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HUMAN RIGHTS IN U.S. FOREIGN POLICY: A FOCUS ON EAST ASIA

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Richard Bush
Senior Fellow and Director, Center for Northeast Asian Policy Studies
The Brookings Institution

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Moderator:
Jack Pritchard
President, Korea Economic Institute

Panelists:
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Vice President for Policy
Refugees International

Roberta Cohen
Non-Resident Senior Fellow and Senior Advisor, Brookings-Bern Project on Internal Displacement, The Brookings Institution

Thomas Melia
Deputy Executive Director, Freedom House

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Moderator:
David Steinberg
Director of Asian Studies, School of Foreign Service, Georgetown University

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Senior Fellow and Director, CNAPS
The Brookings Institution

Thomas Hubbard
Senior Advisor, Atkin, Gump, Strauss, Hauer & Feld, LLP

Susan O'Sullivan
Senior Advisor on Asia
U.S. Department of State

Scott Rembrandt
Director of Research and Academic Affairs
Korea Economic Institute

PROCEEDINGS

RICHARD BUSH: Ladies and gentlemen, thank you for coming today. My name is Richard Bush. I am the Director of the Center for Northeast Asian Policy Studies. It is our great pleasure to collaborate today with the Korean Economic Institute and my former colleague, Ambassador Jack Pritchard, on this program on Human Rights in American Foreign Policy. With the exception of yours truly, we have a truly outstanding cast of characters presenting today, and I think you are in for a real treat. I apologize about the weather, and I am sure more people will be rolling in.

We have divided the program into two sections. The first section has more of a conceptual focus, human rights as an issue in U.S. foreign policy. Then after a short break, we will look more specifically at human rights as an issue in U.S. foreign policy towards several countries in East Asia, and that session will be chaired by our good friend, David Steinberg, from Georgetown University.

So, without any further adieu, I turn the proceedings over to Jack Pritchard, president of KEI.

Jack?

JACK PRITCHARD: Thank you, Richard.

Again, welcome to this session. It has been long in coming. We actually tried to do this a tad bit earlier, but by the turnout of brave souls who have come through the bad weather to do that, I think there is a genuine interest in it. As Richard said, we have got terrific panelists here.

I am going to just briefly talk about our panelists. You all were able to pick up biographies that list the accomplishments and the positions of our panelists, so rather than go through them in detail we will move directly into a discussion. If you will just bear with me for a moment, I want to give a little bit of proper attention to our three panelists. I am going to introduce them all together, and then we will turn and begin our discussion.

Thomas Melia, as you know, is the Deputy Executive Director of Freedom House, and he has been there since May of 2005. He previously was the Director of Research at the Institute of Study of Diplomacy and an Adjunct Professor in the School of Foreign Service at Georgetown University where he continues to teach graduate courses about democracy promotion. Interestingly, he has also done a lot of things in the field. He was the Associate Director of Free Trade Union Institute of the AFL-CIO from 1986 to 1988. Prior to that, he spent six years as a Legislative Assistant for Foreign and Defense Policy to U.S. Senator Daniel Patrick Moynihan.

Joel Charny, to my right, is Vice President for Policy of Refugees International. He is responsible for overseeing the policy and advocacy programs of the organization.

He is also Co-Chair of the Protection Working Group of InterAction. Joel has also spent 16 years with Oxfam America, a relief and development organization based on Boston.

Roberta Cohen is my former colleague here at Brookings. I am glad to see her again. She is now a Non-resident Senior Fellow in Foreign Policy Studies and Senior Advisor to the Brookings-Bern Project on Internal Displacement, and she is also the former Co-Director of that project. In 2003, she served as a public member of the United States delegation to the Organization for Security and Cooperation in Europe, and in 1998 as a public member of the United States delegation to the United Nations Commission on Human Rights. I also want to mention in 2005, she received the Washington Academy of Sciences Award for distinction in social and behavioral sciences.

I would like for each of you to take a moment or two to take a look at the full biography, so that, as our panelists are discussing their particular points of view, you get an appreciation of their background and their level of experience. The first panel, as Richard mentioned, is Human Rights as a Foreign Policy Issue, and we are very delighted to have these three panelists here.

I am going to start first, if I can, and turn to Thomas Melia, as mentioned, the Deputy Executive Director of Freedom House.

Tom, we obviously have gotten some news developments today about North Korea, but in general with North Korea having recently tested a nuclear weapon, Iran refusing to give up its nuclear weapons programs, Vladimir Putin making inflammatory remarks about the U.S. role in creating instability in the world, doesn't the United States have more important issues to address than just promotion of human rights in other countries? What is your take on that?

THOMAS MELIA: Well, there is a lot to be done in the world. There are a lot of threats to the United States, and there are a lot of challenges to broader human development that we all can see around the world. Yet, in pursuing its array of interests in the world, it seems to me the United States cannot afford not to pay attention to the human rights situation in other countries because those problems in human rights, which often stem from a lack of democratic governance and rule of law and situations of violence, those contribute to a lot of the stresses, the tensions that lead to violence that can spill over borders, which can lead to larger conflicts. The governments who tolerate the brutal treatment of their own people, if they are not actually inflicting it, those are the governments that are as likely to be as troublesome in international affairs as they are at home. So it seems to me you can't really disentangle human rights concerns from other issues of international affairs.

I think we have an obligation to pay attention to the human rights circumstances in other countries if we want to really be successful in looking to secure the peace and promote a world based on rule by law, all of which is necessary for commerce and

international peace, as well as for humanitarian considerations.

AMB. PRITCHARD: We have just talked about the big countries involved: North Korea, Iran, China, Russia, et cetera. Are those the countries that are of most importance to us or do you think of other countries that are the contributors to violence that are spilling out across the world? I am thinking perhaps of Darfur and other areas.

MR. MELIA: We are at an interesting moment right now in the world. The promotion of human rights and the promotion of democracy have long been a theme in American policy and, increasingly, in other countries' foreign policies. It is also reflected in most of the basic international covenants that govern an international community, whether that is the European Union or the Organization of American States or the OSCE. There are a number of major international frameworks that govern interstate relations, and many of them are premised upon the states being and acting like they are democracies and respecting human rights.

The interesting thing about this moment is that there is now a pushback against what had previously been recognized as accepted international norms of behavior by governments. Russia and China, each in their own way, are major states that are pushing back against this notion that there are universal standards, things that had been agreed to in previous decades. A lot of us, who had gone about our business thinking at least we have won the argument even if we hadn't won the war yet, are now having to revisit whether in fact we have shared notions of human rights in the world.

In venues like the UN Human Rights Council now, there are states pushing back and arguing about whether we should be investigating human rights at all in really aggressive, really assertive, really confident ways. They often are oil-rich states nowadays that are feeling much more powerful in the world. Russia is permanent among them. China's foray into African development in the last couple of years seems to have been predicated on development assistance in return for not bothering you about your human rights conditions—which is a very different approach from the one the international community has taken in engaging in development assistance recently. The major states in the world, some of the major states in the world are part of this pushback against democracy and human right standards.

AMB. PRITCHARD: The sub theme for this discussion right now is the importance of human rights in foreign policy. How about the United States, its own record, is it living up to its own rhetoric? Can any particular President actually do that? I think back to Jimmy Carter or to others who either had a particularly strong stand about it or not so strong stand about it. What is your take on that?

MR. MELIA: Well, there is always a challenge for American governments to live up the rhetoric of their Presidents. I think it goes back longer than Jimmy Carter's Administration. We can think back to Woodrow Wilson's invocation of the rights of small nations at Versailles to Franklin Roosevelt's Four Freedoms. One of the best public

statements that describe these issues, I think, still stands up after 45 years, and that is John F. Kennedy's inaugural speech. We have heard a lot of talk recently about President Bush's second inaugural and its invocation of his freedom agenda, but if you go back and look at JFK's inaugural address in 1961, that is the speech where he talked about we will bear any burden to spread—and he used the phrase—human rights, in his inaugural address 45 years ago.

Human rights have long been a central theme of American foreign policy. More often it has been part of the rhetoric, but it has also been part of the policy. I think that the current administration, like its predecessors, may sometimes overreach in its rhetoric and how they follow through, sometimes in quiet ways, sometimes in conspicuous ways, is the challenge for any government.

AMB. PRITCHARD: In the way that a government develops its own policies on human rights and democracies and how it goes forward, what is the role…or how can non-governmental organizations influence U.S. policy?

MR. MELIA: I think the best answer to that, I heard from a colleague who was recently the Assistant Secretary of State for Democracy and Human Rights, Lorne Craner, who is now back at the International Republican Institute. He makes the point, and I think he is exactly right on this, that most of the major innovations, whether structurally or in policy initiative terms, to promote human rights—from the beginning of the human rights report process back in the 1970s through the requirements that the State Department report on the state of religious freedom and trafficking in person and other kinds of initiatives like that—those all were thrust upon a reluctant State Department by Congress. Congress, in turn, was put up to these issues by human rights groups who were informing the debate, bringing issues to the attention of legislators and journalists, so that legislators feel compelled to do something. The way they do that is by making the executive branch do something.

So the NGOs both inform and animate policymakers often by illuminating situations around the world that otherwise wouldn't come to public attention. They work hand in glove with journalists in this regard, doing investigations, coming up with reports that describe problems and propose solutions. Then it is incumbent upon legislators or executive branch officials to act on those. The publicity that they generate is often the reason that government officials are obliged to address these things.

AMB. PRITCHARD: So you think it has been relatively effective in that role?

MR. MELIA: Well, when you look around the world, you realize how much more needs to be done. It hasn't been completely effective yet, but it is a part of our landscape here in Washington that there is a large and growing array of NGOs with different casts to their niches, their specialties on what they report on, what they agitate on. Their engagement with the government, I think is their mission, and I think our government is accustomed to it. It has become an accepted part of the policy process.

In fact, I have impressed…I will say one thing on behalf of the current administration. Policymakers at the State Department and the NSC and other places have, I think, been pretty accessible for NGOs to go in and press their cases and bring matters to their attention. They don't always act in the way that we want them to, but they certainly are part of the dialogue. They certainly don't reject out of hand the right of independent groups to come in and give more than two cents on what they should be doing.

The cases where this is effective policy, you know just go on and on. Darfur is one of the most conspicuous cases now where you see the publicity campaigns and the information campaigns generated by NGOs of different kinds to draw the world's attention to a situation in a way that will embarrass and pressure governments to do something about it, and that is the role of NGOs, to press officials to do something.

AMB. PRITCHARD: Up until now, we have been talking in rather simple terms, but as an example on your web site, your organization promotes both democracy and human rights. But can't non-democracies promote human rights or respect human rights or is this just not compatible, non-democracy and human rights? Where are the priorities?

MR. MELIA: Sure, there are non-democracies where governments who have inherited their positions, or have come to them through other ways, can respect some or all of human rights on any given day. Our view is that over the long term, the best long term guarantee of the continuous protection of the widest array of fundamental human rights is a democratic system of governance where we can raise issues and address them and resolve them, and if we don't like the answers we get from our policymakers, we can change them occasionally through real elections.

There is a temptation to trade off human rights versus democracy promotion that I think is sometimes unhelpful to think that these are alternatives. I think that in order to get to the protection of human rights on a consistent basis, we need some kind of democratic governance in the long term. That doesn't mean in the short term that we can't work with other governments to deal with certain, specific problems, either to pressure them to improve a situation or to get their cooperation in facilitating access to regions of their country or neighboring countries to deal with a humanitarian crisis or other human rights crises.

AMB. PRITCHARD: Tom, thanks very much.

What we are going to do is hear from each of our panelists to stimulate your thought processes, to help your develop some questions. Then we will take some questions towards the end.

Let me turn now, if I may, to Joel Charny.

Joel, you have an assignment here to talk about human rights and humanitarianism. What is the relationship between human rights and a humanitarian perspective, say, on refugee issues and on the humanitarian response more broadly?

MR. CHARNY: It is sort of ironic in the light of what Tom was saying because in a way the trend in the humanitarian community is more and more towards applying a human rights perspective. In other words, we are trying collectively to make our work less about appeals to solidarity and good will and moral feeling and more about the recognition and realization of rights, the premise being that rights are a more solid foundation for remedial action.

