

Paul D. Steel, director of Information Systems and Technology, Committee on Rules and Administration for making this effort a success.●

PRESIDENT ROBINSON'S ADDRESS ON HUMAN RIGHTS

● Mr. KENNEDY. Mr. President, yesterday was International Human Rights Day, a day to mark how far the world has come toward respect for human rights, and also a day to reflect on how far we have to go.

In October, President Mary Robinson of Ireland gave an address at Yale Law School in which she discussed the often inadequate response to extreme human rights crises around the world. She spoke of the universal acceptance of the key principles of the international human rights movement and the value of activities by the United Nations and regional organizations which set human rights standards. Having recently returned from Rwanda and Zaire, she poignantly described the gross human rights violations there and the failure of the world to make an adequate response. At the end of her address, she notes that these basic principles of human rights are also at stake in Bosnia.

When President Clinton visited Ireland 10 days ago, he invited President Robinson to the United States for a state visit in June 1996. I look forward to her visit, and I ask that her address at Yale be printed in the RECORD.

The address follows:

THE NEED TO HONOUR DEVELOPING HUMAN RIGHTS COMMITMENTS

SPEECH BY PRESIDENT MARY ROBINSON

It is an enormous pleasure to be here this evening. I recall when I was studying law at a place just outside Boston in the late '60s, this institution was referred to as "that other place in New Haven". The compliment implied in not naming that other place naturally whetted my interest, but this is the first opportunity I have had to visit. I am greatly honoured to be here as the 1995 Sherril lecturer.

The title of my address this evening—the need to honour developing human rights commitments—has been carefully chosen to provide me with an opportunity to comment on the state of our commitment at the end of the century.

I use the term "honour" as opposed to "compliance" or "conformity" because the lives and integrity of human beings are at stake and because it calls on our notions of dignity and moral obligation. The word "commitment" has been chosen because it goes further than both legal or moral obligation—while encompassing both. It also connotes the idea of being "committed" to a great cause at a higher level of obligation, as well as a preparedness to take steps to promote and further that cause, without interrogating the legal necessity or obligation to do so. In the area of human rights one can find no greater elucidation of the meaning of "commitment" than in the Preamble to the Universal Declaration of Human Rights. Lastly, I am conscious that our human rights commitments are dynamic and not static. They are constantly evolving and developing. At the end of this millennium the honouring of developing human rights commitments, to the best of our abilities and re-

sources, is a first order principle of national and international life.

Yet we are all aware that major problems persist. Torture, inhuman prison conditions, unfair trials, and famine have not been eradicated although we take a certain pride in the institutions and procedures that we have set up to deal with them. Ethnic cleansing and the daily spectacle of civilian casualties in Sarajevo remind us that the evils of the past cast a long shadow. In a real sense the World Conference on Women's Rights in Beijing was all about the failure to honour our commitments to women, particularly in the areas of protection against violence and sexual abuse.

We do not have cause for satisfaction. The essential theme of my remarks, having returned a few days ago from Rwanda, is that we should reflect even more on our political commitment to invest our human rights mission with the resources that match the strength of our beliefs, and that our failure to do so—when confronted with situations such as that in Rwanda which cry out for a more committed, more integrated and more resourced response—compromises our achievements, blunts our sensitivities to situations where gross violations are taking place and diminishes our capacity to transmit these values meaningfully to succeeding generations. In other words, acquiescence to a low level of response is an affront to the principle of the universality of human rights.

As you will have gathered, I have chosen this title with great anxiety—the anxiety, firstly, of a lawyer confronted by the contradictions between promise and performance. The anxiety, secondly, of a Head of State returning from a visit to Rwanda and Zaire, who has been exposed in the literal sense of that term, and for the second time, to the terrible humanitarian aftermath of genocide and its accompanying social, political and economic disintegration. A witness also to the continued inability of the international community to rouse itself sufficiently to bring greater hope and promise to that land of despair and tragedy. The anxiety, lastly, of a witness left speechless and fumbling for the correct and appropriate response in the face of our own inadequacies as a community of human beings when faced, eyeball to eyeball, with human disaster on such an overwhelming scale.

The contradiction, witnessed painfully in Rwanda, between, our lofty human rights values on the one hand, and the pressure of reality on the other, provokes a natural and human response. I hear the words "Never again"—the call that became the leitmotif for the development of human rights this century—and am deeply dismayed and angered at the human capacity for self-delusion.

But this despair should not lead us to be distracted from the real advances that have been made, at both the regional and the universal level, in the protection and promotion of human rights and in the central position that the concept of human rights now occupies in the world stage.

