afghanistan desk officer.

Additionally, Mrs. Oakley was the special assistant on the Middle East for the Bureau of International Organization Affairs and the Assistant Cultural Affairs Officer in Kinshasa, Zaire. In 1957, I was 4 years old, for real.

STATEMENT OF THE HONORABLE PHYLLIS E. OAKLEY, ASSISTANT SECRETARY, BUREAU OF POPULATION, REFUGEES AND MIGRATION, DEPARTMENT OF STATE

Ms. OAKLEY. Thank you very much, Mr. Chairman, and thank you, Members of the Committee. I appreciate this opportunity to

appear before you today to discuss our fiscal year 1998 budget request and refugee and migration situations worldwide.

Let me say that I would like to present to you my longer statement, and I have much abbreviated it for presentation today, because I think we are all much more interested in the questions and answers and the interchange that we can have.

Mr. Chairman, you and your Committee have generously supported humanitarian programs for the world's refugees and conflict victims. The Administration asks for your continued support, as we endeavor to deal with and perhaps resolve these difficult problems. Addressing the needs of refugees remains a high priority in the fiscal year 1998 foreign affairs budget. The Administration is committed to maintaining that funding level that Congress provided for these activities in 1997, and which will enable the United States to continue to play a major role in helping refugees and victims of conflict around the world.

The United States is the unquestioned world leader in humanitarian affairs. We are the leading donor country to the major international relief agencies, UNHCR, ICRC and UNRWA. We are the leading country in resettlement, taking more than the total for the rest of the world combined, and most important, we are the leader in advocating humanitarian and refugee principles, including protection for women and children refugees and first asylum, as we are doing currently for the Burmese crossing into Thailand.

The Administration's fiscal year 1998 budget request includes \$650 million for migration and refugee assistance, what we call MRA, and \$50 million to replenish the U.S. Emergency Refugee & Migration Assistance Fund (ERMA). MRA includes nearly \$456 million to support international efforts to provide protection, care and maintenance, local integration and repatriation assistance to the estimated 26 million refugees and other displaced persons in need of assistance around the world.

The request also includes \$102 million to support the admission of up to 75,000 refugees for resettlement in this country.

I will not attempt, in my brief statement, to give an exhaustive survey, but I would like to provide the Committee with a brief summary of where we stand on some of the major refugee populations in the world today. First and foremost, I think that we must consider the Great Lakes region of Africa. The constantly evolving regional crisis in the Great Lakes region of Africa, which has been a major preoccupation of the Bureau for over 3 years continues to demand our attention and resources. The total number of refugees in the region was greatly diminished by the recent events and repatriation into Rwanda. But these people continue to be of concern to the United States in terms of their sustainable reintegration.

Rwanda faces major challenges in recovery and reconciliation. The international community is assisting the Government of Rwanda in providing for the basic needs of returnees as well as other vulnerable groups. The task is tremendous, but a great deal has already been achieved. The outbreak of war in Zaire and the ongoing conflict in Burundi have created steady flows of new refugees, as well as internally displaced persons. There are no longer any refugee camps or concentrations of refugees in Eastern Zaire, as they

are constantly on the move, which has been, frankly, our biggest problem.

I want to underscore just how dynamic this emergency is. Insecurity currently impedes humanitarian access. Approximately 200,000 refugees have been minimally accessible before the latest round of fighting and the alliance advance on Kisangani. We are gravely concerned about their physical condition and security in the midst of the conflict. We are somewhat encouraged that a U.N. survey team got to Tingi-Tingi on Sunday and has put in place various operations such as way stations and has plans to fly out the most vulnerable who were left in that camp, about 600 people, and the others have all fled.

Security of relief personnel is a major concern for us. We are working with others to put in place additional way stations along return routes for repatriation. We are actively engaged in trying to bring out a negotiated end to the conflict and in trying to get access to the refugees and ultimately, to repatriate them.

In the former Yugoslavia, the next 6 months will be a critical period for the implementation of the Dayton Accord's refugee-related provisions. Dayton guaranteed all refugees and IDP's the right to return in safety to their places of origin. To date, such returns have proven difficult, if not impossible. More than 2 million Bosnians remain either internally displaced or as refugees in other countries. Only 100,000 have returned home since the Dayton Accords went into effect. Returns are hampered by a variety of factors. Fear for personal safety is, perhaps, the single greatest concern of many potential returnees, however, housing shortages and poor economic opportunities also play a role.

The United States is working closely with UNHCR, the Office of the High Representative and other governments to develop a strategy that will maximize conditions for successful returns. Significant obstacles remain, most notably obtaining the full cooperation and support of local authorities. The United States, with other concerned parties, will pressure local officials to cease such intimidation. We are also working closely with the Office of the High Representative and other organizations, such as the World Bank, to coordinate economic reconstruction activities so to facilitate refugee and IDP return.

Also, events in Eastern Slovenia of Croatia will likely demand our attention in the coming months. With the possible drawdown of the U.N. presence from that area in the early summer, it is possible that thousands of Serbs could choose to depart the region, rather than remain under Croatian Government authority. Our goal is to prevent any dislocations, however, we are preparing to deal with events, if our preventative efforts prove unsuccessful.

The ongoing conflicts between the Burmese authorities and the ethnic minorities such as the Karen have led to a recent flow of Burmese refugees into Thailand. In January, several camps in Thailand were attacked from Burma. While few people were killed, the attackers burned the shelters of thousands of refugees who lost their few meager possessions. In February, the Burmese army overran the stronghold of the Karen National Union, the KNU, and approximately 12,000 new Karen have sought refuge in Thailand.

At the end of February, Thai authorities adopted a tougher line with the new arrivals. We expressed deep concern over these incidents. On March 5, the Royal Thai Government publicly reiterated its policy of providing asylum to non-combatants. Also, relocations of camps to safer areas, farther away from the border, are under active consideration.

In Afghanistan, we continue to grapple with the humanitarian implications of the Taliban's takeover. While the Taliban's capture of Kabul in September and subsequent push northward has not resulted in significant refugee inflows to Pakistan, it has caused internal dislocations and complicated the operations of humanitarian assistance organizations. We have stressed to the Taliban the importance of permitting humanitarian programs to operate unimpeded and, in particular, of allowing women and girls full access. Many programs are operating and some parallel structures have been developed for women, but lack of opportunities for women in the educational sector remains a serious cause for concern. Few opportunities exist for women in areas under Taliban control. We are going to monitor this situation carefully and we will keep pressing the Taliban for full cooperation.

Let me say that at this point in the fiscal year, we fully expect to utilize all 75,000 admissions numbers provided for in the 1997 appropriations and we continue our efforts to stretch the available funding to cover up to 78,000 refugee admissions this year.

Since the beginning of the fiscal year, there have been some noteworthy developments in our refugee processing programs. First, on January 1, we expanded our admissions program for refugees from the former Yugoslavia to applicants now in Germany or other countries for whom repatriation to their homes is not possible. Second, on January 23, we concluded an agreement with Vietnam on the implementation of ROVR.

In conclusion, Mr. Chairman, let me say that I believe that future commitment by the United States to the cause of refugees in the face of continued flows must be based on four fundamental efforts, the care, maintenance and protection of refugees in place, sustained pursuit of durable solutions, voluntary repatriation, local integration and third country resettlement, tenacious diplomacy to encourage continued protection and humanitarian treatment of refugees and asylum seekers, and actions which address the root causes of refugees by the advancement of human rights and the rule of law, the prevention and just settlement of conflicts and by building democratic institutions in civil societies.

Thank you, Mr. Chairman. Now, I would be happy to take any questions.

Mr. SMITH. Thank you very much, Madame Secretary. Let me just ask a few opening questions, and then yield to my distinguished colleagues.

On the issue of Vietnamese refugees, will the United States take steps within the next few weeks to resolve the split-family cases, in which some members of a family of Vietnamese asylum seekers were granted refugee status and resettled in the United States, while others were told that they could not apply for refugee status, unless they first returned to Vietnam? They have to go back first, in other words. Most of these people are the immediate relatives

of U.S. citizens or lawful, permanent residents and are eligible for immediate visas as legal immigrants under U.S. law. What is the Department doing with regard to those?

