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# Vienna and Beyond: U.S. Human Rights Diplomacy in the Post Cold War World

By

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Rarely does one have the opportunity to address such a distinguished and diverse international audience. Indeed, only a United Nations conference might come close, but then as my recent experience in Vienna demonstrates, U.N. conferences are not known for the calm and measured consideration of issues that I'm sure will characterize your proceedings during the coming week.

As members of the world's oldest international bar association, you have played an important part in the ongoing struggle to establish the rule of law within and among nations.

Over the last several years you have witnessed an extraordinary transformation of our world, as the global grassroots movement for democracy and freedom has begun to change the political map. In this time of great changes, perhaps many of you have had experiences like mine:

- Six years ago, as Vice Chairman of Amnesty International I participated in a campaign to secure the release of a Soviet political prisoner in a Siberian prison camp. That former prisoner is now Director of Human Rights in the Russian Ministry of Justice—my counterpart in Moscow.

- In 1988 I traveled to Prague on a human rights mission where I met with a leader of the freedom movement that was later to transform Czechoslovakia through the Velvet Revolution of 1989. We met in an outdoor cafe so that our conversation could not be bugged. Two years later that clandestine leader, Rita Klimova, was appointed by President Vaclav Havel to be the Czech Ambassador to the United States.

In just a few dramatic years, it has become almost a truism that with the passing of the Cold War, and of the great ideological struggles that have defined our century, we stand on the threshold of a new and uncharted world.

In this time of great change, we must take stock of what is most important to us. Several vital principles, forged in painful struggle, have guided us for the last two centuries and should continue to serve as the basis for the world we hope to foster. These principles are democracy, human rights, and the rule of law. Under the leadership of President Clinton, the United States is committed to turning these principles into building blocks of the new post-Cold War world.

Human rights, democracy, and the rule of law are not the same. But they are complementary and mutually-reinforcing. Fundamental rights are best guaranteed by the basic institutions of democracy: a free press, an independent judiciary, a vibrant civil society, freely

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contested, transparent, and meaningful elections. Democracy—the rule of, by, and for the people—is only possible in a political and social order that fully respects the rights of each and every man, woman and child in society. And the rule of law can ossify into mindless and authoritarian legalism unless it reflects representative government and the utmost respect for the rights of the individual.

During the Cold War, human rights, democracy, and the rule of law were like a double-edged sword. On one-side, they inspired the long struggle against totalitarianism, and gave hope and courage to the countless brave men and women who worked against repression from within their own societies, often at great personal cost. We ought to regularly pause for a moment and think of them, not only the heroic dissidents whose names will go down in history, but those who struggled anonymously against repression, whose names and sacrifices we will never know.

On the other side of the Cold War sword, the rhetoric of human rights and democracy was used by repressive regimes to attack democratic societies and deflect criticism for human rights abuses. Sometimes democratic nations even felt it necessary to mute their criticisms of these regimes, out of concern for the larger global struggle.

With the passing of the Cold War, all of that has changed. The basic principles of human rights and democracy must no longer be debased with impunity. Nor should they be blinked at for the sake of some larger geostrategic goal. Rather, they must be restored to their rightful primary place in the relationship among nations.

Democracy and human rights are vital elements of United States foreign policy, not only because they express our deepest values, but also because they promote our deepest interests. Governments that do not respect the rights of their own people will certainly not respect the rights and freedoms of those living beyond their borders.

Governments that do not fairly represent their people are likely to engage in adventurism and manage their economies for the benefit of the few. Governments that do not respect the rule of law are by definition lawless. In short, the health and well-being of the world community is intimately bound up with the spread of democracy, human rights, and the rule of law.

President Clinton's commitment to these principles was put to an early test at the world Conference on Human Rights last June [14-25 June 1993] in Vienna. I was privileged to help lead the American delegation to the conference. We accomplished, I believe, a great deal. We also learned a great deal about the battles that lie ahead.

The Vienna Conference was the first event of its kind in a quarter century. It brought together 180 governments and over 2,000 nongovernmental organizations from all over the world to examine the progress made in human rights since the adoption of the UN's Universal Declaration [of Human Rights] in 1948. For two weeks, a quiet UN conference building on the Danube was transformed into the center of a global grassroots movement, where men and women from all countries came to tell the stories about their struggle for freedom. The result of this gathering was the Vienna Declaration, a far-reaching document that captures an emerging global consensus about the central importance of human rights at the end of the 20th century.