Now we are doing this in the context of people pushing back and saying, well, these universal standards aren't in fact universal. But the humanitarian community is trying to say, based on the universal declaration of human rights, based on the Geneva conventions, the Refugee Convention of 1951, the guiding principles on internal displacement, that in fact we do have a rights basis for the work that we are doing. The people who we have tended to call victims or beneficiaries, we are trying to see as rights holders, people who have a claim on their government, a claim on the international community for responsive action.

Now in the area of refugees, I think it is a little bit shakier. For those of you who haven't read the 1951 Refugee Convention, maybe some day you should take a half hour or an hour and do so because I think you will be surprised to see that the rights foundation of the Refugee Convention is in fact rather limited. While it does mention the right to employment, education, health care and other basic rights, there is no right to asylum and the main protection right is actually a negative one: the right not to be forced back to one's country of origin where one would be subjected to further persecution. So, I don't know, maybe in 1951, there wasn't a feeling that we could be more assertive, but the rights basis, at least from the refugee standpoint, is in fact rather limiting.

AMB. PRITCHARD: You mentioned, at least as I heard you talk in terms of more emphasis placed on that, when did you see this trend start and is there any particular case or reason or is it something that has occurred over time?

MR. CHARNY: That is a good question. I can't think of any specific trigger, and I think this reflects something that Tom was referring to, which is just a greater awareness of, and commitment to, a rights approach and rights language, and that is something that I think again is a tribute to the work primarily of the non-governmental sector kind of pushing governments to accept this as a framework. Therefore, in the last decade or so, we see the humanitarian community may be adopting this language and approach more.

AMB. PRITCHARD: Talking specifically about these two different approaches, is there in your mind a contradiction between the two?

MR. CHARNY: I think there is some dissonance between a human rights perspective and a humanitarian one, and let me try and explain why. Three principles underpin humanitarianism. The principle of humanity, which basically means you respond to need where you find it, the idea is where is the need greatest. The second principle is independence. You judge where need is greatest on your own. You make that assessment independently without being dictated to in terms of how you make the assessment or what criteria that you use. Then the third principle is impartiality, the idea that we are not narrowly partisan. We look where the need is greatest, and we respond independent of narrow political or partisan factors.

That all sounds good, right? So where is the problem? The problem is in the name of humanity, responding where the need is greatest, humanitarian actors may have to collaborate with authorities in oppressive states to reach people in need, indeed the very authorities that are responsible for creating the need for humanitarian action in the first place. A number of you are probably familiar with the work of Amartya Sen. Amartya Sen's great insight on famine was that no famine has ever occurred in a country in which people have the political freedom to express their will.

What I am saying is on the one hand, you respond where the need is greatest, yes. But does the principle of humanity suggest that we have to ignore the fundamental fact of the causation that rights violations may in fact be the root cause of the need that we are trying to respond to?

AMB. PRITCHARD: Let us bring this specifically into the conversation. How about some examples in East Asia?

MR. CHARNY: The classic one for me, this is where my career started, was in Cambodia after 1979. Should we provide humanitarian assistant to the affected population in Cambodia even if this assistance may help the Vietnamese consolidate their occupation of the country?

But it was even more complicated because at the Thai-Cambodian border, should we provide food and medical supplies to camps controlled by the Khmer Rouge who just committed genocide, yet were now reconstituting themselves at the Thai-Cambodian border and would use humanitarian assistance to rebuild their political movement?

To take a more current example, should we provide food assistance in the Democratic People's Republic of Korea when we know that monitoring is problematic, the possibility of diversion is real, and that the government itself, by any objective measure, is responsible for the abject condition of its people?

Then the other example that is very live for us is Burma. Should we work inside Burma, hoping for a better day even though we are unable to work in the areas of greatest need due to government controls?

AMB. PRITCHARD: And the answer is?

MR. CHARNY: Yes, the answer is— Well, I am more on the humanitarian side than the human rights side if you can make the distinction. I mean ideally we are not on different sides. We are part of the same project. Fundamentally, I believe in engagement and building the space and trying to respond to need where it is found.

I was in Phnom Penh in August of 1980, "collaborating" with the Vietnamese occupation government, but working for Oxfam. We were able to find people who were politically independent, who were trying to expand the space, who were simply interested in rebuilding their lives. That is what they were trying to do as holocaust survivors or genocide survivors. For me to have said, well, I am just going to walk away because this is an illegal government, personally I couldn't do that. I think we were able to accomplish something from a humanitarian perspective despite the constraints that we were working under.

Now I think the truth is that agencies in the DPRK did choose to leave. Oxfam, Medecins sans Frontieres, CARE, in 1999, they said famine or no, we cannot work under these conditions. I think every organization and every individual does have to define a line that they won't cross. Roberta and I have talked about this a lot. If you can't monitor your assistance, if you are really just saying, here is the food, good luck, that is a line I don't think you should cross. And that is the issue in the DPRK, the monitoring issue.

AMB. PRITCHARD: I think I know the answer, but let me just ask you though. Are there cases where you can advocate isolation specifically, or are you in fact an engagement guy?

MR. CHARNY: I am an engagement guy. Just look at the record. There is so much comparison, as we have discussed, in the North Korean movement right now that is trying to work for political change. There is so much comparison between North Korea and, say, the Soviet Union and Eastern Europe. The U.S. had embassies in Eastern Europe and in Moscow throughout the period. We were talking. We were engaging. We were supporting civil society. We act like Sakharov just appeared *sui generis*. He was there as part of a Russian tradition that was sustained because of the contact that he was able to have with the West, with people from Freedom House and other organizations working on human rights issues.

Again, there are lines you may have to draw. My Cambodia experience would tell me that to try and have constructive engagement with Pol Pot in the January of 1978 might not have gotten you very far, but except for extreme situations like that, I think engagement is the way to go.

AMB. PRITCHARD: Joel, thanks very much.

Let me turn now and ask Roberta to try to translate what we have just heard. When you

are considering human rights objectives, to what extent are human rights a national security interest?

MS. COHEN: Let me just say that I am one of the historic people in human rights. I was in the Carter Administration. I think I am a fossil, but I remember very well these same arguments back in the 1970s.

I don't consider the promotion of human rights or democracy to be the only or the overriding goal of United States foreign policy. I do, however, think that promoting human rights and democracy are a national interest, and they bear on U.S. national security. Describing them as morality, which is often the case, as missionary work, as religion, I really object to that. I think it has been said many times, but it bears repeating that governments that respect human rights and that have open societies, democratic rule, are much less likely to be threats to regional or international peace, much less likely to be aggressive, to be untrustworthy. I think that this creates, therefore, a safer environment for the United States and that its national security does depend on that.

I think we can take two cases. Look at North Korea today. There is the nuclear issue, but one of the biggest threats is the nature of the regime that has those nuclear weapons. Or look at China. As China becomes a dominant power, regionally and internationally, if it begins to have more rule of law and more respect for human rights, more open society, the U.S. will have a much safer time of it. I think the U.S. will benefit from that as will the Chinese. I think that China's foreign policy of supporting some of the rogue states, whether it is Burma or North Korea or Sudan or Zimbabwe, again, this sort of foreign policy is not security for the United States.

How do you translate these kinds of goals, human rights goals or democracy goals, into actual foreign policy? I would like to talk a little bit about what then would be an effective policy.

AMB. PRITCHARD: Sure, please.

MS. COHEN: First, there should be an overriding commitment from the United States government to this. This is not just something the President says, and you have some people in the State Department who try to carry out. This should be an overarching united front policy, a declaration that this is a national interest so that the Defense Department and the Commerce Department, that all parts of the United States government are understanding this and in some way behind this.

Secondly, you need credibility for effective human rights policy. You have to promote abroad what you observe at home. If you are not observing human rights in your own back yard, then you are damaging your credibility to have any kind of human rights policy that is effective. You need sound information for a human rights policy. You can neither downplay violations nor exaggerate them. Both of those are going to damage credibility. You can't have a policy that is used as a pretext for achieving other foreign

policy goals like a rationale for an invasion of another country or for regime change or for domestic political purposes.

I think a good human rights policy will define human rights broadly to include civil and political rights but also economic and social rights and women's rights and workers' rights. I think that attention has to be paid, Tom Melia was discussing this, to the tradeoff between democracy and human rights because I can see an over-emphasis on elections or an exaggerated faith in them leading to a sort of so-called democracy that actually might be abusive to human rights.

I think it is terribly important that there be a very big focus in any human rights policy on issues of extreme suffering, genocide, crimes against humanity, starvation. I would recall what Joel was saying before, I do think that one of the reasons the human rights movement began getting closer to the humanitarian one was the feeling of irrelevance because they were focusing on civil and political liberties, political prisoners, detention without trial, whereas great humanitarian disasters were occurring but they weren't addressing them.

MS. COHEN: The Human Rights Bureau, when I was there, used to be called Human Rights and Humanitarian Affairs, and humanitarian later got dropped. I think there should be a joining of the two so that the human rights part of the State Department really can focus on preventing and addressing the big humanitarian and human rights disasters.

To deal with these issues, obviously, you have to work with a broad range of actors, whether it is other governments, multilateral organizations and NGOs, corporations. You need staying power in using all the tools of the trade. Let me say on the tools of the trade, vigorous diplomacy is very important, and the idea that you can have a human rights policy without talking to those governments you don't like is thoroughly counter-productive.

I saw a little quote that I just want to mention, and it says, and this relates to how you integrate human rights into foreign policy: Never appeal to a man's better nature; he may not have one. Invoking his self-interest gives you more leverage.

AMB. PRITCHARD: Terrific. You have given us a good deal of what goes into making an effective human rights policy. Are there other views, countervailing considerations that need to be taken into consideration?

MS. COHEN: Yes, there are times where there is such a national security imperative that it would be right to sideline human rights. I had one experience like that in the government—the normalizing of relations with China. Obviously, the big national security issues were on the table of countering Soviet power and gaining U.S. influence in Asia, et cetera, and there was to be nothing on human rights. I do remember that we (the Human Rights Bureau) did feel that without a relationship with China, it made sense

that you couldn't apply a human rights policy. So there was no attempt to interject it at that particular time.

Another example would be right now. There are debates about human rights in the Six-Party Talks. But I think that right now in starting up the Six-Party Talks and trying to get an agreement with North Korea on nuclear weapons is not the time to introduce human rights issues.

Now there are other categories where it depends on the circumstances, which may or may not warrant sidelining human rights. One is cooperation in the War on Terror, and I will come to that in a minute, but it has meant a lot of close ties with rather unsavory places. Promoting trade and exports, which led to the delinking of human rights considerations from most favored nation treatment with China, and places that have vital resources to the United States. These are all general areas where human rights have been sidelined.

But I do believe that a lot of the arguments are often exaggerated and that it is very important to integrate human rights into most of these situations because it will enhance American interests. Let me give some examples. Even on China, you had the normalization so there was quiet, but then soon after that, China requested police equipment from the United States. The argument was framed in national security terms, that by giving, by selling them police equipment, it will enhance U.S. national security, but fortunately the State Department decided to the contrary that it was not a national security consideration for the United States to be supporting the Chinese police repressing dissidents. So human rights did come into the mix and should have come into the mix.

I do want to just mention an anecdote in that connection. I was living in an African country, and the Chinese ambassador was departing, and at all his farewells he was speaking about human rights, which surprised everyone. I went up to him to tell him about my own background, and I thought he was going to congratulate me. To the contrary, he looked at me rather angrily, and he said, why didn't you do anything about human rights in China? That led me to write a long tract, "People's Republic of China: The Human Rights Exception." But it also told me that there are those in Chinese government that would have welcomed something more from the United States.

Or if you look at the fighting of wars where human rights are supposed to be sidelined, everyone still debates today whether the United States should have bombed the railway lines to Auschwitz. Or in the fight against Communism, the cozying up with many different regimes actually was found not to be in the United States' interests very often, that it was undermining and damaging American interests, and that is what led in the first place to the Carter human rights policy and also to President Reagan escorting out Marcos in the Philippines and Pinochet in Chile.

Finally, with regard to the nuclear non-proliferation issue, the U.S. under the

Carter Administration and the Reagan Administration and probably others have negotiated arms control agreements while at the same time promoting human rights vis-à-vis the Soviet Union. I don't think it is mutually exclusive, and I think with North Korea, there also is an opportunity to bring human rights in as well.