In a very short space of time three key ideas which underpin the entire international human rights movement have come to be accepted universally. They are all connected to what can be called the principle of universality.

First, that countries can no longer say that how they treat their inhabitants is solely their own business. The concept of human rights has torn down (though not completely destroyed) the sometimes oppressive veil of domestic jurisdiction. The role of the media in showing us the dramatic pictures of civilians being cut down in Sarajevo, of the famine in Somalia or of the genocide in Rwanda,

has contributed immeasurably to strengthening this development. The global village has highlighted our global responsibilities.

Second, that the effective protection of human rights is indissociably linked to international peace and security. Internal disorder, civil war, heightened regional and international tension can in our recent history, be causally related to violations of human or minority rights. Respect for human rights is thus essential for genuine peace.

Third, that human rights are universal and indivisible. The principle of universality of human rights was asserted by the Universal Declaration of Human Rights. It is the central pillar on which all else rests and has come under increasing attack over the last decade under the guise of "regional particularities". To the great credit of the World Conference on Human Rights, the principle that the protection of human rights is a duty for all states, irrespective of their political, economical or cultural system, was emphatically re-affirmed. Let me quote from Paragraph 3 of the *Vienna Declaration and Programme of Action*, adopted by consensus by the member states of the United Nations:

"All human rights are universal, indivisible and interdependent and inter-related. The international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis."

Side by side with the development of what I have called the principle of universality stand the vital standard-setting activities of the United Nations and regional bodies such as the Council of Europe, the Organisation of American States and the Organisation of African Unity. The catalogue of human rights and freedoms set out *inter alia* in the United Nations Covenants, the European Convention on Human Rights, the American Convention on Human Rights, the African Charter of Human and People's Rights and other major human rights treaties form the central core of a corpus of universal human rights standards encompassing both civil and political as well as social, economic and cultural rights.

There are several remarkable features about standard-setting activities which merit being highlighted in an era where the emphasis—quite properly—is on enforcement and effectiveness.

The first is that the relevant treaty standards not only define the States' international obligations to its inhabitants and to the international community at large but also directly impact on the content and quality of national law. In many countries these standards have the force of law and can be enforced directly through local courts. Indeed, some of the most important principles, for example the prohibition against torture and slavery, have become part of the customary law of nations. International norms have also become an essential *vade-mecum* for NGO's, providing them with a focused set of standards to guide them in their work and judgment. In these different ways, the specificity of international human rights law can exercise a vitally important influence on national arrangements and can lead to an improvement in people's lives. I believe that the role human rights law has played, and continues to play, in shaping the legislative agendas of the new democracies in eastern and central Europe, not to mention the new South Africa, cannot be underestimated. The authoritative interpretation of these standards by the European and American Courts of Human Rights and by other treaty bodies, adds a further important dimension to the effectiveness of this process.

My second observation is central to the theme of developing human rights commitments. Standard-setting, regionally and universally, is a continuous on-going process. The UN Torture Convention and the Convention on the Rights of the Child are examples of the developing nature of the law. But regard must also be had to the numerous and increasingly influential non-treaty standards embodied in instruments such as the Standard Minimum Rules for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under any form of Detention or Imprisonment or the Declaration on the Elimination of Violence against Women.

However it seems clear that it is in responding to the most severe and pressing human rights problems that much progress needs to be made. Can there be any doubt that the credibility of the international community's attachment to the cause of human rights is intimately bound up with its ability to respond effectively to situations where human rights are being grossly violated? The Secretary-General of the United Nations recognized this in his 1992 report on the work of the UN when he observed that while the UN was responding adequately to "normal situations" it had not been able to act effectively in the area of massive human rights violations.

We seem to have created for ourselves the following paradox. The human rights developments that have taken place since the end of the Second World War have led to the creation of international courts of human rights to enforce state obligations, to important standard-setting activities by the UN and regional organisations, to the creation of teams of special rapporteurs to examine disappearances, torture, political executions or situations in particular countries. We have recently created a High Commissioner for Human Rights to be the focal point for human rights action in the UN system. All these positive advancements are in a sense, directly related to the political commitments made following upon gross violations of human rights earlier this century.

Yet the institutions we have created appear to be stricken with inertia and paralysis when confronted with the reoccurrence of the very evils that have led to their foundation. Of course, we cannot stop wars and we may be unable to foresee or forestall outbreaks of violence on a massive scale. And there will always be countries in the world where human rights are trampled underfoot. But doesn't honouring the commitment require us to respond to this unacceptable paradox and to the deep international concern about gross violations? Does it not require us to assume collective responsibility and to develop institutions and processes to anticipate, deter, prevent and terminate gross human rights violations?

