

HUMAN RIGHTS AND FOREIGN POLICY*

*The Honorable Cyrus Vance***

Dean Beard, students, faculty and alumni of the University of Georgia Law School, distinguished guests: I am delighted to be here with you on Law Day. And I am honored by the presence of my friend Dean Rusk, a distinguished member of your faculty.

I speak today about the resolve of this Administration to make the advancement of human rights a central part of our foreign policy.

Many here today have long been advocates of human rights within our own society. And throughout our nation that struggle for civil rights continues.

In the early years of our civil rights movement, many Americans treated the issue as a "Southern" problem. They were wrong. It was and is a problem for all of us. Now, as a nation, we must not make a comparable mistake. Protection of human rights is a challenge for *all* countries, not just for a few.

Our human rights policy must be understood in order to be effective. So today I want to set forth the substance of that policy, and the result we hope to achieve.

Our concern for human rights is built upon ancient values. It looks with hope to a world in which liberty is not just a great cause, but the common condition. In the past, it may have seemed sufficient to put our name to international documents that spoke loftily of human rights. That is not enough. We will go to work, alongside other people and governments to protect and enhance the dignity of the individual.

Let me define what we mean by "human rights."

First, there is the right to be free from governmental violation of the integrity of the person. Such violations include torture; cruel, inhumane or degrading treatment or punishment; and arbitrary arrest or imprisonment. And they include denial of fair public trial, and invasion of the home.

Second, there is the right to the fulfillment of such vital needs as food, shelter, health care and education. We recognize that the fulfillment of this right will depend, in part, upon the stage of a na-

* Law Day Address to the Lumpkin School of Law given at the University of Georgia, April 30, 1977.

** Secretary of State of the United States of America.

tion's economic development. But we also know that this right can be violated by a government's action or inaction—for example, through corrupt official processes which divert resources to an elite at the expense of the needy, or through indifference to the plight of the poor.

Third, there is the right to enjoy civil and political liberties—freedom of thought; of religion; of assembly; freedom of speech; freedom of the press; freedom of movement both within and outside one's own country; freedom to take part in government.

Our policy is to promote all these rights. They are all recognized in the Universal Declaration of Human Rights¹ a basic document which the United States helped fashion and which the United Nations approved in 1948. There may be disagreement on the priorities these rights deserve. But I believe that, with work, all of these rights can become complementary and mutually reinforcing.

The philosophy of our human rights policy is revolutionary in the intellectual sense, reflecting our nation's origin and progressive values. As Archibald MacLeish wrote during our Bicentennial a year ago, "The cause of human liberty is now the great revolutionary cause"

President Carter put it this way in his speech before the United Nations:

All the signatories of the U.N. Charter have pledged themselves to observe and to respect basic human rights. Thus, no member of the United Nations can claim that mistreatment of its citizens is solely its own business. Equally, no member can avoid its responsibilities to review and to speak when torture or unwarranted deprivation occurs in any part of the world

Since 1945, international practice has confirmed that a nation's obligation to respect human rights is a matter of concern in international law.

Our obligation under the United Nations Charter is written into our own legislation. For example, our Foreign Assistance Act now reads: "a principal goal of the foreign policy of the United States is to promote the increased observance of internationally recognized human rights by all countries."²

¹ [Ed. Note] G.A. Res. 217, U.N. Doc. A/810 at 71 (1948).

² [Ed. Note] 22 U.S.C.A. § 2304(a)(1) (Supp. 1977).

In these ways, our policy is in keeping with our tradition, our international obligations and our laws.

In pursuing a human rights policy, we must always keep in mind the limits of our power and of our wisdom. A sure formula for defeat of our goals would be a rigid, hubristic attempt to impose our values on others. A doctrinaire plan of action would be as damaging as indifference.

We must be realistic. Our country can only achieve our objectives if we shape what we do to the case at hand. In each instance, we will consider these questions as we determine whether and how to act:

1. First, we will ask ourselves, what is the nature of the case that confronts us? For example,

— What kind of violations or deprivations are they? What is their extent?