In the months leading up to the conference, the Clinton Administration reached a number of important decisions that distinguish our policy in human rights and democracy from that of our predecessors. At the opening plenary session, Secretary Christopher announced that the Administration will seek immediate ratification of the Convention to Eliminate All Forms of Racial Discrimination, and will then take up other pending human rights treaties that have been allowed to languish for the last twelve years.

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At the same time the United States Delegation also acknowledged that the economic, social, and cultural rights identified in the UN's Universal Declaration are indeed rights—contrary to the position taken by the Bush and Reagan Administrations. As you well know, the relationship between the two sorts of rights enunciated in the Universal Declaration—political and civil rights on the one hand, and social, economic, and cultural rights on the other—has been the subject of serious and sustained debate for decades.

Our new position emphasizes our view that *both* types of rights involve restraints and obligations placed on governments to protect the integrity and dignity of individuals, and promote economic and social development. We stress that the focus of development is the individual, not the state, and that economic development is dependent on the protection of human rights, the development of democratic institutions, and the rule of law.

At the same time, we opposed in Vienna, and will continue to oppose at every international forum, any attempt to excuse a country's abuse of the civil and political rights of its people by reference to its economic, social, or cultural situation, or to subordinate civil liberties to the pursuit of a national political agenda.

As Secretary Christopher put it in his Vienna speech.

No circumstances of birth, of culture, or of geography can limit the yearning of the human spirit and the right to live in human freedom, and dignity. Martin Luther King, Mohandas Gandhi, Fang Lizhi, Natan Sharansky—all came from different cultures and countries. Yet each shaped the destiny of his own nation and the world by insisting on the observance of the same universal rights.

Looking back on the Vienna Conference, we can pinpoint six reasons for our success in holding the line on human rights against a concerted effort by repressive governments to undermine the principles of universality.

First and foremost, was the shape of the post-Cold War world. While conflicts of race, religion and culture may be increasing, the ideological struggle of the Cold War has ended. This means that the world is no longer divided into two vast spheres, but can be far more interactive.

Second, the United States and other key countries from every part of the world worked with thousands of non-governmental organizations to mount an aggressive resistance to repression.

Napoleon once said: "If you're going to Vienna, *take* Vienna." We certainly took his advice.

The battle lines were drawn early at the conference over two issues: freedom of speech for the Dalai Lama and the access of NGOs [Non-Governmental Organizatons] to the conference. By standing firm on these issues we set a tone that carried through the proceedings.

Third, the United States put forth an aggressive action plan. This document set out our clear new commitments to the ratification of human rights treaties, to the reform and strengthening of the UN's human rights machinery, to the promotion of women's rights as a staple of global human rights, and to the integration of human rights and democracy into any strategy for economic development.

Fourth, the United States made a tactical decision at Vienna to identify and isolate those governments that were trying to undermine the universality of human rights, by holding daily

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press briefings about what was going on behind closed doors in the negotiations among governments.

Fifth, the United States nipped in the bud what could have become a contentious issue, economic development, which is often misused to excuse flagrant human rights abuses. This was done by agreeing early on to language in the Vienna document that firmly anchors economic development in an overarching framework of democracy and human rights. This early endorsement pulled the rug out from under those governments which had hoped to seize on the supposed incompatibility of human rights and development to undermine the conference.

Sixth, the Vienna Conference witnessed the emergence of NGOs as a major new force in the global struggle for human rights. NGOs had a tremendous impact at Vienna—and this is the important point—on their *own* governments. Those governments saw that they were being put in the world spotlight, and that the NGOs had mobilized effectively in the age of CNN to make them feel the heat of the floodlights.

The Final Declaration of the Vienna Conference, adopted after strenuous negotiations and in the face of determined opposition by several countries, reflects the Clinton administration's key objectives.

These objectives were: reaffirming the universality of human rights; acknowledging that human rights are indeed a legitimate concern of the international community; condemning gross and systematic abuses of human rights wherever they occur; declaring that cultural differences and underdevelopment can never excuse human rights violations; and strengthening the UN's human rights machinery. The Vienna Conference broke new ground in the recognition it accorded to the rights of women, minorities, and indigenous peoples, and to the profound interrelationship between democracy, human rights, and development.

As a consensus product agreed to by over 180 countries the Vienna Declaration was far from perfect. At the concluding plenary session I expressed our government's strong reservations about several of its elements. In particular, the conference failed to support freedom of the press as forcefully as we would have liked, implied that any foreign occupation is a human rights violation per se, and failed to mention anti-semitism along with other forms of racial discrimination.

