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Honorable Donald M. Fraser
Chairman
Subcommittee on International
Organizations and Movements
House of Representatives

Dear Mr. Chairman:

The Secretary has asked me to reply to your letter of November 13, in which you asked some questions in connection with the testimony of Assistant Secretary David Popper on November 1. There are set out below the answers to your questions in the order in which they were put in your letter.

1. What criteria does the Department use to determine whether a situation in a particular country is sufficiently serious in terms of gross violations of human rights that the U.S. should publicly raise the matter at the United Nations?

The matter of criteria for determining whether the U.S. should publicly raise a serious human rights situation in the United Nations was discussed in some detail in Assistant Secretary Popper's statement, and was further elaborated during the questions and answers which followed. It is difficult to be specific as to precise criteria, in view of the varying nature of the settings in which human rights questions arise.

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In his response to a question put by Congressman Winn, Assistant Secretary Popper noted that each specific action concerning a particular human rights situation has to be judged in the light of the total effect it would have on our national interest. He noted that one cannot lay down uniform guidelines for the way in which we express our point of view in each case. In some cases quiet diplomacy is called for, whereas in other cases it may be useful to have an American delegate refer to the subject in the United Nations General Assembly or some other UN body. Mr. Popper observed that the latter contingency would probably be rare, and he concluded that there may be other alternatives. At a further point in his testimony, he

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noted that one must weigh whether a particular action at a given time will, in the judgment of a responsible official, be on balance helpful or harmful.

In his prepared statement, Mr. Popper drew attention to the political, military, economic, social and other factors which enter into relations between the United States and the country concerned. The official who determines policy must consider whether and to what extent condemnation would be effective; and whether this or other methods of pressure might not result on balance in injury to the public interest, both with respect to bilateral relations and our general international posture. Moreover, he indicated, the utility of invoking existing international machinery must be weighed in light of the question of what other delegations might do in the event the matter were raised in the United Nations.

2. Since 1968, what human rights violations in other countries has the U.S. discussed publicly in UN forums?

Since 1968 United States representatives have discussed publicly in United Nations forums the following instances of human rights violations in other countries:

a. The situation of Soviet Jewry, including their right freely to exercise their religion and their right to leave their country, has been discussed by U.S. representatives on numerous occasions since 1968 in both the Commission on Human Rights and the General Assembly.

b. At the 1970 session of the Commission on Human Rights, the U.S. representative drew attention to the plight of other minority groups in the USSR, referring specifically to the Tartars and the Ukrainian people.

c. The denial of self-determination for the Baltic peoples was discussed by the U.S. representative in the Third Committee of the General Assembly in 1971.

d. At the 1970 session of the Commission on Human Rights, the U.S. representative discussed the violations of the human rights of the Tibetan people.

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e. At the 1970 session of the Commission on Human Rights, the U.S. representative discussed the situation of Cuban political prisoners.

f. At the spring session of the Economic and Social Council in May 1971, the U.S. representative delivered a statement on the question of human rights in East Pakistan.

g. At regular sessions of the Commission on Human Rights and the General Assembly when the racial policies of the Government of South Africa are discussed, U.S. representatives consistently speak out in condemnation of the policies of apartheid of that government.

h. At sessions of the General Assembly since 1968 when the situation of colonial peoples has been considered, U.S. representatives have made numerous statements expressing support for the exercise of the right of self-determination by the peoples of the Portuguese colonies, of Southern Rhodesia, and of Namibia.

3. Why didn't the US raise the question of gross violations of human rights before the UN during the Bangladesh crisis of 1971 or the Burundi massacre of 1972?

United States policies with respect to the questions of gross violations of human rights in Bangladesh in 1971 and in Burundi in 1972 were described at separate sessions during the hearings recently concluded by your Subcommittee on the international protection of human rights. As concerns Bangladesh, our policies were explained by Mr. Peter D. Constable, Director of the Office of Pakistan, Afghanistan and Bangladesh Affairs, in the statement he delivered on October 18, 1973. Although his statement does not so specify, the question of human rights in East Pakistan was raised by the U.S. representative in the Social Committee of the Economic and Social Council on May 12, 1971. Our representative, Mrs. Rita E. Hauser, affirmed our belief that the human rights aspects of the situation in East Pakistan constituted a proper subject for consideration by appropriate United Nations bodies. Her statement was directed principally at the humanitarian aspects of the situation and the need for support for

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an international humanitarian relief effort. For your information, I enclose a copy of Mrs. Hauser's statement.

