

EXCURSUS II

Elizabeth Petersen Spiro on Linking Human Rights and International Aid

On one hot issue at least the administration is speaking to Congress with a very soft voice. The issue is human rights and American support for international financial institutions (IFIs). But it will take more than a soft voice to mollify Congressman Clarence Long (D-Md.). Long attacks the IFIs for a wide variety of derelictions. That the IFIs lend money—a lot of money—to human rights violators is one of the larger derelictions. Congressman Long thinks the best way to set the IFIs on a path of virtue is to cut the size of American support. Some human rights activists and conservative opponents of foreign aid find themselves in curious alliance. They want to specify in detail the human rights conditions that should limit U.S. foreign aid. The administration protests that this approach “ties our hands.” A “flexible policy,” says the administration, will be more effective in promoting human rights.

There is, however, one “inflexible” tactic that has not been discussed. It could introduce human rights considerations into the decisions of the lending institutions in a noncrippling way. The U.S. could take the lead in proposing a *short* list of human rights violations that would be an absolute bar to loan consideration in the IFIs. The current congressional definition of gross violations of human rights is *not* a short list. It includes “torture, or cruel, inhuman or degrading treatment or punishment, prolonged detention without charges, or other flagrant denials of the right to life, liberty and the security of person.” There are those, like conservative Congressman Bill Young (R-Fla.), who want an even longer list. It is suggested, for example, that adherence to the Universal Declaration of Human Rights be a condition for receiving loans from the IFIs. Such an approach is both impractical and unfair. There is a difference between an international ideal—not fully realized by any nation—and a list of acts that by world consensus fall below a line of international decency. Once specified, these acts could trigger the withdrawal of international support.

A short list of gross violations should cover actions that cannot be excused by appeal to necessity. The list would not have to consist of only the very worst violations. If, for instance, there was a particularly strong international consensus on a “second-level” violation, that too might be included. In fact such a strong consensus would, in any event, be reflected in the direction governments give to the policies of the IFIs. Apartheid would be an example of such a “second-level” violation. As first-level violations the short list should include genocide, the administrative use of torture, and some formulation on assassinations carried out or instigated by gov-

ernment officials. When I say these violations cannot be excused, I mean that no government can claim there is a “trade off” between these violations and the purposes for which IFIs were founded. A “short list” therefore meets the objections of those who oppose introducing human rights into loan-granting deliberations on the grounds that it assigns priority to civil and political rights over economic rights. Short-list violations are outside of this equation, even if one accepts the validity of the equation. The human rights involved in the short list are in no way in tension with economic or development priorities. These few violations would trigger withdrawal of international support and act as a barrier to loan consideration.

A short-list approach has several advantages:

- Merely announcing this as a policy goal will spur international efforts to deal with the exceptional circumstances that partially explain the existence of gross violations of human rights—circumstances such as revolutions, irrational leaders, and terrorism.

- A short-list approach gives hope of short-term success. With exceptions, this list does not ask governments to give up what they cannot give up and still stay in power. Of the top five loan-receiving countries at the International Development Association and the World Bank, four—Indonesia, Korea, Argentina, and Brazil—have faced substantial and substantiated accusations of the administrative use of torture. It is arguable that all four would decide to forego the “benefits” of such a practice if they are faced with both international opprobrium and credit difficulties.

- A short-list approach has the advantage of dealing with the accusation that the United States, with its lists of proscribed countries and protectionist directives, is bringing “political” considerations into the practices of the IFIs. Genocide, apartheid, murder, and torture can be defined as not political. If they are not political considerations (such considerations are prohibited by the World Bank Charter), then no charter revision would be necessary before openly incorporating their consideration in loan decisions.

It might be argued that genocide, murder, and torture are “political considerations.” But, even so, that is no reason to exclude them from the *official* processes of the IFIs. The article in the World Bank Charter stating that “only economic considerations should be relevant to...decisions” has been stretched many times before—whenever it suits World Bank members to do so. The World Bank now officially concerns itself with the sociological and anthropological aspects of project work. Expressly “political” factors are weighed in current strategic thinking on rural development. The World Bank is urging land-tenure reform in many countries, and that is clearly a political-economic prescription. When World Bank President McNamara speaks of barriers to an equitable income distribution built by

"privileged élites," the World Bank is into "political considerations" up to its neck.

