HUMAN RIGHTS AND DEMOCRACY ASSISTANCE: INCREASING THE EFFECTIVENESS OF U.S. FOREIGN AID

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HUMAN RIGHTS AND DEMOCRACY ASSISTANCE: INCREASING THE EFFECTIVENESS OF U.S. FOREIGN AID

THURSDAY, JUNE 10, 2010

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 9:30 a.m., in room 2172, Rayburn House Office Building, Hon. Howard L. Berman (chairman of the committee) presiding.

Chairman BERMAN. The hearing will come to order.

In a moment, I will recognize myself and the ranking member for up to 7 minutes each to make opening statements. I will then recognize the chair and ranking member of the Subcommittee on International Organizations, Human Rights and Oversight for up to 3 minutes for any opening remarks they would like to make. All other members will then have the opportunity to make 1-minute opening statements if they wish to do so; and, without objection, members may also place written statements in the record.

Before we begin the statements, I very enthusiastically want to extend a very warm welcome to Ted Deutch, who was appointed to the committee as a permanent member last month. That is why we have all those seats below him and on either side of him. Ted was elected to represent Florida's 19th District, the seat held by our former colleague, Bob Wexler, in a special election on April 13.

As a member of the Florida State Senate, he wrote and passed legislation that made Florida the first State in the Nation to require that public pension funds divest from the companies that do business with Iran; and hopefully in legislation we will pass soon we will ensure that those kinds of State laws will stand up to potential judicial challenges.

Without objection, Mr. Deutch will be assigned to the Subcommittee on the Middle East and South Asia, the Subcommittee on Europe, and the Subcommittee on International Organizations, Human Rights and Oversight.

We are really very pleased to welcome you to the committee. We hope you enjoy it as much as we do some of the time, and we look forward to working with you. Good to have you.

Now, on to the hearing.

This is the latest in a series of hearings on foreign assistance reform, one of the committee's highest priorities. In past hearings and in other fora, we have examined the proper role of the military in carrying out humanitarian and security assistance, the efficacy

and structure of our development programs; and, of course, resource levels appropriate to meet our national security, diplomatic, and moral commitments around the globe.

Today, we will focus on our Government's efforts to promote human rights and democracy abroad—a foreign policy imperative that enjoys strong bipartisan approach—and what we can do to make those programs more effective and efficient.

A core American principle is that all people should enjoy freedom of speech, expression and religion, and freedom from tyranny, oppression, torture, and discrimination.

U.S. foreign policy should reflect and promote those core values, not only because it implicates fundamental human freedoms, but also because it serves U.S. national interests.

Violent extremism that threatens U.S. national security flourishes where democratic governance is weak, justice is uncertain, and legal avenues for change are in short supply.

Efforts to reduce poverty and promote broad-based economic growth are more effective and sustainable in a political environment in which fundamental freedoms and the rule of law are respected, government institutions are broadly representative, and corruption is held to a minimum.

Regrettably, our human rights and democracy assistance programs continue to face obstacles that impede their effectiveness. With the fragmentation of resources and capabilities, gaps in the delivery of certain types of assistance and lack of flexibility—be it through Presidential initiatives or congressional funding directives—taxpayers simply aren't getting an adequate return on their investment.

While those deficiencies are not unique to human rights and democracy, these programs are particularly sensitive and deserve special attention. We have seen how ham-handed attempts to insert the United States in the political processes of other countries runs the risk of failing to achieve meaningful reform, and even endangering those who would dare to speak out against the policies of their own governments.

To address these problems, we recently released a discussion paper on human rights and democracy assistance—which is available on our committee Web site—that proposes a number of common-sense solutions to those problems. These proposed reforms—such as requiring action plans to broaden civic participation and prevent human rights abuses, enhancing the democracy and governance functions at USAID, modernizing and codifying existing human rights statutes, and improving training for democracy and human rights officers—will allow us to more effectively assist human rights defenders, promote participatory forms of government, and strengthen the rule of law.

Some may argue that these proposed reforms go too far, while others may say they don't go far enough. Even on those points where there is agreement on principle, there are likely to be many challenges in operationalizing these ideas. We have tried to find the right balance among a variety of competing objectives—such as increasing flexibility while maintaining consistency, or assisting reformers without compromising their independence.

The purpose of the paper was to generate a robust discussion on these important issues, and we welcome any comments from the witnesses and—at the appropriate time—other stakeholders and members of the public. We will be scheduling meetings and roundtables in the near future for that purpose.

It is worth noting that our democracy assistance does not aim to impose a particular form of government on anyone: These funds help local partners build representative and accountable institutions in their own countries. They take the lead, while we provide the training and resources that will enable them to be more successful. Our programs include activities often carried out by nongovernmental organizations—such as training judges and journalists, monitoring elections, and encouraging the development of political parties and civil society organizations.

On the human rights front, we have a twofold task: Providing support for defenders of internationally-recognized human rights, and ensuring that our aid stays out of the hands of violators.

Finally, I would like to note that additional funding is not the only key to advancing human rights and democracy abroad. Yes, increased resources such as those proposed by President Obama, will certainly enhance our ability to protect human rights and promote democratic governance. But equally important are our efforts to reform the current system of providing such funding. In order to be responsible stewards of the taxpayers' dollars, we owe it to the American people to make the system we have function in a more effective, transparent, and responsive manner.

We are fortunate today to have a distinguished panel of witnesses with us, and we are interested in hearing your views on how we can more effectively assist those who champion the ideals upon which our Nation was founded.

And now I would like to turn to the ranking member, Ileana Ros-Lehtinen of Florida, for her opening remarks.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman, as always. It is wonderful to see a packed house and to have all these young people present today.

I also welcome our fellow Floridian, Congressman Deutch, to our committee. He will be a valuable member.

Foreign assistance programs as we utilize them today are a relatively new concept. Most of our assistance programs today did not exist before the Second World War 60 years ago. Some of our programs, such as those for the promotion of democracy and the protection of human rights, are, in fact, even more recent additions to our assistance efforts.

The relatively new and evolving nature of our democracy promotion programs argues strongly for ensuring that we have objective means of assessing their performance over the long term.

Today, with an annual budget for democracy promotion that is estimated to reach almost $3 billion annually, we must review the challenges that have arisen in the course of their implementation over the past three or four decades and how best to address those in order to increase their efficiency and ensure that they advance U.S. interests and our priorities.

Some of the issues we must look at in order to improve our democracy assistance includes: The need for better coordination of

programs that are administered by a range of U.S. Government agencies and nongovernmental organizations; the need for objective, quantifiable means of measuring the effectiveness of democracy assistance programs; and differing points of views on how to best implement such programs, whether by targeting political entities, individuals, and events, by embedding them in other development programs, or by a combination of approaches.

And, finally, what is the proper role of democracy assistance in relation to our diplomacy in support of human rights and the expansion of democratic governance?

With regard to that last and very important point, I am concerned that the United States is shying away from strong diplomacy in this vital area by failing to condemn and hold accountable, or, even worse, by actually engaging directly with repressive regimes.

While the recently released national security strategy includes two pages on the promotion of democracy and human rights, what matters is what is done, not just what is written. If our foreign aid for any objective, including development, is to be effective, we must have open and responsive governments and institutions so that we can track the use of our funds and ensure that they are not diverted into private bank accounts.

Second, a lack of diplomatic focus on human rights and democracy will only embolden dictators and corrupt rulers to consolidate their power. We need to ramp up our diplomacy in support of democracy, while also targeting our assistance for this key challenge. For example, while aggregate funding numbers may have increased, I have concerns about whether certain time-tested organizations, such as the National Endowment for Democracy, are maintaining their proper place in our budget priorities. The administration's request for NED for Fiscal Year 2011 is nearly a 9 percent cut from Fiscal Year 2009 levels and an 11 percent cut for the estimated Fiscal Year 2010 levels.

Assistance for Iranian civil society and the democratic opposition in Iran has to be considered a priority. As the Iranian regime has intensified its crackdown on the Iranian people, the United States has actually reduced our support for democracy and human rights in Iran. While the budget for Fiscal Year 2009 requested $65 million for the State Department Iran Democracy Fund, the fund has now been scrapped. Its replacement, the Near East Regional Democracy Fund, has an unclear mission and has received significantly less funding. These programming shifts and funding cuts have had a real and negative consequence.

Funding must be moved from organizations whose commitment to the principles of democracy is questionable, such as the farce that is called the Organization of American States. We should shift those funds to organizations that are consistent in their efforts on behalf of democracy.

The United States provides 60 percent of the entire budget for the OAS, while that organization pursues an agenda of appeasement toward repressive governments in our hemisphere.

The OAS position on Cuba? In spite of hundreds of political prisoners languishing in jail, having committed no crime but speaking on behalf of democracy, in spite of there being only one political

party allowed to operate in Cuba, the Communist Party, in spite of no labor unions allowed to operate, and no human rights respected, what did the OAS do? It recently passed a resolution lifting the 1962 suspension of Cuba from the OAS.

Following attacks on a prominent synagogue in Venezuela, which highlighted the growing anti-Semitic campaign facilitated and tolerated by the Chavez regime, the then-U.S. Ambassador to the OAS rightfully called for a condemnation. What did the OAS do? Nothing. And the Secretary General expressed confidence in the Chavez system and its investigation of the incident. What a waste of taxpayer dollars.

Again, our diplomacy on behalf of those who are oppressed and our commitment to democratic governance and the consolidation of democratic institutions must be strong and it must be vigorous. I thank our panel of witnesses this morning, and I look forward to hearing their testimony on this important issue.

Thank you as always, Mr. Chairman.

Chairman BERMAN. I thank the ranking member for her statement.

I am pleased to yield 3 minutes to the chairman of the International Organizations, Human Rights and Oversight Subcommittee, Mr. Carnahan of Missouri.

Mr. CARNAHAN. Thank you, Mr. Chairman.

I want to start by adding my welcome to Ted Deutch, not only for being on the full committee but the Middle East Subcommittee and the Subcommittee on International Organizations. We really look forward to working with you, and you will be a great voice in what we do here.

Chairman Berman, Ranking Member Ros-Lehtinen, thank you for holding this hearing regarding human rights and democracy assistance. As chairman of the Subcommittee on International Organizations, Human Rights and Oversight, I am pleased we are examining this critical component of foreign assistance.

I want to look back to 1948. Our famous Missourian, Harry Truman, during his administration helped draft the Universal Declaration of Human Rights which states,

> "Whereas the people of the United Nations have reaffirmed their faith in fundamental human rights and the dignity and worth of the human person and in the equal rights of men and women, have determined to promote social progress and better standards of life and larger freedom."

Much has changed since 1948 when the Universal Declaration of Human Rights was signed. We have also witnessed great changes since 1961 when our Foreign Assistance Act was adopted by the Congress. Whether it is YouTube in Venezuela, twitter in Iran or Google in China, we have seen traditional democracy and human rights assistance struggle to keep pace with the times. Foreign assistance needs to be modernized to meet current challenges. We need to ensure transparency, accountability of our funds; and, at the same time, there needs to be much greater efficiency and flexibility.

We need to make better use of the broad range of all the tools in our smart power arsenal and look at some basic commonsense

measures. We should raise the profile of the Office of Democracy and Governance within USAID. We should streamline the reporting requirements, reduce the reporting burden on our missions abroad, and focus on better leveraging those reports to promote fundamental democratic changes within countries.

Finally, we need to have a serious examination of the deficiencies in contract oversight. Way too much taxpayer money is being lost to waste, fraud, and abuse, particularly in Iraq and Afghanistan.

The reputation of the U.S. as a beacon of freedom and human rights has also suffered in recent years. Under the current administration, we have seen efforts to protect basic freedoms at home and restore our image overseas. This approach has yielded significant benefits to our economic and our security interests.

I thank our leadership for having this hearing again today. I look forward to hearing from our distinguished panel on this critical and timely issue. I yield back.

Chairman BERMAN. The time of the gentleman has expired.

My colleague from California, the ranking member of the Subcommittee on International Organizations, Human Rights and Oversight, Mr. Rohrabacher, 3 minutes.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman.

Today, in another part of town, they are marking—there is a commemoration of the third anniversary of the Victims of Communism Memorial, and I felt that it was more important for me to be here continuing that fight rather than just memorializing that fight.

I remember Tom Lantos played such an important part in making sure that the Victims of Communism Memorial was actually built. I was his partner in that endeavor, and it was a struggle simply to get it someplace in Washington, and it is over in a corner now. Some people who have authority just didn't like the idea of commemorating all those millions of people that were victims of communism. They called it being belligerent and warlike to make that memorial.

Let me just note that standing up for freedom is not belligerence. It is honorable, and it is a part of our national heritage.

Today, usually when we do not stand up for freedom and we do not meet that traditional element of America's heritage, we lose.

Today marks the first anniversary of the uprising in Iran after the phony elections that the Mullahs had that kept them in power. We all remember that 1 year ago today, the body of Neda, a young journalist, lay there in the streets for the world to see. What we didn't see, of course, were the other bodies that were in the streets that were destroyed and murdered by the Mullah regime and the others that have been murdered by that regime over the years.

What is happening in Iran is a failure of the United States long ago to make human rights a priority and for us to assist in any way that we could those people who would fight for democracy and human rights in Iran.

This leads me to my main point, which is policy. American policy is much more important than funding. It is America's standing up for its principles, not just how much money we are dishing out that makes a difference. Ronald Reagan's very aggressive assertion that

the Soviet Union was an evil empire was far more important than even the increases in military spending during his administration.

In fact, I was very proud to be part of Reagan's administration, one of his principal speech writers, and I know that his speech at the British Parliament in which he established the National Endowment for Democracy was a huge turning point, I believe, in the struggle for freedom throughout the world.

These are things that I think we must——

I overstayed already? Well, thank you, Mr. Chairman.

We have a challenge in China as well as radical Islam, and we must stand up for human rights. That is how we succeed.

Thank you, Mr. Chairman.

Chairman BERMAN. The time of the gentleman has expired.

Does any member of the committee seek to make an opening statement?

The gentleman from Texas, Mr. Green, is recognized for 1 minute.

Mr. GREEN. Thank you, Mr. Chairman, for holding the hearing today. I would like to welcome the witnesses.

Promoting human rights and democracy around the world is an important, worthwhile and strategic goal of American foreign policy. The United States must remain a global leader in this area. And I have long believed that the best way for us to show its leadership is through soft assistance to other countries. This is accomplished through foreign assistance programs involving a team of different organizations, each playing different roles. We are here today as part of that team, and the role we play is to find ways that reform and strengthen the structure of these programs so they can be more flexible, accountable, and efficient.

Promoting human rights and democracy is a bipartisan foreign policy objective, and finding ways to make our foreign aid programs more effective should be likewise a bipartisan effort. It is important to remember that providing soft assistance to countries helps us promote American values and interests around the world and avoid the need for possible complicated and expensive interventions.

Mr. Chairman, having been to both Afghan and watched what our foreign assistance is trying to do with our military in alternative crops and watching it also in Latin America, I think we have realized it is so much cheaper to provide foreign assistance than it is to activate the 101st Airborne or 82nd Airborne.

So, with that, thank you, Mr. Chairman.

Chairman BERMAN. The time of the gentleman has expired.

Mr. Smith from New Jersey is recognized for 1 minute.

Mr. SMITH. Thank you, Mr. Chairman.

Mr. Chairman, I want to welcome our very distinguished panel of human rights activists and leaders. Thank you, along with Ranking Member Ileana Ros-Lehtinen, for calling this hearing.

With the TIP Report findings coming out on Monday—due to come out on Monday, I am very concerned that countries where there has been an egregious erosion of human rights relative to a whole number of areas but especially in the area of human trafficking, that countries like China, Vietnam, and India, will be looking very carefully to see if they are on the list of Tier 3 countries. My hope is, no matter what the remedy or penalties that might be

prescribed after that, we need to speak truth to power to each of those countries about what is truly going on in the area of human trafficking.

And, also, Mr. Chairman, I remain very concerned that now, a year and a quarter into this administration, that to the best of my knowledge we still do not have an Ambassador at Large to run the International Religious Freedom Office. That is a revelation of priorities. It is, I think, a serious mistake by this administration; and I hope that they soon name that person.

Chairman BERMAN. The time of the gentleman has expired.

Does anyone else seek recognition?

The gentleman from Georgia, Mr. Scott, is recognized for 1 minute.

Mr. SCOTT. Thank you very much, Mr. Chairman.

I just want to say real briefly that, as a member of the committee and like many on this committee who travel, we want to give a very good compliment to our foreign aid and Foreign Service workers, many of them in places where their lives are on the line.

But I must add that we have an efficiency problem of how we effectively use our resources, and we have got to address that, and I am very hopeful that this hearing will certainly accomplish that purpose.

Thank you, sir.

Chairman BERMAN. Are there any further requests for time?

The gentleman from California, Mr. Royce, is recognized for 1 minute.

Mr. ROYCE. Thank you, Mr. Chairman.

Last month, the State Department hosted a Chinese delegation in Washington for 2 days of what we call human rights dialogue; and according to State's point man on human rights there, we didn't tell China anything. This was a discussion among two important countries.

I think for me the comments by the Assistant Secretary of State, Michael Posner, he said he brought up the new Arizona immigration law early and often and also noted "a troubling trend in our society and an indication that we have to deal with issues of discrimination."

I regret very much that he is not here today, and I think he should be before this committee to clarify why he chose to focus on these issues, as opposed to China's abysmal record that includes religious repression, extrajudicial killings, prison camps, no freedom of expression, not to mention the forced repatriation of North Korean refugees back across the border to face certain death.

There are credible reports China has been harvesting the organs of religious minorities. The human rights situation in Communist China is beyond grim. But to hear State describe it, we have got the same issues. This downplay of China's despicable human rights record is deplorable.

Chairman BERMAN. The time of the gentleman has expired.

The gentleman from Virginia, Mr. Connolly, is recognized for 1 minute.

Mr. CONNOLLY. Thank you, Mr. Chairman. I want to welcome our panelists here; and I want to thank you, Mr. Chairman, for

having this hearing. And I particularly want to tie it to our pending rewrite of the Foreign Assistance Act of 1961.

The whole question of democratization, building democratic institutions and human rights have many elements that are similar to conditions that prevailed 50 years ago, but a lot has changed. And so, in the post Cold War world, is it not time to revisit some of these issues and make sure that the institutions we support are well structured to promote the values and the institutions we want to see succeed?

So I am looking forward to this hearing, Mr. Chairman, and I continue to enjoy and look forward to working with you in this ongoing effort to make sure we take cognizance of those changing circumstances in that all-important rewrite.

Thank you, and I yield back.

Chairman BERMAN. The time of the gentleman has expired.

The gentleman from New York, Mr. McMahon.

Mr. MCMAHON. Thank you, Mr. Chairman. Thank you for convening this very important hearing, and we thank the witnesses for coming.

Mr. Chairman, Alexis de Toqueville once said that the greatness of America lies not in being more enlightened than any other nation but rather in her ability to repair her faults. I believe that this committee's efforts to increase the effectiveness of foreign aid are embodied in this quote.

The NGOs that work to promote democracy, protect women's rights and health, and increase opportunities for the poor to direct them away from terrorism need fast and effective aid to achieve these worthwhile objectives. However, one thing that U.S. agencies seem to struggle with is the issue of relative performance.

No country has a spotless human rights record, and the challenges in developing countries are even greater. Trying to distinguish between countries that are relatively better on human rights and whose governments are taking the right steps becomes difficult when incidents arise. If the expectation of a perfect record is not realistic, how can decision makers decide what is good enough? And we must also focus on women's rights as we go forward and make that a very important issue.

Thank you, Mr. Chairman. I yield the remainder of my time.

Chairman BERMAN. The time of the gentleman has expired.

The chair is unaware of anyone else seeking recognition for an opening statement, so we will now have the pleasure of introducing our panel and hearing from them.

It is 10 o'clock. We started the hearing at 9:30. We get to witnesses by 10. That is good.

Thomas Carothers is vice president for studies at the Carnegie Endowment for International Peace. He oversees the Endowment's Middle East program, Carnegie Europe, and the Democracy and Rule of Law program, which he founded. Mr. Carothers has worked on democracy assistance projects for many public and private organizations and carried out extensive field research on democracy building programs around the world. He also has significant experience in the fields of development, human rights, comparative politics, international institutions, and foreign aid.

Lorne Craner is president of the International Republican Institute. He previously served as Assistant Secretary of State for Democracy, Human Rights, and Labor. A member of the Council on Foreign Relations, Mr. Craner has testified on numerous occasions before House and Senate committees; and I have had the pleasure of having a chance to meet with him in the past on democracy promotion issues.

Jennifer Windsor is the executive director of Freedom House. Previously, she served as deputy assistant administrator and director of the Center for Democracy and Governance at the U.S. Agency for International Development. Ms. Windsor began her service at USAID working on democracy and governance issues in Africa, and also served as special assistant deputy chief of staff to then-USAID Administrator Brian Atwood.

Elisa Massimino is president and chief executive officer of Human Rights First, where she has worked for almost two decades. Previously, she was a litigator in private practice at a Washington law firm where she was pro bono counsel in many human rights cases. Ms. Massimino writes frequently for mainstream publications and specialized journals and has testified before Congress dozens of times.

We are pleased to have all you here.

Mr. Carothers, why don't you start? And, of course, everyone's opening statements in their entirety will be included in the record and feel free, where appropriate, to summarize.

STATEMENT OF THOMAS CAROTHERS, J.D., VICE PRESIDENT FOR STUDIES, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

Mr. CAROTHERS. Thank you very much, Mr. Chairman, members of the committee. It is my pleasure to be here today.

Supporting democracy abroad is a vital part of U.S. policy. Democracy assistance programs are a crucial tool in that goal. A well-crafted rewrite of the Foreign Assistance Act can help make democracy assistance more effective.

I appear before the committee today as someone who studies democracy assistance. I try to understand what works and what doesn't, how we can make it better. I am often known as a critic, because I think we often fall short of our ideals and our aspirations. But I am a critic who believes in the overall endeavor, and my critical comments both today and in general are aimed at that larger goal.

The committee has before it many questions and issues with regard to democracy and human rights assistance. One of which is clearly on the committee's mind is whether or not there are too many sources of democracy aid in the U.S. Government. There sometimes appears to be almost a chaotic salad bar of institutions involved, and one can wonder is there unnecessary duplication and a lack of coordination in this area? I understand the instinct to worry about this, but I don't think that is the central problem.

Democracy assistance is complicated. There are a lot of different parts to it, many different places, many different themes. It is useful having different organizations that develop different strengths and weaknesses.

Also, democracy aid has a complex relationship to U.S. foreign policy. Sometimes it is good to have democracy aid coming from the State Department, where it is directly integrated into policy. Sometimes it is good having it come from a nongovernmental organization like the National Endowment, where it is at arm's length. Having a variety of institutions gives you more flexibility, a greater range of tools in democracy assistance.