Ms. OAKLEY. I think, again, there are so many categories of Vietnamese; there are over 21. Are you referring to those who have been in Hong Kong with—

Mr. SMITH. Some were in Hong Kong, some were in Manila.

Ms. OAKLEY. In Manila? Well, let me say that we have endeavored to bring what I think is one of the most successful refugee operations ever to a just and humane conclusion. We had agreed with the 50 other countries who were part of the CPA program when it began in the late 1980's and early 1990's that we would not process immigrants out of the first asylum camps. We felt that we had a moral obligation to uphold that agreement with the other countries. I think that we have all had a certain amount of discussion on this. I think that the recent action of the Supreme Court and the Congress of upholding the right of the Secretary of State to determine where they will issue visas continues to be our policy. We have been pleased to see that when people have returned to Vietnam, that they can go through the process, they are beginning to move on to the United States, and that policy will continue.

Mr. SMITH. In retrospect, as you know, this particular Member made a major fuss last Congress on the importance of re-evaluating the status of those individuals.

Ms. OAKLEY. Yes.

Mr. SMITH. Many of the interviews we thought were improperly done; however well meaning the countries of first asylum may have been.

My understanding is that the Minister of Interior in Vietnam will be part of this process, if not the main person or their personnel will be the ones who conduct the interviews. Do we have any concerns that they may come back to us and say the person is no longer interested, because obviously, there might be some fear on the part of the asylum applicant?

Ms. OAKLEY. I think that you are aware that we have a lot of concerns about how people are treated when they go back to Vietnam, which is why we have cooperated on an extensive monitoring program. We have encouraged UNHCR to maintain its monitoring of returnees to Vietnam. It is why we remain in active consultation not only with the Ministry of Interior, the people that you have spoken about, but the Ministry of Foreign Affairs, who also has a stake in this. It is the reason why we are interested in seeing an ambassador get to Hanoi as soon as possible to continue our discussions from his level on all of these issues. As you know, we have the Vietnamese agreement on ROVR to begin the processing. We are waiting to get these lists back and to really get up to steam on that.

I will not hide from you that we have been disappointed at the slowness of the response, but we are convinced that they will respond. On all of these issues, we are concerned. We intend to stay involved, and we intend to hold them to their word.

Mr. SMITH. In retrospect, is it your view and the view of your bureau that the concerns that I and others—like Congressman Ber-

man, Congressman Lantos, and others—raised, were valid about those who were improperly screened out?

Ms. OAKLEY. You know, I am not going to get into judging the screening process again. We have all discussed it. We have had various internal studies of UNHCR. Our own GAO has gone out there and looked at the screening process. That process is behind us.

Let me say that I think we all know the nearly million Vietnamese who have come into the United States. I think they testified to the overall success of the programs that we have had, but we did institute the ROVR program to make sure that anybody who might have been, and I underline might have been, incorrectly screened out, or was of other concern to us, and we all know with human beings, there are people that do not always fall into neat categories.

We are convinced that when we get that program up and going, it is going to provide the final, not screening, but process where we can have contact with those Vietnamese who are of concern to us and of interest to us. The other thing is that certainly while we have stressed with the Vietnamese Government that we want to have an accounting of the people that do not show up as well as the people who do show up, and we are working on that, so that we can allay any fears like that.

I think we all look forward to the time when we can put our consular relationships with Vietnam on a more normal worldwide pattern and see the free flow of people to and from that country.

Mr. SMITH. One of the most important elements of the ODP, Orderly Department Program, has been that subprogram for former U.S. Government local Vietnamese employees. These are the members of our foreign service family. Historically, the United States has exercised a special concern for these persons, most recently exemplified by the evacuation from Northern Iraq of both U.S. Government and American NGO local employees.

Yet, in fiscal year 1996, out of 1,700 such former employees and their families granted exit permits by the Vietnamese authorities, only 29 were accepted. How is it possible that 98 percent of the former Vietnamese local national employees of the U.S. Government were rejected under the subprogram of ODP?

Ms. OAKLEY. I think that, as you know, those final adjudications are made by INS, usually at the end of refugee programs. I think that there was great concern about the credibility of many of these applications that were made. I think the feeling had been that we had really been able to deal with all those people who qualified under the programs.

We have suspended the processing of the former USG employee subprogram. We do not expect any further significant admission to this subprogram. I could add that on the Amerasian cases, we continue occasionally to find them. We are likely to admit between 400 and 500 people this year under that subprogram.

Immigrant visa processing under the auspices of the ODP family reunification subprogram continues to function well. ODP typically issues over 1,000 IV's per month, and the demand appears steady and may even be increasing. ODP, of course, anticipates transfer-

ring the IV processing operation to Ho Chi Minh City and the consulate when it opens.

Mr. SMITH. Just let me ask in brief followup, and I appreciate that response, these former employees, it was required that they be reviewed under the Lautenberg Provisions.

Ms. OAKLEY. Yes.

Mr. SMITH. As you know, that is something that I offered on the authorizing side to continue for another year, and the appropriators did it, likewise. That only deals with past persecution.

Ms. OAKLEY. Yes.

Mr. SMITH. Do you consider it a credible result that 98 percent of our former employees in Vietnam, who served us at least 5 years or longer, were unable to meet that test? It is supposed to be a very inclusive test.

Ms. OAKLEY. Again, I cannot pass judgment on that test. What I would be happy to do is look at those figures again, and what our conclusions had been about that very low approval rate, and give you the latest information that we have on that.

Let me say, you know, the ODP organization in itself, the totality of that is going to continue in place until all the refugee subprograms, including ROVR, are completed. We are trying to finish out these various subprograms, but let me check on the final figures of that ODP U.S. Government subprogram.

[The information appears in the appendix.]

Mr. SMITH. We do have information, and we will share additional information with you, which you may already know, but there was one particular case of a former Vietnamese army captain who was awarded a U.S. commendation medal for heroism in 1970 and after the war, he was sentenced to 3 years in re-education camp. He escaped, was recaptured and sentenced to 18 years further re-education.

This man was released from prison in May 1995. When he attempted to register for the ODP subprogram for former prisoners, he was rejected for having missed the deadline for direct registration of September 30, 1994.

Ms. OAKLEY. Congressman, we always—

Mr. SMITH. Is somebody like that—

Ms. OAKLEY. This is what I mean by people who sometimes fall between the cracks. We are always more than happy to look at any specific case like this to see what can be done.

Mr. SMITH. Mr. Hilliard.

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

Madame, earlier, I had asked you a question. I guess now would be an appropriate time for me to reinstitute that question or to re-ask it.

Ms. OAKLEY. OK, if I remember correctly, you asked why the request for Africa as a total is going down, when we hear so much about the recurrent problems in Africa, particularly in Central Africa.

Mr. HILLIARD. Also, the continuing problem we have there with the conflict.

Ms. OAKLEY. Let me say that you know from our budget submission to you that the vast majority of our funds for refugee maintenance and support does go to Africa.

But, in spite of many continuing problems, there have also been some bright spots that we have been able, in large part, to see to the repatriation of refugees from Mozambique and also from Angola, and now refugees, some from Somalia. Refugees from Ethiopia, even Eritrea have been able to go back. So, it is not all a dismal picture there. There have been some bright spots.

Also, when we look at the totality of the budget figures, we have to recognize that over one million, nearly 1.2 million refugees from Rwanda have been able to return home over the last 2 year period. As I said in my opening statement, it does not diminish their needs for reintegration and reconciliation and to get that economy going, but the immediate needs of refugee maintenance are going to be less because of those massive returns.

We will certainly continue our programs of support for many of the refugees in the West African, Liberian, Sierra Leone situation. We are looking now to repatriate as many of the refugees as we can from Eastern Zaire back into Rwanda. We will be continuing to maintain our programs for refugees from Burundi who have gone into Tanzania and some even into Zambia and Zaire. Now, even Zairian refugees going into neighboring countries.