With the War on Terror, I find it a very double-edged sword. You can undercut civilian rule in a country by too much support for the military. You can also support governments that are accusing all kinds of dissidents of being terrorists, but they are really not terrorists at all and we end up supporting violating governments. This can even create terrorism. With regard to business interests, I always like what John Kamm said, that human rights is good for business. If you want to do away with corruption, for example, or reduce it, you really need an independent media. You need the rule of law in a society.

I believe that even in cases where there are countervailing considerations, and there may be imperatives where you cannot easily bring human rights in or even agree not to, overall it makes sense to have it as part of the mix because I think it enhances American interests.

AMB. PRITCHARD: Roberta, thank you.

I am going to ask her one more question. We are running a little bit short on time. I want to leave time for the audience to participate and ask some very specific questions.

You have advocated a multilateral security framework for Northeast Asia that includes human rights. Can you talk a little bit about that?

MS. COHEN: Yes, and I am happy I saw Jim Goodby. Is he here?

AMB. PRITCHARD: He is still here.

MS. COHEN: There he is. He is the mentor for this, I think. Basically, it is a multilateral framework for security and cooperation in Northeast Asia, and the idea is to enlarge the agenda so the agenda is not just nuclear issues but includes nuclear issues, political, economic—as it is moving in that direction—and also what they call the human dimension issues, which are human rights, humanitarian issues. We feel that it would very much deepen the promotion of peace and stability in Northeast Asia by having a framework where you can talk about and deal with issues of freedom of movement and freedom of information and international human rights standards together with these others.

There is a basis for it because already there are Six-Party Talks statements that refer to a multilateral mechanism. It is part of the North-South basic agreement that wasn't implemented but that did look to this broader debate. I am very pleased to see that the South Korean Former Minister, who has become the UN Secretary General, has said

that the Six-Party Talks could well become an Asian version of the Helsinki process in Europe and is very much supportive of having a broader framework to bring in all these issues.

I recommend that people read Jim Goodby's articles.

AMB. PRITCHARD: Thanks very much. Thanks to each of our panelists.

Let me open it up now to you, the audience. You have your hand up all the way in the back. Eric, you will be second. Please stand up.

QUESTIONER: My question is for the whole panel. How do they qualify—what are their views toward—the abuses committed in Iraq and in any other part of the world, especially in Afghanistan, that civilians have been victims, and Iraq? Thank you so much.

AMB. PRITCHARD: Let me clarify that. When you talk about abuses in Iraq and Afghanistan, are you talking about the regimes' abuses or is there a more pointed question?

QUESTIONER: No; I am talking about the regimes that have been supported by the U.S. government for so long a time, and also I am talking about the abuses in Abu Ghraib and so on.

AMB. PRITCHARD: All right, very broad. Does anybody want to tackle that?

MR. MELIA: Maybe I can offer an initial response. You will find that most of the major human rights groups that are reporting about human rights problems around the world do address exactly those issues in their reporting and their advocacy. Freedom House, along with other major American and international human rights groups, tries to describe as accurately as we can the state of freedom and the state of political rights and civil liberties in Iraq and Afghanistan just as we do anywhere else. You will find in our *Annual Survey of Freedom* that was released in mid-January, that we actually noted a decline in civil liberties in Iraq in the past year, from what was already a low score, because of the ordinary people's inability to go out and about and do their business because of the violence.

I think that you will find that all of the groups that comment on these things about other governments will usually also comment on what they see as imperfections or problems in the American administration of justice, like Abu Ghraib, which was not a part of the standard operating procedure but was a diversion from the norms that the U.S. military usually applies to itself. I think people have been properly critical of that and look for ways to ensure that it doesn't happen more often. So I think you will find that these things don't suffer from a lack of attention.

AMB. PRITCHARD: Let me go back just to a point. Roberta, one of the things

she talked about was the credibility of U.S. policy. I don't know if that is where you are headed, but let me ask you to comment on that.

MS. COHEN: Yes, I think it damages U.S. credibility very seriously, having a human rights policy when you can point to its own violations of the international standards that are the very basis of the human rights policy. So there has been a tremendous damage, and has even led organizations like Human Rights Watch to say that the U.S. should not take a lead at this time on these issues and has called on the European Union to be the Western group that would take the lead on human rights issues.

AMB. PRITCHARD: Thank you, good.

QUESTIONER: Eric McVadon, Institute for Foreign Policy Analysis.

I guess I feel kind of like you said when the Chinese gentleman asked you why you hadn't done more. It has been a long time since I have had a serious conversation with the Chinese about human rights, but I guess I hark back to the time where if you wanted to end a conversation quickly, you brought up human rights or their nuclear policy. I think both of those have probably changed a bit, and so what I am recollecting is the Chinese view of defining human rights is a different way, in other words, feeding our people and prosperity and so forth. Even if you convince them that those are not mutually exclusive, then they want to do something like take you to a village and then say, do you really want human rights for this group of people you just spent the day with? When you say yes, they look at you like you are a mad man.

I guess that what I am really saying here is that I believe there are many people in China who truly believe they are advocating human rights as they define them, in other words, that they really care about the people and so forth. I find that a difficult nut to crack and I wonder if you would comment on it, anyone on the panel?

AMB. PRITCHARD: Joel?

MR. CHARNY: I can't comment on that directly, but I would like to throw in the issue of China's international obligations and meeting international norms as part of that conversation, because it seems to me it should not only be a discussion about the rights of Chinese people in villages all over China, but it is also about China's responsibilities to meet international norms as it plays an increasingly powerful role within international institutions. What I am driving at, in particular, is their treatment of North Koreans fleeing into China. These people are basically considered illegal economic migrants. There is no discussion of possible refugee status, and China blocks the office of the UN High Commissioner for Refugees from even accessing the area, even though China is on the Executive Committee of the UN High Commissioner for Human Rights.

I am not answering your question. I am, in a way, adding a question to it, which is you have got this gigantic and powerful country playing an increasingly important role in

international institutions, not meeting its obligations to those very institutions, and I think that is very difficult.

QUESTIONER: But you know why the Chinese are doing that with respect to North Korea. They want to maintain their leverage. Whether you agree with it or not, they think once again that they are justified.

MS. COHEN: Could I add?

AMB. PRITCHARD: Sure, Roberta.

MS. COHEN: I just wanted to add one more on this theme. I understand that the Chinese, because they are playing an active role in the UN human rights bodies, have come more in contact now with the whole argument for civil and political rights. They have signed the International Covenant on Civil and Political Rights. They haven't ratified it, but they have signed it, and they have a lot of scholars working on it. I understand there are scholars working there, who write articles and publish them, who speak out very much in favor of civil and political rights and feel that China should pay more attention to them.

I would note that the United States hasn't ratified the International Covenant on Economic, Social, and Cultural Rights, and I think that also the U.S. can move toward beginning to see human rights in a broader way as well. I feel that is also important.

But I think there is some movement within, at least some thinking in China, that is moving in a direction that would be more in favor of these general international standards that Joel was mentioning.

AMB. PRITCHARD: Let us go with Jim Goodby, and then I am making a list here.

QUESTIONER: Well, first, I would like to thank Roberta for the free advertising. I don't get that sort of thing very often, but I do appreciate that.

I wanted to note that the agreement reached—I think it is reached now—by the governments in the Six-Party Talks, does call for a working group on a mechanism for peace and security, multilateral, in Northeast Asia. In the process of defining the agenda for that particular group, I would certainly hope that some version of human rights would be included in that.

Now this leads me to my second point, which is the main one I wanted to make, which is a philosophical one for you people. Are human rights indivisible? Can you do a little human rights or do you have to do the whole hog of human rights?

When we began the CSCE, well, almost 40 years ago now, about all there was in

the Helsinki Final Act, except for a couple of principles, all there was in practical terms amounted to the freedom of movement for people, and information and ideas. And that is the slogan that we began to use in NATO as we tried to persuade our counterparts in the East that there ought to be something in that area. We didn't really talk very much about human rights in the way you have been speaking about it today. We talked about very practical things. Can a citizen leave his country and return to it? Can a citizen read newspapers from some other country? Can there be reporters that come and go and so forth? Those are very practical things, and that is what we put into the Helsinki Final Act.

It was until later, several years later that Max Kampelman, to his great credit, worked out something called the Copenhagen Document, and that was more like a Magna Carta of human rights. That had the whole array of things that you would want to see in a civilized society.

Basically, the question I am putting to you is, given this practical question of what do we do about an organization for peace and security and cooperation in northeast Asia, would you think it would be satisfactory to include basic provisions, practical things like the freedom of movement of people—which, by the way, is already included in the basic agreement that Roberta referred to between North and South Korea—or should we be more ambitious and put more into it?

That is kind of a leading question. I suspect you know how I might come out on that, but it is something I think we need to address because I haven't heard you really collectively agree on what human rights really means as such.

AMB. PRITCHARD: Tom, would you like to take a crack at that?

MR. MELIA: I guess part of the answer, Ambassador Goodby, would be it is a diplomat's challenge to figure out how far he can go and how much he can get in any kind of encounter like that. Roberta used the word "integration" earlier in talking about how the consideration of human rights ought to be integrated into our broader foreign policy, and I think that is right in any engagement, whether it is on trade or whether it is on security or whether it is on something else. We need to always have this as part of the array of national interest that we are trying to advance.

Whether in a particular setting like northeast Asia, you could get the Full Monty in the first instance, you probably couldn't, but whether you could get some important fundamentals agreed to as you did in the early days of the Helsinki process, I think the world has moved on. I think has advanced. The bars are higher now. I think we know more about what is possible. Practices demonstrate that it is doable to get governments to agree to more. I don't know if I would always go back to what we got back in the early 1970s. I would try to do more, but not so much so that we wouldn't get a deal. A comprehensive regional framework that includes this, and we get as much as we can, yes, that would be the way I would go.

AMB. PRITCHARD: We are going to quickly run out of time. I am going to ask you to come to your question as shortly as you may so we can give our panelists a chance to answer.

Ma'am?

QUESTIONER: Paula Schriefer with Freedom House.

Tom, you alluded in your comments a little bit to the fact that we seem to be coming back to this discussion about whether or not human rights matter after all. It seems like it has been answered so many times. It seems in particular in Asia that it seems to be a question that comes up with a sort of genuine uncertainty, and there seems, to me at least, a lack of leadership within Asia among countries who actually care promoting human rights as a policy. ASEAN, for instance, doesn't really have criteria like that as some other regional bodies do. I am curious if any of the speakers have any hope or optimism for potential leadership actually within Asia on human rights issues.

AMB. PRITCHARD: Roberta?

MS. COHEN: Yes, I would say I do. I think Asian NGOs are very active and very knowledgeable about human rights standards and issues. As societies are more open and they have more influence, that will make a difference. But also, I learned that the new ASEAN governing charter now mentions human rights. I think that is the first time. So I think there is a lot of movement.

If you look at the Asian countries that have evolved, so to speak, from authoritarian regimes into democracies, I find some hopefulness there. If you look at the histories of the Philippines and of South Korea and of Taiwan and other countries, you see a kind of movement in another direction. I don't find the picture so bleak.

MR. CHARNY: The other optimistic thing that I throw out is that ASEAN did in fact deny Burma the chair of ASEAN and made it very clear their concern with the situation inside Burma on human rights grounds. That was the reason for the denial of Burma getting the chair.

Again, yes, I do see, especially in Southeast Asia, governments paying—well, recognizing human rights standards. How meaningful is it, that is not clear, but I think you hear less of the sovereignty arguments and fewer of "no, we can't comment on our neighbors' affairs." You actually have a kind of broader feeling that we need to live up to certain basic standards.

AMB. PRITCHARD: Tom?

MR. MELIA: Yes, I am Tom Reckford with the World Affairs Council.

In Europe, the countries that practice the death penalty are considered to be violating human rights. How does this fit into your definitions?

AMB. PRITCHARD: Roberta, do you want to tackle that from a U.S. credibility point of view?

MS. COHEN: That has been a tough one for the United States in international fora, the death penalty. I haven't studied it enough to know whether there is a trend where countries are moving, outside of the European framework, where countries are moving to not use the death penalty. There may be a trend like that. Certainly, the UN itself from the Secretary-General down and the standards are against the death penalty, and that came up with the Saddam Hussein case.

I think the big question with the death penalty is to what extent, how widely it is used. I know that in China, the wideness of how it has been used has come under a lot of criticism so that people, for very minor offenses even in the United States, might get the death penalty in China. But I think there is movement in the United States among the different states to question this or to reserve it for really the most serious crimes.