The question is the degree to which governments committing "first-level violations" of the human rights of its citizens are entitled to the political and economic support that trade and multilateral aid give them. We need a concrete manifestation of an expanded international consensus on what these violations are. The Carter administration should not reject out of hand the congressional search for concrete, immutable, and simple human rights guidelines. After all, it was an administration official, Patricia Darian, Assistant Secretary of State for Human Rights and Humanitarian Affairs, who first said: "There ought to be some things we can nail down."

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EXCURSUS III

Norman Thorpe on **Another Korean Defects**

The "defection" last November of a former South Korean diplomat to the ranks of Koreans calling for President Park Chung Hee's resignation marked what has become a growing problem for the Seoul government. An increasing number of South Koreans abroad are publicly denouncing the South Korean leadership on a variety of charges, most related to authoritarian rule and the activities of the Korean Central Intelligence Agency (KCIA).

While the movement seems to represent little actual threat to the stability of the Park government, it does further detract from President Park's reputation abroad and adds weight to the notion that his rule is growing less popular. To add to the problem, many of those who have spoken out have disclosed new information about the less savory activities of the Korean Government and its representatives. And each new dissenter seems to make it easier for others to follow.

To be sure, some of the critics are simply vengeful opportunists using the dissident's platform to settle some score or other with the South Korean leadership. The most prominent example is former KCIA chief Kim Hyung-wook, who testified before U.S. congressional committees about Park's excesses. The activities attributed to the KCIA under Kim's leadership challenge anything the organ has been accused of since. They, along with Kim's growing independence and power, finally forced the president to remove him. When it became clear to Kim that he no longer had a future with the president, he quietly fled to the United States, where

he is now one of President Park's most damaging critics. His recent accusations must make Park wish he had found another job for him.

Others who have turned against President Park have less colorful pasts. Many worked loyally for the Park government and then quietly left when they could no longer meet its demands. Apparently few knew the complete extent of Korean activities abroad, and the disclosures of Koreagate have embarrassed and outraged them. The example and encouragement of friends who have already spoken out have led them to do likewise. This seems to be how Dr. Choi Duk-shin, who left Korea two years ago, came recently to announce his opposition to Park. Although there are a number of former ambassadors and generals abroad who have come out against the president, Choi, as Park's onetime foreign minister, is the highest ranking official besides KCIA chief Kim to have done so.

Choi, who is sixty-three, was raised in China during the Japanese occupation of Korea. Like his father, he joined the Korean independence movement and fought the Japanese as an officer in the Chinese Nationalist Army. He was a senior officer in the Korean War and in 1956 retired a lieutenant general. During the next eleven years he was posted as ambassador to South Vietnam, Thailand, and West Germany, and served a term as foreign minister. Thereafter he spent several years as head of Chondo-kyo, or Church of the Heavenly Way, a popular native Korean religion with nearly a million adherents.

In 1975 a factional dispute forced Choi to resign from the position. Although his detractors accused him of embezzlement, he was never convicted of anything in court. Choi says the dispute was orchestrated by the government to split church leadership and force his removal when he became less than wholehearted in his support of Park's continued rule. A few months later he used the occasion of a religious seminar abroad as an opportunity to leave Korea. He fled to the U.S., where he has lived quietly for nearly two years.

At a press conference in Tokyo late last year Choi said that when he left Korea he had regarded his public life finished. Since then, however, he has come to feel it necessary to assume a public role again to support the movement for restoration of democracy in Korea. He said there were several reasons why he believed President Park should step down. First, he said he believed that the president had himself ordered the activities of Korean businessman Tongsun Park, and that the president is therefore "personally responsible for the fact that Korea's formerly warm and friendly relations with the U.S., its most important ally, are now on the verge of total collapse." He maintained that close bilateral relations and, more important, Koreans' "moral pride," could be restored only through a complete disclosure about "this shameful operation."

The former general also accused the Korean