I think when you look at the actual details, let me just say in my view that I think we are going to be able to continue the high level of support for those in need in Africa.

Mr. HILLIARD. Let me ask, in case there is an additional need because of the rebel forces and the dislocation of the Zairian—

Ms. OAKLEY. Yes?

Mr. HILLIARD [continuing]. would you make that request if needed from your emergency fund budget?

Ms. OAKLEY. We would certainly consider that from the ERMA fund. Let me just put in my plug and thanks for the ERMA fund, which has served us very well as a reserve. I think that we all know that in many cases, we cannot foresee refugee situations and urgent needs. I think the U.S. Government in its leadership on humanitarian affairs has been well served by the ERMA reserve fund that we have. Just as we have used it when we needed to in Rwanda and for other situations, we would certainly look to that if we needed to use it because of unforeseen events that could take place in Central Africa.

Mr. SMITH. Mr. Payne.

Mr. PAYNE. Hi, how are you? Unfortunately, I had missed your testimony and really not been able to read it here, but I do have some general concerns sort of in the same line that Representative Hilliard raised in regard to the allocation—I understand it is \$159 million has been requested—which is \$9 million less than the 1997 estimate and \$16.9 million less than the 1996 budget.

With the problems in the region, I wonder whether you feel that that amount is going to be adequate in light of some of the other potential problems, as you have already indicated. I mean, do you feel comfortable with that?

Ms. OAKLEY. I feel comfortable with that figure, based on what we know today, and the fact that so many refugees have repatriated. Without the reserve fund of ERMA, I will admit that I would not feel comfortable. On all of these situations, we have to look carefully at them. The food needs are often the real key to success-

ful refugee maintenance. Of course, we do not do the food, and I know you are interested in the food part of it, but we will certainly do our effort to maintain those levels.

It is clear to me after having worked in this field now for nearly 4 years that U.S. leadership is essential. When we are prepared to step up to the plate and give the majority of the funds and take the lead early, we can leverage that with other countries, as well, to make sure that they are doing their fair share.

Mr. PAYNE. I traveled to the Great Lakes region several weeks ago and visited Rwanda and Kenya and we went into Eastern Zaire and met with Mr. Kabila from the alliance. I wonder, there have been rumors and reports that refugees have been killed in the Tingi-Tingi camps. Do you have any hard facts on that?

Ms. OAKLEY. I do not have any hard and reliable facts on that. We have heard those same rumors, too. Charges made by the Government of Zaire and some of the ex-foreign leadership from Rwanda, charging that there were massacres committed by the alliance forces as they have moved westward in Zaire.

One of the goals of the team from the United Nations that went in on Sunday and finally got to Tingi-Tingi and other areas around there was to look for evidence and/or reports and talk to witnesses, to see if any of these things did take place. I think you know that Kabila has denied it and we are certainly checking on it. But, as of now, I have no confirmation.

Mr. PAYNE. I think the State Department had talked about the alleged massacre of some Rwanda and Hutu refugees near the eastern part?

Ms. OAKLEY. Yes.

Mr. PAYNE. You know, it is a little bit surprising. We met, as I indicated, with Mr. Kabila and persons from the alliance, and the areas that were being liberated by his forces were—the people in the area were being treated with much greater care than had the forces of Zaire, the FAZ troops. So, I am a little puzzled, because actually, it does not make sense, if, in fact, you want to be considered a liberator and tend to have that momentum going, that something of that nature would occur.

The forces are moving and it looks like Kisangani may fall. What kind of fall out do you see from that?

Ms. OAKLEY. Well, I think it is always very difficult to predict fall out from a fall of a town like that. This really gets into the political realm and I wish George Moose were here to answer and to help me with some of these questions.

But, let me just say that I think many people expect Kisangani to fall to the rebel alliance. There are those who say that it will actually make negotiations easier, when he has solidified his position there. Certainly, I think that besides the humanitarian needs that we are trying to deal with, we, as I said, are trying to bring about a cease-fire and negotiations between the parties, and then, of course, we want to look to the long-term future of Zaire.

But, I think that from strictly a humanitarian standpoint, that it may be easier to get to those people in Eastern Zaire, who have been fleeing in front of the rebel forces. He is, of course, because of this team that has gone in, granted access. He says he wants to cooperate with the humanitarian agencies in relieving these peo-

ple and looking to their repatriation. I think we should hold him to his word.

Mr. PAYNE. Do you have an idea of how many Rwandan refugees are still with the rebels?

Ms. OAKLEY. We have been bedeviled by numbers, not only by the ones who had been in Eastern Zaire who repatriated, how many have gone north, now heading toward Kisangani. Others have gone down south to Fizi. I think that we are really better off not to worry so much about the numbers and to worry more about getting relief supplies in and to deal with the numbers as we come to them.

I think that we are all convinced that there are still many innocent women and children and men in these crowds. Obviously, there are some of the ex-Far forces, the Interahamwe forces, but we are also now talking a lot about internally displaced Zairians, who have been upset by the war and are going to need assistance, too. So, I think what we are trying to do is focus on the access and the needs and repatriation.

I think many of the international organizations have pre-positioned a great deal of food in the area, even medical supplies. So, I think we are not going to be faced with the problem of bringing in adequate supplies. The real need is access to these people and to be able to get to them, to stay with them in safety for the humanitarian workers and then to look toward their repatriation.

Mr. PAYNE. Thank you. Do you have any idea of what are the outcomes of the South African talks with representatives from the Zairian Government and the alliance?

Ms. OAKLEY. Well, I think that perhaps they did not produce as much as we would have liked, but I think you can say that they kept the process alive. People are still engaged. The South Africans have encouraged people to come back and to continue the talks. As I said, some people say that that may be easier after Kisangani falls. Certainly, we support the efforts of Sahnoun, the U.N. special representative who is out there and his diplomacy all over the area. Certainly, some of the Chiefs of State of neighboring countries have taken a great interest in what is going on there, and are also contributing to what we hope can be a negotiated settlement that will provide access to those in need.

So, I think there is lots of activity going on. Just because we hear about one thing does not mean that it is going to succeed. But, the reverse is true, and if we do not hear about it, it does not mean that a lot of efforts are not continuing.

Mr. PAYNE. Thank you, I will yield back for this round.

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

Let me just ask you, Madame Secretary, on Cuban refugees. How many people have been given refugee interviews in Cuba since the U.S.-Cuba immigration agreement in 1994 and how do we monitor the operational language, if I am not mistaken, was it mainly persuasive means? That was what Castro was required to do. How do we monitor whether or not other means are being used, whether it be torture or some other kind of sleep deprivation or beatings? What has been your reaction and your department's reaction, the bureau's reaction, to the New York Times report of February 13 that a Cuban court had sentenced some six Cuban people to prison

terms ranging from 8 to 20 years after they were returned to Cuba by the U.S. Coast Guard?

Ms. OAKLEY. You will excuse me if I get my notebook on some of these figures, because I have not kept all of those in my head.

Certainly in the wake of the agreements that we worked out with the Cuban Government, there has been a great increase in the number of Cubans that we have brought to the United States. I am just looking at some of my figures. I do not have the total number here of the numbers of Cubans that we have brought over many years and then since the signing of the migration agreements, but I would be glad to get those for you.

We do expect a little less than 4,000 Cuban refugees who will be admitted in fiscal year 1997. There has been concern about the monitoring of groups. We have established procedures to monitor migrants returning to Cuba under terms of the Joint Statement on Migration agreed to between the United States and Cuba on May 2. They, the Government of Cuba, committed not to make reprisals. We have returned 557 migrants to Cuba since the May 2 announcement. We have conducted over 1,500 monitoring visits to returned migrants. Another 350 interviews were conducted with returnees at the U.S. intersection in Havana. We have felt that these monitoring visits have been worthwhile, that they have been conducted properly by people who could find out, and I think the results of these monitoring visits are reported to Congress monthly.