It is in our response to these questions that future generations will determine whether our great treaties were merely splendid baubles, worthless pieces of paper or genuine commitments that we sought valiantly to honour.

Central to this concern is the possibility of taking preventive action through the effective operation of early-warning devices. But alarm bells must be listened to. In the case of Rwanda they were loudly rung by the NGO community and by the Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions in his reports prior to the Rwanda genocide in April 1994.

It is difficult to speak of the situation in Rwanda today with restraint and without anger—the more so against a background of what happened there and how the world responded. Could the international community not have done more? Could we not do more

today? Has the United Nations honoured its human rights vocation? Has the international community, behind the persona of the United Nations, honoured its human rights commitments?

I ask these questions because my own sense of justice has been outraged by what I have witnessed there in a manner which defies my powers of articulation and explanation. The facts plead for themselves.

A year ago I visited this small country in the aftermath of the genocide of up to a million people and the breakdown of civil society. The structures of government had been destroyed by the killings and the massive exodus which followed. In the capital, Kigali, I saw appalling evidence of that genocide. In many churches thousands who had fled for sanctuary were slaughtered.

Returning a year later I noted courageous progress by the Rwandan Government in rebuilding their society, and appreciated the access they gave me to the places I felt I must see. On this visit I travelled to Nyarubuye, near the Tanzanian border, where a hilltop church and school complex have become a national place of commemoration. The bodies of several thousand men are in mass graves outside, where they had tried to defend the women, the children, the old people. Inside I was shown the heaped, rotted bodies and decayed clothes of those women and children in room after room of dark school buildings.

In witnessing these conditions my mind has been drawn back inexorably to the Irish famine of the last century. I recalled the images given voice by the Irish poet and Nobel Laureate, Seamus Heaney, in his poem "For the Commander of the Eliza". A routine boat patrol off the coast of West Mayo tacks and hails a row boat crew in Gaelic:

"... O my sweet Christ,
we saw piled in the bottom of their craft
six grown men with gaping mouths and eyes
bursting the sockets like spring onions in
drills
six wrecks of bone and pallid, tautened
skin."

On my first visit a year ago the prison population was under 9,000. Now it is over 53,000, in conditions which have been described by NGO's as a humanitarian nightmare. I visited one of the prisons, in the southern city of Butare. It was built for 1,500 inmates, but was home to 6,276 men, 216 women, and 102 youths. Nearly all—except the 56 infants imprisoned with their mothers—are awaiting trial on charges of complicity in last year's genocide. Flying in by helicopter we saw prisoners perched on the tin roofs surrounding a central courtyard. They live there day and night. The courtyard is full. Every building is jammed with inmates, so that there is no room to lie down. Walking through the prison with the Director and a Red Cross official there was no sign of serious malnourishment or dehydration, but the overcrowding is so severe—in some prisons four per square meter—that some suffer from oedema and gangrene. Although there are no exact figures, it has been estimated that there are three hundred deaths every week. In Rwanda, there is a sense among some that only death can bring release from captivity. No trials, national or international, have yet taken place. A Commission set up to screen detainees has led to an insignificant number of releases. The International Committee of the Red Cross—to whom I pay warm tribute—are simply overwhelmed. Its field workers provide food, water, and some health care to these 53,000 detainees held in numerous detention centres.

The human rights situation in Rwanda today is a complex and inter-related one. The principal human rights problems are: arbitrary arrest on the basis of accusation, ar-

bitrary detention with no court process, inhumane conditions of detention, and impunity for past human rights violations. Other violations occur on a lesser scale; they include torture and arbitrary killings.

There have been two particular human rights initiatives in response to the scale of this problem: an International Tribunal to try the main perpetrators of the genocide and a human rights field operation under the High Commissioner for Human Rights. The inadequacies of both initiatives show all too clearly our failure to understand the fundamental necessity to integrate a resourced human rights response with the peace-keeping role and the humanitarian relief.

Following my visit last year I urged upon all Heads of State the importance of establishing the International Tribunal without delay and beginning the healing process through prosecutions of the ringleaders. It was approved by Security Council resolution last November but one year later there has not been a single indictment, although it is hoped to have the first prosecutions before the end of this year or early next year. When I met the Deputy Prosecutor in Kigali last week he confirmed that the problem was lack of resources.