Moreover, I don't really see coordination as a problem, and I do a lot of research on the ground asking people what can make this assistance better. People working on the ground from the different parts of the U.S. Government, the different agencies and organizations talk to each other. They know what they are doing. There isn't a lot of problem with coordination or tripping over each other.

So where do the problems, then, lie? I think the problems lie more in how the assistance is being given out. The key to improve it is not to reduce the number of sources, but to make each source work as effectively as possible; and I would like to focus my time here on USAID, which is the big fish in this pool.

USAID is by far the largest source of democracy assistance, well over $1 billion a year. In fact, USAID has devoted more resources, more energy, and more time to democracy assistance than any organization in the world in the last 25 years. USAID has done many valuable things in this domain, but time is short, so I will cut to the quick.

USAID's democracy assistance has serious problems reflecting serious problems that have been facing the agency for many years. First and foremost, it is extremely bureaucratic. Our assistance, unfortunately, is often inflexible. It is cookie cutter. It is slow. It is cumbersome.

Democracy aid needs the opposite. You need innovation, flexibility, the chance to seize opportunities. USAID is weighted down by a bureaucratized system that makes it often ineffective on the ground. It needs a serious bureaucratic cleaning of the house, a debureaucratization.

I ask the committee and the House not to think of putting more and more procedures, regulations, requirements on an agency that is already in a sense groaning underneath those that weigh upon it. It doesn't need, obviously, to be let loose from legislation, but it needs freedom. It needs air to breathe. It needs the possibility of debureaucratizing itself and operating more in the spirit of democracy itself.

Secondly, USAID does not give enough roles to the people in the countries with which it is trying to work. Too often when it does a project it hires some Americans to come in and design it, another set of Americans to come in and implement it, a third set of Americans to come in and evaluate it. This is not the way you choose local institutions. There needs to be a change in spirit and practice here. I don't mean that we should necessarily just give money directly to the local people, but we need to give money in a way, sometimes to U.S. organizations, sometimes directly to locals, that allows them to have real partnerships with Americans, to have long-term relationships, not short-term projects in which Americans come and just tell them what to do.

Third, USAID has been doing democracy work for 25 years but still doesn't get a strong enough place within the agency. If you go to USAID and ask who is the most senior person responsible for democracy issues, it is not the administrator, it is not the deputy administrator, it is not an assistant administrator, it is a deputy assistant administrator, of whom there must be dozens at the agency. Yet we claim that this is a central priority of the agency.

There needs to be an elevation in a number of ways, which I could go into in the questions and answers, to elevate the place of democracy within USAID.

What will it take to do these things—to debureaucratize, to strengthen local actors, to give the greater place? Above all, leadership from the agency, drive from the top. This is an agency that responds to central imperatives from the leadership; and a willingness to focus on these often less glamorous bureaucratic, procedural, procurement issues that really are the thing that makes the agency ineffective or effective depending on how they are carried out.

It will also require the support of Congress; and, as I said, it will require Congress to have a helping and sort of a thoughtful in itself a nimble hand in helping USAID achieve its potential, rather than simply trying to impose on it more and more procedures, regulations, rules that are already, to some extent, suffocating the agency.

I ask that the remainder of my written testimony be entered into the record, and I thank you for the opportunity to appear today.

[The prepared statement of Mr. Carothers follows:]

CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE
Congressional Testimony

REVITALIZING U.S. DEMOCRACY ASSISTANCE: THE CHALLENGE OF USAID

Testimony by **Thomas Carothers**
Vice President for Studies
Carnegie Endowment for International Peace

House Committee on Foreign Affairs
Washington, D.C.
June 10, 2010

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Democracy aid is a vital part of the larger set of tools the United States employs to advance democracy abroad. It is usually quieter and less visible than high-level diplomacy, economic sanctions, the bully pulpit, and other measures sometimes employed, yet when carried out in a well-conceived and sustained fashion can have significant positive effects.

U.S. democracy aid has on the whole been on a positive trajectory of growth, both in amount and sophistication over the past 25 years, through Republican and Democratic administrations alike. This expansion is one part of the notable broader expansion of democracy aid not just from the United States but from many established democracies that is now being channeled to both the developing world and post-communist world. Although democracy aid sometimes provokes controversy and resistance in recipient countries, over the course of the last generation it has become a widely accepted part of international political life.

Necessary Complexity

The domain of U.S. democracy assistance is organizationally complex. Three organizations serve as the main sources of such aid: the United States Agency for International Development (USAID), the Department of State, and the private, nonprofit National Endowment for Democracy (NED). Other parts of the government are also involved, including the Department of Defense, the Millennium Challenge Corporation (MCC), and Department of Justice. U.S. democracy aid funds go to a wide array of organizations in the United States, including organizations devoted to democracy work and ones engaged in development programs more generally. It also in some cases goes directly to organizations within recipient countries. In addition, the United States makes contributions to international organizations that take part in democracy support programming, such as the United Nations Democracy Fund.

This organizational complexity sometimes provokes calls for simplification, in particular a reduction of the multiple sources of funding. Although such calls have a superficial appeal, they do not respond to the key needs in this domain. The diversity of funding sources reflects the diversity of challenges inherent in democracy support. Democracy aid spans many substantive areas, from grassroots civic education and local government support to strengthening national legislatures and judicial systems, to supporting elections, political parties, media, and much else. Each of the three main funding sources has developed different areas of programmatic strength corresponding to its own institutional nature.

In addition, democracy aid has a complex relationship to foreign policy. In some cases such aid is best carried out at arm's length from foreign policy; in other situations a close integration is beneficial. Each of the three different major funding sources has a different relationship with the foreign policy bureaucracy, ranging from the relatively arm's length relationship that the NED has to the closer integration of State Department democracy funding with day-to-day foreign policy concerns. Having these three different sources operating simultaneously gives U.S. democracy aid important operational flexibility to tailor different types of aid to different types of policy contexts.

It is worth noting that other major countries engaged in democracy promotion have a similar three-pronged structure for such work. In Great Britain, for example, democracy support

policies and programs are carried out simultaneously by the country's foreign ministry, foreign aid agency, and also its government-funded democracy foundation. The same is true with Germany (with multiple government-funded political foundations).

Doing Better

The key to strengthening U.S. democracy aid is not to simplify or reduce the institutional sources, but rather to ensure that each one is operating as effectively as possible. Although it is the smallest of the three sources, the NED tends to attract the greatest congressional attention and public scrutiny because it is a single-purpose organization with democracy in its name. Surprisingly little attention has been given to the democracy assistance work of the State Department, especially considering how rapidly and significantly that assistance has grown over the last decade. Even more surprisingly, USAID's democracy aid—which is by far the largest pool of such assistance funded by the US government, in recent years exceeding $1 billion dollars annually—has also not been the subject of much outside examination. Therefore in my recent report on *Revitalizing Democracy Assistance* and in my testimony today I focus on USAID's democracy assistance.

USAID has devoted more resources, energy, and attention to aiding democracy around the world over the past 25 years than any other organization in the world. In the process, USAID has both accumulated considerable expertise in the subject and made important contributions to democratic progress in dozens of countries. At the same time, however, USAID falls short in its democracy work in some damaging ways, largely due to some of the broader institutional maladies that the agency faces. The main problems concern not the types of programs that USAID carries out or where it works but rather *how* it operates—its basic methods of designing, funding, implementing, and evaluating assistance programs. Three problem areas stand out:

Bureaucratization: USAID's basic operating procedures are a study in dysfunctional bureaucratization. They cause inflexibility, cumbersomeness, slowness, cookie cutter approaches, and a lack of flexibility in its programming. Such characteristics, while harmful to all areas of assistance, are especially hard on democracy support. Political aid, such as work with elections, political parties, civic activists, legislatures, and independent media, entails outsiders involving themselves in what are almost always unique, complex, sensitive political processes. Heavily bureaucratized forms of action fit such processes very poorly.

The agency needs to undertake a thorough process of de-bureaucratization involving a review of every step of the assistance process, with special focus on the phases of procurement, implementation, and evaluation, aimed at finding ways at to streamline procedures and increase flexibility, speed, adaptability, and innovation. For such a change to succeed it is crucial for those at the State Department, White House, and Congress who hold the keys to USAID's future to avoid the almost automatic tendency to think that stricter controls, more regulations, and tighter procedures will yield better performance. The application of such thinking to USAID again and again over the years is precisely what has led to the bureaucratization responsible for its troubled performance.

Lack of ownership: Another core problem is the externality and consequent lack of local ownership of USAID's basic operating methods. In much of USAID's programming U.S.

organizations dominate every step of the assistance process, including design, implementation, and evaluation. People and organizations from the countries that USAID is seeking to assist play some role in these various stages, but often a greatly secondary one compared to the role of U.S. organizations coming to the country to carry out the programs. The inevitable result is a low level of local attachment to the programs and weak sustainability of whatever gains the aid achieves. As with bureaucratization, this problem of externality hurts all of USAID's work, yet it falls particularly hard on democracy aid. If people in a country struggling to reform its political system perceive that sensitive endeavors such as strengthening political parties, revamping democratic civic education, or reforming the legislature are the work of outside actors (especially foreign governments with significant geopolitical interests) the legitimacy of such efforts will be questioned.

Reducing the externality of USAID's work does not necessarily mean channeling more funds directly to organizations within aid-receiving countries rather than through U.S. implementers, although such a shift could be part of such an effort. It is more about changing how USAID works with U.S. partners and implementers. It is about creating assistance mechanisms that encourage and allow U.S.-funded organizations to create real partnerships with local actors, in which the local actors have a substantial and sustained say in what the goals will be and what methods will be employed to achieve them. One important area of reform in this vein is the domain of contracting. The very notion of attempting to support processes of political change in other countries through extremely detailed, fixed-term, technically oriented contracts in which U.S. implementing organizations provide a predefined list of "services" to USAID is highly questionable.

Weak place for democracy work: In addition to these broad operational shortcomings, democracy work at USAID also suffers from the weak integration of such work in the overall institution. Despite more than twenty years of democracy programming by USAID, such work remains a somewhat disfavored stepchild in an agency whose heart is still wedded more to socioeconomic work. Signs of this are multiple: a series of USAID administrators from the late 1990s until last year with little background or apparent strong interest in democracy-related assistance; the senior level of career professionals at USAID is dominated by people who rose within the organization as specialists in socioeconomic work; democracy and governance programs are housed within a bureau primarily devoted to other issues which often receive much more attention from USAID's leadership; and the democracy and governance personnel "cadre" at USAID has not been strongly supported institutionally.

Strengthening USAID's democracy assistance capacity will require ensuring that democracy and governance work is a well-established and well-supported part of USAID's core agenda. It also requires finding ways to incorporate democracy and governance values, insights, and approaches into the traditional areas of development assistance. This will entail clear leadership from the top as well as various specific measures, including: bolstering the budget and institutional position of the Office of Democracy and Governance; increasing the number of democracy and governance positions in USAID's country missions; consolidating recent initiatives to improve training in democracy work; and creating incentives to increase the integration of a democracy and governance focus into all areas of USAID's work.

The Leadership Imperative

The key to achieving these reforms to USAID's democracy and governance work will be determined, focused leadership at the agency. Although USAID is a decentralized institution, with field missions having significant control over their own activities, major institutional changes can and must be driven from the top. Such leadership will have to combine a range of important attributes:

- a commitment to the value and importance of democracy and governance as part of the overall U.S. development agenda and a genuine interest in how such assistance works;
- a willingness to devote significant time and attention to a stratum of institutional issues that, while fundamental to improving democracy and governance assistance, are inevitably detail-oriented and unglamorous;
- a willingness to acknowledge USAID's shortcomings and not adopt an automatic defensive posture in the face of critical reviews and challenging reform proposals;
- an ability to take on the many vested interests that will feel threatened by change;
- an ability to work closely with the State Department, White House, and Congress at every step of the process.

Despite a very slow start at USAID due to the administration's delays first in appointing a new Administrator and then in facilitating his getting a senior management team in place, some encouraging signs are starting to emerge. The new Administrator has expressed serious interest in and commitment to the democracy and governance agenda and made efforts to hear the views of the broader democracy promotion community about what needs to be done. The reestablishment of the Policy Bureau will help facilitate better institutionalization of learning and programmatic innovations in democracy and governance work. The Administrator announced in May that over the next several months the agency will initiate reforms in procurement, human resources, and monitoring and evaluation. And the question of the institutional position of democracy and governance work within the agency—whether it belongs in the bureau where it is located or should have a bureau of its own—is also now on the table.

Turning these initial positive signals into lasting changes that go to the heart of the deep shortcomings accumulated over the years will require considerable boldness and resoluteness. All the proposed reforms will inevitably encounter vested interests favoring stasis. Not only will sustained leadership on these issues at USAID be necessary, but the State Department, the White House, and Congress will need to be supportive. It is crucial that what may seem like detail-oriented, technocratic changes, but which are actually fundamental issues to improving aid, not get lost in the broader, higher-level considerations of the place of U.S. foreign aid relative to diplomacy and defense that are being carried out in the Presidential Study Directive on Global Development Policy and the Quadrennial Diplomacy and Development Review.

Revitalization of USAID's democracy and governance work could serve as a spark for efforts to reinvigorate other parts of the U.S. democracy aid landscape. It would also be a viable signal that the Obama administration is moving beyond its apparent caution on democracy promotion to forge foundational changes that will help the United States meet the serious challenges that democracy's uncertain global fortunes now pose.

Chairman BERMAN. Thank you very much, and as I indicated your statement will be in the record in its entirety.

Mr. Craner.

STATEMENT OF THE HONORABLE LORNE W. CRANER, PRESIDENT, INTERNATIONAL REPUBLICAN INSTITUTE (FORMER ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS AND LABOR)

Mr. CRANER. Mr. Chairman, Congressman Ros-Lehtinen, members of the committee, thank you for the opportunity to testify today. I commend you for calling this hearing on ways to better help the oppressed abroad.

When I joined the Bureau of Democracy, Human Rights, and Labor some years ago, a friend of mine named Penn Kemble, who was just coming out of the administration, gave me a piece of advice that I didn't believe at the time. He told me that on advancing human rights and democracy in the administration my best friends would be here in the halls of Congress. I learned that he was right. Congress is the branch of our Government that most closely represents the American people, who are good and decent, and they want a foreign policy that reflects those traits.

For those reasons, three decades ago, Congress created my old bureau, DRL. Over administration objection, the Congress mandated the Human Rights Reports. In the last 10 years, Congress, each time over administration objection, created State department offices to combat anti-Semitism, and to combat trafficking and to further religious freedom. Congress also passed the ADVANCE Democracy Act recently, after much back and forth with the Bush administration.

These actions all greatly enhanced our efforts to promote human rights and democracy.

Today, we face tougher obstacles abroad; and more action is needed. As I told Secretary of State Condoleezza Rice after I had left the administration but when I headed the State Department's Advisory Committee on Democracy Promotion, our Government bureaucracy is not organized to deliver on Presidential promises on democracy and human rights. USAID's democracy capabilities are weak, career officials need to be better trained and incentivized, there is an excessive bureaucracy at the State Department on this issue, and better coverage is needed across the field.

The paper being circulated by the majority addresses many of these issues. My written statement has a comprehensive rundown of my views, including some additional thoughts on the paper's provisions. But I believe that those upgrading USAID's democracy office, requiring mission plans, consolidating reporting requirements, and requiring diplomat training and assignment to functional bureaus have special merit.

I would commend my friend Tom Carothers' paper to you. It describes additional problems and solutions for USAID. I hope, as do Tom and I think Jennifer, that USAID can be revitalized. If not, in a tough budget climate, an amount of democracy funding should be deducted from USAID, with part going to the more efficient DRL and NED and the remainder, frankly, going to reduce the budget. Other changes I suggest are addressing the creeping bu-

reaucratization of DRL and the much worse, valueless bureaucratization of the "F" process.

Mr. Chairman, I believe there is another reason to act. As I describe in my written testimony, the Obama administration is facing many of the same questions on human rights that were faced early in the Reagan administration almost 30 years ago. Both succeeded unpopular Presidents whose foreign policy problems were seen to have been based on a misplaced concern with human rights, and early in both administrations the concern about human rights was downgraded.

In Reagan's case, congressional reaction, including by a then Republican Senate, helped bring the administration around. Within 17 months of his inaugural, in fact 28 years ago this week, President Reagan delivered the Westminster speech, which was referred to earlier. He had recrafted President Carter's policy, but he also added a strategy and the means—the NED and vital diplomacy—to accomplish it.

From the editorial pages of the Post and New York Times to dictators, Democrats, and dissidents abroad, the current administration's human rights and democracy policies have been found wanting. The President has delivered a good number of speeches on this issue, and the recent national security strategy is a good addition. But 17 months into his administration, he has not put in place a strategy and a means to build on the 33-year bipartisan policy that preceded him.

In the past, whether it was a Republican or Democrat Congress or a Republican or Democrat President, Congress, when it has found the administration wanting, has taken action and brought forth legislation that helped put us back on track. Today, we will be reviewing some of those proposals. Whether they are considered as part of a larger bill or on their own, I hope Congress will soon act.

Thank you.

[The prepared statement of Mr. Craner follows:]

TESTIMONY OF THE HONORABLE LORNE W. CRANER

PRESIDENT

THE INTERNATIONAL REPUBLICAN INSTITUTE

HOUSE COMMITTEE ON FOREIGN AFFAIRS

JUNE 10, 2010

Mr. Chairman, Congresswoman Ros-Lehtinen, thank you for the opportunity to testify today.

I want to commend you for considering the difficult and somewhat thankless task of foreign aid reform, and in particular for working to improve democracy and human rights assistance. This effort may not be as appreciated domestically as it should be, but millions overseas will be grateful, and in the end that will benefit Americans here at home.

The timing of this hearing is appropriate in a historical sense. It was 28 years ago this week that President Ronald Reagan gave his "Westminster" speech at the House of Parliament in London. It was a time when dictators still ruled in the Soviet Union, the Philippines, Chile, South Korea and many nations in between.

President Reagan said "We must be staunch in our conviction that freedom is not the sole prerogative of a lucky few, but the inalienable and universal right of all human beings. So states the United Nations Universal Declaration of Human Rights…".

But Reagan went beyond simply noting the importance of freedom in the speech. He laid out a strategy to achieve it, stating that "If the rest of this century is to witness the gradual growth of freedom and democratic ideals, we must take actions to assist the campaign for democracy. While we must be cautious about forcing the pace of change, we must not hesitate to declare our ultimate objectives and to take concrete actions to move towards them." Further, he enunciated a method to help achieve the strategy, saying "the objective I propose is quite simple…to foster the infrastructure of democracy, the system of a free press, unions, political parties, universities, which allows a people to choose their own way to develop their own culture, to reconcile their differences through peaceful means."

Reagan counseled patience, noting that "the task I've set forth will long outlive our generation." He would be characteristically modest about his role, but within eight years, the number of "free countries" in Freedom House's survey had risen to 76, compared to 51 at the time of his inaugural, "partly free countries" had risen to 65 from 51, and "not free" countries had declined from 60 to 42. Most dramatically, the Soviet bloc had disintegrated. While many West Europeans now claim it was engagement – exemplified by "Ostpolitik" – that ended the Cold

War, those who lived under Soviet domination instead give much credit to the Pope, Margaret Thatcher and Ronald Reagan. Lech Walesa wrote, "in the Europe of the 1980s, Ronald Reagan presented a vision. For us in Central and Eastern Europe, that meant freedom from the Soviets…we owe him our liberty." As Ted Kennedy noted on Reagan's death, "he will be honored as the president who won the Cold War."

Moreover, by recrafting President Jimmy Carter's human rights approach into a policy concerned with the structure of states, Reagan made these bipartisan and durable elements of our foreign policy. As Aryeh Neier wrote in 1989, "the Reagan administration effectively ended debate over these issues. These propositions were now taken for granted. Eight or nine years ago, they could be dismissed as idiosyncrasies of the Carter administration…at the end of the Reagan administration, concern with human rights appeared to have secured a permanent place in the formulation of our policy toward other nations."

In retrospect, that America be so concerned with human rights and democracy seems so obvious and self evident. It is hard, however, to over- emphasize what a departure Reagan's policies were from almost two centuries of American foreign policy.

To be sure, even before America's founding, John Winthrop had spoken of the new world as a "City upon a Hill," an example from which he hoped others would gain inspiration. This thinking found its way into the foreign policy of a number of 20th century Presidents, particularly after World War II. As implied by Neier, however, it was not until Jimmy Carter's presidency that America determined to *actively and persistently* offer our perspective on human rights. As Carter said in 1977, "it is a new world that calls for a new American foreign policy — a policy based on constant decency in its values and on optimism in our historical vision. Throughout the world today, in free nations and in totalitarian countries as well, there is a preoccupation with the subject of human freedom, human rights. And I believe it is incumbent on us in this country to keep that discussion, that debate, that contention alive. No other country is as well-qualified as we to set an example."

In the aftermath of Vietnam, Carter's policy focused as much on America's friends as its foes, and for this he came to be roundly criticized by many conservative Republicans. They believed that his policy was a major cause of the overthrow of Washington-allied regimes in Nicaragua and Iran, with consequent harm to American foreign policy interests.

There were, therefore, efforts early in the Reagan administration to downgrade human rights in numerous public pronouncements, and by re-engaging (conservative) authoritarian regimes. Congressional reaction was fierce; the Republican dominated Senate Foreign Relations Committee declined, 13-4, to recommend for confirmation President Reagan's nominee as Assistant Secretary for Human Rights, and Congress also attached conditions to the administration's renewed arms sales to friendly autocrats.

Within the Reagan administration, Republicans who believed that the Carter administration's policy -- if not its focus on friendly nations -- had philosophical validity began to recraft it. An October 1981 memo to the President authored by Deputy Secretary of State (and Reagan confidant) William Clarke argued for strengthening the administration's stance on human rights and introducing elements of democratization, stating that "human rights is not something we tack onto our foreign policy but is its very purpose: the defense and promotion of freedom in the world…we will never maintain wide public support for our foreign policy unless we relate it to American ideals…". A group of White House and State Department political and career officials subsequently helped craft the ideas that comprised Reagan's Westminster speech. They also helped ensure that American diplomats gave contextual support to the policy in, for example, the Soviet Union, Nicaragua and Poland, and then in allied autocracies such as Chile, the Philippines and South Korea.

In implementing the President's speech, the administration took much inspiration from Congress. As early as 1967, Congressman Dante Fascell had introduced a bill to establish an "Institute of International Affairs" to promote democratic values abroad. Fascell, by 1982 House Foreign Affairs Committee Chairman, partnered with then-Congressman Ben Gilman and the Reagan administration to establish by legislation the institution Reagan imagined in the Westminster speech, the National Endowment for Democracy, or NED (of which my organization, the International Republican Institute, IRI, is a part).