We have been generally satisfied that the Cuban Government has kept its pledge. On occasion, there have been cases of alleged harassment, primarily job-related, which we have addressed with the Cubans. There are currently a handful of such unresolved cases. No migrants have been incarcerated upon their return, although a few have been later incarcerated for unrelated charges. But, this is certainly a problem, what happens to people, that we keep under very close surveillance.

Mr. SMITH. Are any of these individuals being incarcerated for the crime of leaving Cuba?

Ms. OAKLEY. Not to my knowledge, but I will be happy, again, to check on that. As we said, there has been some harassment that we do know about. Incarceration seems to be on the basis of other offenses.

[The information appears in the appendix.]

Mr. SMITH. How do we characterize or respond to the six?

Ms. OAKLEY. I am not aware of the case of the six and I would like to check on that and get an answer back to you.

[The information appears in the appendix.]

Mr. SMITH. OK, I would appreciate that.

Let me ask you on the issue of the Great Lakes and Eastern Zaire. When you appeared before us in December—

Ms. OAKLEY. Yes.

Mr. SMITH [continuing]. you had indicated that it was a matter of, let me quote it correctly, "in two or 3 days" you thought the access issue might be resolved. I know no one has a crystal ball and these things are fluid, but what is the status of access now? At the time, there was talk of the possibility, and whether or not it was advisable, questionable, of air drops, because so many people were dying. Where are we on the access issue?

Ms. OAKLEY. I am slightly embarrassed about that answer. I mean, it was true at the time. I felt we were going to get access into those areas, particularly where the rebels or the alliance had been operating.

I was surprised that they continued westward, if you will, and I was surprised at the ease with which they continued westward, without really any opposition on the side of the Government of Zaire. I think that we had anticipated that when they stopped and held a very small border area, people would drift back, even those who had gone farther west, following what had happened. The reports they obviously must have heard from the majority of people who did go back to Rwanda.

This was something that surprised us, and during this whole period, the problem got bigger rather than smaller, because the alliance just kept pushing westward and these people were either in front or with them the whole time.

I have spent some time in Zaire. This is very rough territory. I never would have expected that these people would have been able to walk so close to Kisangani. I think it is a testament to their endurance and how tough they really are.

As you know, before the alliance moved even further westward, supplies were coming through Kisangani, and that turned out to be the most efficient way, although not very efficient, that the World Food Program could get larger supplies of food by rail and by river boat up to Kisangani and then it could be taken either by smaller truck, sometimes even by boats or by airplanes to the air strip at Tingi-Tingi and other places. That route became the most efficient for supplying whatever we could supply.

Now, again, I think as the alliance moves more toward Kisangani, we are going to be able to provide more humanitarian assistance. Let me just say that we had a report from our mission in Geneva today. They have been in very close touch with the UNHCR and this collaborative team that had gone into this part, made up of UNHCR, World Food Program, UNICEF, DHA, the Department of Humanitarian Affairs, and MSF, Medicins Sans Frontieres, let by the humanitarian coordinator, Martin Griffiths. They were able to get to Tingi-Tingi and some of the other areas.

There is a large group of people, I am looking for the name, because I do not want to mispronounce it. It starts with a U, and it appears that a large group of refugees is again congregating. They are on the eastern side of the river. The rail head coming down from Kisangani goes on the left hand side. You are going to have to worry about getting there, but I think that we are going to be able, with a concentration of people, to start to begin to think about supplying them.

Mr. SMITH. Has the Rwandan Government, since they are close to the alliance and we apparently get along very well with the Rwandan Government, have they been willing to exercise the kind of leadership necessary to get the alliance to yield?

Ms. OAKLEY. I really cannot speak to the influence of the Kigali Government on the alliance. What I have said is that we have been in touch, and certainly UNHCR has been in touch with Kabila and his people in Goma and they have said that people can have access.

Their one caveat in this is safety and concern about these people, because they say that their control now extends through a large area, but there certainly is the possibility that there are pockets of instability and insecurity where people have gathered.

They would like to send in armed escorts with the humanitarian workers that are going west out of Goma and I think we would all welcome that as increasing their security.

Mr. SMITH. Madame Secretary, could you tell us how many people we have repatriated to China since January 1993?

Ms. OAKLEY. Repatriated under the——

Mr. SMITH. People who came on boats, who came here, perhaps illegally, but were seeking asylum?

Ms. OAKLEY. I would be glad to consult with my friends at INS about this. They really handle that issue of the deportations back to China, but we would be glad to get the information from INS for you.

[The information appears in the appendix.]

Mr. SMITH. This would include the people who were interdicted prior to coming to our shores?

Ms. OAKLEY. Yes, and that is really handled in another bureau, INL, dealing with alien smuggling.

Mr. SMITH. Do you have any influence over what they do or say?

Ms. OAKLEY. That is always a question.

Mr. SMITH. I mean, from a protective point of view, because that is part of our problem, you know, the anti-fraud mentality, we understand it. I certainly do not want to see us defrauded and people come here illegally.

Ms. OAKLEY. We certainly have influence and——

Mr. SMITH. You could miss refugees that way.

Ms. OAKLEY [continuing]. consult with them on the whole range of these migration issues and the whole question of alien smuggling and to support standards. I do not need to tell you that alien smuggling has become a large issue, not only for the United States but for Mexico and Canada, the countries of Central America. Everybody is trying to deal with this and to work out collaborative arrangements, so that we can deal with it on the basis of law and that these people are allowed to process, that if they have asylum claims, that they are permitted to make them.

Mr. SMITH. The money to involuntarily repatriate these people; where does it come from? Does it come from your budget?

Ms. OAKLEY. Not that I am aware of. Again, I think that there have been appropriations to the Justice Department that are apportioned to INS in their whole deportation program.

In the beginning, before some of these programs got going and the first cases of alien smuggling, I think there were times when people looked to our bureau to help with that, particularly through IOM, but we have not continued that.

Mr. SMITH. Maybe this is a question that would best be directed to someone other than yourself, but perhaps you can help us get the answer. In terms of those who were sent back to China, you might recall during the days when York and Bakersfield were hot issues and we were looking to try to change the law back to what it was in the previous Administration, which, thankfully, has happened, some of those who "voluntarily" decided to go back, we had

an affidavit of at least one person who had his legs broken upon his return.

I am wondering what kind of surveillance and followup the U.S. Government provides to those who are sent back, especially when they have made asylum claims that they have been rejected. They believe they are true refugees, but they have been found otherwise.

Ms. OAKLEY. I would be happy to look into that. I am sure that there are arrangements through our embassy and some consulates, concern about that in general, the human rights conditions, but I really do not have anything specific on that today.

Mr. SMITH. In China, my experience has been, we usually have one person working in human rights and one person for a myriad of people. Of course, others could have that as part of their portfolio, but I just wonder if it gets the kind of attention it really needs.

Ms. OAKLEY. Let me see what I can find out on that.

[The information appears in the appendix.]

Mr. SMITH. Mr. Payne.

Mr. PAYNE. Yes, did I hear you indicate that there may be a request for, and I understand Secretary Coffeanun talked about the possibility of sending in some armed forces to try to assist in the repatriation of refugees.

Ms. OAKLEY. Well, I think earlier on, there had been in December a great interest in standing up some sort of MNF under the Canadian leadership to contribute to the repatriation of these vast numbers of people from Rwanda. As you know, in the end, it did not happen.

I think the current talk about what we are doing with that really gets into the political realm and I think you will excuse me if I say that I really cannot get into those questions. We are hoping that we are going to be able to repatriate these people very quickly with the cooperation of the alliance. As I said, they will grant us access. I think the most important break on the access has been the security situation. If that can be dealt with, I think UNHCR and other humanitarian organizations have the trucks and the equipment needed to bring the people out by truck. I think air transport is prohibitively expensive, except for the sickest and the most vulnerable, for which they are talking about some small air evacuations.

Mr. PAYNE. I think initially, and I recall at the December hearing I was here. I was very supportive of the intervention by the Canadians and the United States finally agreed to be part of that.