The Human Rights Field Operation in Rwanda was entrusted by the UN system and by the Government of Rwanda with the following integrated mandate: (a) to carry out investigations into violations of human rights and humanitarian law; (b) to monitor the ongoing human rights situation and through its presence, prevent future violations; (c) to co-operate with other international agencies in re-establishing confidence, and thus, to facilitate the return of refugees and displaced persons and the rebuilding of civic society; and (d) to implement programmes of technical co-operation in the field of human rights, particularly in the area of administration of justice as well as of human rights education.

This is a uniquely proactive mandate. But speaking to field officers on the ground I learned of their great frustration in seeking to implement it. Lack of financial resources means that there has been inadequacy in the logistics, in the planning, in the administrative and operational professionalism. Those who know about human rights, who have creative ideas about addressing them, are without a budget for such projects. I am told that what UNAMIR spends in a week, or what is spent in the refugee camps in a week, is more than the human rights budget for a year. The development of a human rights culture is a complex undertaking, especially in post human rights disaster situations. The UN took an important step by creating the human rights field operation. But it needs to go further to build up a corps of professional and creative agents of social change, properly deployed and supported, who have access to the funds and flexibility needed to address effectively human rights problems.

In the context of Rwanda I can see more clearly now how broad based and varied the needs are: whether it is resources to develop an infrastructure for the supreme court judges who have been appointed there within the last few days, or the provision of human rights materials and training for local soldiers and police, or the production of public information campaigns relative to human rights in co-operation with local human rights N.G.O.'s and womens groups, there is above all the challenge to react in a timely and effective fashion to support movement in the direction of compliance with human rights.

I am convinced we have the legal standards, the expertise, the necessary experience and the resources to draw upon in order to honour our commitments. The peace-building operations in Namibia, El Salvador,

Cambodia and Haiti and the deployment of trained human rights monitors there have shown this to be the case. Can we justify the lack of commitment to play an active and properly resourced role in helping to reconstruct and redevelop Rwanda?

Tragically the same questions arise when we consider the fate of up to two million refugees, many of whom had participated in acts of genocide, living outside Rwanda's borders in camps in Zaire and Tanzania, of whom more than 50,000 died last year of cholera, dysentery and dehydration. Their continued presence in these countries has transformed the Rwandan problem into a regional crisis which could deteriorate, with unthinkable consequences, at any moment. Yet, apart from bouts of forced repatriation in August 1995, voluntary repatriation has been limited and vulnerable to events in Rwanda. Refugees are afraid to return, many of them fear being accused of having participated in genocide by those who have recently occupied their properties. The apprehension of reprisal killings, the massacre in Kibeho in which thousands of internally displaced persons were killed, the mass arrests, inhuman prison conditions, the lack of an effective judicial system and the control exercised by camp leaders through intimidation and hate propaganda—are all factors which have effectively impeded the process of voluntary repatriation.

An added and poisonous complication is that mixed in which the civilian refugee population are some 20,000 Hutu soldiers and 50,000 militia who are believed to have regrouped and rebuilt their military infrastructure. They have been accused by NGO's of diverting humanitarian aid and effectively holding the refugees hostage. Calls have been made, in an effort to break in logjam, to remove weapons from the camps and to isolate those responsible for incitement to violence and hatred.

The refugee situation is intimately bound up with developments inside Rwanda. The policy of voluntary repatriation can only be implemented when conditions inside Rwanda have sufficiently improved. In a climate where detention, on the basis of finger-pointing only, is perceived as the equivalent of a death sentence, deadlock is inevitable. We should understand therefore that assistance given in helping Rwanda to rebuild its institutions and restore justice and the rule of law is a humanitarian investment which will contribute to break the refugee deadlock, rescue the children from the shadow of the machette and the horrors of genocide. In doing so, to lessen regional tensions and lay the basis for the future.

Should we not listen carefully to those members of the NGO community on the ground who have been telling us, patiently but persistently for many months now, that if more assistance is not given by the international community to managing the refugee crisis by taking appropriate measures, both within and beyond Rwanda's frontiers, a further human disaster will ensue?

I have mentioned earlier that the Vienna Declaration has re-affirmed the vital principle of universality. At the World Conference we had an extraordinary opportunity to evaluate the legal and political structures underpinning our human rights commitments. Rwanda has put to the test our capacity to honour those commitments with the structures and processes we have developed. I fear that we are floundering. Universality has been described as an unblinkered view with no dead angles. But in failing to honour our commitments are we not damaging the very principle of universality? Are we not permitting ourselves a dead angle? And if we so permit, what is the value and worth the principle afterwards? And how will we be

judged by succeeding generations if we stand idly by?