AMB. PRITCHARD: We are going to take two more questions, the next one from the gentleman in the blazer.

QUESTIONER: Thank you. I am Lex Rieffel from Brookings.

I have another definitional question. We have heard references to the multilateral framework for Northeast Asia, but the title of today's topic is about East Asia. I am wondering how many parts East Asia is divided into or Asia is divided into, and what are the implications for this framework and other frameworks?

AMB. PRITCHARD: Richard?

I am not sure if we have got a good definition here. We certainly have with Jim Goodby and Roberta talking about a multilateral view there, and I don't think you have defined what the multilateral forum would look like and whether it is simply Northeast Asia, or it is more defined, or over time spreads to what we would define as East Asia, running into Southeast Asia as well.

Jim, what is your sense of that?

MR. GOODBY: I think it should be confined to the six. I think that is the way it is developed.

AMB. PRITCHARD: I think this is more Northeast Asia, rather than just the broader case of Asia at large.

QUESTIONER: Hi, Jennifer Hong from U.C.-Berkeley.

I actually have a question regarding women's rights within East Asian countries. How do you think the U.S. should approach their foreign policy regarding women's rights, especially since there is huge trafficking that occurs within East Asian countries and also from East Asian countries to the United States? So, what do you think? Yes, what do you guys think?

MR. MELIA: Yes, this is an example of one of the things that our government has been obliged to address more assiduously by Congress, which enacted legislation that created a special office in the State Department to look at that and issue public reports about how countries of concern were behaving in this regard. So it has become in recent years a formal, central part of our engagement on human rights with other countries, trafficking in persons in particular.

Women's rights, I think, are fundamental to any engagement in the world. It goes back to another diplomatic effectiveness point about how can you engage governments to change laws and practices in traditional cultures where women don't often enjoy the same rights as their male counterparts. This confronts us not only in East Asia but in the Middle East, parts of Africa, parts of the former Soviet Union for that matter. How you can be effective in persuading people and governments to appreciate the universality of the human condition and human rights, is a persuasion and diplomatic challenge for us, but I think we have to be clear that we think women enjoy all of the same rights that men do and that there are special challenges to them enjoying them. I think that is very much a part of our diplomacy, as well as the work of most NGOs.

MR. CHARNY: We all know that the trafficking of persons, especially the trafficking of women, reflects very severe power imbalances in these societies. Nonetheless, I find that trafficking is one issue that you can get almost any government in Asia to recognize and take seriously. In a way, it is kind of a wedge issue or an entry issue into a discussion of human rights with governments that may not be open to other aspects of the rights discussion.

One of the ideas that we have had relating to the North Korean refugee issue that I alluded to, may be to approach China around the trafficking question. The idea that North Korean women are being trafficked in China, maybe that is a way to get better protection for some part of the North Korean population that is moving into China because China is on record as saying "we abhor trafficking," "we are trying to crack down on it." Okay, well, let us take that one step further and say, how about trafficking of this specific population? Is there any way that we can end that or have better protection for those women?

MS. COHEN: There are also a lot of civil society projects that the U.S. government supports that are very important in promoting women's rights in Asia and a lot of other areas. I think it was very important that the Nobel Peace Prize went to the

person whose economic programs are to empower women.

AMB. PRITCHARD: We are going to take one more question, and I think the gentleman over here was in line.

QUESTIONER: Fariborz Fatemi with Oxfordshire Associates.

I want to address my question to Roberta because she has been one of the people most preeminent in human rights for as long as I can remember, and she raised the wonderful question concerning credibility. How is our country going to preach to other countries about human rights or make human rights as part of our foreign policy when this Administration has undertaken unilateralism as a hallmark of its policy, rewritten the Geneva Conventions or attempted to, rewritten the torture convention, Abu Ghraib as someone mentioned and other things of that nature? What more credibility do we have left to talk to other countries about human rights?

MS. COHEN: I remember Fariborz Fatemi who was the head of the Human Rights Subcommittee on Human Rights in the Congress and in the Senate Foreign Relations Committee.

Well, I think that we already mentioned that the U.S. has strongly damaged its credibility. One of the more disheartening debates for me was the debate on torture in the United States. I mean in all the years and decades I knew, torture was a practice that was abhorred by the United States. To be debating to what extent you can torture people really just made me feel that Human Rights Watch has a point when they say that it is the European Union that should take the lead at this time on human rights issues.

Someone had asked me recently whether I thought the United States should join the Human Rights Council at the UN The Human Rights Council replaced the Human Rights Commission about a year ago, and it has certainly done a lot to discredit itself as a human rights body. Some have argued that the U.S. should go in and at least steer them in a different direction, and I wondered whether that was a good idea at this particular time and I don't really know.

But I would just like to throw in one idea that has been recommended at Brookings by other scholars that I think is a very good one, and that is to have a coalition of democratic governments and governments that respect human rights and promote human rights and have a democracy coalition that works together. These could be governments in all parts of the world including, by all means, East Asia and other parts of Asia. The idea being to develop strategies and promote actions that would enhance human rights and democracy around the world, and I think it is a very good idea. It could be an alternative to the UN, and the multilateral approach is also a way of subsuming different governments when they have gone out on a limb in another direction or have their credibility damaged. There would be an overall Western rubric but with many other governments emphasized.

AMB. PRITCHARD: What I would like to do now is to give our panelists, after having heard some excellent questions, a little bit of time for some last thoughts, to give you one and a half minutes each for any wrap-up comments that you would like to make.

Tom?

MR. MELIA: I guess a couple of things come to mind. This has been a very interesting exchange, and I appreciate all the good questions that have come forth.

A pick-up on Roberta's last point about the Human Rights Council and whether democratic governments are really up to the task of promoting human rights more broadly in the world. We see this in the Human Rights Council, when they meet in Geneva, that many quite fine democracies in their domestic affairs are unwilling to really be assertive internationally in forums like that. So I wonder whether Human Rights Watch is focused in the right way to say that the EU should be given the job of promoting human rights more broadly in the world. I don't know that they have stepped up to the task yet.

While we do need to tend to business at home and ensure that the United States lives up to the ideals in which we all believe in our management of human rights at home and in our international engagement, I think it is too soon to give up on the United States as an actor in this. I think that what we see now is the self-correcting mechanisms of the American democracy kicking in. Some of what I would agree are excesses in the administration in the war and the anti-terrorist fight and some infringements on civil liberties, I think they are being corrected now, partly through the scrutiny they have gotten through our press, through the elections, through the administration getting some negative feedback from their own constituencies. I think there is a self-correcting mechanism that should not be overlooked in our dismay about some particular actions that have made it more difficult for the U.S. to be the most credible actor in this.

One other point is that Joel talked about the tension between to engage or not to engage in environments where governments or other forces are responsible for problems, and who do we associate with in doing our humanitarian or human rights work. I think complementarity is the word. I think that there are roles for particular groups, whether NGOs, to be engaged in doing what they can to help the people and to strengthen the people, while other groups may choose to stay away at a given time. Others may be more publicly critical of a regime or a practice. It doesn't mean that other people can't be also simultaneously engaged in those environments.

We see this ourselves, with Freedom House, where we try to issue public statements about the state of political rights and civil liberties in every country in the world, and we are trying to just call it as we see it and be straightforward and honest. In some of those countries that we have given pretty bad marks, we are also trying to be engaged on the ground and quietly—or not so quietly—helping people get organized to

advance the issues of human rights. That is a real tension if you have one organization trying to demonstrate this complementarity, but I think in the wider array of NGOs, there is a lot more of that available, and we shouldn't be as critical of one another as sometimes people are when we choose different paths.

I think there is a role for all of these paths, just as there is a role for different governments to do different things. Some can be more friendly in engaging with human rights violators to try to lure them into better behavior and others to be more standoffish and isolating.

AMB. PRITCHARD: Thank you, Tom.

Joel?

MR. CHARNY: Yes, that is a good segue into what I was going to say. I think the key weakness from a humanitarian perspective is that sometimes we get this innocent look on our faces and portray ourselves as just naïve humanitarians. Oh, we are just trying to help people. Personally, I don't think that is a tenable approach. Yes, we have different roles, but let us play our roles with our eyes wide open. If I am choosing to work in the DPRK or in Vietnamese-occupied Cambodia, let me be honest and face the political tradeoff that I am making, try and exactly find the complementarity without seeking to be overly critical of other organizations.

The other point I would make from a humanitarian perspective is that the very dangers that we are talking about related to the politicization of human rights. We see in the politicization of humanitarian aid. Again, the principle of humanity would say we work where the need is greatest. Well, how is that even viable as an approach when we are spending $20 billion on reconstructing Iraq and we can barely come up with $10 million to respond to a humanitarian emergency in Central African Republic, for example? There is just a huge imbalance in the humanitarian system right now, and that is something I urge that we all need to work on. We all need to see that a U.S. approach on the humanitarian side is balanced and responding to need, and not purely driven by political factors.

AMB. PRITCHARD: Roberta?

MS. COHEN: Yes, I think Tom made an important point when he talked about the self-correcting that is going on in the United States. But I think one also must bear in mind that this misadventure in Iraq and the tremendous civilian casualties it has produced under the pretext of bringing freedom and democracy to this country is so damaging to the United States. But I think as a great country, we will make a comeback because we are too strong, we are too powerful, we are too important and we have too wonderful a system, I think in many respects, so that we will come back and regain some leadership role. But I think the war in Iraq is more damaging than just the legalistic question of the Geneva Conventions.

That just leads me to a last point. Really, it comes down to what kind of a world you want to live in and what kind of world this country wants to be part of. Human rights are not something disposable. Talking about it technically, can we raise the issue here, shall we sideline it here, if it doesn't fit here? It really does fit everywhere. As I said at the very beginning, it is a national interest. It underpins our national security largely. I think that if as many governments and as many countries in the world will respect the human rights of their own citizens, we will have a far better world, and I think there is no better reason for the United States to be very committed to this.

AMB. PRITCHARD: Thank you all.

We are going to take a break until 3:30, but before we depart, please join me in thanking our panelists.

[Applause]

AMB. PRITCHARD: When you come back, we will have a new face up here, David Steinberg, and a distinguished panel will be joining him.

Thank you very much.

(Recess)

DR. STEINBERG: Ladies and gentlemen, if we may continue this fascinating discussion on human rights. This is the second panel; it's going to concentrate on Northeast Asia. I will not fully introduce our panelists because you have all their bio data. We'll go in the order listed on the program. Ambassador Hubbard will be first. He's, of course, as you know, the former Ambassador to Korea and now Senior Advisor to Akin, Gump, Strauss, Hauer & Feld; Richard Bush, who is one of our hosts, of course, Senior Fellow and Director, Center for Northeast Asia Policy Studies in Brookings, who will do Taiwan; Susan O'Sullivan, who is a Senior Advisor to the State Department's Bureau of Democracy, Human Rights and Labor, on China, on which she's been working for many years; and Scott Rembrandt of Korea Economic Institute, another host, who's Director of Research and Academics Affairs, on North Korea.

And we'll start out, as I say, in the order that we have on the program. And let me ask Tom a couple of questions first. During the period of autocratic rule in Korea up until '87, we supported a whole series of dictatorial governments; we didn't promote democracy and human rights very much, why or why not? One of the critical aspects of that period was the Kim Dae Jung incident, which increased anti-American sentiment a great deal. Do you care to comment on all of the above?

AMB. HUBBARD: Yes, David, thank you very much, and it's good to be here with you this afternoon. David, I'm going to get to your questions in a somewhat roundabout way, but I want to say at the outset that I don't accept all of your premises on the question.

This is sort of a strange day to be talking about Korea and human rights because the news is so dominated by the break-through and the talks with the North Koreans, but it does bring me to lead off with an anecdote.

Last night I went to a reception in a hotel up near Capitol Hill related to the free trade agreement that the United States is negotiating with the ROK, and I was driven there by a taxi driver who obviously came from somewhere in Africa and was also obviously very well educated because he was listening to a very sophisticated public broadcasting system and reacting.

But as we came up to the reception, there was, you know, a rather noisy demonstration going on in front, and before trying to drive in, he asked, "What's going on there? What are they demonstrating?" And I said, "It's the Koreans. They're demonstrating against the free trade agreement." He asked if they were South Koreans or North Koreans, and I said South Koreans. To that he asked, "Does the United States have problems with South Korea too?"