At this time, though, I kind of agree that I would be opposed to it at this point, only because it would appear that it would be interfering with what is going on in Zaire. You know, we talk about the Zairians who are being displaced now, the Banyamulenge people who are being asked to leave the country after being there for several centuries. The last three decades, they have really been pushed around and so forth.

I think that this 30 years of Mobutu and with the ex-Far and Interahamwe coming together and the FAZ, the Forces of Zaire, I just think that hopefully, there can be a negotiated settlement and that elections can be held. When I talked to Mr. Kabila 3 or 4 weeks ago, he strongly supported that. He certainly did not feel the

current government was legitimate, though, and would be reluctant to enter into elections run by the Mobutu Government.

But, if some international groups could supervise the elections and so forth, he said he would be, at that time, willing to cease the offensive and to take the chances of candidates running for office.

Do you have any kind of indication whether, although it is more on the political side, I guess, and more out of your realm, so I guess you would have difficulty giving your opinion on that?

Ms. OAKLEY. Let me just say again from long interest in Zaire, I would certainly share your hopes that elections could take place and that they would restore purpose and legitimacy. I think that various people are working on that, and the United States has certainly supported that. I cannot really go beyond that, but I am very interested to know your views on it.

Mr. PAYNE. Thank you. Could you tell me what the situation is of the refugees who were forced out of Tanzania? What is their plight? How are they faring?

Ms. OAKLEY. Again, I think there was a very rapid repatriation, as we all know. The Government of Rwanda gave up trying to control the borders to register people. It really just brought people in and tried to get them back to their home communes as soon as possible.

Most of the refugees who had left Rwanda for Tanzania came from the eastern and southeastern parts of the country. They have gone back there, as I understand it. The security situation is better there than it is in western Zaire. Efforts are continuing toward reconciliation and reintegration of these people. The needs are tremendous and the pressure is there on land and property.

But, I think it is really remarkable that we have heard of very few problems or sicknesses that have broken out or epidemics or people in dire need of food. I think that the reintegration program is going quite well. I think that the more difficult problems still are to be faced of reconciliation and rebuilding the economy.

Mr. PAYNE. Now, just in regard to the tribunals that are going on, in Tanzania, they are being, as you know, conducted by the United Nations. The ones in Rwanda are being conducted by the Government of Rwanda. The more serious offenders, the Interahamwe and the leaders and the planners of the genocide are probably those that will be tried in Tanzania. Others will be tried in Rwanda or have been, and the trials are going on.

First of all, I oppose the death penalty just as a personal position, but in Tanzania, under the United Nations, there is no death penalty in their tribunals, in their hearings, and as we have indicated, the most serious offenders will be tried in Tanzania, because these were the planners of the genocide, allegedly, the Interahamwe.

The ones who are of lesser conspiracy, but sort of got caught up in this frenzy when the perpetrators of the genocide on the radio started telling to have the final solution and that sort of thing, the lesser of the criminals will be tried in Rwanda, where there is a death penalty. How do you think that is going to be reconciled, where the death penalty for lesser offenses will be given, as opposed to those who really planned the whole situation? I want to

make it clear, I am not for the death penalty, but I just wonder what will be the Rwandans' approach to that?

Ms. OAKLEY. Again, let me excuse myself for really not being able to answer that question. I think you know that John Shattuck from our Bureau of Human Rights has been more involved with setting up both the justice system within Rwanda and the one at Arusha in Tanzania. If I may, may I defer to him for this question, because it really is out of my realm? Although, of course, we are interested in it, because in the end, it is justice that will enable the refugees to be reconciled and really to reintegrate back at home.

Mr. PAYNE. If the chairman will allow, just two other outside of Rwanda and Tanzania. One question is regarding Liberia, with the large number of refugees. I think it was 725,000 at the end of 1995. Elections are coming up in May, and the refugees are not up to the present being allowed to vote, which is creating, you know, a situation where a large portion of the Liberian people will be unable to vote, and it is primarily, I think, the neighboring countries that are imposing this.

Do you have any idea what we or our representative in this Liberian picture might be doing as relates to the neighboring countries, and whether a system of border voting, an apparatus where people could go to a site in a country maybe with the assistance of UNHCR, so that they could vote? I think it would be unsettled if you have maybe a third of the country out of the country, or maybe 20 percent now unable to vote?

Ms. OAKLEY. Well, I think you have identified a very serious problem. We have continued our interest in the Liberian situation. The refugees, as you say, about 750,000 outside the country as well as internally displaced of about the same number. We have, of course, supported a move toward elections and voting as a way to end this terrible tragedy that has befallen Liberia.

Certainly, our position had been that we thought it was fine, if these refugees voted, gave them a stake. As you say, it is the other countries who put up the objections to this. But, I think that we are going to continue to try and make the elections as valuable and legitimate as possible, and hope that they will lead to some new government that can face the future in peaceful ways.

If those sovereign countries take those decisions, it is a little hard to tell them exactly what to do. But, I think they are aware of our views.

Mr. PAYNE. The final question, we have not dealt with the Sudan at all, but several weeks ago, John Garang and his group, the SPLA, had quite an offensive at that time, when we were in the region, and did actually speak to him on this battlefield. What is the situation as it relates to refugees, because as they liberated, once again, people from the al-Bashier Government, they found that the retreating Sudanese army would scorch the earth and that people were malnourished anyway? Have we met that need, and have we been able to get into the newly liberated parts of Sudan?

Ms. OAKLEY. We certainly do continue a great interest in the humanitarian situation in the southern Sudan. There have been, I think, nearly half a million Sudanese refugees who have been in the surrounding areas. I think it is very hard to say with this new offensive that has been recently written about, how the exact provi-

sion of humanitarian supplies has gone. It usually takes awhile to adjust in those areas.

It has been interesting to me that because of the unsettled conditions in Eastern Zaire, some Sudanese refugees who have come into Zaire have gone back to the Sudan, as well as some Zairians have fled into the Sudan. Certainly, traditionally, the Sudan welcomed refugees from Eritrea and Somalia and Ethiopia. So, you have had a movement of refugees back and forth there.

You know, one would only hope that there could be a way found for negotiated settlement and the real provision of more humanitarian assistance. But, in the meantime, I think what has been provided has been adequate at least to prevent mass famine.

Mr. PAYNE. Thank you, Mr. Chairman. Thank you, Madame Secretary.

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

Let me just ask a few closing questions and then end the hearing. Since the collapse of the U.S.S.R., we all know that there have been a number who want to emigrate—Pentecostals, Ukrainian Catholics, Jews and others. They have to travel to Kiev or to Moscow in order to have their papers processed and also to have their hearing.

First of all, do you know how many people have to make that very difficult trip? It is expensive. It is many, many months wages for some of these people and sometimes it may deter them from doing it at all. Do you know whether or not there is an attempt being made to perhaps consider circuit rides or put some outreach branches in some of these respective countries, where there is a larger number? Ukraine is a very large country and just because somebody lives in the Ukraine and may go to Kiev, that is no short trip for some of these folks.

Ms. OAKLEY. We have been aware of these problems. I do not have the total, the figures on the break down of how many had to come to Moscow for processing, then go back and coming back for their final departure.

I think fiscal year 1992 was the real peak of this exodus from the former Soviet Union, where we had over 61,000 refugees who fled then. This has been a real problem for us as to how to make it easier, particularly as the costs within the former Soviet Union have gone up. It used to be quite inexpensive, I think, for people to come to Moscow, but that has all changed.

What we have tried to do is to work out now in Kiev, where we have a large group, the possibility of getting the medical exams there, which has reduced the pressure on that. Then, we have also used charters and airplane flights directly from Kiev, so people did not have to go back into Moscow to get that set up. It is an issue we have looked at. There are costs involved in setting up these alternative centers. The costs, of course, are greatest for the people coming the furthest distances. There are not very many of those. Particularly, I think, in Central Asia now, the numbers have really gone down.