Indeed, for over 30 years, beyond the inception of NED, Congress has truly been at the forefront on issues of human rights. For example, the State Department Bureau I headed, for Democracy, Human Rights and Labor, was also founded by an act of Congress. On many occasions the Congress has actually led on human rights and democracy policy. The annual State Department Country Reports on Human Rights were established over the objections of the then-administration. I referred earlier to Congressional action on human rights early in the Reagan administration. In the 1990s and this decade, a number of the entities within the State Department intended to advance human rights – the Office of International Religious Freedom, the Office to Monitor and Combat Trafficking in Persons, and the Special Envoy to Monitor and Combat Anti-Semitism – were also established over administration opposition. The recent Advance Democracy Act was opposed by the then-administration. Legislative action regarding human rights in various countries, from China to El Salvador to South Africa, has been taken by Congress despite the administration's wishes. It is especially important to note that passage of such legislation was undertaken by Congresses with Democratic or Republican majorities during both Democratic and Republican administrations.

In this constructive spirit, many of the provisions being circulated here in Discussion Paper #3, on human rights and democracy, merit consideration. Having served as Assistant Secretary for Democracy, Human Rights and Labor (DRL), many of the obstacles outlined are incisive and thoughtful. In particular, I agree that:

- our assistance is fragmented;
- there exist major gaps in coverage (particularly on human rights and press assistance);
- the various reports required by Congress could be better used in shaping policy;
- there are few incentives for Foreign Service Officers to specialize in human rights and democracy; and that
- AID's Democracy and Governance office has been so weakened as to be marginalized.

I do have to disagree with one of the "obstacles" described in the paper. The first point states that "Democracy assistance" tends to be defined narrowly in terms of political parties, elections and government institutional capacity building, while undervaluing equally important aspects" such as media, rule of law, human rights and the civil sector. I cannot speak to "government institutional capacity building", but if one takes the generally accepted figure (used by Tom Carothers, amongst others) that the U.S. spends $2.5 billion a year on democracy assistance, IRI, NDI and IFES – the three organizations delivering assistance on "political parties and elections" -- combined received last year $280 million, just over 11% of the total funding (and all three organizations do extensive civil sector work within their budgets). This is not to argue for more funding, but simply to point out that one would expect IRI, NDI and IFES to receive more than 11% if democracy assistance were "narrowly defined" on our work.

Many of the solutions outlined are thoughtful, including Mission "action plans" (with classified annexes), consolidating required reports, upgrading AID's D&G Office, and requiring that Foreign Service officers rotate through functional bureaus before they enter the senior ranks.

I do have a few suggestions regarding the paper's proposals.

- The language on coups needs to be carefully considered to ensure that the U.S. wouldn't be obligated to end assistance in the case of a peaceful, early end to "democratically-elected" regimes where the previous election wasn't sufficiently democratic. For example, the language described could have forced an end to aid to Serbia in 2000, Georgia in 2003, and Kyrgyzstan in 2005. In each case, the deposed regime had been elected in a widely disputed process that was not – officially -- deemed by the U.S. Executive branch as undemocratic. Having observed, or been in, the State Department when a number of coups occurred that did not result in an aid cut-off, in my opinion a more effective instrument would be requiring a report to Congress within 30 days of a government being deposed, explaining why U.S. assistance has not been ended (in conformity with existing coup legislation). This would drive a policy process within the administration that would force more honest, public judgments.

- I agree with upgrading AID's Democracy and Governance Office to a bureau. Elevating it would send a strong signal within the bureaucracy that the issue is important (as did earlier Congressional actions establishing DRL and the Bureau of South Asian Affairs at the State Department). I suggest that the legislation also state that the Bureau would control AID's considerable human rights and democracy assistance (in coordination with DRL, see below). My experience at DRL, with a greatly increased Human Rights and Democracy Fund (HRDF), showed that in the bureaucracy, money talks.

- On coordination, I think the issue is more one of ensuring full coverage and complementarity than alleviating overlap. There exist mechanisms – for example, AID representation on the DRL committee deciding HRDF grants -- to minimize duplication. There should be complementary roles for different funds; for example, in the current structure HRDF should be restricted to be fast acting, and filling funding niches not occupied by AID (eg innovative programs and programming in China, North Korea, etc.; I would add Cuba and other more repressive countries). That said, there's often too little senior contact between DRL and AID's DG Office. Directing the DRL Assistant Secretary and the New Assistant Administrator of Democratic and Civil Development to coordinate their efforts, then bringing them up here annually to testify together (with the release of the annual Supporting Human Rights and Democracy report) would go a long way towards enhancing coordination. Direction also needs to be given regarding the respective policy and implementation roles of DRL and the upgraded AID office.

I understand that these solutions are contemplated as one part of a larger foreign aid reform bill. Having worked in the House and Senate and been engaged from the State Department in the 1991 foreign aid reform effort, I also know that such a bill is subject to much consideration here and with the administration. Failing action on a comprehensive reform bill, the passage of many of these provisions independently would serve our foreign policy interests.

Beyond the issues addressed in discussion paper #3, I have a number of suggestions:

Tom Carother's recent paper, *Revitalizing Democracy Assistance: The Challenge of AID*, advocates that AID's democracy assistance delivery mechanisms be greatly reformed, or that greatly increased democracy funding be given to DRL and the National Endowment for Democracy. I tend towards the former. Carothers does a good job enumerating AID's challenges, and I commend the paper to you. The changes suggested in the Discussion Paper – fighting bureaucratization, bolstering local ownership, and as previously discussed, strengthening the place of Democracy and Governance work -- would go a long way to reforming AID's efforts, and with greater efficiency might produce fiscal savings. Having a revitalized AID, engaged in this work together with DRL and NED – in a coordinated fashion – would provide a variety of expertise without much duplication, and hopefully more fiscal efficiency.

If AID revitalization along the lines Carothers recommends proves impossible, which is entirely possible, I have come increasingly to think that there is merit in Tom's idea of moving some of the programming and funding away from AID to DRL and NED. Both are organizations focused solely on democracy and human rights. Doubling the budgets of both NED and DRL would not necessarily mean changes in the attributes that have made them effective relative to AID (though going beyond that probably would). If this option were pursued, DRL in particular would need to receive approximately an additional 15 full time employees (FTEs) to handle the increased grant making workload (as noted below, it is already having problems handling current funding levels). If funding is transferred from AID, NED should also agree to open up its grant process more to non-core NGOs that receive funding from AID.

There is an additional attraction to Carothers' second option. There is no reason that democracy and human rights funding in general should be exempt from coming deficit- driven budget cuts. In a more restricted budget environment, deducting an amount of money from AID's accounts, giving some to both DRL and NED, and putting the rest towards deficit reduction has much appeal. AID, traditionally a poverty reduction and economic development agency, has never been hospitable to democracy work, and tends to spread some democracy funding in every developing country. DRL and NED, both more efficient and more focused on democracy and human rights than AID, tend to give grants for democracy work in countries more vital to U.S. interests, with a better sense of where progress can be made. Clearly, in the future, there will be reduced funding for all government functions, including foreign aid. Giving funding to efficient entities better able to target it and to produce results important to the United States has much merit.

DRL should retain its HRDF as a niche fund (for innovative, fast acting programming, including in countries such as China and Iran; I would add Cuba and other repressive countries) in coordination with AID. It should be made clear to DRL, however, that increasingly bureaucratic processes are robbing it of the quick, nimble consideration of programs and disbursement of funds that were once its hallmark. If DRL becomes as sclerotic as AID, there is little reason for HRDF to exist.

The role of the "F" bureau within the State Department needs to be examined. The Bureau arose because AID couldn't tell the State Department what amount of funding it was spending where, and that is unacceptable. "F" has now gone beyond the coordination role to direct where and how money should be spent, in a manner that has added more time and bureaucracy to the process with little substantive value.

Finally, while it cannot be accomplished by legislation, the current NSC mechanisms for dealing with democracy and human rights need to be fixed. There needs to be one Senior Director dealing with democracy and human rights. In both the Clinton and George W. Bush administration, the more senior attention to the issue helped implement the President's policies.

Currently, the account is split between a Senior Director handling multilateral issues and human rights, a Director whose title includes democracy (reporting to a Senior Director responsible for development) and a regional Senior Director whose title does not include democracy but who is an effective and valiant supporter of this policy element. Given the NSC's intended role in coordinating policy, speaking as someone who once worked there, this is not a satisfactory or effective arrangement.

As in the past, such Congressional actions would strengthen the bureaucratic capabilities of those who believe in a more robust approach to human rights and democracy. That said, improving delivery mechanisms is no substitute for vigorous leadership by the President and Secretary of State.

As noted earlier, for over thirty years, since the presidencies of Jimmy Carter and Ronald Reagan, human rights and then democracy have been at the forefront of our foreign policy in a bipartisan manner. There are certainly critiques to be made of each administration. There were greater and lesser emphases – for George H. W. Bush and Bill Clinton, it was a central issue; Carter, Reagan and George W. Bush put it at the core of their foreign policies. It is also true that each administration rightly faced questions on consistency – for example, President Clinton in Indonesia, and George W, Bush in Pakistan and on detainees. But these instances were notable because they were exceptions to a rule. The issue in each case was adherence to principles enunciated and generally implemented, not whether a policy existed at all, or whether an enunciated policy was being at least generally implemented.

Strong, consistent, leadership on democracy and human rights from the top of the administration – and at least general implementation of the enunciated policy -- is important for three reasons. First, much attention is paid to the administration's funding levels for democracy programming. This is substantively important, given what democratic foreign leaders point to as the results of America's democracy programming over the past quarter century, from Chile to the Philippines to Poland, Mongolia, Serbia, Georgia, Moldova, and many others. Here in Washington, it is also seen as a symbolic measure of U.S. support for democracy in countries in remaining repressive countries such as Cuba, Belarus, Iran and Burma. In instances such as these, Congress can exert its influence by earmarking funds certain countries. The implementation of such earmarks can be greatly influenced by the second reason for strong presidential/administration support: the message sent within the bureaucracy. Too often it is easy for the career bureaucracy to minimize democracy and human rights because these elements complicate other bilateral issues, such as economic or trade or security relationships. Skilled diplomats know that it is possible to achieve both. But clear statements by the President and Secretary of State on democracy and human rights contribute to the degree to which efforts will be made by US Country Teams to implement programs and seek to garner international support for those seeking to better their conditions under authoritarian regimes. Under President Clinton and Secretary Albright and President Bush and Secretaries Powell and Rice, for example, U.S. diplomats understood that human rights

and democracy were strong emphases of U.S. foreign policy. Third, and perhaps most important, the degree of administration support for democracy and human rights is watched closely by autocratic and totalitarian foreign leaders. They are trying to discern how to manage relations with the world's most powerful country. When American leaders diminish our emphasis and consistency on democracy and human rights, foreign leaders understand that they don't have to do as much on those issues to maintain good relations with Washington.

It is generally acknowledged that, like the Reagan administration almost three decades ago, the administration of President Barack Obama had a weak start on this issue. Like Reagan, President Obama succeeded a President who faced criticism that foreign policy mistakes had been caused by a misplaced human rights/democracy focus. As in the Reagan administration, senior officials early in the Obama administration, in public pronouncements and in engagement with repressive governments, downgraded the importance on human rights. As during the early Reagan administration, this in turn led to strong public criticism against the administration for a diminished human rights and democracy emphasis. On China alone, for example, commenting on statements during Secretary Clinton's February 2009 trip, the Washington Post wrote "Ms. Clinton's statements will have an effect. It will demoralize the thousands of democracy activists in China, and it will cause many others around the world to wonder about the character of the new administration." Scolding the President after his November 2009 trip to China, the New York Times opined "the American President must always be willing to stand up to Beijing in defense of core American interests and values." Similar criticism has been leveled against the administration for diminished attention to human rights and democracy issues over the last 17 months in Afghanistan, Burma, Cuba, Egypt, Iran, Malaysia, Russia, Syria, Sudan, and Venezuela.

Obama has given speeches that mentioned or dealt at some length with human rights and democracy in June 2009 in Cairo, Egypt, in July in Accra, Ghana, and in December in Stockholm, for his Nobel Peace Prize. Secretary of State Hillary Clinton also enunciated such principles in her December Georgetown speech (though she also broadened the American definition of human rights to include economic empowerment) and in her January Internet freedom speech. Taken together, these speeches provided the underpinning for the National Security Strategy, which was released a fortnight short of the anniversary of Reagan's Westminster speech, and which renews the bipartisan, three decade long commitment to advancing human rights and democracy. Given the speeches and the National Security Strategy, one would conclude that the administration wants to continue the three decade, bipartisan policy of its five predecessors.

Unfortunately, speeches and Strategy Documents are only one part of policy making and implementation. While welcome, given earlier ambiguity, neither the speeches nor the National Security Strategy bear the clarion call of the Westminster speech; most important, they do not provide a strategy or a means of implementation. 17 months after his inaugural, Reagan set forth

the NED and its mission as a part (along with a diplomatic emphasis) to ensure follow through on his speech. 17 months after his inaugural, Obama has offered no means to ensure follow through on his speeches.

Apparently this issue is still being debated inside the administration. The lack of human rights and democracy policy implementation is evident in the leaked draft seven page draft Obama administration Presidential Study Directive on global development, which mentions "democratic governance" once, following up the on the one mention only by saying that "we will ramp up our efforts in support of select countries and sub-regions where the political and economic conditions are right to sustain progress…". Parsing statements by the President and Secretary of State leads one to the conclusion that the administration remains divided on such basic issues as the extent to which aiding democracy and human rights is meritorious as an end in itself, or should be done mainly as a means to help alleviate poverty and assist economic development. This reflects the continued inability of the Obama administration to come to terms -- as Reagan had at the same point in his time in office -- with the legacy of his predecessor. As the New York Times wrote last month in reporting on the Obama National Security Strategy, "it does not make the spread of democracy the priority that Mr. Bush did, but it embraces the goal more robustly than is typical for Mr. Obama, a reflection of a struggle in his administration about how to handle a topic so associated with Mr. Bush."

A lack of strong, consistent leadership from the top of the administration, – and at least general implementation of the enunciated policy – has become apparent to the bureaucracy; one result is the cutting or slowing of funding for democracy programming in countries such as Belarus, Cuba, Egypt, Iran, North Korea, Venezuela and Zimbabwe. Another consequence is that our embassies abroad are providing less diplomatic support on human rights and democracy. Asked about the U.S. position on democracy in Egypt, our Ambassador to Cairo praises the country's press freedoms. Our charge in Minsk has decided that the Belarusian opposition no longer needs materiel assistance. Our Ambassador in Bishkek declined to meet with opposition leaders – until they came to power in April. Foreign leaders also remain unconvinced that the President's speeches are actually becoming policy. In China, for example, reportedly after President Obama privately raised his case during his trip to Beijing, Liu Xiaobao received the longest sentence for subversion in over a decade. The administration pushed privately for the lifting of Egypt's Emergency law, then reacted mutedly when it was renewed.

Most poignantly, foreign democrats and dissidents have also noticed. Commenting on President Obama's delayed meeting with the Dalai Lama, former Czech President Vaclav Havel said of Beijing "they respect it when someone is standing his ground, when someone is not afraid of them. When someone soils his pants prematurely, then they do not respect you more for it." Cyberdissident Ahed Al-Hendi stated that previously, in Syria "when a single dissident was arrested…at the very least the White House would condemn it. Under the Obama administration, nothing." Malaysia's Anwar Ibrahim said "Our concern is that the Obama

administration is perceived to be softening on human rights… once you give a perception that you are softening on human rights, then you are strengthening the hands of autocrats to punish dissidents throughout the world." "According to Egypt's Saad Eddin Ibrahim, "George W. Bush is missed by activists in Cairo and elsewhere who -- despite possible misgivings about his policies in Iraq and Afghanistan -- benefited from his firm stance on democratic progress. During the time he kept up pressure on dictators, there were openings for a democratic opposition to flourish. The current Obama policy seems weak and inconsistent by contrast."

17 months into his presidency, Ronald Reagan determined that the unprecedented policy of Jimmy Carter would be retooled and maintained in his Presidency, and offered the strategy and means to do so. His efforts have earned us decades of friendship from newly free nations around the world.

17 months into his presidency, the Obama administration has decided that the bipartisan, 33-year old policy of his five predecessors will be continued, but has not yet offered a strategy or method of implementation. Those struggling for liberty overseas rightly see in President Obama the best symbol of one of the strengths of a democracy, but are reluctantly coming to believe that he lacks substantive empathy for their cause.

As the Obama administration continues to wrestle with its approach, Congress can help. Many good suggestions for increasing the effectiveness of our human rights and democracy assistance have been reviewed and offered today. In the decades since our country committed itself to actively supporting democracy and human rights abroad, Congress has repeatedly stepped in when it found seemingly more committed administrations insufficiently interested in human rights and democracy. It is time for the Congress to do so again.

Chairman BERMAN. Ms. Windsor.

STATEMENT OF MS. JENNIFER L. WINDSOR, EXECUTIVE DIRECTOR, FREEDOM HOUSE

Ms. WINDSOR. Chairman Berman, distinguished members of the committee, thank you for convening this important hearing.

I want to start by complimenting your staff on the excellent discussion paper on human rights and democracy. Freedom House supports many of the changes proposed in that paper. We believe that the U.S. should advance democracy and human rights as an end in itself as well as a way to advance other U.S. interests. In particular, we welcome the fact that the draft Presidential study directive appropriately prioritizes and recognizes the role of democratic governance in U.S. development policy. If there is anything that we have learned from good development policy it is that it has to take into account the political structures, and democratic governance is a vehicle in which to achieve better development.

We are in a time, unfortunately, of a global freedom recession, as our various studies have shown. Of particular concern is the assault on and erosion of fundamental freedoms of association and expression, the very freedoms upon which democratic systems that respect human rights are based.

International human rights defenders have asked for more U.S. support and more U.S. leadership in these areas, as you can see from the action plan that came out of the Washington Human Rights Summit we convened with Elisa and Human Rights First earlier this year.

I want to now turn to current U.S. capacity to handle these challenges. The committee discussion paper notes and several of my copanelists have noted the problem of multiple actors, but we actually agree that, while there might be a need for better coordination, that consolidating democracy and human rights programs into any one entity either within or outside of the U.S. Government would be very counterproductive. Pluralism in this case has supported innovation.

While Tom Carothers has already mentioned the problems of USAID, I want to add my 2 cents since I worked there for almost 10 years before I came to Freedom House. I believe that USAID needs a strong central unit to complement and guide the work done by USAID field missions. The current Office of Democracy and Governance needs more human, more financial resources, and more policy influence.

I wholeheartedly agree with the paper's recommendation that the Democracy and Human Rights Office staff and programs be removed from the Humanitarian Conflict Bureau and elevated within the agency to a bureau that is on par with the other development sectors.

More broadly, though, in talking about all parts of the U.S. Government, we need more discussion on what the proper role for any official from the U.S. Government should actually be in managing democracy and human rights programs.

While, of course, we expect our Government officials to ensure that taxpayer dollars are used efficiently, excessive government control and involvement can be counterproductive. It can stifle in-

novation in programming and prevent programming that is flexible and responsive to the needs on the ground. The very lessons that we have learned from Tom Carothers and other studies is that we need to be more flexible and more able to change in this area; and I am worrying that we are seeing too much micromanagement from U.S. Government officials that are pushed by a number of pressures, including from the Hill, in this area.

I now want to turn to the issue of results.

Many of the members here mentioned the need to make sure that there is efficiency and effectiveness of our programs. We have problems, a number of problems, with the current system that has been put in place with the "F" process. The agency and now the State Department have been struggling with the issues of results for many, many years. I want to just make a couple of points about the area of democracy and human rights which I think provides unique challenges in this area.

First, attributing progress in a country to specific U.S.-Government-funded programs may undermine the very legitimacy of groups and individuals that are the intended beneficiaries of those resources. If you say that assistance to Ukraine brought about the Ukrainian Orange revolution in Ukraine, that delegitimizes the very people that brought about that change. U.S. programs absolutely helped, but that doesn't mean that they have been—they themselves are the cause for the change.

Second, context matters a great deal in what results in democracy and human rights can be achieved. In a relatively open country like Nigeria, a program to support human rights groups can result perhaps in a change of law or change in practice that better protects human rights. But in a situation like Ethiopia, the mere survival of independent human rights groups represents an important achievement, given the Ethiopian Government's attempts to try to stifle all civil society activity in this area.

Third, in this time of a downward trend in freedom around the world, the system of impact measurement and expectations must be adapted to realities. It may be enough that the situation does not get worse.

Fourth, in places like Burma, North Korea, Uzbekistan, Iran, the United States should be providing a lifeline of support to human rights defenders, regardless of whether there are measurable results.

I would like to finish by being a bit provocative. The term "country ownership" has come up in a broader context of foreign aid reform. We fear that this term may be misinterpreted to mean that governments should be able to veto the kind of assistance that the U.S. or others provide in a country.

The Obama administration has made a series of very bad decisions in this regard. They have recently zeroed out funding for democracy and governance and human rights in Bolivia at the request of the government there. They have limited USAID funding in China, Russia, Uzbekistan, and Egypt only to registered organizations when we know that such registration processes are being used to control or eliminate "undesirable activities of human rights groups."

Meanwhile, the State Department is moving ahead with plans to set up a $300-million Mubarak-Obama endowment for Egypt. This is country ownership in its worst form.

Let me state for the record that we oppose the U.S. Government signing any agreement that gives authoritarian governments veto power over U.S. support for democracy and human rights. Similarly, we oppose any attempts that attempt to involve governments in determining what is responsible NGO behavior or regulation of independent media in the Internet. In these cases, governments always are the problem.

I want to end by recognizing efforts of this committee to move forward the process of U.S. foreign assistance reform. I thank you for the opportunity to appear today.

[The prepared statement of Ms. Windsor follows:]

Testimony of Jennifer L. Windsor
Executive Director of Freedom House

before the

United States House of Representatives Committee on Foreign Affairs

hearing on

Human Rights and Democracy Assistance:
Increasing the Effectiveness of U.S. Foreign Aid

2172 Rayburn House Office Building
Washington, DC 20515

June 10, 2010

Introduction

Chairman Berman, distinguished members of the Committee and staff, thank you for convening this important hearing. I want to start by congratulating you on the excellent discussion paper on Human Rights and Democracy drafted by your staff. The paper identifies a number of the key obstacles and challenges in terms of policies and programs to support democracy and human rights and we support many of the proposed changes.

Almost 70 years ago, the founders of Freedom House – a diverse and distinguished group – came together because they believed that support for freedom – at home and abroad – should be a priority for Americans, and for the American government. We still believe that today. The protection, promotion, and fulfillment of fundamental human rights and the establishment and strengthening of democratic systems at home and abroad should always be a U.S. priority, no matter what Administration is in office.

Supporting democracy and human rights is a fundamental American value as well as a means to advance other U.S. interests. Support for democracy and human rights should therefore be both a separate goal of U.S. foreign policy <u>and</u> an integral part of U.S. development policy. Decades of experience have proven that successful, broad-based development is most likely to be advanced when recipient governments and national institutions are democratic and accountable to their populace and respectful of fundamental human rights. We applaud the fact that the draft Presidential Study Directive appropriately prioritizes the role of democratic governance in U.S. development policy.