This leads me to our subject and your lead-in, David, that indeed, we have had through the years ups and downs in our relationship with South Korea and with successive governments in South Korea. Our relationship has not been all roses; in fact, there have been, I think, through the years considerable scratchiness, a lot of friction with successive governments. And until recent years, almost all of those frictions revolved around human rights and democracy.

We had difficulties from the outset with the government of Syngman Rhee. We helped install him, but we're happy actually, I think, to (off mic) that brought Park Chung-Hee in power. Then we had great difficulties with Park Chung-Hee, many of which revolving around human rights and democracy. I'll get back to Kim Dae-Jung in a minute.

But I think through the years, we were working quietly—and sometimes not so quietly—in South Korea to promote human rights and democracy, even as the outward manifestation of the relationship seemed to be supportive of successive repressive leaders. I think we did that for the obvious reasons of North Korea and the general Cold War situation.

I think we also found ourselves being probably more supportive of authoritarian government in South Korea than we wanted to be because Koreans are stubborn, we couldn't push them around, and there was an assessment of what could we get done. I think that age old…I've worked on human rights in Southeast Asia, as well as in the Korean circumstance, and I think there always is some tension in the human rights work, as to the tension between taking a stand, standing up for human rights—which is extremely important—and getting something done, finding diplomatic ways, using our diplomatic

skills to try to bring about change, and I think we assessed that we couldn't bring about those changes in South Korea as well as we could.

But the upshot, I think, of our impressions of our interaction with South Korea through the years on democracy and human rights is that it was finally a success. From the late 1980s on, we certainly embraced the democratization that has occurred. I think we've seen South Korea, like Taiwan, as a success case. In our eyes, our policy worked.

The irony is that in the eyes of many South Koreans and in the eyes of many of the South Koreans who are now in power in Korea, our policy was a failure. They blame us for failing to protect them from their dictators, they blame us for failing to take a stand on the issues, and, of course, they blame us particularly for the disastrous Kim Dae-Jung incident, in which our public posture, I think, was not strong enough against the massacre that took place, even as privately we were trying to do everything we could to head it off within the whole confines of the security relationship and concern that the North Koreans might somehow take advantage. So we see it as a success. The irony is that the South Koreans now in power still resent us for not having been more successful more quickly in protecting their political rights and protecting, in many cases, them from torture and other kinds of hardships. So human rights remain a bone of contention in the relationship.

I don't quite share David's view that we supported the dictators. I think we stood with South Korea as it went through this long process and tried to use the instruments that we could, weighed against, you know, both the ideal and the need to take a stand and the real desire to make changes and get things done.

And I take some pleasure that we finally succeeded. And one of the real frustrations of my time as Ambassador in South Korea was the recognition that many South Koreans do not share that sense of satisfaction. Thank you.

DR. STEINBERG: Let me take a slightly different approach and push a book here that the U.S. Institute of Peace published and Debra Liang-Fenton edited, called *Implementing U.S. Human Rights Policy*. There are two chapters on Asia, one on China, and one on South Korea, and I happened to write the South Korea one, so I have a vested interest in it.

AMB. HUBBARD: Yeah, but you should have sent that to me earlier.

DR. STEINBERG: But my conclusion was this, that the U.S. did have a very profound influence on human rights, but it was not a matter of policy, it was a matter of an overall U.S. cultural, social, educational approach. Our policy was, of course, security first, economics second, democracy—we called it democracy more than human rights—third. We did, of course, save Kim Dae-Jung's life twice, as he will certainly say in public.

And one of the issues I think that should be discussed as a general question beyond East Asia, is how much should pressures on human rights be made public? Would public

pressure on a government be more effective or less effective than private or quiet pressures, especially in periods of nationalism? That's an issue, because in the classified documents, the classified documents on Park Chung Hee we were warned, the U.S. State Department was warned that if we go public on human rights, Park Chung Hee would react negatively and things would be worse. So the private pressures have to be there, but be careful about the public pressures. I don't know whether this applies to China or not, but we'll look at that a bit later.

But also, the South Koreans have been rather cautious under the Kim Dae-Jung administration and under Roh Moo-hyun about human rights in North Korea. Do you want to comment on that one?

AMB. HUBBARD: Yes; I mean I think they have followed the dictum that you outlined here, that I think the South Koreans have—I don't think South Koreans can take any satisfaction about the plight of their North Korean brothers and sisters; I think they have a great deal of concern. I think they have felt under both Kim Dae-Jung and Roh Moo-hyun that the real imperative is, number one, security, number two, no harm to South Korea and what has been accomplished there, and three, a careful assessment of what is doable, and I think they have concluded that taking a stand, speaking out publicly will not get them anywhere with North Korea, and that working quietly through such things as family exchanges, the Kaesong industrial projects, the Mt. Kumgang tours, bringing people together, people with people exchanges, all of that will over time bring about an improvement in lives, in North Korea, without directly threatening life, in South Korea, which they're quite satisfied with.

I think there may be one further element that, you know, underlines a lot of the antipathy toward the United States or our perceived failure to support them on human rights, and that is a profound sense of nationalism. That imperative of nationalism doesn't pertain to North Korea, they are much more willing to I think accept conditions there and try to work to improve them than to— In a way, the U.S. was, I think, used, as has been throughout the past 50 years, used as a whipping boy for a sense of failure on the part of South Koreans if they didn't put their own affairs in order more quickly.

DR. STEINBERG: I might say that I think that the finest U.S. example of pushing for democracy and human rights in South Korea was in 1987, when we basically told the military, you can't secure our backing, so the people won on that, of course, and there was a democratization effort in South Korea. Let's turn to Taiwan. I have another special interest in Taiwan.

Since I was on the mainland in 1948-1949, as the last exchange student, and saw the collapse of the Kuomintang, if you would ask me whether the Kuomintang would have been in power in Taiwan for as long as they were, I would have said you were crazy.

And secondly, as far as I know, Taiwan — the KMT government, the only government I can think of in Asia that reformed from the top down rather than from the

bottom up. What about the whole issue of human rights in Taiwan during that early period and how has it evolved into something different?

DR. BUSH: Just to make a historical point first, the thing that saved the Kuomintang is probably Kim Il Sung's invasion of South Korea, the two were linked.

DR. STEINBERG: Right.

DR. BUSH: Well, let's break this up. First, just to provide some historical context of the situation in the 1950s and 1960s, briefly, Taiwan at that time was a pretty rough place. There was denial of internationally respected human rights, political dissidents were tried in military courts, elections were suspended, the local population was underrepresented in the nominal legislature, and there was an aggressive effort to re-sinicize the local Taiwanese population. And as with South Korea, the United States chose not to make an issue of the human rights situation in Taiwan because we believed that Taiwan's strategic importance to the United States was too important.

We used our leverage to improve Taiwan's military capability and to bring out economic reform, but we did not see fit to bring about any changes politically. As with South Korea, we recognize that Chiang Kai-shek was very stubborn and any efforts on our behalf probably wouldn't have done any good.

A couple of other things were at work, as well. There was a recognition that if we had made overtures in this regard, we probably would have stimulated the opposition in Taiwan to take risks that they otherwise would not have taken, and that creates a moral dilemma for American diplomats. You don't want to put people in danger that they otherwise would not have run.

Also, there was the recognition that over time, social and economic changes in a society that where the majority was Taiwanese, we're going to bring about a change anyway, so perhaps we should let time run its course.

DR. STEINBERG: One of the great successes in Taiwan was the land reform and giving economic rights to the local population. The Joint Commission on Rural Reconstruction was supposed to be a kind of marble for how to get things done in terms of economic… What do you think about that issue, the economic issues?

DR. BUSH: The land reform had a couple of impacts. First of all, it put modest wealth in the hands of the broad masses of the Taiwan population. For the landlord class that had been dispossessed of its land, it gave them bonds, which then they were able to translate into industry, and that was the creation of the entrepreneur industrial class. The existence of that class—plus at the end of the 1950s, U.S. pressure to move in the direction of export-led growth, came together to create the Taiwan economic miracle, which then created the Taiwanese middle class, which then created pressures in the 1980s for democratization. So

all of this came together, and it was sort of U.S. bureaucrats all along the way that were urging this.

DR. STEINBERG: What about the question of democratization and the issue of a new constitution or constitutional revisions in Taiwan?

DR. BUSH: I would say, first of all, that Taiwan's movement towards democracy, which occurred in the late 1980s and the early 1990s, was a success story, and the United States had made a contribution to that. It was a tertiary contribution. The internal opposition deserves credit, reformers within the Kuomintang deserve credit, and then pressure from the outside deserves some credit. And Taiwan's democratization is important because it demonstrated that political change could occur in a Chinese society in a stable way, and it's a good thing to have that example.

The problem is that it got stuck after the transition took place, and they never got to the point—to the stage of consolidating democracy and perfecting democratic institutions. And, if anything, they've been backsliding and producing a very dysfunctional system.

So Taiwan could use some constitutional change. The problem is that some political forces are talking about constitutional change in a way that is quite provocative to China. They're talking in ways that suggest that they want to change the legal status of Taiwan, which is sort of waving the bloody shirt.

Constitutional change to improve the system of governance would be a good idea, and it's actually something the U.S. government would support. Constitutional change to change the legal status and not necessarily change the system of governance is not helpful to anybody.

DR. STEINBERG: Yeah, that's a rather dangerous situation. Let's turn to China, and Susan, you've been following China for over a dozen years?

MS. O'SULLIVAN: Yes.

DR. STEINBERG: How about the evolution of U.S. policy toward China in terms of human rights issues?

MS. O'SULLIVAN: Well, obviously, before Tiananmen we simply didn't have a human rights policy towards China. The Tiananmen massacre changed that completely. In the immediate years after Tiananmen, the United States began to engage and conduct human rights dialogues with China.

We also endeavored to increase the coverage of China in our human rights reports, we pursued resolutions in Geneva, without too much success I might add, and then came the executive order of President Clinton in 1993. And even when the conditions were not met, and we decided to delink MFN trading status with the human rights progress.

And that put us on a whole new footing. And at that point there was some serious rethinking about how to go forward, and it was decided that we would pursue a two-track policy: On one track, to continue the usual diplomatic advocacy, bilateral dialogues; but also to increase the amount of work we were doing multilaterally.

We got much more serious about pursuing human rights resolutions in Geneva throughout the 1990's and into the next decade. But we also began to work more closely with other countries who were engaging with China. I think one of the more interesting things that happened in recent years is the formation of what used to be called the Bern process, which was originally convened by the Swiss. These are meetings of all of China's human rights dialogue partners. To date, China has had maybe 125 — 130 dialogues with the international community. This was an effort to get all of us engaging with China to sit down together, to try to figure out a way to make human rights dialogues more effective, to share ideas, and, as everybody began to do programs in China, to begin to coordinate our technical assistance.

So that was one change. The dialogues themselves also changed. We began to make all our arguments and presentations to China based on international human rights standards, and began to push in a very concerted way for China's compliance with the ICCPR and the International Covenant on Economic, Social, and Cultural Rights.

We began to push very hard for China to comply and cooperate with the UN human rights mechanisms—the Special Rapporteurs and the UN Working Group on Arbitrary Detention—and thus put things much more on an international human rights footing.

Also during this time, we increased the number of reports we do. As was mentioned earlier, this was not necessarily our own choice. But in addition to the human rights report, we started doing the International Religious Freedom Report, and, more recently, the Supporting Human Rights and Democracy Report. So we are now doing three reports. But this was all on one track. On a second track, in an interesting and exciting development, and after a long period of not getting support from Congress, we got permission to do rule of law and civil society programs in China.

In 1999, we spent only $355,000 on these programs. By the year 2002, we were up to $10 million. Last year the Bureau of Democracy, Human Rights, and Labor (DRL), my bureau, funded $23 million worth of programs in China. Currently we have 52 programs ongoing.

These programs represent an attempt to combine outside pressure with support for people within China who are trying to make changes. The theory behind this is that at the point where outside pressure supports the people who are pushing from the inside—that's where you have a breakthrough and some change.

I think this is a very hopeful step that the United States government is taking. This is our long-term policy. But I think we have to proceed on both tracks. I think there's always a role for both elements of our policy. When I get discouraged about the lack of progress in the human rights dialogue or a defeat in Geneva, I think we can look to what's being accomplished on the ground in China by these programs.

DR. STEINBERG: What about these elections for village and local governments in China, what prospect is that for the future of human rights democracy in this society, like under a centrally controlled party system?