— Is there a pattern to the violations? If so, is the trend toward concern for human rights or away from it?

— What is the degree of control and responsibility of the government involved?

— And, finally, is the government willing to permit independent, outside investigation?

2. A second set of questions concerns the prospects for effective action:

— Will our action be useful in promoting the overall cause of human rights?

— Will it actually improve the specific conditions at hand? Or will it be likely to make things worse instead?

— Is the country involved receptive to our interest and efforts?

— Will others work with us, including official and private international organizations dedicated to furthering human rights?

— Finally, does our sense of values and decency demand that we speak out or take action anyway, even though there is only a remote chance of making our influence felt?

3. We will ask a third set of questions in order to maintain a sense of perspective:

— Have we steered away from the self-righteous and strident, remembering that our own record is not unblemished?

— Have we been sensitive to genuine security interests, realizing that outbreak of armed conflict or terrorism could in itself pose a serious threat to human rights?

— Have we considered *all* the rights at stake? If, for instance, we reduce aid to a government which violates the political rights of its citizens, do we not risk penalizing the hungry and poor, who bear no responsibility for the abuses of their government?

If we are determined to act, the means available range from quiet diplomacy in its many forms, through public pronouncements, to withholding of assistance. Whenever possible, we will use positive steps of encouragement and inducement. Our strong support will go to countries that are working to improve the human condition. We will always try to act in concert with other countries, through international bodies.

In the end, a decision whether and how to act in the cause of human rights is a matter for informed and careful judgment. No mechanistic formula produces an automatic answer.

It is not our purpose to intervene in the internal affairs of other countries, but as the President has emphasized, no member of the United Nations can claim that violation of internally protected human rights is solely its own affair. It is our purpose to shape our policies in accord with our beliefs, and to state them without stridency or apology, when we think it is desirable to do so.

Our policy is to be applied within our own society as well as abroad. We welcome constructive criticism, at the same time as we offer it.

No one should suppose that we are working in a vacuum. We place great weight on joining with others in the cause of human rights.

The United Nations system is central to this cooperative endeavor. That is why the President stressed the pursuit of human rights in his speech before the General Assembly last month. That is why he is calling for United States ratification of four important human rights covenants and conventions, and why we are trying to strengthen the human rights machinery within the United Nations.

And that is an important reason why we have moved to comply with United Nations sanctions against Rhodesia. In one of our first acts, this Administration sought and achieved repeal of the Byrd Amendment, which had placed us in violation of these sanctions and thus in violation of international law. We are supporting other diplomatic efforts within the United Nations to promote basic civil and political rights in Namibia and through southern Africa.

Regional organizations also play a central role in promoting human rights. The President has announced that the United States

will sign and seek Senate approval of the American Convention on Human Rights.³ We will continue to work to strengthen the machinery of the Inter-American Commission on Human Rights. This will include efforts to schedule regular visits to all members of the Organization of American States, annual debates on human rights conditions, and the expansion of the inter-American educational program on human rights.

The United States is seeking increased consultation with other nations for joint programs on economic assistance and more general efforts to promote human rights. We are working to assure that our efforts reach out to all, with particular sensitivity to the problems of women.

We will meet in Belgrade later this year to review implementation of the Final Act of the Conference on Security and Cooperation in Europe⁴ — the so-called Helsinki Conference. We will take this occasion to work for progress there on important human issues: family reunification, binational marriages, travel for personal and professional reasons, and freer access to information.

The United States looks to use of economic assistance — whether bilateral or through international financial institutions — as a means to foster basic human rights.

— We have proposed a 20% increase in United States foreign economic assistance for Fiscal Year 1978.

— We are expanding the program of the Agency for International Development for “New Initiatives in Human Rights” as a complement to present efforts to get the benefits of our aid to those most in need abroad.