Some have argued that these sorts of reservations ought to have precluded our participation in Vienna. This view is profoundly mistaken. It is our firm belief not only that the world movement for democracy and human rights needs and deserves support, but that vigorous American leadership can make a profound difference, and that an abdication of leadership would cede the field to the most cynical governments, who seek to bend that movement to their repressive purposes.

This audience in particular will be pleased to know that the Vienna Declaration establishes that, "The administration of justice, including law enforcement and prosecutorial agencies, and, especially, an independent judiciary and legal profession . . . are essential to the full and non-discriminatory realization of human rights and are indispensable to the processes of democracy and sustainable development."

The rule of law is indispensable in the transition from authoritarianism to democracy in many countries. As the founders of the American republic understood, the promise of equal justice under law is the tie that binds a free society. Without that promise, government cannot in good conscience demand the obligations of citizenship, nor can the people trust themselves or each other to cooperate in the name of the common good.

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The rule of law is essential not only for relations between states but for relations between peoples. One of the challenges of the new world we face is the resurgence of religious, racial, and ethnic tensions within and among states. While there is much talk about the deep roots of these conflicts—and, indeed, they cannot be addressed in a historical vacuum—many intergroup conflicts arise out of present-day grievances. Labeling a conflict as the product of a deep-seated hatred effectively puts it beyond the reach of reason, negotiation, and law. That is ultimately a counsel of despair, and one that the world community can ill afford.

Early resolution of ethnic, racial, and religious conflict offers the best hope for avoiding human rights abuses before they occur. We must learn how to anticipate the catastrophic conflicts between neighbors that are occurring today in the former Yugoslavia, in Central Asia, and in parts of Africa. We must learn how to create new multilateral ways of defusing these conflicts before they descend into ethnic cleansing and genocide.

The world today is teeming with unresolved conflicts, many of which have already resulted in gross human rights abuses. Here the rule of law demands accountability and punishment if it is to be more than a hollow promise. That is why the United States has taken a leading role in establishing a U.N. Tribunal for the Prosecution of War Crimes in the former Yugoslavia; that is why we have promoted the work of the U.N. Truth Commission on Human Rights Abuses in El Salvador; and that is why we are mounting a worldwide campaign against torture, extra judicial executions, disappearances, and other gross and systematic violations of human rights.

With the Vienna Conference behind us, how does the Clinton Administration plan to advance our agenda?

To begin with, we will monitor and protest abuses of human rights wherever they occur—even if economic or security interests suggest that we should not pay so much attention to them.

With that in mind, three months ago President Clinton put China on unambiguous notice that the renewal of its Most Favored Nation status next year will be conditioned on overall significant progress in human rights. And the President takes this decision very seriously. This fall I will lead a delegation to Beijing to begin an ongoing and intensive human rights dialogue with the Chinese government.

We will also assist countries in their transitions to democracy, recognizing that this process of transition is nowhere near completion just because an election has occurred. For example, the section on law and public diplomacy in my bureau is actively engaged in promoting an independent judiciary and functioning jury system in the former Soviet Union. On a more lighter note, we are sponsoring the broadcast of several episodes of the critically-acclaimed television series "Law and Order" on Albanian television. It may sound fanciful, but can you think of a better way to introduce the basic concepts of the American legal system to a population that has lived for decades under the world's most isolated and repressive regime?

Through systematic and continuous outreach to NGOs we hope to build an international constituency for democracy and human rights that reaches across borders and cultures. As they demonstrated in Vienna, NGOs have strengths that governments cannot match. They have a wealth of knowledge and experience that we want and need to tap.

This fall we will press forward in New York at the U.N. General Assembly on the action plan we submitted at Vienna. We will seek the establishment of a U.N. High Commissioner on Human Rights and the further integration of human rights into all U.N. activities, especially

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peacekeeping, which is an increasingly dominant part of the U.N.'s agenda in the post-Cold War world.

Above all, we will throw our support behind all those brave individuals throughout the world who are engaged in the day-to-day struggle for human rights and democracy.

Last week a young California woman, Amy Biehl, lost her life while working with the freedom movement in South Africa. A month before she was beaten and stabbed to death outside a South African township, Amy wrote home to her family that she had become a human rights worker because she believed that "one person has the power to change many."

Reflecting on this simple belief, it is worth asking ourselves what each of us can do to support the momentous global movement for democracy and human rights that is shaping the end of the 20th century.

The great American jurist, Oliver Wendell Holmes, once said, "A man must join in the actions and passions of his time lest he be judged never to have lived at all."

This movement embraces the deepest passions and highest ideals of our time. Let us work together as we join the movement to address the many challenges for human rights that lie ahead.