MS. O'SULLIVAN: Well, it's a good question; I think the verdict is out on that. We are supporting village elections in China through the DRL's Human Rights and Democracy Fund. We have been doing this from the very beginning, so we have provided consistent support. I think there is some experimentation at other levels. These elections are still very flawed. And they're really not elections to government offices. But I think it's an interesting trend that may be laying the long-term foundation for more democracy in China.

DR. STEINBERG: You mentioned the religious issue. Lately on the radio, one hears about a problem with the Vatican about bishops or archbishops, one knows about the problems of (off mic) Would you care to talk about the whole issue of religion and your reports on religion in China and what this means?

MS. O'SULLIVAN: As was mentioned this morning, these things tend to be required of the State Department. In 1999, the International Religious Freedom Act was passed. It created a special office in the State Department, it also created the position of Ambassador at Large for International Religious Freedom—I think this is John Hanford's title. It's now a very big office, and our International Religious Freedom Report has become one of the major reports that we do. We have serious concerns about religious freedom in China. Under the terms of the International Religious Freedom Act, we've designated China a country of particular concern every year since 1999, and our report details our concerns. On the Vatican issue, that's been going back and forth. We get indications that they're going to reach an agreement on normalization of relations, and then China would designate some bishops, and the Vatican would do something, so prospects for normalization swing back and forth. I think we're currently in a fairly hopeful period where we think that they may come to terms on how to go forward.

On the Falun Gong—it's a huge issue. Simply looking at it as a human rights issue, more Falun Gong practitioners have been detained than the members of any other group. We're talking about tens of thousands of people who have been put in Re-education Through Labor camps, others have been processed through the criminal system. It's a major problem and one that's very, very difficult to raise with the Chinese.

I think in general there is much more back and forth in our human rights discussions than there used to be. But when it comes to the Falun Gong, the door closes—it's an "evil cult." We've made very little progress on that front.

DR. STEINBERG: One last question, Hong Kong, and the differences between China and Hong Kong on freedoms and human rights and so forth, any comments on that, on the pressures on Hong Kong?

MS. O'SULLIVAN: Well, I think after the handover, there was a lot of hope that perhaps Hong Kong could serve as a model for China. I don't think that we've seen that, and unfortunately we've seen some chipping away of freedoms in Hong Kong, though not necessarily coming from the top. Self-censorship, for instance, is a big issue in Hong Kong. So I think time will tell how that plays out. But certainly, I think early hopes that China will become more like Hong Kong have not been realized.

DR. STEINBERG: Let's turn now to North Korea. Oh sorry.

DR. BUSH: Personal views?

MS. O'SULLIVAN: Oh, yes. My friend from graduate school is reminding me that I'm expressing my own views, not those of the State Department.

DR. STEINBERG: We're all expressing personal views. Scott, you have a hot topic. You're in the news even more than the government closing down early today, so talk about the whole issue of the human rights questions in North Korea, the questions of North Koreans in China, the numbers. We heard about the issue of refugee status—non-refugee status I should say. Would you care to comment on any of those?

MR. REMBRANDT: Okay, I'll do my best. I have no illusions today that you're here to see me, but my guess is that you're here, to a large extent, to hear a discussion on North Korea, given what's happened in the last couple days and also given the stature of my fellow panelists. So I guess I'll start the discussion, but my guess is everybody up here has a great deal of thoughts relating to North Korea. I should also say that I have two disclaimers. One is my professional disclaimer: this does not reflect the opinions of the Korea Economic Institute (KEI).

And the personal disclaimers. When I was asked to discuss this topic today, I have to, frankly, tell you that I initially thought the United States had no human rights policy related to North Korea; and if we did, it was not coordinated; and if it was coordinated and I didn't see it, then it wasn't effective. That was my personal presupposition, number one.

Number two is, I came with the bias that whatever the importance of human rights on the agenda, it was in the interest of U.S. national security to separate those issues from the paramount, important issue related to non-proliferation and the six-party talks. So those are my personal disclaimers.

I think the more I become immersed in the topic, the more I learned to appreciate just how severe the problem is in North Korea. And certainly the numbers show how dire

the situation is. Everybody in this room is aware that 600,000-2,000,000 people died in the famine. Family background still is the key determinant of social status in North Korea. The standard of living of state-owned enterprise workers has been decreasing for the last 15 years. Farmers, whose well-being seemed to have rebounded after economic reforms in the last few years, had their grain supplies confiscated last October. And when surveyors asked defectors, refugees, and economic migrants in China, "What is the most psychologically traumatic event you saw in North Korea?" 87% cited an execution, and 81% listed somebody who is related to them, or a friend, dying of starvation.

Many of these conditions, I've come to learn, have led to a mass exodus out of North Korea and into China in the last ten years. And as everybody in this room knows, North Korea makes it illegal for North Koreans to leave the country without authorization, which violates Article 12.2 of the International Covenant on Civil and Political Rights.

The departure has caused hundreds of thousands to depart North Korea, and 75% of those who left come from two northern provinces, the North and South Hamgyong provinces. So the key question that has come up is, what is the legal status of North Koreans in China?

The numbers seem to vary. I've seen anywhere from 10,000 North Koreans to 400,000. My understanding is that the lower end of the range is more credible, meaning somewhere between 10,000 and 100,000 North Koreans are in China today. The majority today are apparently women, which is very different from who came during the famine in the mid '90s. Eighty percent are between ages 25 and 50; and when polled by a recent survey last year, ninety-five percent of the North Koreans in China said they left primarily for economic reasons, only four percent said they left for political repression. Ninety-seven percent also said they left having no intention ever to return to North Korea.

So my own knowledge on how severe the problem certainly developed in the last few weeks, as I've come to study this issue further. The key question is, are North Koreans in China refugees or not? The United States has very strong opinions on it; China also has very strong opinions on it.

According to the Convention Relating to the Status of Refugees and its Protocol, which China signed in 1982, refugees are defined—and I want to read this—as "any person who has a well-founded fear of being persecuted on the basis of their race, religion, nationality, membership of a social group, or political opinion, and who is outside of their country, and is unable or unwilling, due to their fear, to return to their country."

According to China, the North Koreans are all economic migrants; they're not refugees, and they have no real legal status in China. The position of the United States government and of much of the international human rights community is that, according to international law, all individuals who may be refugees should be analyzed on a case-by-case basis, and the UN High Commissioner for Refugees should make those decisions after individual interviews. It is claimed that China is in violation of two major provisions of the

Convention Relating to the Status of Refugees: one is Article 33, which is the *refoulement* provision, and which prohibits China from repatriating the North Koreans directly; the second is Article 35, which relates to cooperation with the UNHCR. China has not been very cooperative, to say the least, with the United Nations High Commissioner for Refugees outside of Beijing. UNHCR does have an office in Beijing in charge of all the Vietnamese refugees, the Iranian, Somali, and Pakistani individuals who may be refugees, but China bars UNHCR officials from going to northern China, and has a repatriation treaty with North Korea since the mid '80s, in which China pledged to return all North Korean refugees. It is estimated that, at peak time, somewhere around 200 refugees a week are returned to North Korea.

DR. STEINBERG: I know that my other—part of my incarnation on Southeast Asia, that North Korean refugees go through both Thailand and Burma to reach South Korea because they can't go directly from China. But they go through China and Mongolia, and then try to get into Southeast Asia, and then go to South Korea. Just as an anecdote, 1993 or 1994—early '94 perhaps—I had a conversation with Ho Jong, who was the North Korean Ambassador to the UN. He was in New York at that time, and—this is a quote—he said, "You Americans are interested in nuclear issues, and then you're going to be interested in missiles, and then you're going to move the goalpost and be interested in human rights," and I said yeah, you're probably right. He used the term "move the goalpost." And we have—I mean this is, in fact, a natural product, I think, of American foreign policy, one strand that we cannot ignore.

The Bush administration has appointed an ambassador on human rights in North Korea, Ambassador Lefkowitz—part-time, I believe; I'm not sure about that. What effect has that had, if any?

MR. REMBRANDT: Well, I think in terms of looking at the U.S. policy towards North Korean human rights issues, you have to divide what we're doing, or trying to do, inside North Korea and what we're doing with the North Koreans outside North Korea. The appointment of Special Envoy Lefkowitz is a very controversial issue for Korea watchers.

DR. STEINBERG: I gather.

MR. REMBRANDT: Special Envoy Lefkowitz seems to see the world through this U.S.-Soviet dynamic and to believe that anti-democratic regimes imperil global security and U.S. security; therefore it is in the interest of the U.S. to promote democracy around the world. He usually spreads his views through op-ed pieces in *The Wall Street Journal*. And as you said, he works part-time on this position—his other role is a partner of Kirkland and Ellis up in New York.

His position inside the administration is very unclear to outsiders. Some suggest he's a part-timer; others suggest that, on the other hand, he's trying to instigate the administration and position it in a way that shows a greater commitment to human rights than perhaps the State Department bureaucracy is going to show. But it's a very debatable role. But—

AMB. HUBBARD: David, could I do a two finger comment? You prompted me with your reference to Ho Jong. I, in 1993-1994, had—I must have had 35 meetings with Ho Jong in New York, in the behind-the-scenes talks that led to the now much maligned Agreed Framework of 1994. The question arose earlier of how do you treat human rights and the dialogue with North Korea. I can't answer how we're going to treat human rights in the various working groups that are being set up under this agreement that was announced today, but I think there are at least two places where human rights could be addressed. The one I suggested earlier is in this broader working group on future security and cooperation in Northeast Asia, whatever we call it. I think that's probably a pretty good place to do it. Another might well be in the working group on the normalization of U.S.-DPRK relations. People probably have forgotten that there was such an element in the Agreed Framework, that one element that we would work toward was the normalization of relations between the U.S. and DPRK, as we address issues of concern to both parties.

And what probably has not been in the public record before is that within a couple of months of actually concluding the Agreed Framework, I had a meeting with Ho Jong in New York, in which we listed the other issues of concern that would be part of the normalization process, and one of those was human rights. So, indeed, you know, I'm not sure if we moved the goal post. We're pretty clear from the outset, but his concerns are not surprising.

DR. STEINBERG: Very interesting. One of the problems of human rights in North Korea, as opposed to some of the other countries, such as South Korea or countries of Southeast Asia—even Burma—is that there are no NGOs in North Korea, and there's no group there that can have access to the outside world, that can try and mitigate some of the problems.

In a meeting during the Suharto regime with a human rights group, (off mic) they said—the group said, they can't control us, we have high-speed modems, we're in touch with everybody around the world, and we've got Xerox machines. So they can get things out. But North Korea is quite different, and so this is probably the worst case of any case there may be in the world for the human rights issues and the ability of the local people to gather together to change the situation. Well, why don't we now open the floor? Please identify yourself when you ask a question. You can ask an individual panelist or the panel as a whole. Who would like to begin?

QUESTIONER: My name is (off mic) with the Chinese Embassy. I have a question for Susan. You mentioned the human rights report on China. You're very proud of that, it seems to me. I was in China before I came here to work. I sometimes attended events at the U.S. Embassy in Beijing. I still remember a couple years ago, I attended a briefing on the U.S. human rights report on China, 2002 probably.

I remember your people at the Embassy who write reports on China. I was very surprised that person doesn't speak Chinese. I don't know how he can write a report on

China. He's very proud to say, “I finished,” and “the report was done in two weeks.” It's about 80 pages. I looked at the report this year and the year before, I was very surprised to find that the two reports were very, very similar. They just change some figures. I don't think it's fair for China to have that kind of report.

And what I want to say is, I think you should know, China also issues a report on (off mic) every year, in return. We definitely know it's not good for human rights, and it's not good for U.S.-China relations. So my question is, what's the point for you to issue the report every year? It's my personal view.

MS. O'SULLIVAN: Well, I'll respond with my personal view. First of all, I'm surprised by your recollection that someone was able to do the human rights report in just a short period of time. I just read it today, the newest one, it's about 120 pages long. An enormous amount of work goes into it. Plus, all the officers I know in Beijing speak Chinese, but that's beside the point.

On the report that China does on the United States, we read it with interest every year. I think it's getting better and I notice that you actually use the same structure that we use, the same sort of language that we use.

But the one really important difference is all the sources for your report are open sources—the Department of Justice, *The New York Times, Newsweek Magazine, The Washington Post, The Wall Street Journal*—these are all public sources where our human rights problems are discussed. I look forward to the day when we can use sources like that to do the China report.