— The programs of the United States Information Agency and the State Department’s Bureau of Educational and Cultural Affairs stress support for law in society, a free press, freedom of communication, an open educational system, and respect for ethnic diversity.

This Administration’s human rights policy has been framed in collaboration and consultation with Congress and private organizations. We have taken steps to assure first hand contact, consultation and observation when members of Congress travel abroad to review human rights conditions.

We are implementing current laws that bring human rights con-

³ [Ed. Note] 213 O.A.S.T.S. 1, *reprinted in* 9 INT’L LEGAL MAT’LS 673 (1972).

⁴ [Ed. Note] 14 INT’L LEGAL MAT’LS 1292 (1975).

siderations directly into our decisions in several international financial institutions. At the same time, we are working with the Congress to find the most effective way to fulfill our parallel commitment to international cooperation in economic development.

In accordance with human rights provisions of legislation governing our security assistance programs, we recently announced cuts in military aid to several countries.

Outside the government, there is much that can be done. We welcome the efforts of individual American citizens and private organizations — such as religious, humanitarian and professional groups — to work for human rights with commitments of time, money, and compassion.

All these initiatives to further human rights abroad would have a hollow ring if we were not prepared to improve our own performance at home. So we have removed all restrictions on our citizens travel abroad, and are proceeding with plans to liberalize our visa policies.

We support legislation and administrative action to expand our refugee and asylum policies, and to permit more victims of repressive regimes to enter the United States. During this last year, the United States spent some \$475 million on assistance to refugees around the world and we accepted 31,000 refugees for permanent resettlement in this country.

What results can we expect from all these efforts?

We may justifiably seek a rapid end to such gross violations as those cited in our law: "torture, or cruel, inhuman or degrading treatment or punishment, or prolonged detention without charges"⁵ Just last week our ambassador at the United Nations, Andrew Young, suggested a series of new ways to confront the practice of torture around the world.

The promotion of other human rights is a broader challenge. The results may be slower in coming but are no less worth pursuing, and we intend to let other countries know where we stand.

We recognize that many nations of the world are organized on authoritarian rather than democratic principles — some large and powerful, others struggling to raise the lives of their people above bare subsistence levels. We can nourish no illusions that a call to the banner of human rights will bring sudden transformations in authoritarian societies.

⁵ [Ed. Note] 22 U.S.C.A. § 2304(d)(1) (Supp. 1977).

We are embarked on a long journey. But our faith in the dignity of the individual encourages us to believe that people in every society, according to their own traditions, will in time give their own expression to this fundamental aspiration.

Our belief is strengthened by the way the Helsinki principles and the U.N. Declaration of Human Rights⁶ have found resonance in the hearts of people of many countries. Our task is to sustain this faith, by our example and our encouragement.

In his inaugural address, three months ago, President Carter said, "Because we are free we can never be indifferent to the fate of freedom elsewhere" Again, at a meeting of the Organization of American States two weeks ago, he said, "you will find this country . . . eager to stand beside those nations which respect human rights and which promote democratic ideals."

We seek those goals because they are right — and because we too will benefit. Our own well-being, and even our security, are enhanced in a world that shares common freedoms, and in which prosperity and economic justice create the conditions for peace. And let us remember that we always risk paying a serious price when we become identified with repression.

Nations, like individuals, limit their potential when they limit their goals. The American people understand this. I am confident they will support foreign policies that reflect our traditional values. To offer less is to define America in ways we should not accept.

America fought for freedom in 1776 and in two world wars. We have offered haven to the oppressed. Millions have come to our shores in times of trouble. In time of devastation abroad, we have shared our resources.

Our encouragement and inspiration to other nations and other peoples have never been limited to the power of our military or the bounty of our economy. They have been lifted up by the message of our Revolution, the message of individual human freedom. That message has been our great national asset in times past. So it should be again.

* [Ed. Note] G.A. Res. 217, U.N. Doc. A/810 at 71 (1948).