Up until this point, we have felt that the cost to set up these alternate processing centers did not justify doing it when the processing out of Moscow was going so well. But, just as we have looked at what we could do in the Ukraine, I think that we will keep an

eye on this, mindful that there are severe hardships for these people, particularly when they have to make two trips.

Mr. SMITH. Now, the Ukrainians have to go to Moscow first, and then the second trip would be to Kiev or can they go right to Kiev?

Ms. OAKLEY. No, I think the first the interview is in Moscow, but the medical tests can now be in the Ukraine as well as the final departure.

Mr. SMITH. Is it that cost prohibitive to at least make that first trip for the Ukrainians to Kiev? It is still a trip for a lot of them—

Ms. OAKLEY. Well—excuse me?

Mr. SMITH. Would it be possible to do the first interview—

Ms. OAKLEY. As I said, when we have looked at it for reasons of keeping the processing uniform and the same standards, it was felt, particularly to set up new things for the numbers of adjudicators, INS people, the JVA, the whole operation, that the cost did not justify moving it there. But, this is something that we keep looking at as the cost structure changes.

Mr. SMITH. Will your bureau be recommending a continuance of the Lautenberg categories?

Ms. OAKLEY. I think you know that the last time the Lautenberg Amendment came up for renewal, the Administration supported it. We are not aware that it has been introduced. You can understand me when I say I would certainly want to consult with other members of the Administration, as I would normally do before a decision would be reached on what our position would be.

Mr. SMITH. You might recall, and you do not have to respond to this if you do not want to, but one of the questions that I had asked in one of our exchanges had to do with the use of abortion chemicals in the Zairian refugee camps. That was in December.

Ms. OAKLEY. Yes.

Mr. SMITH. Let me just again reiterate that I do believe that to be an absolute consensus breaker, when many of us can agree on issues of protection for refugees, providing a chemical that prevents implantation, which I construe to be an abortion, notwithstanding WHO's tortured definition, of an individual that is unique and different than any other individual, who no longer exists when that happens.

I would hope that again, as we start this new year, this new Congress, that every effort would be made to try to take off the table those kinds of things that absolutely shatter the consensus and the idea that we can all work together on mutually accepted goals, and that is not one of them. I would hope that you would take that under consideration.

Ms. OAKLEY. Well, I understand your views on that. I think that we did discuss the matter back at the end of 1996. I explained our position for it, stressing the need for reproductive health services in these refugee situations. Basically maternal and child health care, safe motherhood services, prenatal, postnatal care, well baby education, emergency obstetrics and gynecological care, including treatment of complications from an unsafe abortion, miscarriage complications, prevention and management of the consequences of sexual and gender-based violence, prevention and care of sexually transmitted diseases, including HIV-AIDS, family planning infor-

mation, supplies and services. This is the thrust of our program. We have talked about abortions. We are not performing abortions or encouraging others to do it.

Mr. SMITH. But, again, leave out the abortion component and the argument fades away.

Ms. OAKLEY. But—

Mr. SMITH. Chemicals that prevent implantation.

Ms. OAKLEY [continuing]. This is the thrust of our program, which is really directed at the health services, at the needs of these women.

Mr. SMITH. What is your assessment of the UNHCR's special protection and counseling programs for refugees, women and children?

Ms. OAKLEY. We have been great supporters of UNHCR's initiatives, focusing on women and children across the board. I think that they have made progress on this. I would say that in our view, it is never enough, so we continue to work with them.

I think you know the President's initiative that was announced at the G7 Summit in Leone, where we have given \$5 million for a women's initiative in Bosnia. We are beginning to see some results of that money disbursed to help women in very difficult situations. UNHCR was, I think, so taken with this approach that they have put in money for a Rwandan women's initiative, to help so many of the widows and the women who are now heads of households there to get started on all of these issues.

I think as we gain more experience of that, I would hope to see that kind of approach increase in other refugee situations. It is very needed and usually, from everything I am seeing, it is very welcome.

Mr. SMITH. Does that also include the schools?

Ms. OAKLEY. It can include schools. It is not primarily an education program, but it certainly can provide some maternal care and perhaps some day care centers in cooperative situations so that women could then take jobs to support their families.

Mr. SMITH. Two final questions. What was the U.S. reaction to the reports of beatings and other mistreatment of Tibetan refugees in Nepal?

Ms. OAKLEY. Well, we have always taken a consistent standpoint of mistreatment on any refugees. We oppose it and we always make our views known to governments, that we do not feel that this upholds the international standards. That gets back to one of the points that I made in our opening statement. That U.S. leadership, on principles of treatment of refugees, is essential, and I think that we have been quite successful in it, and we will continue in that position.

Mr. SMITH. Could you include for the record what our official response was to these—

Ms. OAKLEY. Yes, I do not have anything specifically.

Mr. SMITH. I did not think you had anything with you, but if you could make that a part of the record?

Ms. OAKLEY. Yes, in all of these papers, but we will be glad to get it.

[The information appears in the appendix.]

Mr. SMITH. Finally, what is the United States doing to follow up on last year's international conference on forced migration among the Newly Independent States of the former Soviet Union?

Ms. OAKLEY. We have been doing quite a bit on this whole question. It was the CIS conference on migration that we have encouraged UNHCR and the IOM that were sponsors of the conference to collaborate on followup programs. We certainly have contributed some money for that. We feel that these conferences, meetings, programs that focus on the issues of citizenship and the rights of people to move freely between borders, the rights of people to languages and citizenship and to move back and forth are terribly important and really do contribute to democratization and open societies, and the rule of law, if you will, of people who can move. We certainly intend to continue in that position.

Mr. SMITH. I do have one final question. Will the United States make an extra effort to resolve the egregious cases of those people who are remaining in Hong Kong, especially with the arrival of July 1 and the transition of power? There are not all that many people, and it would nice if they could be free.

Ms. OAKLEY. Well, there are several categories of people there. There are people who were screened in as refugees, but who have not been accepted for resettlement. That is one group of concern. Most of those people are prohibited by law from coming into the United States, but I know it has been an issue for UNHCR. We are concerned at the end of every refugee situation. There are always difficult situations. I think, again, in the context of this large and successful program that we hope to end humanely, we will certainly be looking with all our partners in the CPA at just how to end it as humanely and as well as we can, just as we are trying to do in the Philippines.

Mr. SMITH. Again, I want to encourage you, especially since we know that dictatorship takes control and it is anyone's guess how quickly the meaner aspects of that dictatorship will be manifested. These people will probably be treated very harshly. I think you could almost take that to the bank.

I would hope that whatever you can do to try to encourage the State Department and Secretary of State to give an assist here, we would all appreciate that.

Ms. OAKLEY. We will be looking at the full range of these issues.

Mr. SMITH. Mr. Payne has one final comment.

Mr. PAYNE. I just have one final question regarding, and I know it is not directly in your area, but the whole question of land mines and the moratorium that has been talked about. Would you have any idea when that moratorium is supposed to kick in at some out years and how is that moving along?

Ms. OAKLEY. Again, let me put some of those questions to my colleagues at DOD and the Political Military Bureau, because they have been dealing more directly with land mines. But, I do like to think that the Refugee Bureau, because of the effect of land mines on returning refugees, was among the early people saying that something had to be done about it.

Particularly, I remember in Afghanistan, looking at the children who were victims of land mines there. We certainly have seen the awful effects of land mines on returning refugees, and we certainly

welcome the moves that have been made. I am just not sure where that moratorium starts, but I will try and get you an answer.

[The information appears in the appendix.]

Mr. PAYNE. Thank you. There was some concern when we were in Eastern Zaire, meeting with the alliance, that South African mercenaries, the Executive Outcomes who are looking at land mining to be a weapon against the advance. I would hope that this would not happen.

The final, real final one, we have not mentioned in some time about the Kurds. I was just wondering if you could do that in a nutshell, unless that is political, too. Their situation there in Turkey and in Iraq?