QUESTIONER: I would just say that the Department of State is required by law to do this report; it has no choice in the matter. Unless Congress repeals the law that requires the issuance of this report every year, the State Department would be in violation of the law if it didn't do the report.

MS. O'SULLIVAN: That's true. And the other point I'd like to add is, we do one on every country, 196 or 198 countries at this point. So the report is not something that we do just to single China out. It is something we take seriously in terms of trying to call international attention to human rights abuses around the world.

QUESTIONER: There's a bit of history here. I remember seeing the first year's human rights reports of the State Department when I was in AID, and they were pretty terrible. I gather that the State Department did not take this seriously.

And I remember a report from Latin America, in which the Embassy says we have no first hand observation of torture being carried out in—I don't know—Guatemalan jails. Well, of course they don't. That's not an appropriate kind of comment to make. But it indicates the skepticism of that time. That has changed completely, of course, over time as we become more serious.

And as you said, it's a matter not only of law, but I think it's now other countries, China looking at it. Other counties look at our human rights reports for their countries and comment on them, not always favorably, as you can imagine. Ma'am.

QUESTIONER: Thanks for the opportunity. This is Jeanie Bonnie (?) from Radio Free Asia. I'd like to ask you a question about the 2004 North Korea Human Rights Act, that's the most, you know, concrete U.S. policy in regard to North Korea human rights issues. How do you evaluate the law overall? And do you think it has been really implemented fully, or not really?

DR. STEINBERG: Who wants to—

MR. REMBRANDT: Do you want me to start?

DR. STEINBERG: Yeah.

MR. REMBRANDT: Well, as I mentioned before, there are two ways to approach the dichotomy of approaching human rights issues inside North Korea, versus North Koreans outside. One of the ways of approaching the issue inside is by Radio Free Asia. To my knowledge, there are about three hours per day of broadcasting into North Korea. According to the new budget request, the Bush administration submitted to pump it up to ten hours a day. And my understanding is, North Korea has difficulty jamming this because it requires a lot of energy to jam.

The North Korea Human Rights Act of 2004 looks great on paper, but Congress did not want to spend the money for it. One of the criticisms human rights advocates have launched against the Bush administration was its failure to request money for the North Korea Human Rights Act. But they have done that in the 2008 budget request. But I think there can be more progress on the implementation of the Act, because how many North Korean refugees have come to the United States under it? Nine—that's not many. So it's not been very effective if you quantify things in terms of refugees allowed into the United States. That's not to short sell what the administration is doing with UNHCR and with Southeast Asian governments to help process the refugees going to South Korea. But there's not been a lot of implementation behind the Act, in my opinion.

DR. STEINBERG: It's been a considerable problem among North Korean refugees to adjust to life in South Korea, where they seem not to be able to get along very well. They've had all kinds of problems, both psychological and economic. Tom, do you have anything on that?

AMB. HUBBARD: Well, no—other than to say I think there has been a good number of North Korean refugees who have settled down satisfactorily in the South, despite the great cultural gap that now exists between North and South Korea. There are even considerable gaps in physical characteristics. I think one of the sad things about human

rights in North Korea is that the situation has been such that I think the average North Korean is now about six inches shorter than the average South Korean, and that's certainly visible when you visit North Korea. I think South Koreans have made a very considerable effort to settle the North Koreans through various kinds of programs.

I think they have been—again, you were earlier talking about the U.S. approach to human rights in South Korea being security first, economics second, human rights third—I mean I'll have to agree with that, although the human rights element was in there. In some ways, I think the South Korean approach to human rights in North Korea is similar, you know, security first. Let's not lose what we have in South Korea and what we've gained through prosperity by, you know, opening the floodgates to refugees. I think there's little doubt that if we stop patrolling the DMZ tomorrow and dug up the mines that are still there in many places, there would be a huge outflow and a very, very hard adjustment for South Koreans.

Then, I think the second element in their approach has been a feeling that the economic exchange and developing North Korea economically are the best ways to bring about humanitarian and human right's objectives. After all of that do they really get into the human rights. Given the background that they don't want to become a magnet for refugees, I think they've done a pretty good job.

DR. STEINBERG: Good. Yeah.

QUESTIONER: In thinking about North Korea, I'd like to introduce a mischievous or provocative thought. And I do so from the prospective of a China specialist and thinking about what has happened in China over the last 30 years. Now, to be sure, the range of political freedom in China is limited. But if one thinks about the range of personal freedom in China now compared to what existed in the first 30 years of the People's Republic of China, there is quite a bit of difference. And if you would ask anybody who has lived in those two periods, the Mao period and the post-Mao period, which they would prefer, they would all take the current period, just in terms of the personal space they have, and the zone of personal freedom that they have.

You ask any North Korean today whether they would take their current existence versus the existence of the average Chinese, I think I know what they would take. What has created the much greater personal freedom in China was the decision by the state to do two things. One was to create economic liberalization, which allowed a greater degree of economic freedom; and number two was to pull the state out of people's lives in many spheres. Not in the political area, but the state stopped interfering in people's lives and in a lot of other areas.

So it raises the question: Would the kind of (off mic) that took place in China, beginning in 1979, make enough of a difference in the lives of the average North Korean over time, that they would be worth promoting even if they did not result right away in what we usually associate with the term human rights?

DR. STEINBERG: Anybody on the panel got a comment of that? That's an interesting issue. I would argue that in Confucian or post-Confucian society, where their model of government is the family and the government is the father, who is able to enter the lives of the children—the people—and interfere for a positive affect for the good of society and their good as a whole. That creates a very different concept of how far human rights can go in some of these societies. So therefore, even in South Korea, which is a democracy by, you know, all political criteria that you have today, the government does still have a tendency to interfere far more into the lives of its people than, let's say, the American government would be allowed to do. I think this is a significant cultural difference. There is no one model, I would argue. But, I think your point is a very interesting one.

MR. REMBRANDT: Could I add something extra?

DR. STEINBERG: Yeah, please.

MR. REMBRANDT: I think that's a very interesting question, but it assumes a couple of things. One is the U.S. is probably going to have no impact on the human rights if you use the Chinese model; the U.S. may have no impact on them changing their human rights perspective. Two, Beijing did it for its own reasons, because the regime there felt secure enough and Deng Xiaoping had secured enough power to start liberalizing the economy. That presumes the regime in Pyongyang is going to feel secure enough to do it for its own reasons. And I think that requires a lot of presuppositions, for that to happen.

DR. STEINBERG: Well, that's a good point; yes.

DR. BUSH: Well, Deng Xiaoping also felt that if the Chinese Communist party was going to survive in any legitimate way, it had to change the basis of it's legitimacy to a performance-based basis and therefore, it had to move towards economic liberalization and getting out of people's lives. And it worked—people are happier.

MR. REMBRANDT: Vietnam is also an excellent model of what you're describing.

DR. STEINBERG: Yeah; sure.

MR. McVADON: Eric McVadon, Institute for Foreign Policy Analysis, again. Susan, I was reminded when Falun Gong came up that I have had a discussion, that contrary to what I said in the last session on human rights with the Chinese race. Before the President Hu Jintao's visit here, I was in China and approached by, seriously, by a party official who identified himself that way and said he was preparing to visit and asked if I would go home and have the Institute for Foreign Policy Analysis do a serious study of the Falun Gong and conclude that it is a terrorist organization.

I say this gentleman was very serious in doing this and, of course, I then said I would be laughed out of the offices of the Institute of Foreign Policy Analysis were I to propose such a thing, and that it didn't matter what one concluded. Americans and the American government would still feel the Chinese government had overreacted and acted excessively. I saw, I think, at that moment a realization that no one had confronted him in that way before, and that actually I may have shaken his confidence in the fact that it was a terrorist organization.

But anyway, I just wanted to share this anecdote to say just how complex these issues get, and the point I made earlier, that there are some very sincere people who have these discussions and arrive at different conclusions, and it's sometimes worth well exploring them at length, whatever that's worth.

MS. O'SULLIVAN: Well, I think a study of the Falun Gong would be really interesting, but perhaps one where the conclusion isn't preordained.

QUESTIONER: (off mic) study where you already know the conclusion is a—

MS. O'SULLIVAN: Right. That's the problem.

QUESTIONER: —I pointed out to you we're not anxious to do such a thing.

MS. O'SULLIVAN: Right.

DR. STEINBERG: But the history of China is full of these rebellions by groups, cult groups, let's say, in one sort or another, historically. And it may be that historically the Chinese government fears that almost unconsciously, because it is so important in the past…(off mic) behind you.

QUESTIONER: Dowie (?)…(off mic) from China at the Atlantic Council. I have a question for Susan or Richard Bush. Recently, Mr. James Mann of the Los Angeles Times raised a very interesting point in a testimony. He said one possibility of China's future is to become an economic superpower, but at the same time, keep the political and human rights aspects in status quo. So I want to know your comment on this view and if, for example, several years later, predictions by Americans from Mr. Mann's school comes to true, what would the U.S. government do? What's your policy instruments at that time? Thank you.

MS. O'SULLIVAN: Why don't you go ahead?

DR. STEINBERG: Go ahead.

DR. BUSH: My answer is as follows. I think that for the medium term, Jim is probably right. And Americans who believe that democracy will come to China soon are operating under an illusion. I don't expect to see a full, genuine democracy in China in my lifetime; and I expect to live for a long time. I do believe that, as China becomes

increasingly complex, it will require institutions that we associate with a more open, pluralistic, and competitive political system.

I hope that at a certain point, the leaders of the Communist Party will come to the conclusion, as Chiang Ching-kuo concluded around 1985 or 1986, that the best way to keep the Chinese Communist Party in power, was to open up the system rather than to keep it closed. I think that was quite a brilliant conclusion. The leaders of South Korea made the same conclusion in 1987 with some strong American encouragement, and again, it was a brilliant conclusion.

I think that, to answer your question, I think that Americans will be—if China continues over the medium term and even into the long term, without making a political transition to a more open political system, Americans will be disappointed. But I think it will increasingly be in China's own interest to make that kind of transition.

MS. O'SULLIVAN: I would just like to second what Richard said. I think that this is a policy that might continue for a while, but I don't think this level of repression of civil and political rights is sustainable over the long term and frankly, it is causing China a lot of problems.

China doesn't have a fully developed civil society, it doesn't have the institutions that can react to the enormous problems that China's facing, such as health issues, environmental degradation. And you don't have a free press, and you don't have an independent judiciary. You simply don't have the tools to deal with some of these global problems, and I think and hope, as Richard does, that China will see that taking steps towards reform is in its own interest. Because, I think, the current course is really not sustainable.

DR. BUSH: Could I just say one other thing?

DR. STEINBERG: Uh-huh.

DR. BUSH: There are some things that China can do in the area of human rights that have nothing to do with a democratic system or political rights. One is ending torture. China could gain great credit in the international system by instituting institutional mechanisms to prevent torture. Every great country has to do that sooner or later. It wasn't too long ago that the United States did it and we, as you know, have fallen back a little bit. But, as I said, China can gain great credit by tackling this problem and it won't undermine the Chinese Communist Party's hold on power.

DR. STEINBERG: You know, Dick, you mentioned a word that hasn't been used this afternoon, as far as I know, and that's pluralism. And that's, I think a critical word, a critical concept, because we're talking about the NGO, civil society.

We're talking about democracy, which requires all of these very, very complex, strong institutions to really work. We're talking about pluralism in the society, whether you're talking about separation of the executive, legislative, and judicial branches. We're talking about NGOs. We're talking about local government. This pluralism becomes a critical element, I think in the formation of human rights and on democracy, and we ought to think about that more instead as a stage in our evolution of policy, to allow us to move toward democracy. We should not expect instant democracy tomorrow. The newspapers say, you know, "In Haiti democracy has returned after an election." Well, we know that is absurd; and yet we continue to think in these sloganistic terms, which I think is very dangerous (off mic)

AMB. HUBBARD: Can I just add a point to that? I know we're supposed to be talking about Northeast Asia. But, you know, I was very much involved in creating the conditions under which Marcos left the scene in the Philippines. And—

DR. STEINBERG: Here, here.

AMB. HUBBARD: Probably the best thing I've ever done. But what made that possible, in fact, was pluralism. In the Philippines, you had pluralism before you'd gotten rid of authoritarianism.