Countering the Freedom Recession: The Role of U.S. Foreign Assistance

For the last several years, Freedom House has analyzed how democracy and human rights is incorporated into the annual foreign assistance request by the administrations of George W. Bush and now President Barack Obama. We do so because, while the United States can support democracy and human rights in a number of ways, U.S. foreign assistance is an important tool. The annual foreign assistance request, moreover, provides insight into how

priorities are being set within an Administration and so sends an important political message to the world. That fully 42% of the proposed global budget for spending in the areas of Governing Justly and Democratically is slated to go to Afghanistan in FY 11 says a lot about our nation's view of the world. (We ask that the executive summary of our report be included in the record, the full version of the report can be found at www.freedomhouse.org .)

U.S. foreign assistance can be used to provide valuable incentives to help encourage progress in human rights and democracy – we support the Millennium Challenge Corporation's use of democratic governance based indicators to select recipients. (We would prefer that adherence to democratic norms be a stricter, higher threshold in the MCA process.) U.S. foreign assistance also funds programs aimed at strengthening democratic processes, civil society, independent media, good governance, and respect for the rule of law and human rights.

As a general proposition, Freedom House believes that greater U.S. support in this area is merited given the increasing challenges to democracy and fundamental human rights. The world is experiencing the longest continuous pattern of decline in political rights and civil liberties in the nearly 40-year history of *Freedom in the World.* Restrictions on the free flow of information in China, including the cyber-attacks against Google, brutal crackdowns against protesters in Egypt, Iran and Russia, the silencing of opposition in Venezuela, the murder of human rights activists in Russia are perhaps the most newsworthy examples, but we have also seen a growth of more subtle – and less visible – forms of intimidation and repression against independent voices in many regions.

We believe that the U.S. government must respond forcefully and strategically to the erosion of fundamental freedoms of association and expression. Unfortunately, the current budget request shows a decline in funds requested for civil society. We are unable to assess what resources are being allocated to support human rights defenders or independent media since the request is described only in broad categories. We know that both areas – support for

human rights defenders and independent media – have historically been underfunded.

As we heard from the dozens of international human rights defenders that gathered at the Washington Summit on Human Rights we convened earlier this year in partnership with Human Rights First, those on the frontlines on defending fundamental human rights feel particularly vulnerable right now. As you can see from the Summit's Plan of Action, which I am submitting for the record, they need and want U.S. assistance, and they want support from and connection to international civil society and global human rights networks.

The human rights leaders assembled in Washington earlier this year called on the U.S. and other democracies to counter the schemes enacted by a growing number of governments to 'legalize' suppression of independent activists and groups and to outlaw support from the international community. Summit participants noted with concern the growing restrictions on freedom of expression; Freedom House has also documented an eight year decline in freedom of the press. The world's leading authoritarian states have embarked on systematic efforts to diminish access to information via traditional media and the Internet. At the multilateral level, we are seeing growing challenges to international norms protecting freedom of expression, and in many countries, libel and blasphemy laws are being used to silence internal critics.

We are pleased that both Congress and the Obama Administration have embraced the importance of internet freedom, and we encourage them to devote more resources and diplomatic efforts to support the role played by both traditional and new media.

Assessing Current U.S. Government Capacity

Currently, U.S. foreign assistance programs to support democracy and human rights are being managed by a number of U.S. government entities, with the majority of resources in USAID and a significant amount in various Bureaus in the Department of State.

The Committee's discussion paper notes the problem of fragmentation and lack of coordination, but the solution may not be as simple as it might seem. Given the significant limitations of each of the U.S. agencies that current operate in this realm, consolidating human rights and democracy assistance under a single entity – either inside or outside of the government – would likely diminish the vitality and innovativeness needed in this arena. More coordination is needed, but not necessarily consolidation.

I want to speak specifically to the issue of improving USAID's capacity to implement democracy and human rights programs. As a past Director of what was then the Center for Democracy and Governance, I believe that USAID needs a strong central unit to complement and guide the work done by USAID field missions. The current Office needs adequate human and financial resources to bolster their intellectual leadership in terms of distilling lessons learned and best practices, and to provide funding for global and regional initiatives that often get short-shrift in an overwhelmingly bilateral assistance framework.

They also need to be backed by political leadership within the Agency. Over the past decade, all of the Administrators and the majority of Assistant Administrators have not any professional background in the promotion of democracy and human rights, nor have these issues been seen as priorities for them. USAID's capacity was further eroded by the decision several years ago to downgrade the status of the Center to an Office, and to integrate it into the Bureau for Humanitarian Assistance, which today is the bureau for democracy, conflict, and humanitarian assistance (DCHA). That decision was opposed at the time by the democracy community, and our fears that this would diminish the attention paid to democracy issues have been proven justified. The leadership of that Bureau has been – and always will be -- distracted by the humanitarian crisis of the day. I wholeheartedly agree with your discussion paper's recommendation that democracy and human rights programming be removed and elevated to a Bureau that is on par with the other development sectors.

But structural changes alone will not make USAID more effective, as my colleague Tom Carothers has written so eloquently. USAID's cumbersome bureaucratic processes and procedures have also hampered the ability to implement flexible, effective democracy programs. The procurement process is particularly burdensome. Grant agreements incorporate a growing thicket of myriad regulations. While each regulation may be justified, the cumulative effect is to create a heavy administrative burden on the organizations that receive U.S. assistance. Local non-governmental organizations abroad are often ill- equipped to comply with these complex regulations, and as a result, NGOs that receive U.S. assistance may not be those who can be the most effective in promoting reforms.

Defining the Appropriate Role of U.S. Government Officials

As democracy budgets have grown, U.S. government officials – at both USAID and State -- have become increasingly intrusive and heavy handed in their management of democracy assistance programs. Requests for Applications from USAID nowadays are often 75 pages or longer and prescribe all program elements in great detail. They tend to specify, for instance, the types of people who should be trained and the precise topics that the training should cover. This is the opposite of promoting "country ownership" – a topic to which I will return in a moment. The result is to stifle innovation and limit the ability of applicants and beneficiaries abroad to utilize their own institutional expertise to design the most effective programs, whether they are aimed at bolstering beleaguered human rights defenders or working with women's groups to curb gender-based violence.

As the discussion paper notes, the desire of the U.S. government to closely direct and control democracy promotion activities can be counterproductive. Such control diminishes and undercuts a great American asset – our vibrant civil society. The collaboration between independent American institutions and their counterparts abroad have produced some of the most significant successes over the past two decades, including AFL-CIO support for

independent labor unions in Eastern Europe and Latin America, assistance from the National Democratic Institute and International Republican Institute to political parties in emerging democracies, expertise shared by the American Bar Association with judges in the former Soviet Union and practical help given by Freedom House to frontline human rights defenders in some of the most repressive environments in the world.

Some within the U.S. government advocate more direct U.S. government funding to local groups abroad, bypassing U.S. civil society groups entirely. While more funds – especially institutional support – should be provided to local civil society, the value added of U.S. civil society should not be underestimated. Local NGOs can be strengthened by partnering with international groups, particularly by drawing on the expertise of more established counterparts and integrating them into international networks to share best practices. Linkages with U.S. civil society groups can provide local groups with an additional level of protection, as they use their more extensive advocacy and communication capabilities to raise awareness of threats or issues faced by their local partners.

Finally, the linkages and partnerships between local and international civil society groups continue even after the U.S. government has turned its attention (and funding) elsewhere.

Will the Current Approach to Achieving Results Make U.S. Democracy Programs Less Effective?

While the desire for measuring impact to ensure the U.S. is "getting the most bang for its buck" is understandable, the democracy and human rights area provides unique challenges. Attributing progress or changes in foreign political situations to specific U.S. government funded programs is politically risky, and may itself undermine the legitimacy of groups and individuals that are the intended beneficiaries.

The current U.S. government effort to assess the impact of democracy assistance programs tends to create perverse incentives, particularly to reward

volume of activity over real-world impact. For example, the Standard Foreign Assistance Indicators for Governing Justly and Democratically consist almost entirely of numerical indicators. Most of these indicators only get at the volume of activity, such as the number of individuals trained or number of organizations assisted. One indicator, for instance, is the "number of USG-assisted consensus-building processes resulting in an agreement." According to this indicator, ironically, a single agreement that lasts for many years is therefore considered less successful than several agreements that break down and are re-constructed over and over.

The overarching flaw behind the current approach is that the U.S. government is trying to construct an aggregate measure for a wide range of programs that operate in very different contexts. If you ask the State Department or USAID about a $1 million democracy assistance program in Nigeria, for example, they may be able to tell you how many people have been included in that program, but not how those people have utilized that assistance.

You may ask what are the results of projects to support local governance or independent media or human rights, and the system can give you an answer for each. But it cannot provide you a meaningful answer for how all three parts have worked together to produce overall political reform, because the measure for citizen participation in local governance differs from the measure for media independence in news coverage or for redress of human rights abuses.

Context matters a great deal in what results can be achieved. Nigeria, for example, is relatively open to human rights work, and local human rights groups therefore can expected to achieve significant results, for instance to expose major abuses of power or to introduce stronger protections for civil rights. Ethiopia, by contrast, is highly restrictive, and it's Charities and Societies Law has decimated independent human rights groups by effectively outlawing most funding from abroad. The mere survival of a couple of independent human rights groups in Ethiopia thus would represent an important achievement. In a time of downward trends in democratic performance in many places in the world, our goals need to be realistic.

The Dangers of "Country Ownership"

Finally, I want to comment on the issue of strengthening "country ownership." While we strongly support more local involvement in the design and implementation of development programs, we are concerned that "country ownership" is sometimes misinterpreted to mean that governments should be able to veto assistance to democracy and human rights groups. The Obama Administration has made a series of bad decisions in this regard. They have recently zeroed out funding for democracy and governance in Bolivia at the request of the government there. And the administration has limited USAID funding in Russia, Uzbekistan, and Egypt to registered organizations, even though they know that the onerous registration processes are being used to control or eliminate the activities of legitimate civil society groups in these countries.

Moreover, the State Department is moving ahead with plans to set up a $300 million endowment for Egypt. This is "country ownership" in its worst form: U.S. taxpayer dollars will be essentially be given over to the government of Egypt, without any Congressional oversight. Meanwhile the Egyptian government recently renewed its state of emergency for two years, which will last beyond the next presidential election, and blocked hundred of domestic observers mobilized by legally registered organizations from entering polling stations to observe the Shura Council elections on June 1.

Conclusion

I want to end by applauding the efforts of this Committee to move forward the process of U.S. foreign assistance reform. I am a proud member of the Modernizing Foreign Assistance Network and believe that now is the time to update and improve the policy and organizational framework for U.S. foreign assistance. The discussion papers the Committee has circulated to date identify the key issues, ask the right questions, and challenge us all to develop

specific recommendations. I want to say that I am disappointed that some in the current Administration seem to be intent on stalling any Congressional action to revise the legislative framework. I hope that Congress, as it has so many times in the past, will step in to provide the leadership to move this important effort forward.

Chairman BERMAN. Ms. Massimino—and I apologize for mispronouncing your name. It is not a name I am familiar with. Go ahead.

STATEMENT OF ELISA MASSIMINO, J.D., PRESIDENT AND CHIEF EXECUTIVE OFFICER, HUMAN RIGHTS FIRST

Ms. MASSIMINO. Thank you, Mr. Chairman. I, too, appreciate the opportunity to be here today to share our recommendations on this important issue.

The existing statutory framework for foreign assistance is sorely in need of an overhaul after nearly half a century; and we are very grateful for your leadership, Mr. Chairman, and that of this entire committee in tackling this challenge head on. I want to echo my colleagues' thanks to the committee staff who have consulted widely with stakeholders as part of this process.

My comments today will focus on the committee's human rights and democracy discussion paper that you referenced. Human Rights First, along with a number of other groups, have put forward two sets of recommendations to the committee over the last several months, and I have attached those as part of my testimony and ask that they be made part of the record.

Our views on this issue are also shaped by the recommendations which came out of the summit that Jennifer mentioned that we cohosted with Freedom House here in Washington in February which brought together activists from over two dozen countries to discuss the challenges that they are facing and to formulate recommendations to governments for how to strengthen support for those on the front lines, including this government and actions by this government. So I ask that those recommendations be made part of the record as well.

Chairman BERMAN. Without objection, they will be included.

[The information referred to follows:]

2010 Washington Human Rights Summit

Plan of Action

To Support Freedom of Association, Freedom of Expression and Human Rights Defenders

Washington, DC

March 8, 2010

After decades of progress in the spread of freedom and human rights, in recent years the world has witnessed declines in fundamental freedoms in a wide range of countries around the globe, as well as attacks on fundamental freedoms at multilateral institutions. Deterioration has occurred particularly in two core freedoms—freedom of expression and freedom of association—creating increasingly hostile conditions for human rights defenders and democracy activists in every region of the world. The rights of individuals to share information and to express their thoughts and opinions—whether through published works, private blogs, or peaceful demonstrations are being threatened by a broad array of legalistic, political and economic pressures, as well as by violence from state and non-state actors.

To address this challenge, human rights defenders from more than twenty countries met in Washington, DC between February 17 and 19, 2010 and produced the following Plan of Action directed to the United States government, other governments, multilateral organizations and civil society organizations. The participants also noted the absence from the gathering of at least three invited individuals Liu Xiaobo of China, Riad Seif of Syria, and Yevgeniy Zhovtis of Kazakhstan – because they are currently imprisoned for their work on behalf of human rights and democracy. Their stories were highlighted by multiple speakers during the gathering, as it was noted that these three individuals represent the many others worldwide who are currently imprisoned for their advocacy and activism.

These proceedings built on and incorporated several previous efforts including the 2006 Prague Charter *that was highlighted by Vaclav Havel in his address to the Summit via video on February 17, the* Principles on Defending Civil Society *published in 2007 by the International Center for Non-Profit Law and the World Movement for Democracy, the* Guiding Principles on Non-Governmental Organizations, *issued by the U.S. Department of State in 2006, and the* Diplomat's Handbook *published under the auspices of the Community of Democracies in 2008.*

For All Governments

General

- Support the work and independence of Special Procedures mechanisms of the U.N. Human Rights Council, particularly the Special Rapporteurs for Freedom of Expression and for Human Rights Defenders; issue a standing invitation to all mandate holders to visit their countries and encourage other governments to do the same.

- Consult with civil society organizations (CSOs) in their own countries and abroad and provide them with a meaningful opportunity to participate in mechanisms to assess state compliance with international treaty obligations, as well as in the Universal Periodic Review under the U.N. Human Rights Council.

- Respect, and encourage other governments to respect, international human rights norms, including protection of the basic freedoms necessary for the functioning of independent civil society organizations, human rights defenders, and journalists.

- Respect the right of human rights defenders to participate and engage in international forums, networks, and regional and multilateral organizations without interference.

- Strengthen, and where they do not yet exist, help to create, regional and sub-regional human rights bodies and mechanisms within intergovernmental organizations that are guided by universal standards. This requires financial and technical assistance, as well as diplomatic and political support. Encourage and facilitate the inclusion of civil society representatives, especially human rights defenders in their deliberations. Governments are urged also to model (demonstrate) best practices within such initiatives.

- Do not use the struggle against terrorism or violent extremism as a pretext to curtail the legitimate activities of nonviolent civil society organizations, journalists, or human rights defenders. Further, governments should clearly distinguish in law and in practice between violent activities and legitimate peaceful actions.

- End the selective investigation and baseless prosecution of civil society activists, journalists and human rights defenders in reprisal for their legitimate activities. No one should be detained or imprisoned for the nonviolent promotion and protection of universal human rights principles; individuals who express nonviolent political or other views should not be detained or imprisoned for such expression.

- Combat impunity in cases concerning the murder or harassment of journalists and human rights defenders by vigorously investigating and prosecuting cases of violence against members of the media and civil society.

- Adopt in their bilateral relations a policy of providing support for, and, where necessary, protection of civil society groups, journalists, and human rights defenders and implement that policy by instructing embassies and aid missions to support these groups in practical ways. For example:
    - When political leaders and diplomats visit countries where independent civil society activists are facing persecution, including criminal prosecution, they should, (unless the security of the activists would be threatened by such contacts) meet publicly with independent human rights defenders, including those who may have been subjected to official persecution;
    - Develop strategies to support persecuted human rights defenders at regional and international meetings and other forums by consistently drawing international attention to their cases;
    - Develop better strategies and policies to provide protection, including resettlement, access to travel visas, and asylum to civil society activists under threat.

- Those governments that provide bilateral foreign assistance of any kind should include criteria specifically designed to promote the rights of freedom of association and freedom of expression for human rights defenders, journalists, and other independent civil society activists.

- Bilateral aid programs should:
    - Provide technical assistance for local activists and journalists to monitor the implementation of key freedom of association and freedom of expression standards;
    - Support capacity building for local civil society organizations and media groups, including strengthening national and regional networks;
    - Provide emergency funding for human rights defenders and other key civil society actors under threat;
    - Support local initiatives to educate both government officials and the broader public on freedom of expression and freedom of association, as provided for in international law;
    - Ensure assistance reaches independent and legitimate civil society activists and take measures to assess and resist diverting funds towards Government Organized Non-governmental Organizations (GONGOs).

Freedom of Association

- Create a public policy and regulatory framework that encourages the right of people to form associations, especially those that promote and protect human rights. Specifically, governments should:
    - Ensure that laws governing the functioning of CSOs avoid lengthy registration processes, burdensome documentation requirements, and vague provisions that give governments broad powers to interfere with the capacity of civil society for independent action;
    - Eliminate criminal sanctions for unregistered civil society activities;

  - Provide CSOs with the right to appeal official decisions denying legal registration, ordering the closure of organizations, or ordering the cessation of activities;
  - Put in place clear and non-discriminatory tax regulations and exemptions to enable CSOs to operate;
  - Provide opportunities for open, transparent and meaningful consultation with civil society prior to the enactment of new laws, regulations, or the amendment of existing laws that affect freedom of association.

- Remove arbitrary, discriminatory and overly burdensome restrictions on the ability of civil society groups to raise, access, and manage funding domestically and internationally, and all governments should reaffirm and defend the right of organizations to receive assistance across borders, including financial assistance.

- Respect the right of workers to unionize and strike, in accordance with international standards.

Freedom of Expression

- Ensure that the right to freedom of opinion and expression through any medium of communication, as well as the right to seek, receive and impart information and ideas of all kinds, is enshrined in domestic constitutions and protected in law and practice in accordance with international human rights law. Among other elements, this includes:
  - Ensuring that in cases where domestic legislation could potentially restrict freedom of expression or the free flow of information, such restrictions are narrow, clearly defined, and in line with international human rights standards;
  - Actively supporting the phasing out of criminal defamation laws, both at home and around the world, and eliminating excessively punitive civil penalties;
  - Ensuring that any laws and regulations against "hate speech" are not abused to restrict the right to freedom of expression of anyone, including members of religious, ethnic, sexual and other minorities.

- Create a public policy and regulatory framework concerning the media, including new media, which promotes pluralism and incorporates the views of civil society. Specifically, governments should:
  - Ensure that licensing regulations for print and broadcast media are as limited as possible, and provisions for community broadcasting are included in the overall framework;
  - Treat all media outlets in an equal and fair manner, with publicly-funded news outlets considered the same as independent entities in licensing and other activities.

- Restrict the international sale of technology that can be used for internet censorship or surveillance where that technology is used by governments to restrict the rights to freedom of expression and privacy. At the same time, guarantee that access to free

mass market software for personal communication and information sharing is not restricted by sanctions directed against repressive governments.

- Build effective coalitions with other governments supporting internet freedom, including citizens' access to media unfettered by filtering or censorship mechanisms.

- At the U.N. Human Rights Council and in other U.N. human rights bodies and regional organizations, resist efforts to develop new international norms prohibiting religious defamation or blasphemy that endanger freedom of expression, and instead seek measures that address religious hatred and intolerance while upholding fundamental freedoms of expression and opinion, including:
    - Speaking out publicly and consistently against racist and intolerant language and conduct by public officials and other prominent public personalities;
    - Building political consensus, including reaching out across political party lines, to encourage speaking out against intolerant discourse.

For the U.S. Government

Policy Formulation

- Ensure that advancing human rights, including the protection of the freedoms of association and expression, are operationalized and properly resourced, through a National Security Presidential Directive or some comparable mechanism.

- Ensure that the promotion of freedoms of association and expression are included in a national foreign assistance strategy.

- Strengthen the U.S. Guiding Principles on Non-Governmental Organizations (issued in 2006) by developing them into action guidelines for embassies, missions and other U.S. diplomatic representatives around the world.

- Facilitate U.S. civil society engagement with civil society groups working on similar issues abroad.

- Facilitate, support and strengthen engagement by independent civil society organizations in regional and sub-regional multilateral bodies.

- Formulate a strategy to promote freedom of expression in countries where it is under threat and fulfill the pledge made in January 2010 by Secretary of State Hillary Rodham Clinton that the United States would make Internet freedom an international priority. Specifically, it should:
    - Seek to guarantee that the acceptance of trade agreements is conditional on respect for internet freedom, as it is on labor rights, and consider applying the same concept to trade and investment benefits, technical support, and bilateral and multilateral assistance;
    - Ensure that U.S. technology is not used to violate the rights of internet users at home and abroad;
    - Promote the development and dissemination of technology that will

circumvent internet censorship and strengthen user privacy in repressive countries, through policies and funding;
  - Strongly support indigenous efforts in countries where the internet is restricted to expand space for free expression online;
  - support the enactment of the recently reintroduced Global Online Freedom Act, which fights internet censorship abroad and prevents U.S. companies from aiding the censorship operations of repressive foreign governments;
  - Retain robust support for the broadcast of impartial news and information into countries whose media is otherwise restricted.

- Combat terrorism and violent extremism by promoting more human rights, not less. Specifically, the U.S. government should de-couple the fight against terrorism and violent extremism from efforts to restrict political speech, including speech that may be critical of U.S. policy and practices.

Diplomatic Engagement

- Ensure that consistent human rights and democracy messages are conveyed in bilateral discussions at all levels and in all areas.

- When establishing bi-lateral structures to deal with human rights issues, include local civil society activists in their development and functioning.

- In countries where freedoms of association and expression are curtailed, ensure that embassies and missions have a plan of action for supporting independent civil society organizations, media and human rights defenders. This includes, but is not limited to:
  - Convening regular meetings and building relationships with human rights defenders and journalists to show support for their work and remaining engaged in their efforts;
  - Monitoring trials of human rights defenders;
  - Upon visits to these countries, the president, the secretary of state, members of Congress, and other senior officials should commit to consistently and publicly meeting and otherwise have direct engagement with civil society leaders and other human rights activists.

- Engage with other countries in order to counter government initiatives that threaten freedoms of association and expression in multilateral bodies.