Ms. OAKLEY. Well, it is a difficult situation. We have been concerned enough to organize these three operations that we call Quick Transit I, II and III, where we took over 6,000 Kurds through Turkey to Guam and then onto the United States for resettlement. I think that we remain concerned about that Kurdish situation, their humanitarian and particularly in Northern Iraq. But, you are right, that that does get into areas that are beyond my writ.

Mr. PAYNE. All right, thank you, Madame Secretary.

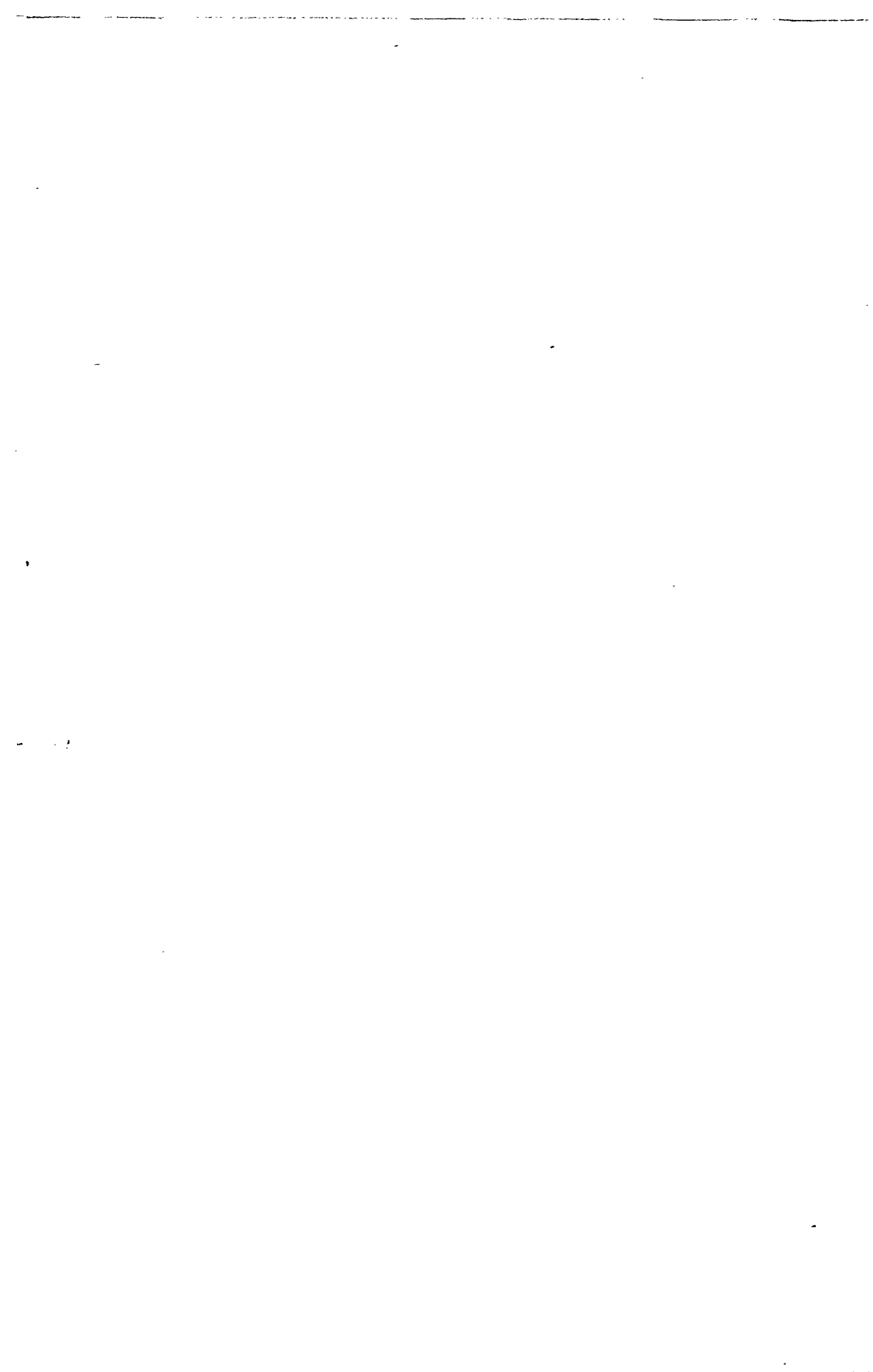
Thank you, Mr. Chairman.

Mr. SMITH. Secretary Oakley, thank you very much for testimony. We look forward to working with you as we rewrite the Authorization Bill, or write the Authorization Bill for the next 2 years, and thank you very much for your testimony.

The hearing is adjourned.

Ms. OAKLEY. Thank you.

[Whereupon, at 3:55 p.m., the Subcommittee was adjourned.]



APPENDIX

Question:

Mr. Smith: Do you consider it a credible result that 98 percent of our former employees in Vietnam, who served us at least five years or longer, were unable to meet that test. It is suppose to be a very inclusive test.

Answer:

In a demarche made to the Vietnamese Foreign Ministry in early November 1996, we stated that we had decided to suspend processing for the ODP sub-program for former USG employees, known as U11s, except on an exceptional, case-by-case basis. At the time of this demarche, the sub-program had been in de facto suspension for well over a year because the SRV had decided to stop issuing exit permits to U11 applicants, citing the low approval rate as their reason. In FY 96, we admitted just 97 Vietnamese under this sub-program (out of total ODP admissions of over 25,000).

We made the decision to suspend the U11 sub-program as part of an overall effort to get ODP back on track late last year. Refugee interviews for all sub-programs had ground to a virtual halt due to a number of outstanding issues between the two governments. It had become clear that the caseload offered few approvable cases and could therefore be more appropriately handled on a case-by-case basis, when particularly compelling cases surfaced.

At the time of the suspension, ODP reported that there were some 12,000 persons still with "active" cases in the U11 sub-program. The approval rate for cases in this sub-program had been falling steadily and by 1996 was well under 5%. (As an example, in January 1996, ODP interviewed 41 former USG cases and approved 2.) Hence, even if we were to interview all 12,000 people -- which would never occur because some of the cases are not actually qualified for interview and others would self-select out of the process -- the total approvals for this sub-program would be under 600 people. A more likely estimate of total possible approvals for this group is around 150-180.

Very few of the recently interviewed U11 applicants have asserted a fear of persecution and a "credible basis for concern," the evidentiary standard required by the Lautenberg Amendment. Those found ineligible for refugee status have not cited any instances of persecution or discrimination based on their previous association with the USG. We believe it likely that those who experienced persecution as a result of their association with the USG were by and large processed under the former re-education camp detainee or family reunification sub-programs.

Concerning the issuance of 1,700 exit permits in FY 1996, we have no information to support this figure. The total admissions under the U11 sub-program for FY 1996 was 97 people,

hence the 29 case figure is plausible. However, as ODP was experiencing a 99% no-show rate among U11 cases in early 1996 and the SRV informed us officially in February that they would no longer issue exit permits to U11 cases, we do not believe that it is possible that 1,700 exit permits issued to persons in this sub-program in 1996.

Question:

Mr. Smith: Let me just ask you, Madame Secretary, on Cuban refugees. How many people have been given refugee interviews in Cuba since the U.S.-Cuba immigration agreement in 1994 and how do we monitor the operational language, if I am not mistaken, was mainly persuasive means? That was what Castro was required to do. How do we monitor whether or not other means are being used, whether it be torture or some other kind of sleep deprivation, beatings? What has been your reaction and your department's reaction, the bureau's reaction, to the New York Times report of February 13 that a Cuban court had sentenced some six Cuban people to prison terms ranging from either to 20 years after they were returned to Cuba by the United States Coast Guard?

Answer

Since the signing of the U.S.-Cuba Migration Agreement on September 9, 1994, the United States has approved more than 57,000 Cuban refugees and migrants for admission to the U.S.