DR. STEINBERG: Right.

AMB. HUBBARD: And it was the existence of various civil society voices. Finally, I think it was a combination of the progressive Philippine business community, the church, and the U.S. for what it's added, that created the conditions under which Marcos left, and under which you could begin to build the, you know, the freedoms that go along with democracy and human rights. We don't yet have a handle on governmental effectiveness in the Philippines. That's going to take another half-century maybe. But I think pluralism is a good prerequisite. And I, in deed, do think trying to create that pluralism and a modicum of economic success in North Korea is at the center of South Korea's engagement policy. They believe that too.

DR. STEINBERG: I would agree. The lady in blue had a question earlier.

QUESTIONER: Yes, I have a comment and a question. The comment is regarding your comment about Confucian society and post-Confucian society...

DR. STEINBERG: Use the microphone.

QUESTIONER: …about Confucian society and post-Confucian society is this motto of "father knows best."

DR. STEINBERG: Uh-huh.

QUESTIONER: But that's not the only Confucian model.

DR. STEINBERG: No.

QUESTIONER: Confucius has a very strong tradition of fighting against tyranny. He compared tyranny to man-eating tigers; worse than man-eating tigers. And he advised the people to flee. Mencius was even stronger. He said that if your ruler treats you like grass and dirt, then regard him as a bandit and…(off mic). So this idea of right…(off mic) as far as I can tell, is only—I could only find it in Chinese culture. That the people have the right to rebel creates figures such as Mao, such as Deng Xiaoping. It's a long line of great rebels. Some of them had…(off mic) society to China. Some of them had worse…(off mic) The Chinese government does have reason to fear if it does not treat its people properly.

Now, the question I have is that for a long time, the human rights situations regarding to China was not a concern of the United States government and earlier panelist. Roberta Cohen has… (off mic) a paper in the 1970s, early '80s, about China being a human rights exception.

Now, even in China we have progress on human rights (off mic) and there's no longer an exception. People do pay attention to China. But there's a new age of thinking about how to approach human rights. There's a policy towards China, but one can reasonably argue that most of the policy we have followed has not been very affective.

The panelists, my esteemed panelists, have argued that since it's in China's own interest to improve its own society, it's…(off mic) the position of wait and see, that we do not spend time on thinking or innovating policy approach. Are there new thinking on human rights approach?

DR. STEINBERG: (off mic)

MS. O'SULLIVAN: I think you raise a really legitimate issue, and frankly, we debate this among ourselves. Is there a better way to achieve our goals? As I tried to lay out in my initial remarks, we have made a lot of the changes and adjustments in how we approach human rights. It continues to be a very key issue. Are there still better ways? Probably.

But I really think that there is no silver bullet out there. We bring in outside experts all of the time to talk to us. Often the recommendations are to do more of the same. I would like to continue a dialogue with you, especially if you have any new ideas. We're following some of the traditional advocacy work, and we're trying to expand on it.

We're putting a big investment into programs, which are reaching people that weren't getting external support before, but, you know, you're right. It's hard. I don't think they are really easy answers and I think the State Department would be very open to your views if

you have some new ideas that you'd like to present to us. I would invite you to come to our bureau.

DR. STEINBERG: Yes?

MR. REMBRANDT: I guess I take a very different perspective. It seems that the human rights community and also the U.S. government have often advocated—and rightfully so—that China allow UNHCR officials up to northern China to hold individual reviews for North Korean border crossers, and to maybe adopt some type of humanitarian space in northeast China. At least don't repatriate the refugees. To me, that is outsourcing U.S. human rights policy to China, knowing full well that China is highly unlikely to engage in those practices, because to do so would be to give the North Korean refugees more rights than many Chinese citizens—second-born children, Chinese economic migrants, et cetera.

We cannot outsource to, or expect too much from, China. I find it a pie in the sky to expect China to do so much, at least in relation to North Korea, when it's unrealistic that they're going to do so. But it's incumbent upon the U.S. and the South Korean foreign policy circles not to expect so much from China.

DR. BUSH: Just a couple of things—I am conscious of the sort of difficulty here, but it strikes me that where progress might be possible is, number one, institution-building is very important, and so I think what Susan said about supporting efforts to develop the rule of law is worth while.

Second, issue areas that arguably are unrelated to how the Chinese Communist Party sees its hold on power should be given priority. If you agree with me that ending torture is not connected with the party maintaining its hold on power, then focusing on torture is probably a good place to work. Focus on areas where China has made international commitments already. It's ratified the torture convention—well, hold it to its commitments. Focusing on where you can work on a multilateral basis or a bilateral basis, that makes sense too.

DR. STEINBERG: You know, earlier Joel Charny talked about the need for continuous engagement dialogue with repressive regimes, and somebody, I don't know whether it was Joel or somebody else this afternoon, said because there are people within those regimes who want change, and the Chinese case was mentioned. This is true around the world. We tend to look at these regimes as monolithic, and often they are not monolithic; there are people within those regimes who do want change, who could be quietly supported in some manner—I don't mean financially supported, but morally supported—so that when there are openings, they might assume some position where they could do something useful. The cut off dialogue, whether we're talking about Burma, Iran, North Korea, or any other group, is a major error of foreign policy if we continue that. Let's take one more question. Gentleman, sir. And then we'll turn to the panel to have the final comments.

QUESTIONER: (off mic) I think we have been talking about two kinds of human rights. North Korea and (off mic) they consider South Korea as a paradise. They don't mean that it's a perfect place to live, but it's a paradise compared to the real (off mic) where they (off mic) kill, torture, and you know, (off mic). So we have a strong need to address North Korea's human rights problem and I was wondering—

I have been hearing that, you know, President Reagan pursued human rights in Russia while continuing negotiations back then. Some of you people said that we cannot do that. We can't say it—do anything while we are in dialogue with North Korea. So was there any proposal or some idea from you that I haven't heard? And maybe you can summarize it? What might be the road to, you know, solving the problem in North Korea?

DR. STEINBERG: Scott, do you want to (off mic)?

MR. REMBRANDT: Is this involving the South Korean governments or?

QUESTIONER: North.

DR. STEINBERG: North Korean.

QUESTIONER: (off mic)

DR. STEINBERG: You'll have to say it a bit louder, please.

QUESTIONER: The question is how do we go about giving freedom to the North Korean people? That is because the human rights problems in North Korea are a real problem. The human rights problems in the United States and elsewhere, I consider them anomalies, not dictated by the ruler, but that happens. Bad things that happened in a good world, basically. I like this country; it's a pretty good country. There are some defects, but North Korea is an evil country and we have to address how to solve that. Do we have any solution or any idea as to how to go about it?

MR. REMBRANDT: There are a great number—

DR. STEINBERG: Good luck.

MR. REMBRANDT: —of solutions, none of which, since I work at KEI, I could probably articulate in public. It's interesting that President Bush on his Asia trip in November, 2005, spoke about democracy, universal freedom, religious freedom, that this is going to be the model of the twenty-first century American foreign policy. As of yesterday, much of that rhetoric has been left aside with the six parties in Beijing signing the latest agreement. And it's my contention that if the U.S. can have any impact on human rights in North Korea, it's not now, in all probability.

We can continue with anti-proliferation efforts, we can continue a middling ground relating to accepting refugees and assisting them to go to South Korea, but until the regime in Pyongyang feels that it's in its interest to improve the human rights of its own people, the United States' effect will be minimal. Just look at China, at South Korea, and at Taiwan at an earlier period. It's in our interest to pursue our anti-proliferation goals first, in my opinion.

AMB. HUBBARD: I'd like to add a little bit to what Scott said and this will segue into my final statement, which is—

DR. STEINBERG: Good.

AMB. HUBBARD: —I think there is no magic formula for addressing human rights every place in the world. You have to look at it on a case-by-case basis. You have to assess, should the emphasis be on taking a stand, standing up for human rights, or should the emphasis be on working to try to build pluralism, build institutions, doing all the practical things that you do to create conditions under which human rights will be applied or improved.

As I say, in the Philippines, we had this very unusual case in which, you know, there was already a basis of pluralism even under the authoritarian regime. I would argue that in South Korea, you know, actually they adopted democracy, and again, respect human rights before they had pluralism and pluralism, you know, was repressed even as that was happening and is only coming to flower now.

I dealt with Burma as David did and I think we've made a huge mistake by shunning Burma, by choosing to take a stand rather than to roll our sleeves up and try to get something done. I think that is a place where there is a sufficient education level, a sufficient history of democracy, a sufficient number of people who would like to see change, who wish to be more active and engaging. I lead a delegation there during the Clinton administration. I think we made a huge mistake not really following up on that.

North Korea is really the toughest nut to crack and I don't think we can begin to genuinely affect human rights conditions in North Korea until we have something that amounts to a regime transformation. I don't mean regime change in saying that. What I mean is that Kim Jong Il or the leader of North Korea is going to have to draw some of the same conclusions that Deng Xiaoping drew about how to modernize economically.

We're going to have to carry this process of our new engagement with the North Koreans, and I think human rights needs to be an element in that. Actually, I think the Europeans have been working on human rights in North Korea, and instilling some of the principles through their exchanges. I don't think that has been useless.

I think South Korea's engagement process is going to create opportunities to open things up in North Korea and create a better prospect for human rights. I think it's going to take a long, long time. It's step by step, but we should not think that somehow we can adopt

the same formula for China that we adopted for Saudi Arabia, Burma, or North Korea. I think that that will not work. We have to understand conditions and work with them to bring about progress.

DR. BUSH: I agree with that, of course. But I also think that if the six party talks do move forward, we should work to structure the economic part of that package in a way that creates incentives for Kim Jong Il to open the North Korean economy to the outside world, rather than give him incentives to keep it closed, because opening the economy is going to set off social and economic changes that will have implications for human freedom, and which cannot be bad for the North Korean people.

DR. STEINBERG: (off mic) Susan?

MS. O'SULLIVAN: I'd like to go back to a point that was raised in the first panel about how countries like China and other countries where we have serious human rights concerns pushing back against international standards.

I think it's important to remember that we shouldn't get overly discouraged. China is newly confident. We're seeing that in our dialogues. But they're also fearful of instability and I think this is making negotiations with them, even just talks with them, more difficult.

But this is not a sign that we should retreat, but rather that we should stay the course, both because, as Roberta Cohen said, it's in our national interest; but also because we need remain committed to the people within this system who are working for change, who have different ideas, and who are making progress.

So I guess in closing I would like to say I think it's important for us to stay the course in China, but also in other countries in Asia where we would have serious concerns about human rights.

DR. STEINBERG: Scott?

MR. REMBRANDT: I guess in conclusion, I regrettably today made essentially an immoral argument. Jay Lefkowitz, to his credit, I think the way he sees many things is sort of a World War II attitude, in that we are morally complicit if we allow certain refugee crisis to exist when we could help out. And that's one side of the argument. And the other side is that in the post-9/11 world, America's national security depends upon anti-proliferation efforts. And I've come out in sort of the latter camp.

I guess one specific thing I would end with is, at least in my opinion, don't expect too much out of China, realistically, to help with the North Korea refugee issue. Two is looking forward. Is the World Food Program going to ramp up the food donations to North Korea? What is the U.S. role going to be, with regard to humanitarian aid in the next half year? And also the UNDP—I think there's going to be a lot of roles that the United States may play in reforming UNDP.

I would recommend accelerating the processing of refugees through Southeast Asia, particularly to South Korea, and that the United States pursue its rhetorical commitment to human rights in North Korea. But for the time being, the United States should focus more on denuclearizing North Korea.

Finally, I agree with all the panelists that, for change to come in North Korea, I think it will require some type of economic liberalization. Look at U.S. relations with Vietnam in the last couple of years—how we tied, essentially, a human rights agreement with joining some of the world's financial institutions. Perhaps down the road, that could happen with North Korea. But it depends upon the U.S. relationship with North Korea and some type of leverage we don't currently have.

QUESTIONER: (off mic)

DR. STEINBERG: It's in the six party (off mic)

QUESTIONER: (off mic)

DR. STEINBERG: Anyway, I can agree with the whole panel. I'd like you to join me in thanking the panel for an interesting discussion.

SPEAKER: On behalf of the Brookings Institution and KEI, I'd like to thank all of you for coming, and David Steinberg for chairing, and all of the panelists, and whether they're still here or in (off mic). Good luck getting home.

[End of Transcript]