- Lead multilateral efforts to promote a single Internet and end censorship.

Foreign assistance

- Ensure that the integrity and independence of U.S. government assistance is maintained. In those countries where restrictions exist on providing international aid to independent CSOs, the U.S. government should devise strategies for assisting civil society, and should register its objections with the host country's government. The

U.S. government should not acquiesce to the demands of other governments to vet or restrict U.S. foreign assistance to independent human rights organizations.

- Remove overly onerous U.S. conditions on foreign assistance that jeopardizes freedom of association and undermines CSOs.

- Provide direct support to human rights defenders to participate in multilateral, regional and sub-regional human rights mechanisms.

- When establishing bilateral structures to deal with human rights issues, such as strategic dialogues, or in drafting trade agreements with human rights provisions, ensure that local civil society activists are included in the development of the agreements' human rights components, and especially in the ongoing monitoring of their implementation.

- Ensure that the integrity and independence of U.S. government assistance is maintained. In those countries where restrictions exist on providing international aid to independent CSOs, the U.S. government should devise new strategies for assisting civil society, or should register its objections with the host country's government.

- Appoint senior-level officials at USAID and the State Department to engage with civil society on freedom of association issues, and hold regular meetings with human rights and journalists' organizations in order to gain information about potential programming for sensitive countries and to receive feedback on the effectiveness of ongoing aid projects.

- USAID and other US government funded programs should:
    - Provide technical assistance to promote an enabling environment for civil society and media groups around the world;
    - Support research and tools for the monitoring and the defense of freedom of association and freedom of expression;
    - Support international meetings and networks to support freedom of association and freedom of expression;
    - Provide emergency funding for human rights defenders and other civil society representatives under threat;
    - Ensure that assistance reaches independent civil society organizations and actors, and take measures to assess and resist diverting funds towards Government Organized Non-governmental Organizations (GONGOs).

For Multilateral Institutions

- Ensure that protection of freedom of association and freedom of expression are emphasized among their objectives and that existing mechanisms, including the UN Human Rights Council's Special Procedures, give particular attention to both in their work.

- Ensure the full and effective participation of civil society groups, journalists, and human rights defenders in the workings of the human rights mechanisms of these

bodies (UN Human Rights Council, Inter-American Commission on Human Rights, Organization for Security and Cooperation in Europe, African Commission on Human and Peoples' Rights, and the new ASEAN Intergovernmental Commission on Human Rights), including:

- Fair, non-discriminatory and non-politicized accreditation procedures for CSOs;
- The development of effective consultation mechanisms and participation policies, strategies and bodies for CSOs;
- Funds pooled from contributions by member states that enable CSOs to participate in international meetings, sessions, assemblies, hearings, and monitor and report on states' performance and adherence to human rights standards;
- Adequate notice and information given to CSOs about anticipated or ongoing processes, planned meetings and other activities to enable them to fully prepare and provide effective input into the work of the multilateral organizations.

For Civil Society

- Form alliances and build mutually supportive civil society constituencies to combat the restrictions on freedom of association and freedom of expression, promote an enabling environment for civil society, and provide solidarity and support when under attack.

- Engage humanitarian and development CSOs to support the rights of civil society actors promoting human rights and political freedoms in the countries in which they operate.

- Communicate with governments, multilateral organizations and international CSOs as soon as possible about threats and potential threats to civil society, in order to raise awareness and encourage supportive interventions, where appropriate, as early as possible.

- Raise awareness among civic actors of existing rights under international and national law, with an emphasis on the protection of the freedom of association and expression in UN conventions, applicable regional conventions and internationally vetted principles, such as the Principles on Defending Civil Society. Where freedom of association and expression are at risk, raise awareness of available strategies and tactics for safeguarding these rights.

Ms. MASSIMINO. Thank you.

Let me begin by saying we very much welcome the overall approach in the committee's discussion paper. It includes a number of the recommendations that we have put forward. That said, legislative reform has to be a lot more ambitious in order to meet the objectives that the committee has set out.

I would like to highlight just three principles that we believe ought to guide those efforts. The first relates to much of what we have heard today, including from members of the committee, is do no harm. It is essential that the U.S. assistance, especially security assistance, does not undermine respect for human rights or democratic governance or lend legitimacy to governments that violate fundamental rights. Where possible, assistance should provide incentives to encourage recipients to improve their human rights performance.

Second, foreign assistance that is specifically designed to achieve human rights outcomes must be based on a clear strategy and operate through multiple channels in order to be effective.

And, third, a new statutory framework for foreign assistance ought to strengthen the infrastructure to advance human rights throughout the government, not just at the State Department and USAID. A whole of government approach to advancing human rights and democracy should result in reinforcing messages and consistent political support for human rights from all parts of the government.

Let me elaborate briefly on each of these principles.

In the area of doing no harm, the committee's discussion draft rightly prioritizes an effective minimum standard of human rights compliance before permitting a country to receive USAID and highlights the need to evaluate existing assistance to determine its impact on human rights. We recommend that the legislation build incentives that will help move recipients of assistance away from practices that violate human rights. This could be done by establishing an annual process for determining which recipients of U.S. security assistance have significant human rights problems, and such a finding could result in withholding a certain percentage of security assistance, both State and DoD funded, until specified improvements are achieved.

Congress ought to authorize affirmative assistance to help those governments meet improvement benchmarks and avoid having their aid permanently reduced.

The absence of effective conditionality on foreign security assistance fuels the damaging impression that the United States Government condones or even supports human rights violations committed by recipient security forces and governments. Such impressions are harmful to the broader U.S. national security interests and represent a significant cost that should be taken into consideration when objections are raised suggesting that applying human rights conditions will complicate or worsen vital strategic relationships.

Another aspect of this principle of do no harm is that we have to ensure that the way in which U.S. foreign assistance is delivered doesn't undermine the basic political freedoms that the assistance is designed to promote. For example, as Jennifer pointed out, we should not be acceding to the demands of other governments to vet

or restrict U.S. foreign assistance to independent human rights organizations. Those kinds of arrangements create the impression that governments hold the veto power over the way that U.S. funds are dispersed and restrict access to much-needed support for very vulnerable local human rights defenders.

We very much welcome the discussion papers focused on strengthening the Leahy law and incorporating it directly into the statutory framework for foreign aid. Restrictions on aid to security units who have committed severe violations of human rights with impunity are vital in upholding the do no harm principle. We strongly endorse the expansion of the Leahy law to units of recipient governance beyond the security forces, which should include police; and we also welcome expansion to aid provided by the Defense Department.

The Defense Department has become, as you know, a huge donor of foreign aid. One estimate has the DoD at $8.9 billion in military aid worldwide in Fiscal Year 2009, outstripping all the programs administered by the State Department. It is essential that we bring transparency and oversight to that process as well as bring DoD aid squarely under human rights policy. To do that right, there has to be a good process for gathering evidence of human rights violations and including adequate funding to do that oversight. So we recommend that this be supported by a fee on security assistance to help shore up the infrastructure designed to do that.

We also welcome the discussion draft's emphasis on human rights and democracy action plans. That is something that we have called for for many years. These are essential building blocks, and affirmative assistance ought to be funded as part of an overall strategy embodied in those plans. USAID human rights assistance in particular should be tied directly to multi-agency strategies to promote human rights in a specific country, rather than being derivative of an overall USAID country strategy. Those action plans should include strategies to support independent human rights groups, and they ought to be involved in the development of those strategies.

In our view, it would be a mistake to view assistance designed to advance respect for human rights as a subset of democracy assistance, as the discussion draft seems to suggest. Human rights and democracy are inextricably connected. Only when human rights are respected can democracy be secured. Yet it is also possible and sometimes it is critically important to advance human rights objectives through affirmative assistance in nondemocratic countries or in countries where the strategy to promote democracy is unclear. In those countries, support can be provided to human rights defenders to enhance their efforts to document violations, advocate for international bodies, and raise public awareness. That is critically important if we are going to build a civil society to advance human rights and democracy.

The discussion draft proposes strengthening the democracy and human rights functions at USAID; and while USAID can certainly do more to advance human rights objectives, we would caution against an overreliance on that approach. I think this is consistent with what you have heard from all of the witnesses. Decision making there is heavily concentrated in field missions and for many of

the development objectives the mission works closely with the host government in some cases, as it should. But that just underscores for us the need for multiplicity of actors in this area and against consolidation.

As part of the mix, the State Department's lead bureau with human rights and democracy promotion, DRL, has to have sufficient capacity to do this. That really underscores the necessity for building up all the levers of our power.

One important recommendation out of the Human Rights Summit that we heard from our human rights colleagues was that the United States needs to facilitate, support, and strengthen engagement by independent civil society organizations in regional and subregional multilateral bodies; and we would welcome an emphasis on that and specific attention to supporting those efforts.

Finally, in our view, none of this works unless there is a whole-of-government approach. This goes a bit to what Ms. Ros-Lehtinen mentioned about consistency in our diplomacy.

A lot of the infrastructure of the U.S. Government to advance human rights globally is embedded and traced to the Foreign Assistance Act, the country report; and any rewriting of that should strengthen the ability of the entire government not only to deliver more effective assistance but also to ensure that the rhetorical commitment of the U.S. to universal human rights is backed up with committed action as a foreign policy priority.

For those country plans to work, they need to exist more than just on paper. They have to become part of the fabric of the U.S. approach to every country across all government agencies. That requires leadership from the top, and it is going to require consistent oversight from you all here. And there has to be somebody in charge of implementing those plans. That could be the U.S. Ambassador, the Chief of Mission, but there needs to be somebody designated. And, of course, there has to be sufficient resources. That has got to be backed up by sufficient resources and attention here in Washington; and we think that the regional bureau in the State Department, each of them should have a Deputy Assistant Secretary devoted to human rights.

In conclusion, I want to point out that in the national security strategy that President Obama released just recently it was structured around looking at the world as it is and the world as we want it to be. We see foreign aid as a critical vehicle in getting us from point A to point B. This is a moment when our U.S. interests and values are so aligned, to align our foreign aid structure to those values, and we look forward to working with the committee to seize that opportunity.

[The prepared statement of Ms. Massimino follows:]

TESTIMONY OF ELISA MASSIMINO

PRESIDENT AND CEO
HUMAN RIGHTS FIRST

Hearing on

"HUMAN RIGHTS AND DEMOCRACY ASSISTANCE:
INCREASING THE EFFECTIVENESS OF U.S. FOREIGN AID"

before the

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON FOREIGN AFFAIRS

June 10, 2010

HUMAN RIGHTS AND DEMOCRACY ASSISTANCE: INCREASING THE EFFECTIVENESS OF U.S. FOREIGN AID

Introduction

Chairman Berman and Members of the Committee, thank you for convening this hearing to examine how to increase the effectiveness of U.S. foreign aid in advancing human rights and promoting democracy. The existing statutory framework for U.S. foreign assistance is sorely in need of an overhaul after nearly half a century. I appreciate the opportunity to be here this morning to share Human Rights First's insights and recommendations on how to advance protections for universal rights in this context. We are grateful for your leadership, Mr. Chairman, and that of the Committee in tackling the effectiveness of foreign aid head-on, and we welcome the Committee's recognition that advancing human rights and promoting democracy must be key objectives of U.S. foreign assistance policy.[1] Realizing these goals will require determination, resources, and creativity. We must build new tools into the foreign aid framework, and strengthen existing ones. We thank the Committee staff who have consulted widely with stakeholders as part of this process, and we look forward to continuing to work with you to assist in this important effort.

My comments today will focus on the Committee's Human Rights and Democracy Discussion Paper released last week. Human Rights First, along with other members of the human rights community, including the Council for Global Equality, the Washington Office on Latin America, Human Rights Watch, the International Justice Mission, and others, put forward several recommendations to Committee staff in the form of both general principles and specific legislative proposals. I have attached those documents to my testimony and ask that they be included in the record of this hearing. Human Rights First's views on these issues are also shaped by the recommendations which came out of the Human Rights Summit that we held with Freedom House here in Washington in February. At the Summit, we brought together human rights activists from over two dozen countries to discuss the challenges they are facing, hear their concerns, and formulate recommendations to governments—including the United States government—for how to improve support for those on the frontlines of advancing human rights. I should be clear, however, that I am speaking today on behalf of Human Rights First alone, and not any other organization.

Let me begin by making clear that we very much welcome the overall approach outlined in the Committee's Discussion Paper, and we support many of the principles articulated in it. Indeed, the document reflects several of our recommendations. Nevertheless, we believe that the Committee must be more ambitious in order to meet the objectives it seeks to achieve. We have a number of suggestions to strengthen the proposals in the Committee's Discussion Paper and, in particular, to ensure that as it moves towards translating these ideas and principles into specific statutory language, the Committee is putting into place a robust and effective framework that will advance human rights.

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[1] *Concept Paper for Foreign Aid Reform* July 23, 2009.

I would like to highlight three key principles to guide reform efforts that will strengthen the statutory framework for foreign aid to better advance human rights:

First, **do no harm**. In seeking to advance human rights, our foreign assistance should take a cue from the Hippocratic Oath. The Committee should ensure that U.S. aid—especially security assistance—does not undermine respect for human rights or democratic governance, or lend legitimacy to governments that violate fundamental rights. Where possible, assistance should provide incentives to encourage recipients to improve their human rights performance.

Second, foreign assistance that is specifically designed to achieve human rights outcomes (**"affirmative assistance") must be based on a clear strategy and operate through multiple channels of assistance** in order to be effective.

Third, a new statutory framework for foreign assistance should strengthen the infrastructure to advance human rights and democracy throughout the government, not just at the State Department and USAID. A **"whole of government" approach** to advancing human rights should result in reinforcing messages and consistent political support for human rights from all parts of the government.

Do No Harm

Incentivizing human rights improvements through U.S. security assistance

The Committee's Discussion Draft rightly prioritizes an effective minimum standard of human rights compliance before permitting a country to receive U.S. aid, and highlights the need to evaluate existing assistance to determine its impact on human rights. The current threshold for withholding assistance—a consistent pattern of gross human rights violations—has not been effective. The assessment of human rights impacts has been sporadic and weak.

Although we have recommendations on other forms of assistance, I would like to focus my remarks here on security assistance, because so many human rights violations are committed with impunity by foreign security forces.

Our recommendations on security assistance link compliance, monitoring and evaluation in an effort to incentivize concrete human rights improvements in problematic countries receiving U.S. security assistance.

We recommend that the legislation build incentives that will help move recipients of U.S. security assistance away from practices that violate fundamental civil and political rights of their populations.[2] This could be done by establishing an annual process for determining which recipients of U.S. security assistance have significant problems in one

[2]We spell out this proposal in more detail in an August 13, 2009 memorandum to the Committee from human rights and democracy promotion groups.

or more areas of internationally-recognized Human Rights (based on the State Department annual Country Reports on Human Rights and other credible sources). Such a finding should result in withholding a minimum of 30% of security assistance (both DOS and DOD-funded) until specified improvements in problem areas are achieved. Congress should authorize affirmative assistance to help governments meet improvement benchmarks and avoid having their aid permanently reduced.

An absence of effective conditionality on foreign security assistance fuels the damaging impression that the U.S. government condones or even supports human rights violations committed by recipient security forces and recipient governments. Such impressions are harmful to broader U.S. national security interests and represent a significant cost that should be taken into consideration when objections are raised suggesting that applying human rights conditions will complicate or worsen vital strategic relationships. Both seeking to apply conditions to security assistance and overlooking violations have costs, but as a general principle, U.S. interests are better served by building security cooperation with governments that respect the rights of their citizens and share our values of respect for human rights and democracy. As President Obama observed last year in Cairo, "Governments that protect these rights are ultimately more stable, successful and secure." [3]

In addition to providing more effective conditionality and incentives for human rights improvement, another aspect of the "do no harm" principle is ensuring that the way in which U.S. foreign assistance is delivered does not undermine basic political freedoms that the assistance is designed to promote. For example, the U.S. government should not accede to the demands of other governments to vet or restrict U.S. foreign assistance to independent human rights organizations. U.S. assistance is subject to these restrictions in a number of countries, including Egypt and Peru, that restrict the ability of U.S. government agencies to deliver foreign assistance directly to independent non-governmental human rights organizations. Such arrangements create the impression that governments hold a veto power over the way U.S. funds are disbursed and restrict access to much-needed support for vulnerable local human rights defenders.

Transparency and Evaluation

We also recommend that Congress require periodic comprehensive evaluation of the human rights impacts of U.S. security assistance to countries with significant human rights problems. In order to do this, an assessment methodology would need to be developed and the data collection requirements of Sections 548 and 549 of the current FAA should be expanded. To promote transparency and evaluation, security assistance expenditure and programming information—now spread out through several hard to find reports and other documents—should be brought together in a single unified internet-based portal. This would reduce burdensome reporting and ease oversight.

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[3] Remarks by the President on a New Beginning, Cairo University, Cairo, Egypt, June 4, 2009.

Expanding and Strengthening the Leahy Law

We very much welcome the Discussion Paper's focus on strengthening the Leahy Law and incorporating it directly into the statutory framework for foreign aid, rather than relying on annual appropriations bills. Restrictions on aid to security units who have committed severe violations of human rights with impunity are important to the "do no harm" principle. There have, however, been problems in Leahy Law implementation and these problems must be resolved.[4]

We strongly endorse the expansion of Leahy Law coverage to units of recipient governments beyond security forces, which should include the police. We also welcome expansion to aid provided by the U.S. Department of Defense. Over the last decade, the Defense Department has become much more of a major player in foreign assistance. One estimate has the DoD providing $8.9 billion in military aid worldwide in FY2009, outstripping programs administered by the State Department.[5] It is essential to bring more transparency and oversight to that process as well as to bring DoD aid squarely under human rights policy. Application of the Leahy Law is a start, but the other tools that we have recommended above—evaluating the human rights impact of aid and restricting it if there are persistent human rights problems—are also intended to ensure that DoD aid is in line with human rights objectives. The law should also make clear that weapons and equipment, as well as training, are covered by the prohibition.

It is also very important that the Discussion Paper has laid down markers regarding the need for a process to gather evidence of human rights violations and ensuring adequate funding and other resources in order to do so. Several reports of the State Department Inspector General, as well as the GAO, have raised concerns about the systems in place in U.S. Embassies and the State Department to properly vet security units. A standard process needs to be put in place to ensure that evidence of human rights violations is gathered and assessed in order to apply the standard.

Adequate Resources

We have recommended that a small administrative fee be applied to all security assistance in order to provide the resources necessary to implement the reforms outlined above, as well as to provide more resources to U.S. Embassies in countries of concern receiving U.S. security aid. The Leahy Law has been undermined by failure to devote sufficient resources to its implementation. The cost of human rights protection—that is, the risk that US security assistance is facilitating or condoning human rights abuses—should be integrated into the cost of that assistance.

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[4] See, e.g. OIG Report No. ISP-I-08-20A, Inspection of Embassy Monrovia, Liberia - March 2008, p. 12; OIG Report No. ISP-I-07-24A, Inspection of Embassy Phnom Penh, Cambodia - August 2007.
[5] Gordon Adams, Testimony before the House Subcommittee on State, Foreign Operations and Related Programs, 5 March 2009.

Develop a Clear Strategy and Multiple Channels for Affirmative Assistance

We welcome the Discussion Draft's emphasis on human rights and democracy action plans. Such plans are essential, fundamental building blocks, and assistance designed to advance human rights outcomes ("affirmative assistance") should be funded as a part of the strategy embodied in these plans. USAID human rights assistance, in particular, should be tied directly to a multiagency strategy to promote human rights in a specific country, rather than being derivative of the overall USAID country strategy, which likely will have different objectives. As noted below, we believe DRL should play a lead role in both developing and monitoring implementation of these plans in countries with serious human rights challenges. These action plans should include strategies to support independent civil society organizations, media and human rights defenders, who should be consulted in putting the plans together. To carry weight, human rights and democracy action plans must be supported by the highest officials in the U.S. government, and in a consistent manner across different agencies that have dealings with target foreign governments.

Affirmative assistance is an important tool, but in order for it to be successful, flexible and creative approaches must be developed to avoid interference by the government in question or, in some cases, undercutting the effectiveness of recipients by creating too close a connection with the United States.

Governments with long-standing and complex aid relationships with the United States have developed increasingly elaborate ways of interfering with and controlling the delivery of such assistance, especially in areas dealing with human rights and democracy. Egypt is a prime example of this problem. Human rights activists in Egypt are sometimes told by Egyptian government officials that its policy of controlling access to foreign funding for independent non-governmental organizations has the support of the U.S. government and that, therefore, their efforts to secure foreign financial support from diverse sources—including U.S. foreign assistance—free of a de facto veto from the Egyptian government, are illegitimate.

For example, Abdel Aziz Hegazi, Chairman of the General Federation of NGOs (the official body with which all Egyptian NGOs are required to register) reportedly tells representatives of human rights NGOs that restrictive and intrusive policies promoted by the government-backed Federation and currently upheld in Egyptian law are supported by U.S. policy. As a result, it is widely believed in the Egyptian human rights community that the U.S. government is not interested in supporting their efforts to guard and expand their already highly-constrained independence.

U.S. government representatives in Egypt need to be pro-active in articulating and explaining the U.S. vision for what a truly independent Egyptian NGO sector should be, and should be vigilant in challenging inaccurate statements of U.S. policy by Egyptian officials.

In our view, it would be a mistake to view assistance designed to advance respect for human rights as a subset of democracy assistance, as the Discussion Draft appears to suggest. Human rights and democracy are inextricably connected. Only when human rights are respected and protected can democracy be secured. Yet, it is also possible—and sometimes critically important—to advance human rights objectives through affirmative assistance in nondemocratic countries or countries where the strategy to promote democracy is unclear. In such countries, support can be provided, directly or indirectly, to human rights defenders to enhance their efforts to document violations, advocate before international bodies, and raise public awareness. Thus, while planning and executing strategies to promote democracy and human rights should not be done in isolation from each other, it is important that they not be treated as co-extensive; if they are, critical opportunities to build civil society capacity to advance human rights will be lost[6]

The Discussion Draft proposes strengthening the democracy and human rights functions at USAID. While USAID can certainly do more to advance human rights objectives, we would caution against an overreliance on that approach. Decision making authority at USAID is heavily concentrated in its field missions, and for many of its development objectives the mission works closely with host government agencies. While this orientation may be essential for advancing certain development objectives, and perhaps reasonable for some assistance to promote democratic institutions, it is generally not appropriate for funding human rights work by independent organizations, which may be critical of government policies and practices. In addition, there are a number of countries with significant human rights problems—Syria, Burma, Belarus, Iran, Eritrea—but there is no USAID presence in the country.