The following are the number of Cubans approved for admission to the United States each year since October 1994. (The data for FY 97 is current as of January 31, 1997):

	<u>FY 95</u>	<u>FY 96</u>	<u>FY 97</u>
Immigrant Visas (IVs)	4161	2020	605
Refugees	7255	3831	2273
IV Parolees	3387	1695	199
Diversity Visas ("Lottery")	5398	7490	1930
Sub-total	20201	15036	5007
94 Guantanamo refugees	--	5000	5000
Non-current IVs	4909	--	--
Immediate Family IVs	1584	694	335
TOTAL	26,694	20,730	10,342

Since the September 9, 1994 U.S.-Cuba Migration Agreement, the U.S. has approved more than 13,000 Cuban refugees for admission to the U.S. Virtually all of these refugees have been admitted via in-country processing in Havana.

The FY 1997 ceiling for refugee admissions from Latin America and the Caribbean is 4,000.

The cumulative total for Cuban refugee admissions since we began the in-country processing program in the 1980's is 37,740 as of the end of January.

Question:

Mr. Smith. How do we characterize or respond to the six?

Answer:

Concerning the Cuban tugboat hijacking case, we understand that on April 30, 1996, 5 Cuban nationals, using two pistols, several knives, and a fake bomb, forced their way onto a dredge and tugboat in eastern Holguin province, Cuba. They allegedly destroyed parts of a crane aboard the dredge and took a hostage. One of the individuals allegedly struck the hostage in the face. They then successfully left Cuban waters.

On May 1, the U.S. Coast Guard interdicted the 6 individuals on the high seas. (The tugboat later capsized.) Consistent with the procedures in the Cuban interdiction program, the Coast Guard brought an INS Assylum Pre-screening Officer (APSO) aboard the cutter to assess whether any of the Cubans had a credible fear of persecution. The APSO conducted confidential interviews with each of the 6 Cuban migrants. The APSO learned that one of these individuals had been taken hostage and wished to return to Cuba. The APSO spoke with the

* This summary has been prepared by INS and the U.S. Department of State in response to a Congressional request. Though the regulation involving confidentiality of asylum applications does not formally apply to the Cuban interdiction program, the INS makes efforts to guard the confidentiality of information gathered through this program in essentially the same way it does with asylum applications. Therefore, INS and the Department of State request that the information in this summary not be used outside the consultations for which it was prepared.

five others about their reasons for leaving Cuba and the circumstances of their departure. As with all such cases, the APSO forwarded summaries of the cases to INS Headquarters where they were reviewed by a representative of the INS Office of General Counsel.

After extensive discussion between the APSO and the representative from the Office of General Counsel, the INS determined that none of these individuals had established a credible fear of persecution. First, following guidance on the consideration of claims involving hijacking in UNHCR's Handbook on Procedures and Criteria for Determining Refugee Status (paras. 159-61), the INS considered whether any of the individual were motivated to flee Cuba due to a genuine fear of persecution. Although several of the individuals claimed to have engaged in acts in Cuba that caused them to fear mistreatment, the INS concluded that these individuals did not meet the credible fear standard. (Two of these individuals had been previously interdicted and returned by the U.S. Coast Guard after INS determined that they did not have a credible fear of persecution.) Furthermore, the INS found that there were serious reasons to believe that all of the individuals (other than the hostage) had committed serious, non-political crimes --namely, the destruction of property (the crane), the hijacking of the tugboat, and the physical mistreatment and taking of the hostage-- prior to departing from Cuba.

On May 4, 1996, the 6 Cubans were returned to Cuba. The hostage was released. The five others, plus a sixth co-conspirator who was not aboard the vessel, were subsequently arrested, charged with various crimes and tried. Following their repatriation, officers from the U.S. Interests Section made regular visits to the family members of the accused hijackers to ensure that no reprisals were taken against them and to monitor the cases of the accused hijackers.

In February 1997, the Cuban press reported that all six individuals were convicted of offenses relating to the hijacking. The sentences imposed ranged from 8 to 20 years of imprisonment. Such sentences are consistent with the normal length of sentences in Cuban hijacking cases.

The May 2, 1995 agreement between the United States and Cuba includes a commitment from the government of Cuba that it will not prosecute or otherwise take reprisals against Cubans for their illegal departure from Cuba when returned by the United States. The agreement does not provide immunity for other sorts of offenses. In the agreement, the United States also "reiterates its opposition to the use of violence in connection with departure from Cuba and its determination to prosecute cases of hijacking and alien smuggling." The U.S. government does not view the prosecution of these six individuals as contrary to the terms of the agreement.

Question:

Mr. Smith. This would include the people who were interdicted prior to coming to our shores?

Answer:

Beginning in February 1993 through March 11, 1997, 2,397 Chinese interdicted at sea were repatriated to the People's Republic of China. From FY-1994 to date, 1,288 Chinese illegally in the U.S. have been returned to the PRC, including 110 so far this fiscal year.

Question:

Mr. Smith. Maybe this is a question that would best be directed to someone other than yourself, but perhaps you can help us get the answer. In terms of those who were sent back to China, you might recall during the days when York and Bakersfield were hot issues and we were looking to try to change the law back to what it was in the previous administration, which, thankfully, has happened, some of those who, "voluntarily" decided to go back we had an affidavit of at least one person who had his legs broken upon his return.

I am wondering what kind of surveillance and follow up the U.S. government provides to those who are sent back, especially when they have made asylum claims, they have been rejected. They believe they are true refugees, but they have been found otherwise.

Answer:

PRC nationals returned to China are detained briefly while PRC authorities figure out who they are and where they live. They are given instruction on Chinese immigration regulations and are frequently fined between \$600 and \$1,200 for having contravened Chinese immigration law and regulations. They are also given medical examinations. Crew members and alien smuggling organizers face prison terms under Chinese law, which calls for up to three years, though most crew do not receive sentences that long.

Although U.S. Government officials have been unable to speak with any of the returnees themselves, officers from our Consulate in Guangzhou make regular trips to Fujian Province, home to most of the returnees, and have had thousands of interviews in Guangzhou with Fujian residents. There have been

no credible reports of beatings or reprisals against any returned migrant. We are unaware of a report that a migrant's legs were broken, but would be happy to have the Consulate investigate the incident if provided with specific information on the case.

Question:

Mr. Smith: Could you include for the record what our official response was to these--

Answer:

Reports of harassment of Tibetan refugees by Nepali border guards include an incident in November in which guards reportedly fired at a group of refugees, wounding three, as well as reports that female refugees have been raped, possibly by Nepalese border guards. One particularly brutal incident was reported in which a young female refugee was repeatedly raped by a group of Nepalese, some of whom were reportedly wearing uniforms, over the course of two nights last December. According to our Embassy in Kathmandu, the investigation has been hampered by the fact that the victim declined to cooperate in the government investigation. The Embassy has expressed our interest in the case and will continue to monitor its progress.

UNHCR reports an alarming increase in the numbers of beatings and thefts by Nepalese border guards. Reports indicate that it is commonplace for Nepalese border guards to demand money from refugees in exchange for permission to cross the border. Many refugees reportedly try to avoid Nepalese border checkpoints and many suffer from severe exposure and frostbite as a result of attempting to cross the mountains at off-road sites.

Embassy officials report they are meeting with Nepalese police and immigration authorities to ensure that all parties are aware of our strong interest in the matter. Embassy staff also met with Foreign Minister Lohani to warn him that ill treatment of Tibetan refugees transiting Nepal would result in unfavorable international attention. Representatives from the U.N. High Commissioner for Refugees have also met with Nepalese government officials at all levels to express concern and press for swift government action.

Question:

Mr. Payne: I just have one final question regarding, and I know it is not directly in your area, but the whole question of land mines and the moratorium that has been talked about. Would you have any idea when that moratorium is supposed to kick in at some out years and how is that moving along?

Answer:

The U.S. anti-personnel landmine export moratorium began on October 23, 1992, via legislation sponsored by Senator Leahy. The original legislation called for only a one-year moratorium; it has been extended periodically, and the current legislation runs through October 23, 2000.

On January 17 the White House announced that the U.S. will observe a permanent ban on anti-personnel landmine exports and transfers. We will be working with Congress to make appropriate changes in the moratorium legislation.

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