The question of Burundi was covered in detail in the statement delivered by Mr. Herman J. Cohen, Director of the Office of Central African Affairs, before your Subcommittee on September 19, 1973. In his statement Mr. Cohen emphasized our view that dramatic actions and public declarations from outside Africa could only have served to inflame African sensitivities to great power interference and rally African opinion in support of the Burundi government. We were active quietly but intensively in pursuing diplomatic efforts among African leaders to persuade them to become involved in the Burundi situation. Mr. Cohen pointed out that our political efforts to galvanize collective action among the African leaders did not bear fruit in 1972 because of the tremendous weight given in the Organization of African Unity context to the principle of non-interference in the internal affairs of Member States. It is our view, looking back to the events of 1972, that to have raised the question of the Burundi massacres in the United Nations would not have been helpful and might very possibly have resulted in a build-up of African counter-reaction which would have made a serious discussion of the situation impossible.

4. When there are responsible allegations of gross violations of human rights in a particular country, does the Bureau of International Organization Affairs press vigorously within the Department for a UN initiative by the U.S.? What is the usual response of the geographic bureaus?

As Assistant Secretary Pepper pointed out in the statement which he delivered on November 1, 1973, the Bureau of International Organization Affairs, together with the Office of the Legal Adviser, plays the most active part in the Department's human rights work. The Bureau works in conjunction with the geographic bureaus of the Department in preparing United States Government positions on major human rights issues in United Nations organs.

Mr. Popper pointed out that the human rights component figures prominently in a good deal of the general

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political work in the Bureau of International Organization Affairs, as well as in the geographic bureaus. While the term "press vigorously" as used in your letter is subject to varied interpretations, it is fair to say that the Bureau of International Organization Affairs does regularly put forward, in the determination of U.S. policies with respect to a particular country, those human rights considerations which may suggest a possible United Nations initiative by the United States.

As noted in the answer to question 1 above, these human rights factors must be weighed in the context of a wide range of considerations entering into play in decision-making with respect to our policies concerning a particular country. In the geographic bureaus of the Department there is general recognition that human rights factors do play a role in determining policies, and that these must be assessed along with other considerations. If a negative conclusion is reached regarding a possible United Nations initiative by the United States on a human rights matter, it may be because it is deemed more productive to pursue the human rights implications privately, in bilateral diplomatic channels.

5. The former Director of the Division of Human Rights, John Humphrey proposed that the Commission on Human Rights authorize the Secretary-General to appoint an expert committee to review the periodic reports by governments on their human rights practices. Presently, the reports are not adequately reviewed. What do you think of this proposal?

We agree that the present review system is unsatisfactory, and that improved procedures should be developed. However, we have had increasing doubts about the basic utility of the entire periodic reports system as it presently operates. This system, which is completely voluntary, rests upon resolutions of the Economic and Social Council under which governments have been requested to submit reports on three categories of human rights according to a set timetable. Unfortunately, the response of governments has been such that the underlying rationale of the system has been called into question.

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Out of a total membership of more than 130 States, barely a third regularly submit reports. Since the reporting system was originally set up to stimulate governments through annual reports to improve their performance in promoting human rights, it is obvious that the system cannot accomplish its purpose if such a large number of Member States fail to report. In addition, the substance of the reports over the years has been very uneven. Some States submit very sketchy and incomplete reports, while in almost every case the reports are uncritically laudatory.

One factor accounting for the poor record of governments in submitting reports is that the reporting requirements laid upon governments in the United Nations system have grown to such an extent that they are unmanageable. Having this in mind, the United States Government has proposed that the reporting system be changed from a three-year to a six-year cycle. This proposal was approved by ECOSOC in 1971. It is our hope that with this extended cycle, the reporting record of Member governments will improve. However, until we can be convinced that governments are willing to make improvements, our inclination will be toward investigating the possibility of replacing the reporting system by other techniques.

6. The Subcommittee on the Prevention of Discrimination and Protection of Minorities in making judgments on whether situations represent gross violations of human rights must not only be non-political but appear to be non-political. Doesn't the fact that our "independent expert" on the subcommittee is a U.S. ambassador impair at least that appearance?

It is probably true that the fact that our expert on the Subcommittee on Prevention of Discrimination and Protection of Minorities is a United States Ambassador does to some degree impair the appearance of his independence. However, the Department is not convinced that the two roles are incompatible. In our view the record of performance of the present expert on the Subcommittee, as well as that of his predecessors, demonstrates that a United States Ambassador who possesses the necessary expertise to qualify for

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membership on the Subcommittee can function in his capacity as expert member with full effectiveness. Of overriding importance is the quality of the performance of the expert. So long as his judgments are made on the basis of full information and in a spirit of objectivity, we are confident that his important role in dealing with situations representing gross violations of human rights will be satisfactorily carried out.

I hope that this information will be helpful to you and the Subcommittee. If you have any further questions please let us know.

Sincerely yours,

KF/KJ/GW

Marshall Wright
 Assistant Secretary for
 Congressional Relations

Enclosure:

May 12, 1971 statement
 by Mrs. Rita E. Hauser.

Clearances:

IO/UNP - Mr. Stull (draft) *D*
 IO - Amb. Popper *AP*
 AF/C - Mr. Siefken (draft) *S*
 NEA/PAB - Mr. Constable (draft) *C*
 H - Miss Folger *F*

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