For these reasons, multiple channels of assistance must be available for advancing human rights objectives as such assistance can involve a wide range of recipients, strategies, activities, and donors, including government and quasi-official entities, as well as both U.S.-based and indigenous independent non-governmental organizations. DRL, U.S. Embassies, and government-funded entities like NED and USIP each have different strengths and capabilities, including different capacities to respond quickly to events on the ground. Private organizations may have the benefit of being less constrained by bi-lateral agreements negotiated by the United States and the recipient government. As the State Department's lead bureau with human rights and democracy promotion expertise, DRL must have sufficient capacity to provide and monitor assistance; this should be strengthened. The necessity for this multiplicity of actors underlines the importance of the action plans to ensure coordination between different entities.

The Discussion Paper wisely recognizes that assistance that is too closely associated with the U.S. government may put organizations at risk and undermine their effectiveness. Independent organizations themselves are in the best position to assess the risks, and

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[6] For an example of tension between rule of law assistance for prosecutors in Colombia and baseless prosecutions of Colombian human rights defenders, see Human Rights First, Statement at Hearing before the Senate Committee on the Judiciary Subcommittee on Human Rights and the Law "Drug Enforcement and the Rule of Law: Mexico and Colombia" May 18, 2010. http://www.humanrightsfirst.org/defenders/pdf/20100518-HRF-statement-Durbin-hearing.pdf.

should be consulted. Nevertheless, we hear from many of our NGO partners overseas that one primary objective of U.S. human rights diplomacy and assistance should be to strengthen the legitimacy of human rights advocacy by domestic organizations in their own countries. In some cases this might be done through direct assistance to human rights defenders, but in many other situations, more creative approaches are necessary. This may include U.S. support for national human rights institutions that is structured to encourage the independent functioning of such institutions in accordance with international standards and which emphasizes the participation of independent civil society organizations, especially human rights organizations, in their work as a way of bolstering their credibility and effectiveness.

One recommendation of our Human Rights Summit was that the United States should facilitate, support, and strengthen engagement by independent civil society organizations in regional and sub-regional multilateral bodies. As flawed as some of these bodies may be, governments have taken on human rights commitments through these bodies, and efforts by local groups to engage their governments in this context can build their credibility at home and help insulate them from criticism that they are over-dependent on U.S. and other outside influence. The statutory framework should reflect this as a major element of the strategy to advance human rights.

We endorse the need for guidelines to monitor and evaluate the performance and impact of democracy and human rights related assistance, as mentioned in the Discussion Draft. This effort should involve a wider range of stakeholders than USAID and its implementing partners, and should also include human rights specialists from the State Department and U.S. embassies abroad, as well as, to the extent possible, representatives of recipient organizations on the ground, including human rights defenders.

We also support rewriting Section 660 to authorize police and security sector training, including training specifically on human rights. In our work combating bias motivated violence, for example, we have seen the importance of providing specialized training to police and prosecutors in responding to hate crimes, better data collection for crimes based on race, ethnicity, religion, gender, sexual orientation, gender identity and disability, as well as assistance with investigation of cases. Effective and accountable law enforcement training can advance important human rights objectives such as the hate crime training mentioned above, but also including better relations with marginalized communities, strengthening discipline and accountability for abuses, and the creation of special units to combat particular problems, such as gender-based violence, hate crimes, and human trafficking. The United States has much to offer by way of its own experience in these areas. Assistance to law enforcement should be covered by the Leahy Law. In addition, because so many U.S. agencies are involved in police training, there should be consolidated reporting to Congress on this assistance. This should focus on more than just the number of units or individuals trained; reports should evaluate progress towards measurable human rights outcomes.

Build Infrastructure for a Whole-of-Government Approach

Much of the infrastructure of the U.S. government to advance human rights globally can be traced to the Foreign Assistance Act. Any rewriting of the FAA should strengthen the ability of the entire government not only to deliver more effective foreign assistance that promotes democracy and human rights, but also to ensure that the rhetorical commitment of the United States to universal human rights is backed up with committed action as a foreign policy priority.

Several aspects of the Discussion Paper address this need, but in our view this needs to be more robust in order to have a significant impact.

As mentioned above, we fully endorse the idea of country action plans, developed in consultation with DRL, USAID, and other relevant bureaus and agencies, as well as local civil society groups and representatives of marginalized or persecuted communities, where possible. To promote transparency and oversight, we applaud the requirement expressed in the Discussion Draft that the plans be made available to the Congress and to the public.

For these plans to work, however, they need to exist more than just on paper; they have to become part of the fabric of the U.S. approach to each country across all relevant government agencies. This requires leadership from the top, and consistent oversight by Congress. It is vital that there be agreement at the political level to follow through on what the Discussion Draft calls "incentives for cooperation." That is, both the carrots and the sticks in the plan need to be viable tools, used as necessary. Moreover, U.S. government interlocutors at all levels and across all agencies must be aware of the strategy and deliver consistent messages to their foreign counterparts.

In addition to political will, there has to be someone in charge of implementing the plan. This could be the U.S. Ambassador or Chief of Mission, in consultation with a specially-designated Deputy Assistant Secretary from the relevant regional bureau and the Assistant Secretary for Democracy, Human Rights and Labor. The regional DAS and the Assistant Secretary for DRL could be in charge for those countries where the United States does not have a diplomatic presence. When U.S. government decisions are being made that have an impact on the plan—decisions about diplomatic engagement, trade and investment, security cooperation or assistance, as well as other forms of assistance—the officials in charge of the plan must have a seat at the decision-making table.

Finally, there needs to be sufficient human and other resources to implement the plan. If the U.S. Ambassador is the CEO for advancing human rights and democracy in a particular country, in those countries where the problems are severe and the stakes are high, there needs to be a COO as well. This would be a new senior level position that should be a part of the Embassy's country team. Their entire job should be to advance implementation of the plan, keeping an eye on the strategy, deploying resources, assessing the full range of U.S. activities in country from the point of view of promoting democracy and human rights. We are not advocating creation of this position in every

Embassy, but in those where the human rights problems are substantial and there is extensive interaction in the bilateral relationship—Colombia, Pakistan, Sudan, Russia, China, Egypt, Vietnam, Saudi Arabia and Indonesia, for example—we see this as essential.

This level of attention and presence in-country must be matched back in Washington as well. For example, each regional bureau in the State Department should have one Deputy Assistant Secretary devoted to human rights issues region-wide. Similar roles should be identified in other agencies that are engaged in implementation of the country plans, including the Departments of Defense, Justice and Labor.

In particularly difficult countries, additional junior officers may be needed as well. We strongly support the proposal in the Discussion Paper that the assignment of democracy/human rights officers be made in consultation with DRL and USAID. In addition, where expertise is required on particular issues, DRL should be empowered to detail human rights specialists to U.S. missions abroad, analogous to resident legal or security advisors.

The Discussion Paper recognizes the need for comprehensive training for human rights and democracy officers. There is very little now in the way of mandatory democracy/human rights training. All Foreign Service officers serving abroad, as well as those serving stateside who work on issues abroad, should have sufficient in-person training on promoting democracy and human rights. Training should not be limited to human rights/democracy officers. Other officers, for example those working on security assistance, trade, and political/military affairs, require human rights training and need to understand the human rights dimension of their work. This training should not be limited to State Department and USAID, but should also be required for officials in other U.S. government agencies who will assume responsibilities for advancing democracy and human rights.

Conclusion

In his National Security Strategy released last month, President Obama set out the gap between "The World as It Is" and "The World We Seek." Foreign aid is a critical vehicle for getting from Point A to Point B. It is vital that we seize this moment of opportunity, when our national interests and values are so closely aligned, to develop a framework and strategy for foreign assistance that reflects this alignment. We look forward to working closely with you to build that vehicle and create the world we seek. Thank you.

Chairman BERMAN. I thank all of you very much.

We will now go to the comments and questions of the panel under the 5-minute rule. That means if the question takes 4 minutes and 55 seconds, the panelists have 5 seconds to answer.

I will recognize myself for 5 minutes.

There are many questions to ask, and I won't be able to raise all of the issues I would like to pursue with you, but let me start with this. I do this notwithstanding what could be interpreted as Ms. Windsor's admonition, and I take her point not so much as crediting America for something happening, you do have to measure effectiveness of programs, and that requires some discussion of what has happened as a result of programs.

In a recent briefing to committee staff, a senior government official claimed we don't really know how to do democracy and governance programs and that devoting additional funds to this area—and presumably continuing to fund at the current levels—would be a waste because they have failed to achieve tangible results.

Do you agree with that assessment? Can you provide meaningful examples of where our democracy and governance programs have achieved meaningful results?

Ms. WINDSOR. Well, I will start to say that I absolutely agree with you that we should be knowing whether programs are actually good programs and are making a difference, whether they get attributed to the U.S. or not.

I am sorry to hear about the senior government official. There are at least 20 or 30 briefing books that are in USAID and the State Department on different results measurement, and there is actually an outside book prepared on this, and I am sure I could recommend some reading.

So let's talk about what kind of results one can see. I will use Freedom House programs, because it kind of concretizes it.

When Lorne was the Assistant Secretary of DRL, we received funding for an independent—to try to set up an independent printing press in Kyrgyzstan because there was no alternative capacity to that of the state and the states in the region to print alternative newspapers. It was a way that the government used to try to control the free flow of information.

The U.S. invested in this. Everyone said technically there is no way that it can be helpful, and now there is actually a printing press that works. There are opposition newspapers that have been printed on it. There are a lot of other things that have been printed on it. The state printing press has had to upgrade its capabilities.

Has this changed democratic development in Kyrgyzstan? No. As we can see, during that time, Kyrgyzstan has gone through a number of political changes. It is not responsible for that, but this is an example of a good investment.

We were talking about the issue of women's rights. In Jordan, a program we had working with Jordanian human rights and women's rights organizations to look at honor crimes, we brought a lot more awareness to the issue; and one of the parts of raising awareness was to look at how courts actually treated these issues. So we monitored with our local partners hundreds of cases. Out of that, the recommendation was that there needed to be a specialized

court chamber to hear cases in a more equitable manner, and that was put in place.

Now again, I think that was a good recommendation. Is there still a problem in terms of treatment of women in Jordan? Yes. Do we think that this is an effective use of money to be able to advance the process? Yes.

Chairman BERMAN. Let me ask, does anybody else want to weigh in on this?

Mr. CRANER. I would. I was kind of shocked to hear you say that, and it makes me wonder where this diplomat has been for the last 25 years. I think if you talked to folks in the Philippines or Chile or Serbia or Indonesia or Georgia or Moldavia or many other places, I know that they say our aid has been effective.

I will tell you a story. I was in Bratislava, Slovakia, talking to Mikulas Dzurinda who defeated Vladimir Meciar in the 1998 election, and I said, "This place looks a lot different." I had driven in from the airport. There was a lot more economic activity. There was clearly a lot of investment. There was even an IKEA out by the airport. And I said, "Now you are in the EU and NATO." I said, "This is all due to you. This is because of your presidency from 1998 to 2002."

He said, "No, it is not. It is all due to you. It is all due to the assistance that you gave us." He said, "Without your assistance, we could not have done this."

Jennifer is right. Measuring this is an art, not a science. This is not like how many kids did you immunize or how many miles of road did you build, but it is measurable. And I would be happy to brief your staff on some of the work we at IRI have been doing. But the foreigners are our best evidence that it works.

Chairman BERMAN. Thank you very much.

My time has expired, and I yield to the ranking member, 5 minutes.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman.

I have three country specific questions: On Iran, should the Iran Democracy Fund be restored? And, if so, what should its specific objectives and performance benchmarks be?

On Cuba, the Cuban regime's imprisonment of U.S. citizen Alan Gross has effectively put U.S. democracy assistance to Cuba on hold for months, playing directly into the dictatorship's hands. Do you believe the administration should continue to allow the Cuban regime to dictate our assistance to freedom seekers on the island?

And, finally, on Haiti: Keeping in mind the relatively fragile state of Haiti's Government, what role do you think democracy assistance should play with regard to U.S. immediate and long-term assistance funding to Haiti?

Lorne, let's start with you.

Mr. CRANER. Let me talk about Cuba first. I have also found this very, very frustrating.

I understand reluctance to—on the surface a reluctance to continue the programs, but I think with a few minutes of thought we ought to be able to get past this. There are many, many programs that have been done over the years in a similar fashion. I don't hear any complaining about this kind of program going on in Zimbabwe. I don't hear any complaining about this kind of program

going on in Burma or North Korea or many other places. It seems to be focused on Cuba.

Ms. ROS-LEHTINEN. Thank you.

If I can have the others discuss Iran and Haiti.

Ms. WINDSOR. Let me comment on Iran. I think it is less important where the Iran program is placed. If in fact it provides less rhetorical interference by putting it under a regional program, I think that is not a problem. The problem is what it is actually focusing on and what the approach is. Some of the decisions have been made that we don't agree with, programs that have been cut off and other programs that have been funded, and it is very hard to figure out what the strategy is.

We think that priority for assistance should be given to political prisoners, refugees, and Internet and securing digital communications. It seems like if we have a number of very critical areas we identify the priorities and let's strive toward those.

Ms. ROS-LEHTINEN. Thank you.

On Haiti?

Ms. MASSIMINO. I would like to add a word on Iran, if I could.

Obviously, assistance to a country like Iran is incredibly complicated. From our perspective, it is very important to take into account the views of the activists inside the society. We have to be really careful, as Jennifer pointed out, to focus on what objectives we are trying to achieve there. We have to be very careful not to conflate regime change with human rights promotion. That is essential.

I very much agree with what Jennifer said about where we should be focusing our assistance on the political prisoners, human rights activists who are so much under siege.

Mr. CRANER. I think you know IRI no longer operates in Haiti. I think that the lessening of our democracy assistance there is a big mistake. There is a lot of talk about country ownership coming out of the administration. I don't know how a country can own some of the programs that we want them to own, absent a functioning government. That seems to be a big problem in Haiti. So to now cut off the assistance to try to help build a functioning government, it seems to me that we are going to be giving a lot of aid there for a long time because we are the only effective actor.

Mr. CAROTHERS. I would add a word on Iran.

I think the impulse of the U.S. Government to try to do everything that it can to support democracy in Iran is commendable, but we also have to be realistic in understanding what is possible. The kind of efforts that Lorne described in Slovakia that did produce positive results and really a wonderful legacy are impossible—or difficult, if not impossible, to carry out in Iran because of the lack of political space there. So we have to be careful in thinking about what kind of opportunities there are there to carry out the sorts of training or other kinds of technical assistance that we do in other places. So I think with Iran it isn't the amount of money that is important; it is the care and the sensitivity and the thought with which we do such programs.

On Haiti, we have to use this effort of reconstruction. If you just pile onto a country lots and lots of reconstruction money and don't try to integrate a new conception in Haiti of when are we ever

going to get past the failed state problem in Haiti and build that into the reconstruction effort, then we are simply repeating the mistakes of the past. I worked on Haiti in the late 1980s, and we haven't moved much beyond that. So reconstruction does need to be combined with democracy assistance to Haiti.

Ms. ROS-LEHTINEN. Thank you.

Chairman BERMAN. Thank you.

The gentleman from New Jersey, Mr. Payne, chairman of the Africa and Global Health Subcommittee, is recognized for 5 minutes.

Mr. PAYNE. Thank you.

Let me say that I am very pleased we are having this very important hearing. I apologize that I did not get an opportunity to hear the testimony. However, I am very familiar with the work done, especially NED, which I think has been a very important agency, so to speak, not quite an agency, but by NED being the type of organization that it is, it is able to transcend whatever administration is in, and the work of NED continues to be balanced and to move forward with the IRI and NDI and the National Chamber of Commerce and AFL–CIO having all of those areas.

Mr. Craner, we have seen sometimes that the work that we attempt to do in countries promoting democracy in some countries seems to, in some instances—and I won't go into them specifically, but I think you know the ones we are talking about—how do we keep a balance, though, of us doing democracy building without—and I know it is kind of a delicate balance—without becoming intrusive or really injecting our own, sometimes subconsciously, individual biases or preferences, however you want to say it? Because, as you know, in several instances on different continents we have heard the criticism. And, of course, countries don't want to admit that they have a problem, but how do you do that balance?

Mr. CRANER. I think you do it with a couple of things that I always tell my staff. One is that we assist, we don't lead. That it is our job to walk a couple of steps behind the folks, and when they turn to us for advice, give them the advice they are asking for.

Second, we need to understand that it is their country, not ours. Their democracy will turn out looking very, very different from ours, just as our democracy looks very, very different from that of the British, and we are born from them.

Maybe most of all we need to understand that third, it is their fight, not ours. They have chosen to make this stand, and we are not there to cheer them on. We are there to give them the most objective advice we can about how to help them accomplish that.

Finally, I always say we need to have a very un-American virtue called patience. We need to understand that we can't go into a country for 2 or 3 years and spend $100 million and then say, gee, they don't look like us. That in a lot of these countries, especially the ones that are left, it is going to 10, 15, 20 years to really be able to make a difference. And if we are willing to make that commitment, then some better things will come out the other end.

Ms. MASSIMINO. I think one of the key factors in achieving that correct balance is listening to the human rights democracy activists on the ground.

Chairman Berman, you asked when has there been real, concrete, measurable progress. I would say most of the places where

that have happened are examples of where we did a good job of listening to the activists on the grounds. USAID, which helped to establish this innovative new accountability mechanism in Guatemala which now is providing an opportunity for activists who have been collecting evidence for decades of war crimes in that country now have a place to have those cases heard. That was done by USAID, and it was done by listening to the activists on the ground. And there are numerous examples of that kind of concrete progress.

Mr. PAYNE. Thank you very much.

Before my time expires, I just want to throw out two questions, and I don't have time to get an answer. But we do push democracy. Of course, we pushed elections in Gaza, and we ended up with something that we didn't want. That is for sure.

In Algeria, we had elections. They won. But the NIF, bad government, the army went in and said, "We can't have that." So sometimes this democracy has a two-edged sword.

The final thing, I want to say that on August 4 Kenya is expected to vote on a draft referendum which is going to approve or reject, and it is very important because we saw the tragedy that happened after the last election when many people died. However, let me just say that outsiders are really intruding. There is an anti-abortion provision that has no exception for the life of the mother, and there is also some 999 year leases that outside people don't want ended. So the danger is we are going to have outside influence killing a bill that the country needs. If they don't get a referendum going, I predict the same thing is going to happen at the end of the next election that happened with the thousands that were killed at the end of the last——

Chairman BERMAN. The time of the gentleman has expired.

For those of us who are willing to sit that long, we will have a chance to come back for a second round.

The gentleman from California, Mr. Rohrabacher, is recognized for 5 minutes.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman.

Just a couple of comments, and that is regime change is the goal of human rights activists, an activity in dictatorships that murder their people and suppress those liberties that we consider to be important and valuable. This idea of we are supposed to be just engaging these ghoulish, monstrous regimes like in North Korea, we are going to engage them rather than seek to change that regime is at best counterproductive to trying to achieve the goals of a freer people and a freer world. What has happened in North Korea through this type of logic has been the cementing of their power, rather than the replacing of a regime that threatens the peace and stability of an entire region of the world.

I would like to ask a question of the panel. I happen to believe that one of the greatest obstacles to achieving the human rights goals that we have in mind and that we agree on as Americans, one of the greatest obstacles is that we have corporate America on the wrong side and that we have people, Americans, going over and trying to cut deals with these dictatorships, whether it be in China or Ethiopia or elsewhere, in a way that basically we are told by that kind of engagement we are going to change the Chinese or

change this dictatorship or that dictatorship when in fact what happens is our corporate leaders become mouthpieces for the dictatorship here, rather than promoters of democracy there.

What role does corporate America play in this whole struggle? Just comments.

Ms. MASSIMINO. I think it is huge. I think you are absolutely right, that in some countries corporations have a bigger footprint and a bigger influence than the U.S. Government does. And I think it is vital that we——

I mean, if you just think about Internet freedom and freedom of expression, this was the biggest issue that came up, freedom of expression and association in the virtual space at the summit that we held in February. While we raised all of these concerns and the activists who were here raised them with the U.S. Government, the people who really needed to be in the room were the heads of Google and Microsoft and Yahoo and these other companies.

I was heartened to see that the State Department has laid down a marker, that Secretary Clinton has called these companies in to talk about how their actions can be undermining and potentially could be supporting our foreign policy.

Mr. ROHRABACHER. People who believe that democracy and freedom should be a major priority for American policy need to be appalled when they hear that people like Assistant Secretary Posner has conducted meetings with the Communist Chinese, which happen to be the world's worst human rights abusers, and the framework of the discussion is based on America has some sort of moral equivalency to these type of vicious dictatorships. Well, I am afraid when corporate America deals with these dictatorships, whether China or elsewhere, it is already based on they are legitimate, meaning our corporate leaders are providing legitimacy to any type of agreement in deals they make with the cliques that hold power in these vicious regimes.

I think we need to focus on making sure that we don't succumb to this engagement strategy with dictatorships; and, instead, we have the strategy of replacing those dictatorships on an official level and that we don't let corporate America undermine our efforts by giving legitimacy by making deals with those very same regimes.

I have 30 seconds left.

Mr. CAROTHERS. Well, Michael Posner, I am sure, will have a chance to respond.

Let me say that I know a little bit about those talks. Michael Posner has worked for human rights for over 20 years. He doesn't believe in a moral equivalence between Chinese human rights practices and American ones. I think his approach to that dialogue was one that this is going to be a long-term process with the Chinese; and in the first conversation you have with a difficult partner, you don't start screaming at them. I think it was more of a tactical approach, rather than a strategic one; and I think he understands the real challenge at issue.

Chairman BERMAN. The time of the gentleman has expired.

The gentleman from Florida, Mr. Deutch, is recognized for 5 minutes.

Mr. DEUTCH. I will pass at this time, Mr. Chairman.

Chairman BERMAN. Mr. Connolly is recognized for 5 minutes.

Mr. CONNOLLY. Thank you, Mr. Chairman.

One of the concerns I have had over the years in looking at our efforts in trying to foster democratic values and democratic institutions, and particularly I am focused on NDI and the Republican Institute as well, my observation is we have a top-down kind of approach. As somebody who spent 14 years in local government, my sense is that democracy is built from the bottom up, rather than the top down. I think that is a fundamental problem in the pyramid of our efforts; and I am wondering, Mr. Craner, if you might comment on that.

Mr. CRANER. I know this isn't the season, but I hope you can come out and travel with us so we can allay your fears.

Both in helping civil society groups and in building political parties, we work from the ground up. The political parties we usually run into are top down. They are also usually very, very small because of that. The point we make with them is, if you are only operating in the capital or urban centers and if you don't have a platform that appeals to people across the country and if you don't have branches across the country and if you don't have members across the country, you are not going anywhere. So our approach is to help them build from the ground up. Because they do, usually not surprisingly in the countries where we work, have a very centralized mentality.

But whether it is us or NDI, come out with us; and I think we can allay your fears.

Mr. CONNOLLY. If we are looking at fostering elections at the village or local level, you might see incipient democracy that you will not see at higher levels of government.

Mr. CRANER. And that is why both we and NDI have taken on this issue of governance; and, as it happens, we are both working very much at the local level so that the good examples percolate up and they percolate across the country.