In his address on the occasion of the opening of the new Human Rights Building in Strasbourg, Václav Havel referred to the war that was raging in Bosnia. He made the point—uncomfortably on such a festive occasion—that while we were all watching helplessly, waiting to see who would win, we had completely forgotten that what was happening just a few hundred miles away from the peaceful plains of Alsace was not just a war between the Serbs and others. It was a war for our own future—it was a war that was being waged against us all, against human rights and against the coexistence of people of different nationalities or religious beliefs. It was a war against meaningful human coexistence based on the universality of human rights. As he put it, it was an attack of the darkest past on a decent future, an attack of evil on the moral order.

As usual his perception is unerring. What happened in Bosnia was a conscious assault on the universal human rights ideal. Rwanda is the same type of assault because the genocide was targeted at destroying the agreed political accommodation of the Arusha Accord. We must not think of it as just another tribal war. We cannot distance ourselves from what is happening in the prisons in Rwanda or in the refugee camps. We have stood by and witnessed a genocide of a million people followed by the fastest refugee exodus in recent history. What is happening today in Rwanda is our problem because it interrogates and tests the mettle of our strongest-held convictions. Our capacity to react to this human tragedy is a significant challenge to our commitments to human rights at the end of the century. It is not too late to honour them. ●

SECRETARY JESSE BROWN

● Mr. ROBB. Mr. President, I rise today to express my admiration and respect for Secretary Jesse Brown and my appreciation for his achievements on behalf of our Nation's veterans.

In choosing Jesse Brown as Secretary of Veterans Affairs, President Clinton couldn't have made a better choice from the standpoint of America's veterans. A combat-wounded Marine veteran of Vietnam, a former executive director of the Disabled American Veterans, Jesse Brown is a strong and aggressive advocate for the men and women who have served our country.

During his tenure in the Cabinet, Jesse Brown has compiled a truly outstanding record of success. To cite just a few accomplishments, Jesse Brown has:

- Expanded the list of Vietnam veterans' diseases for which service-connected compensation is paid based on exposure to agent orange;

- Expanded and improved health care services for combat veterans suffering from post-traumatic stress disorder;

- Created a presumption of service-connection for ex-prisoners of war who contracted wet beri-beri and later suffered ischemic heart disease;

- Established a host of new clinics offering veterans more convenient access to VA health care;

- Expanded and improved services for women veterans, which include mammography quality controls and coun-

seling and medical programs for women veterans suffering the after-effects of service-related sexual trauma;

Successfully fought for a law allowing the VA to pay compensation benefits to chronically disabled Persian Gulf veterans with undiagnosed illnesses;

Established environmental research centers focused on the environmental exposures of Persian Gulf veterans and launched extensive epidemiological and other research efforts aimed at identifying the causes of illnesses from which these veterans and their families are suffering;

Made programs for homeless veterans a high priority—more than doubling the budget for specialized programs for homeless veterans, conducting the first National Summit on Homelessness Among Veterans, and carrying out a new program of grants to assist public and non-profit groups to develop new programs assisting homeless veterans;

Established a presumption of service-connection for veterans who experienced full-body exposure to mustard gas or Lewisite as part of our military's testing of these substances;

Conducted an outreach campaign through which 602,000 veterans' home loans were refinanced at lower interest rates, saving these veterans an average of \$1,500 per year; and

Wrote to 44,000 Persian Gulf veterans and 47,000 Vietnam veterans notifying them of their potential entitlement to benefits and encouraging them to file claims.

In addition to these efforts, Mr. President, Secretary Brown is working to improve the VA's benefits and health care systems, restructuring both its headquarters and field operations to enhance efficiency.

There's no question Jesse Brown is an untiring and outspoken advocate—both within the administration and on Capitol Hill—for adequate funding for VA medical programs and benefits processing. But as one who strongly supports a balanced budget, Mr. President, I admire those who make us think hard about prioritizing scarce Federal dollars, who help us understand the consequences of the policy decisions we make, and who force us to defend our actions.

Recently, Secretary Brown has been harshly criticized for speaking out on behalf of adequate budgets for the Veterans Administration. But characterizing his support as partisan—as some have done—ignores Jesse Brown's nearly 3 decades of steadfast commitment to our Nation's veterans and their families and his strong personal beliefs in our country's responsibilities to them. It also fails to recognize his own personal experiences as a combat veteran in Vietnam.

Jesse Brown reminds us all that, even in these tight budget times, our Nation has an obligation to its warriors and their survivors that we simply cannot ignore.

And that is why, Mr. President, that I am proud to call Jesse Brown my