Mr. CONNOLLY. Do either you or NDI have a local government component actually dedicated to local government?

Mr. CRANER. Absolutely. We are currently operating in many countries. Colombia is our oldest program. Jordan. We just started a program like that in Moldova. We have a similar program in Georgia. We have a similar program I am going to see next week in Berbera, Kenya.

Mr. CONNOLLY. Do you believe USAID, which is really the source of funding, adequately funds the local government initiatives we are trying to undertake?

Mr. CRANER. I think perhaps more than adequately. And I think there is a missing element in their programs. Their programs are very much focused on service delivery. Are the lights working in the streets, is the garbage being collected, all of which is important to the people in the cities or villages they think, but they don't really know. They assume that those are the things that are important.

It is kind of like in Afghanistan. When we started, we would pull up to a village and say, "Hey, I bet you need a health clinic," when what they really needed was a well.

The missing component is the political issue. It is putting the people in the village together with the providers so they can say, "We don't need a health clinic. We need a school or we need a well dug." That is what would make a difference to us in this town.

Mr. CONNOLLY. Ms. Windsor, you were nodding your head in affirmation.

Ms. WINDSOR. Yes. I think in fact the local level—how you define the local level is important. Especially, is your objective more democracy than human rights? I think there are plenty of programs that are ensuring better citizen involvement in different processes, et cetera, building up and training government officials, increasing budget transparency. I think that sometimes the local government programs, though, are looked at apolitically. And in the end, whether it is local government or judicial systems or parliaments or other aspects, this is a political system that we are interfacing with; and sometimes I think that USAID can be a little cut and dried in terms of looking at what local government means and takes the politics out of local government.

Mr. CONNOLLY. Well, it is inherently political because there is a contract. That is, if I am collecting your taxes, however well or badly, the contract is that I will provide services to you, however well or badly. It is a fairly fundamental principle, but it is a real essential building block of democratization anywhere.

Mr. Carothers, in the 19 seconds I have left, do you want to comment?

Mr. CAROTHERS. I think what Lorne and Jennifer have described is really an evolution over the last 20 years. IRI and NDI may have started out in the 1980s with a very national focus. They had less money and less experience, but there has been a real evolution over time. In places like Russia, even though it is a big country, IRI went very local for awhile. I don't think that is any longer a problem.

Chairman BERMAN. The time of the gentleman has expired.

Mr. Smith from New Jersey.

Mr. SMITH. Thank you, Mr. Chairman.

To Secretary Craner, first, let me say I appreciate you pointing out that human rights laws have been established repeatedly over the objections of administrations, be that Democrat or Republican. And you cited the Religious Freedom Act. I held all of the hearings here. The Clinton administration was against it. He ended up signing it. They were against the Trafficking Victims Protection Act. He ended up signing it. And the Bush administration was against the special envoy and the office on anti-Semitism, we passed it, he signed it, and that was the Bush administration.

So from my point of view, there is a bad habit that has to be broken; and we are seeing it again with the International Megan's Law which we have passed out of this committee. I am very concerned that this administration is going to try to kill it. I am worried about the International Child Abduction and Prevention Act, which is not getting any traction at the Department, even though there are 2,800 American children who have been kidnapped, and 1,800 or so American parents left behind.

And then there is the Global Online Freedom Act, which was opposed by the Bush administration, and I believe will be opposed by

the Obama administration as well. That, too, is very clear and nonambiguous; and at least two of your organizations have been outstanding in helping us write it and now support it. I am afraid that legislation is going to die as well.

Two quick issues with regard to China, which I believe in scope and pervasiveness is the most egregious violator of human rights on earth. I was very disappointed when Mrs. Clinton said we will not allow human rights to interfere with climate change and with settling our debt. We know a number of labor activists, more than before, are being arrested and incarcerated, beaten even, for asking for fundamental ILO protections. It is no coincidence in my view that the Cairo speech by the President was made during the anniversary of Tiananmen Square.

And one issue that absolutely is the worst violation of human rights in the world, is the one child per couple policy. We are now giving money to at least two organizations, Marie Stopes International and the U.N. Population Fund, even though huge numbers of women are being violated as never before.

I would ask unanimous consent that the op-ed by Chai Ling, the leader of the human rights Tiananmen Square student movement called, "China's One Child Policy as Brutal and Hypocritical as Ever," be included in the record. She points out there are 100 million girls missing because of the forced abortion policy. And also that there are some 30 to 40 million more boys than girls under the age of 20, and she puts that in perspective. That is equal to the entire young male population of the United States of the same age. Those girls are gone, killed by gendercide.

Recently, we had a hearing and a woman named Wujian testified, and this gives an indication just how horrific this policy is and why so many women are committing suicide in China. Five hundred women per day commit suicide, according to WHO.

Wujian said:

> "Then I was put into a room with several other moms. The room was full of moms who had just gone through a forced abortion. Some moms were crying, some moms were mourning, some moms were screaming, and one mom was rolling on the floor in unbearable pain. Then I kept saying to her [the abortionist], '. . . how could you become a killer by killing people every day?. . .'"

Then she talks about how when they put the big, long needle into the head of the baby, the baby died.

> "At the moment, it was the end of the world for me and I felt even time had stopped. Since it did not come out as expected, they decided to cut the baby into pieces in my womb with scissors and then suck it out with a special machine. I did not have any time to think as this most horrifying surgery began by force. I could hear the sound of the scissors, cutting the body of my baby in the womb."

She went on to say,

> "Eventually the journey in hell, the surgery, was finished; and one nurse showed me part of the bloody foot with her tweezers. Through my tears, the picture of the bloody foot was engraved

into my eyes and into my heart, and so clearly I could see the small five bloody toes."

This is the one child per couple policy. I say to President Obama, silence in the face of this barbaric Chinese Government behavior is not an option.

Why have we not spoken out on this issue? And I mean in a way that is meaningful, not in some passing reference? This is the worst violation in my opinion of women ever.

Finally, my friend and colleague, Mr. Payne, talked about Kenya. Kenya is a pro-life country. Virtually every poll shows massive majorities believe in the sanctity and dignity of unborn life, and yet the U.S. Government has contributed at least $11 million in the constitutional rewrite. We have asked, Mrs. Ros-Lehtinen and I and another Member of Congress, that the IG investigate this wrongful use, this violation of the Siljander amendment, in promoting this pro-abortion constitution.

Chairman BERMAN. The time of the gentleman has expired.

The gentleman from Georgia, Mr. Scott, is recognized for 5 minutes.

Mr. SCOTT. Thank you very much, Mr. Chairman.

The United States provides certain types of assistance to countries with repressive governments like China, Cuba, Vietnam, and so forth; and usually the assistance is for nongovernmental organizations that promote democracy and human rights or for activities in such areas as environmental protection and disease control, which are important to the health and safety of American citizens. But do you believe that such assistance programs should be terminated in countries with poor records on human rights and democracy?

Mr. CRANER. There is a fundamental dilemma here, and I faced this in Uzbekistan when I was in government. The Uzbek Government is about as nasty a group of people as you can find, and there are many of that description.

We, by dint of 9/11, were close to being engaged to working with the Uzbek Government. There was a time when we thought we were making progress from a very, very low base in terms of how they treated people. This is a pretty nasty group in terms of how they were killing people in prisons, that kind of thing. And then Andijan happened, which was the big massacre out in eastern Uzbekistan and all U.S. relationships with Uzbekistan essentially ended. Does that help the people in Uzbekistan that we ended a relationship over something awful that happened?

I would contend, and I know that Congress has addressed itself to this on occasion, that in countries where we have a complete embargo that human rights and democracy work be allowed to continue. I think especially of Serbia in the late 1990s, where Congress faced that dilemma and made that decision. So I would make the case that in very, very limited circumstances, very, very narrow types of programming should be allowed to continue in those countries. I don't find it morally satisfying to not have a relationship and not be able to help.

Ms. WINDSOR. However, I just want to reiterate my point that signing MOUs with the Government of China to allow them to dic-

tate what kind of assistance we provide, which has recently been the case with USAID's program China, is not the way to go.

I would also say that it is not the democracy and human rights assistance that we should be worried about in many of these countries. That is a very—it is a pittance in terms of overall relationship and message that these governments are getting from the U.S. Government in terms of what is really important. That is true in Uzbekistan, where we are now apparently relooking at restoring military relationships. China, Vietnam, whether we assist democracy and human rights groups under extremely narrow circumstances is not the problem there.

Mr. SCOTT. Let me ask you about Africa. We have a serious human rights violation problem, particularly in the heart of Africa, in places like Rwanda and especially in the Congo in a place called Goma, where I was and went.

I want to ask you if you could comment on what should be done. The number one physical ailment and treatment in the hospitals of Goma are not tuberculosis, it is not stroke or heart disease or high blood pressure, it is violation of sexual cruelty to women. That is the number one treatment, not rape but sexual violence. How deeply are you aware of this and what would be your advice as to how we can use our resources to get in there and help or what are we doing?

Ms. MASSIMINO. Well, as you know, if you have been there, it is rampant and a huge problem. And I think, from our perspective, we are not working on this directly right now but have spoken to groups on the ground who are struggling to deal with this overwhelming problem. Like many of the problems we are talking about today, there are complex causes, and it needs to be tackled from a number of different avenues.

Mr. SCOTT. What would you say are the causes? Can you just expand on the complexity of the causes?

Ms. MASSIMINO. I can't put myself out there as an expert, but the legacy of the wartime abuses is a serious problem there. It created a culture in which this kind of thing is permitted, and so there is that aspect of the problem that has to be dealt with in addition to dealing with the victims after the fact, prevention.

Chairman BERMAN. The time of the gentleman has expired.

The gentleman from Arizona, Mr. Flake.

Mr. FLAKE. Thank you, Mr. Chairman.

Ms. Windsor, Freedom House has documented very well the human rights abuses in Cuba that have gone on, yet Freedom House still advocates the lifting of the travel ban to allow Americans to travel. Do you want to talk about that for a minute?

Ms. WINDSOR. Yes. We did it. It was our first act, actually, when the Obama administration first came into office. We think that the lifting on the ban on travel to Cuba makes sense. It will enable the free flow of information to Cuban citizens, it will increase ideas of liberty, and it will be harder for the Cuban Government to contain that information, which they are able to do.

I also noted that the U.S. ban on Americans to Cuba will reaffirm the rights of Americans to travel wherever they want. We are allowed to travel to any of these other countries that have greater sanctions. However, we don't think any policy changes—any addi-

tional policy changes—we need to be in consultation with the democracy and human rights groups within Cuba and make sure that anything we do is supported by them and think that they will increase freedom and liberty on the island.

Mr. FLAKE. Thank you for that thoughtful position.

I am holding here a letter to the House of Representatives from members of Cuban civil society signed by 74 individuals, people representing civil rights society there, clerics, intellectuals, artists, political prisoners. Across the board, they make the argument that we share the opinion that the isolation of the people of Cuba benefits the most inflexible interests of its government. It would seem across the board—and I know you will find a dissident here or there who will say, no, we should continue with the status quo, but the status quo of 50 years has gotten us very little.

Mr. Craner, you mentioned we shouldn't put a hold on democracy programs just because we have a problem with Mr. Gross being held and mentioned that we have democracy programs continuing in Burma or Zimbabwe, and we also allow Americans to travel to those countries. We don't have that prohibition. Do you feel that prohibition is still warranted in this case?

Mr. CRANER. I have to tell you, I looked at this from a little bit of experience, not with Cuba but another country called Vietnam. I used to work for Senator McCain, as you may know. I thought it was a smart thing in the 1980s and even into the first Bush administration, Bush 41, to lift a lot of sanctions against Vietnam, to allow businesses in and establish diplomatic relations, et cetera, because I thought it would help on human rights and democracy.

I am afraid that I was wrong. I don't think there has been any improvement in human rights and democracy in Vietnam. The idea that if you let businesses in, that folks from IBM or Exxon are going to proselytize for democracy, I think they are too busy making money.

Mr. FLAKE. Individuals to travel, you certainly wouldn't advocate reimposing a travel ban, or imposing a travel ban on Vietnam?

Mr. CRANER. I think—I don't know there ever was a travel ban on Vietnam, but in the case of Cuba, this has been an administration very dedicated to engagement. And I think they are coming to the—in some countries at least—they are coming to the end of their tether on what engagement has produced. So absent some willingness on the part of the Cubans to move, I don't know why we would.

Mr. FLAKE. I have always held the position, most in Congress do, I think, this is in our self-interest. We have tried to outguess, second guess the Cuban administration as to what they want. I have never been convinced that they really want the travel ban lifted. I think we should disregard what we think that they want and do what we know is in our interest, and it is simply not in our interest to deny Americans the ability to make that choice themselves as to whether or not they will travel.

I commend those in USAID and elsewhere in government who have tried to implement programs that will help those Cubans who need it badly. I think we ought to allow Americans and have simply greater contact, and things will happen that we simply don't know. Cuba can impose their travel ban. If we lift ours, they will

probably impose some kind of ban. But that should be their province, not ours.

I thank Freedom House and others, and I encourage all of you to encourage travel and trade.

Chairman BERMAN. The time of the gentleman has expired.

The gentlelady from California, Ambassador Watson.

Ms. WATSON. I want to thank all of the witnesses.

Having been an Ambassador myself, I have to agree with my colleague over on the other side, Mr. Flake, because I do think that the more contact Americans have with the Cuban people on the ground—I think under new leadership there, however, it could still be convinced by the brother to hold onto policies. But having discussions with Fidel Castro, I feel we could make some headway if we relieve the travel ban and let people go into Cuba by their own need to whatever, tour, to talk with the Cubans themselves.

I had an opportunity to be on the campus on the medical school there—and I am going to say this real quickly because I want to go to my points—but I went up to students getting off buses, and I recognized them as being Americans, African Americans, and I asked them, what does this experience mean to you? And they said, a quality medical education, virtually free, and I am looking forward to devoting 2 years of my professional life, delivering health care services in underdeveloped countries.

If you talk to the people who are there, they are not looking at the politics, but they are looking at how they can benefit from this program. Some of the best health care—and I have been attacked because I have said this—some of the best health care I have seen has been in Cuba.

Now let me get to something that I think I heard Mr. Carothers or Mr. Craner say, either one. It was about Haiti. I understand from President Clinton, the envoy to Haiti, that he had worked out a development plan with President Preval prior to the earthquake short term, mid term, and long term; and this was our assistance to Haiti to start developing their country.

Either one of you, if you can respond, I would appreciate it. I thought I heard somebody refer to development in Haiti.

Mr. CAROTHERS. I did refer. My point, Congresswoman, was that now that we are in a phase of giving extensive assistance to Haiti again—and it kind of waxes and wanes in American policy—we should take advantage of that moment to address fundamental issues of building the Haitian state and building a democratic state. Because Haiti's calamities will simply occur and reoccur if we don't get to the essential problem that they have never built a genuine relationship between their state and their society. And so we want to be as helpful as possible as quickly as possible, but simply pouring reconstruction money onto a state that basically doesn't work isn't going to get to the fundamental roots of the problem.

Ms. WATSON. And I would like this verified. And maybe, Mr. Chairman, we can send a letter to the special envoy, President Clinton. Because he then told us that he had the President sign off on a development plan which included many points in the following: Developing a strong middle class. And I understand since 1751 that resources were held at the top and they never went down and so the Haitian people have learned to just be survivors at the

lowest level and I understand in an MOU that was signed that some of this was included. So maybe we as a committee could get some answers as to what was contained in the development plan.

Chairman BERMAN. On the issue of part of our resources on governance?

Ms. WATSON. How best to aid the Haitian people in terms of developing their country on a more democratic basis, in terms of developing their infrastructure, and in terms of jobs, and in terms—I see my time is up, but you get the gist.

Chairman BERMAN. I do. We will follow up with you to pursue that. The time of the gentlelady has expired.

The gentlelady from California, Ms. Woolsey, is recognized for 5 minutes.

Ms. WOOLSEY. Thank you, Mr. Chairman.

Secretaries Clinton and Gates have both talked about promoting the idea of smart security. I actually have legislation that promotes a smarter approach to reaching peace around the world with nations we might be having arguments with. Because it is absolutely no longer acceptable that our foreign policy would be based on preemptive strikes and military might and that we would think that if another country's approach to democracy or human rights in a real effort don't look like ours, so then it is our job to bully them into submission, that has to stop. It is not working. We know that.

So my question to you—and I guess I am just telling you that—since we need to prevent discord and we need to build cooperation, we absolutely must worldwide, are there states where in your opinion it isn't possible to start the dialogue and make inroads?

I don't know where to start. Mr. Craner.

Mr. CRANER. You mean start the dialogue and make inroads on this issue or in general?

Ms. WOOLSEY. On this issue.

Mr. CRANER. I think there are some countries that simply aren't interested, where the leaders are not interested. I think if we tried, and I think we do try to talk to the North Koreans on this issue, we are not going to get much of a response. I think the people are more interested, but it is very difficult for us to get out and talk to the people. And it is also in that kind of country such a repressive environment that it is very, very—as soon as somebody lifts their head and says something that is coming out of their head and not ours, they go to prison.

Ms. WOOLSEY. What are you thinking about Iran?

Mr. CRANER. I think we saw it in the demonstrations last year—there is a tiredness with the regime. If you go back to 1979, people clearly thought they had an American-imposed authoritarian government, and to an extent they were right. I think they have gotten tired these 30-some years later of what they brought themselves and how for many of them it did not live up to their expectations in 1979. I think that is why Iran—amongst the citizenry, not the government, but amongst the citizenry—may be the most pro-American and pro-democratic country in the Middle East, because they are tired of living under their rulers.

Ms. WOOLSEY. Do any of you have any opinions of the Hamas leadership of the Palestinians? Would they be willing to work?

Mr. CRANER. In terms of these issues?

Ms. WOOLSEY. Yes.

Mr. CRANER. Again, that is an organization that is willing to take advantage of the forms and methods of democracy but not to subscribe to the substance of democracy. They are happy to use elections to get into power. They are not particularly interested in democratic practices thereafter.

Ms. WOOLSEY. Does anybody have an opinion on how we can convince naysayers that there is a way to engage that is smarter than military and bombs and guns?

Ms. MASSIMINO. Absolutely. I think that is in large part what we are talking about here today, is how to leverage money and diplomacy, including nonsecurity assistance, and the need for a multiplicity of actors to be involved here. In a lot of the countries that we have been talking about, it is vitally important that the U.S. be engaged.

Now engagement could be engagement with our real allies in that country, which are not the government. They are people who are advancing the ideals of human rights and democracy that we share, and we have to understand what it is that they need, how to be sophisticated about that kind of engagement so that we are not undermining them, but we don't throw up our hands and say we can't measure achieving any results so we should just butt out or it is too complicated. That is why this is such a tough job, but it is vital.

I think the President laid it out in the national security strategy how these things have to be so closely aligned. So we have to find different ways of doing it, and it is not just one way or a bilateral switch.

Chairman BERMAN. The time of the gentlelady has expired.

The gentlelady from California, Ms. Lee, is recognized for 5 minutes.

Ms. LEE. Thank you very much.

Welcome. Let me ask a couple of questions that I have been dying to ask.

I wanted to find out, first of all, in promoting democracy abroad, do we recognize that democracy may emerge differently from country to country and may not necessarily be an American form of democracy? And, if so, how do we have a standard for democracy assistance if in fact we allow for those differences? If we don't, then why not?

Secondly, during the last administration, I continually warned Secretary of State Rice about pushing for elections as it relates to the Palestinian people in terms of what was taking place in the Middle East, and I often said be careful what you ask for. We know the history. They pushed, pushed, pushed, and Hamas was elected. At what point should we make decisions about pushing, pushing, pushing for elections, recognizing that those elections may or may not be in the United States' best interests based on administration policy? And when do we not push, push, push where it could be detrimental to what the United States feels is in their best interests? Because, obviously, people voted for Hamas for a variety of reasons; and of course we know what has happened and that has not been in Israel's or the United States' best interests. But we pushed, pushed, pushed; and so it is be careful what you ask for.

How do we balance that off and when do we know not to push, push, push?

Chairman BERMAN. Mr. Carothers.

Mr. CAROTHERS. Thank you for the question.

There are certain underlying principles in democracy that are common to all democracies, but many of the specific forms are different, and so when we go out in the world to promote democracy, we have to be consistent and true to these underlying principles but willing to accept that it is going to take different forms in different places.

Recently, for example, the Ukraine had elections. The United States has been working to promote democracy in Ukraine for a long time. We clearly saw that probably one candidate would have been better for U.S. security interests than another because they might have been less pro-Russian and maybe pro-American. But the United States promoted democracy in the Ukraine, and the leader emerged who might not have been our first choice, but we stuck to our principle and we promoted a system and not a particular candidate. That gives us credit in the world.

I was with a group of visiting Russian delegates who were talking about the hypocrisies of American democracy promotion; and I said, would Russia be willing to support a process and not an outcome in the Ukraine? And the fact that we were willing to support a process and not a particular outcome makes us look good in the world.

But with respect to pushing, pushing, pushing on elections, in 98 percent of cases countries' election schedules are set in their Constitution; and it really isn't up to us. Palestine had had elections before. Yassar Arafat was elected before. In almost all cases in the world, it really isn't up to us to decide whether or not a country has an election. It is up to us to decide whether or not we can help make that a better election.

And so I think the dilemma about or the idea that we are out there causing all these elections in the world is a little bit of a red herring and the fact that we focus so much on the case of Hamas is because it is so exceptional. There have been surprisingly few cases in the last 25 years of elections that have really produced damaging results to American security. In 99 of 100 cases, it is better if a country lets the system breathe, has elections, and continues with its constitutional schedule. So what we are really trying to push for is better elections. We are really not in the driver's seat about whether elections. And so the push, push, pushing on elections really is or at least should be let's push on better elections.

Ms. LEE. Do we accept the outcome then of all elections?

Mr. CAROTHERS. Yes.

Mr. CRANER. I think Tom explained it very, very well. Elections are occurring. They may not be very good elections. The Soviet Union used to have elections. The question is, what is the character of elections going to be? You can make the argument in the Palestinian case that there were supposed to have been elections sooner. Had those elections been held sooner, I think Hamas might not have won.

I think it is also fair to consider in the outcome of elections that simply having had a fair election doesn't necessarily mean we are going to agree all the time on everything with the government that was elected. And so that needs to be brought into consideration. Simply because they were elected, it doesn't mean we have to like them.

Ms. LEE. President Aristide was welcomed to be the duly elected President of Haiti, and our Government helped depose him.

Chairman BERMAN. The time of the gentlelady, on that interesting last question, has expired.

The gentleman from Minnesota, Mr. Ellison, is recognized for 5 minutes.

Mr. ELLISON. Thank you, Mr. Chairman.

Would you like to respond to that Aristide question?

Mr. CRANER. There is a quote by Colin Powell that I think is worth looking up and talking to him about. He basically says that President Aristide, because of his misrule, brought this upon himself. So for somebody who was in office at the time who has an understanding of what we did or didn't view I think Colin Powell would be worth talking to.

If I could go back to your question——

Mr. ELLISON. I don't have a question before you, sir.

Could you respond on the way that our country responded to the issue in Honduras, when a duly elected President deposed? Would you like to respond on that one in terms of how it conforms to our policy of supporting elections and holding up the integrity of an election?

Mr. CRANER. I think this goes back to what I talked about before with Hamas, that there are governments that are elected on occasion which don't respect democratic processes after they come into office. And I don't think that we or the OAS or anybody else has a good enough policy that deals with this issue of what do you do when somebody who is not democratic is elected in a democratic process. And I think that the administration came to see that that was an issue in Honduras.

This time last year, or basically when the issue started, they were very staunch and very firm in favor of the deposed President; and I note that Secretary Clinton yesterday or the day before was at the OAS saying that they ought to readmit Honduras, considering the election that they just held on this.

Mr. ELLISON. Do you all have any thoughts on how the dynamics and timing of a process of elections over time—if a government as you described, a government is elected that doesn't subscribe to democratic principles that we would want them to, have we ever actually tried to let them rule and then seen over the course of a few elections whether or not the responsibility of governance pulls them into more amenable conduct?

Ms. Windsor, you want to take a stab at that one?

Ms. WINDSOR. I think we have let—certainly recently we have let a number of countries sort of try that approach. So, in Venezuela, it hasn't actually worked so well, at least for the Venezuelan human rights activists and civil society groups that are really being squeezed. So we don't have—we shouldn't be in the position of trying to remove governments, but we can speak out for any govern-

ment's, whether they were elected or not, misuse of their own populations; and I think we need to do that.

Mr. ELLISON. But I think they are separate issues, though. The fact is that—let me ask you the question this way. Does the responsibility of governance moderate the more pernicious aspects of what a particular government may have done if they were not allowed to bear the burden of governance? Anybody?

Mr. CRANER. It may or it may not. It depends whether while they are in office they are saying, oh, let's not have another election; or, gee, I think I will extend my term; or let's get rid of the judiciary; or let's go after civil society. If they are hemmed in by these elements of democracy that you see in democracies from Asia to the Middle East to Latin America, then they might say, hmm, I think I am going to have to moderate my behavior. Because if I don't, I am not going to be in office any more. But if they don't have to worry about that, they don't have to moderate their behavior.

Mr. ELLISON. And, of course, they don't do it in a vacuum. As Ms. Windsor pointed out, people domestically and in the international community can raise issues around civil rights and should.

Ms. Massimino.

Ms. MASSIMINO. Just very briefly, I think it is important to remember that while democracy can emerge in different contexts and it may look different in different countries and all of that, there are universal standards of human rights that all governments, almost all governments have agreed to, and these commitments, respect for those commitments helps set the stage for real democracy and for elections that actually represent the will of the people, and then they are the standards on which any government, whether it came into power through elections or not, should be judged.

So I think, just getting back to the focus of the hearing, that it is really important that we not lose sight of that aspect of our goals for foreign aid, that we need to focus on that, too, in addition to the democracy part.

Mr. ELLISON. I think I am out of time.

Chairman BERMAN. I think the time of the gentleman has expired.

But if the gentleman wants, I am prepared to have a second round, at least for myself and I think, therefore, anybody else who wants to.

Mr. ELLISON. I actually do.

Chairman BERMAN. We have to go back. The test is how much do you want a second round?

I will yield myself 5 minutes.

Two of you, I gather, one in State and one USAID, were in the government for significant parts of your careers. I am curious if it has been long enough since you have been gone that you feel comfortable talking about the tension between what you were supposed to be pushing and doing, and your own sense of what you were supposed to be pushing and doing came from those bureaus that were focused more on, and people and higher ups, who were focused more on the nature of the bilateral relationship, a very specific or a range of issues in that bilateral relationship where what you might be pushing to do would create tensions that they didn't want to have to see come up, and sort of tests of how some of that should

get resolved, and others on the panel who would want to join in as well.

Egypt is a fascinating example. But other issues raised here, Iran, nuclear weapons, the consequences of the election 1 year ago and all that has happened, the preexisting limitations on human rights. I am less interested in this case in the specifics than sort of a construct for maintaining our commitments in this area and pushing what we want to push in this area and the struggles people in your roles face.

Ms. WINDSOR. Well, anybody that knows me knows that I am always comfortable complaining—even when I was within the U.S. Government I was interested in complaining about behaviors that I thought were not very helpful. And certainly being an NGO gives you a lot more freedom and opportunity to criticize those inside. So I do want to say that within USAID and State Department there are people who are working on democracy and human rights issues, and oftentimes they are the ones that are pitted against those that are very, very focused on the bilateral relationships, and I completely respect them.

I just think that the balance is way off in terms of the resources, the human resources, so that democracy and human rights can actually get on the table at important discussions and have a chance of being heard. And I think that is as true today as it was—in fact, I think it is probably more true today that democracy and human rights groups are not—voices within the government are not at the table as much they should be.

I will say something sort of provocative. State Department and USAID is all focused on the country unit. Whether the Ambassador or the USAID mission director, field missions, et cetera, you get this kind of everything should be pushed down to that level. Well, the nature of being an Ambassador or mission director is that you are wanting to improve the relationship with that country, and there is not enough——

Chairman BERMAN. Country as defined by government?

Ms. WINDSOR. Exactly. And I think there is not enough—this is what the ADVANCE Democracy Act was about and efforts to try to train and give incentives to USAID and State Department officers, that it is in their interest that they see it as part of the larger bilateral relationship, that is in their interest to actually care about democracy and human rights. And the most recent example is Kyrgyzstan. The embassy managed to put itself against democracy and human rights.

So I think that there has to be very strong central pressure from inside of both USAID and State on embassies and missions that they have to include this in their definition of what makes a good bilateral relationship. And that is incomplete. So we have certain mission directors and certain Ambassadors that are great on these issues, and then we have others who are not. So if you have an across-the-board approach, for instance in USAID, that the mission always knows best, you are going to get programs that actually undermine democracy and human rights. And I think that that should not happen.

Chairman BERMAN. Anybody else want—I have just used all my time.

I yield 5 minutes to the ranking member.

Ms. ROS-LEHTINEN. Thank you very much, Mr. Chairman.

Some may have a revisionist history—a revisionist view of recent history about what went on in Honduras. Apparently, some may ascribe to the Benjamin Franklin quote that said, "Never let a gang of brutal facts get in the way of a beautiful theory." What is the beautiful theory? That what happened in Honduras was a coup d'état. Love to say that.

The brutal facts are that Manuel Zelaya, the President of Honduras, put on the ballot—printed on the ballots that were about to be voted on by the public—a question asking the public what their thoughts were on extending the Presidential term. The problem is that, according to the Honduran Constitution, putting that question on a ballot is in and of itself a violation of that Constitution. So the Supreme Court of Honduras ruled against Manuel Zelaya for committing this illegal act. Then the Human Rights Ombudsman of Honduras also ruled against Manuel Zelaya. Then the Congress of Honduras, both parties, the opposition and Zelaya's party, itself, voted that, yes, he had violated the Constitution. Finally, civil society organizations also agreed that the actions taken by Zelaya were in violation of the Constitution.

While the United States was involved in doing all the wrong things there, the Honduran people and the Honduran institutions of government were all in agreement. The Supreme Court decided it. The Congress decided it. The civil organizations all signed documents saying that this is wrong. And so he was arrested pursuant to a legal warrant. He should not have been taken out of the country, I agree; and all of the parties have said it was wrong to do that. He should have been judged. He should have been tried, and he would have been found guilty, because the law was clear. He violated the Constitution.

So Zelaya was trying to extend his term illegally by pushing an unlawful referendum to change the Honduran Constitution, which clearly limits to one term the time in office of the President. Those are the facts. And so, after all of these decisions, Zelaya was removed from power, according to the Constitution, according to the Congress, according to the rule of law.

Now, we have got a very active U.S. Ambassador there in Honduras who is going to try to do everything within his power to continue the failed policy of this administration to say that what happened there was an illegal act, never mind what the Supreme Court said, never mind what the Honduran Congress said, never mind that the Honduran people celebrated a free, fair, transparent, uncorrupted election that was hailed by all parties as an example of a terrific election process in Honduras. All applauded. Lobo was sworn in as President, but the United States administration, the Obama administration, and the Secretary of State—and our activist U.S. Ambassador in Honduras who continues to try to pressure all of the parties because he is obsessed with this—to try to call it a coup d'état and continue on with this problem.

The Honduran people have moved on. The Supreme Court has moved on. The Honduran Congress has moved on. Some have not moved on, and they want to call this a coup d'état. They want to continue, continue, continue, even though we have a new demo-

cratic government, applauded by all the international groups that say this was a clear and fair election.

Let's not change the facts just to fit this beautiful theory. It was not a coup d'état. The Honduran people have moved on. They would like recognition by the international community. Slowly, we are restoring the visas that we should never have taken away from them in the first place.

We are still punishing those who were with the interim government, including Mr. Micheletti. Those people are still being punished. We withdrew USAID, going against our own interests, including U.S. anti-narcotics efforts. We held that country and its people as prisoners. They could not escape. They had no visas.

And so some of us aren't being fooled. If, by contrast, our Ambassador in Nicaragua rightfully highlights Ortega's efforts to trump the judiciary and Constitution, let's look at what Hugo Chavez is doing. Let's look at what Daniel Ortega is doing. Get over Honduras. The Honduran people are very happy with their duly elected democratic government. This was not a coup d'état.

Chairman BERMAN. The time of the gentlelady has expired.

The gentleman from Minnesota.

Mr. ELLISON. Just a few more questions about your democracy work.

Now I actually agree with the work you are doing and applaud you for doing it. Only problem is I think as a country we have got to really build some real resolve to be consistent with it when we do it. And I do think people around the world, when we say we are for democracy, they take it seriously. They try to take full advantage of what we say we are about; and we need to be ready to deal with that, regardless of what the consequences of that are. At the same time, never giving up, as Ms. Windsor pointed out, our obligation and responsibility to call people to account when they veer from agreed-upon constitutional norms. But I don't think we should ever stop doing democracy promotion.

Let me just ask this question in that regard. How do we balance these two things, of promoting democracy and then, when it doesn't go the way we want, making sure that we don't undermine the democracy that we helped to promote?

Mr. CAROTHERS. I think the key is to have a set of democratic support policies and programs that really represent a wide range of institutions in the country and processes. Democracy promotion, despite what comes up again and again, really isn't mostly about elections. Elections can be a capstone or a cornerstone of a democratic process, but it is really about a much, much wider range of things, whether it is media systems, local government working with parliaments, working with human rights organizations, and so forth. So the idea that we are caught in the headlights like a deer if somebody gets elected who we are not entirely happy about, we have a whole range of things that we might be doing in the country, supporting, as Lorne said, institutions that counterbalance power and so forth. So I think if we have a properly broad conception, we will be in better shape.

And I would like to take advantage of this to say one thing also to the chairman. If you try to understand what results can we have, I am still—in a sense stuck in my throat is that quote from

the senior State Department official about tangible results. Because maybe the person meant transformative results. But let's just pause for a moment to think about the fact that the United States is spending $2½ billion year on democracies. Wow. That is a lot of money. What can $2½ billion buy you here in the United States? Well, widening the Wilson bridge costs $2½ billion.

So we sit down and we spend a certain amount of money in 100 countries around the world. Is it realistic to hope to transform 100 countries' political direction with the amount of money it takes to widen one bridge between Virginia and the District of Columbia?

So we need to have a sense of proportion about what we are doing and what we expect from it in that this money is valuable. And people like Lorne and Jennifer and employees of their organizations, they get up every morning; and I don't think they do that day in, day out, week in, week out, month in, month out, year in, year out, for rather modest salaries, I must say, if they weren't producing something tangible.

Are we taking this money and transforming the world? No, we are not. Would it be realistic to expect the money for one bridge to go out and change 100 countries' political destiny? I don't think so.

Mr. ELLISON. Let me follow up with you on that one. What do we hope to achieve over time? Over time, do we expect—sometimes you can't look at one country during one election cycle and say, well, we have done our thing. But if you look at it in a region and you look at it over time, what do we hope to see in Central Asia if we keep this up?

Mr. CAROTHERS. You hope to see in a society nucleuses of people who are—who believe in something, who are working for positive change and feel, first, a sense of moral support. Second, they feel the ability to learn things that are coming from abroad from those who might have the experience. Third, they might have some actual resources from us to do what they want to do.

So what you are trying to do is inject and help inject some elements into the society that we are working for positive change. And you cannot travel to most countries in the world without meeting dozens, hundreds, thousands of people who have been affected by these programs and who believe they are better actors, whether they are in government or out of government, with those basic principles. And it takes a long time. It takes a lot of different people.

Mr. ELLISON. I only got 40 seconds. Sorry about that.

Could you talk about what you guys do in a specialized way to help women and minorities be a part of the election process?

Mr. CRANER. We have come to have a great focus on that. We used to think it was important to put women in the room with men to train them. We now understand that training separately is much better. Because, frankly, they are reluctant sometimes to speak up.

What we have done is, (A) try and persuade party leaders, usually the guys, to bring women into the political parties as candidates, often making a self-interest argument—you are missing half the vote here if you don't do this—to ensure that when they bring them in they are not just symbols, and then (B) work with

the women who may get elected to ensure they are the best candidates and officeholders as possible.

Chairman BERMAN. Time of the gentleman has expired.

The gentleman from California. The gentleman—he hasn't done the first round. You haven't done the second round.

Mr. SHERMAN. Thank you.

Chairman BERMAN. The gentleman from California.

Mr. SHERMAN. Much has been made of the Minerals Management Service having a conflict of interest because it both collects the revenue and imposes the rules. There is also an institutional conflict of influence at State. On the one hand, it is their job to conduct diplomacy with every country with whom we have relations, including those ruled by tyrants. On the other hand, it is their job to promote democracy, something rarely appreciated by tyrants. And often I see that first objective getting in the way of the second.

The best example of this was when Congress, over the objections of the administration, required that money be spent for democracy programs in Libya. The Ambassador to Libya and much of the State Department thought that that was at least annoying; and they didn't want to just figure out a way to spend the money in an innocuous and ineffective manner, which would be their usual response. They decided to go one step further in their efforts to get along with Kadafi. Their plan was to give the money to Kadafi. And only with pressure from Congress did they decide that that is not what Congress had in mind when we thought that democracy should be promoted in Libya.

At this point, I can't propose any structural change, because I think democracy programs benefit from the power they have from having a voice inside the State Department. But often it works the other way around.

The first question I have—and I don't know who to address it to—is with regard to our efforts in Iran. There is a huge pro-democracy movement in Iran. As far as I can tell, that has nothing to do with anything we have done through our democracy programs.

And one thing I have been calling on the government to do is to take the many radio shows and even TV shows created in Los Angeles and pay the pittance that it would cost to make sure that these shows were available on satellite in Iran. The institutional response has been pretty ugly. First, that means that money that could be spent on bureaucratic jobs is spent somewhere else. But, more importantly, it means that we would have 1,000 flowers that bloom and we wouldn't control the message.

Can someone comment on whether getting these private-sector-produced shows into Iran would be a good use of our Iran democracy funds?

Ms. WINDSOR. Well, I can more generally say that the need for free flow of information, that is what the Iranians want. And they want to hear—they were a very engaged society with the outside world, and so they don't appreciate the current regime's attempts to isolate them.

And in terms of whether we—Iran—I want to just talk about, if I could, some Iranians have absolutely been very clear that they don't want our help. But there are many Iranians that say that

they do. And the help that they want primarily is not only to help the people that are in political prison and that have had to leave the country because there is such a crackdown, but they want the ability to connect with each other and with the outside world. And there were a number of efforts that the U.S. provided that helped that happen.

Mr. SHERMAN. I appreciate that, and I want to squeeze in one more question for Lorne Craner, who is with the best organization in Washington that has the word Republican in its name.

Mr. Craner, in your testimony, you stated that the role of the Foreign Assistance Bureau within the State Department needs to be examined. Could you explain how the Bureau came about and how it has changed and expand on that for us.

Mr. CRANER. Yes. I actually had a conversation about this with Secretary Rice, and I mentioned to her that I had tried for 3 years to get from USAID a list of its democracy projects around the world by country and that they have never been able to produce that. She said that is really interesting because, she said, I tried for the first 3 months I was here to get the same, and I couldn't get it. And we both were finally were given three legal-size sheets, single-spaced with a grid that showed——

But, in the meantime, it had actually happened that USAID had had to go to the NGOs it was giving money to to say, "What are you doing with the money? Because the Secretary wants to know what we are doing with the money."

So there was a good reason for F to start, which was not only did State not know what USAID was doing with its money, USAID didn't know what USAID was doing with its money. So there was a good reason for its start.

Unfortunately, like many good ideas in the bureaucracy, it has kind of gone haywire; and you now have F deciding essentially how every foreign aid penny from this very, very small centralized group—how every foreign aid penny is going to be spent where and how it is going to be accounted for and how it is going to be monitored and evaluated; and that simply has added a layer of bureaucracy with no value at the State Department.

Chairman BERMAN. The time of the gentleman has quite expired.

The gentleman from New Jersey.

Mr. SMITH. Thank you, Mr. Chairman.

Ileana Ros-Lehtinen and I were just speaking, and we both agree that the travel ban ought to be lifted by Fidel Castro. Because if you are a human rights activist or a democracy activist, you don't get out. And if we lift it unilaterally without any kind of linkage there will be a very perverse outcome.

And, you know, Ambassador Watson talked a minute ago about the medical students and about the happy doctors that she met. Well, Dr. Oscar Bicet remains often in solitary confinement, an Afro-Cuban medical doctor, an OB/GYN and an outstanding human rights activist who got 25 years for advancing the cause of liberty and human rights.

So lift the travel ban. I offered an amendment that would have done that back in the early part of this decade if and only if the political prisoners are released. And I think we ought to have that linkage, and we ought to be very clear about that.

You might want to comment on that.

On Belarus, I am meeting with Alexander Lebedko, a good friend and human rights activist. I am very concerned that the Belarus Democracy Act may be weakened by the administration. I know there is some talk of that. Your view on that.

On Vietnam, thank you, Secretary Craner, for saying the engagement didn't work. As soon as the bilateral agreement was signed, there was an immediate demonstrable deterioration of human rights, and those who signed Bloc 8406 found themselves being hunted down. Religious freedom gains were immediately reversed. And I join the U.S. Commission on International Religious Freedom in saying we oppose CPC. Your views on that.

On TIP, we will find out, Ms. Windsor, on Monday whether or not the clientitis that you spoke of again manifests inside the building and from our U.S. missions abroad.

India ought to be on Tier 3; Vietnam absolutely for its labor trafficking; and China, one of the worst trafficking meccas in the world, ought to be on Tier 3; and I am very fearful politics will again rear its ugly head. Your views on that.

And, finally, last week I was part of a launch by Chai Ling of a new initiative called All Girls Allowed. It is an effort to re-enfranchise the girl child in China, who has been targeted for extermination as a result of the one child per couple policy. Why, I would ask all of you, has the international community been so grossly indifferent and enabling, even, by groups like UNFPA? Where is CEDAW? Where is the Human Rights Council, which bashes Israel with predictability, unfortunately? Where is the genocide panel of experts at the U.N. and others while women and children, especially the girl child, is being, like I said, exterminated in China? Where are they?

Chairman BERMAN. You have 2 minutes and 16 seconds.

Mr. CRANER. On Cuba, one might be able to cite reasons—I might not necessarily agree with them—to lift the travel bans. Human rights and democracy is not one of them. That is the bottom line. It may help businesses, it may help the hotels in Cuba, whatever, but human rights and democracy is not a good reason.

On Belarus, the Democracy Act, it is being weakened. The Chargé has taken in Minsk—one of five diplomats we still have left there—has taken upon himself to say that the character of assistance for the opposition should be changed and reduced.

On Vietnam, if they are not making improvements, then absolutely CPC should be changed.

On China, the Chinese are going to have the biggest problem of all with this, because it is creating huge social tensions in the country. You and I both know there is a lot of trafficking into China of women from abroad because there aren't enough women for all the guys to marry. And they have already got huge social tensions and economic tensions caused by our recession. This is going to be one big problem for them.

Ms. MASSIMINO. I could reinforce just on China, as you know, it took—just to get recognition here, it took an act of Congress to get the United States to recognize that victims of forced abortion are victims of persecution. Our laws on refugee status were not being

interpreted even to recognize that that constitutes persecution. That is absurd.

I think, obviously, China is a human rights disaster on so many levels. It is a complicated place. It is easy to condemn. It is very difficult to make progress.

And I think one of the things, if I can just highlight for us, that structurally I was really concerned when—well, today in the Post it was announced, but we have known this, that the midterm review of the report of the Quadrennial Diplomacy and Development Review is not going to be made public.

Many of us have been working on that for a while. What we do know is that there are 12 task forces working on this, and none of them seems to have anything to do with human rights. We hear that it is integrated throughout and all of that, but I think Congress really needs to ask some questions about this, and I think there ought to be a hearing on it as quickly as possible.

Chairman BERMAN. The time of the gentleman has expired.

The gentlelady from Texas.

Ms. JACKSON LEE. Mr. Chairman, thank you for your courtesy; and I apologize to the witnesses for being delayed.

I would be remiss not to say to you that one of the overriding crises is that of the BP oil spill which might need some comforting concepts of freedom, democracy, and otherwise. I come from the Gulf region, so thank you for your indulgence of my questions.

I do want to say this is a very important hearing, and I think I am going to take a different vein. I was not here, so I don't know what the others have done so as well.

There is a concept called allies, and it raises its head in a very large way. China is an ally or one that we built over the years. Afghanistan is an ally. We are working to make the continent of Africa allies, plural. And, of course, Iran has a different posture, but we have Iranian Americans. And here is my concern.

When we talk about human rights and democracy assistance, it is what we overlook. For example, the good news is we had a hearing on the rights of women yesterday; and we understand the United Nations is in the midst of putting together a task force to develop a component or a department that is for women's rights that would have the leadership level of the Secretary General. But when we have allies, we tend to not be restrictive, not be demanding, not use the human rights clout; and part of is that some of these countries are independent and some of them we need them.

So, for example, in Afghanistan, that government makes a lot of conversation about human rights and women's rights but continuously allows—because they are in a war, I guess, position—the abuses to continue. What do we do there? Because we are giving them dollars for governance, but we hear stories that women parliamentarians cannot travel back to their district for fear of loss of life.

In Iran, for example, there is a resistance movement that we seem to characterize as terrorists are bad. And I don't understand why we can't find ways of working or collaborating or finding out more facts so that if there is a legitimate resistance movement, not by violence but by supporting opportunities for democracy and human rights.

And so my confusion is, on how we use this assistance, is that we are blocked by way of our friendship and then when there are groups that are willing to take a risk, they get labeled. They are stigmatized. Maybe there is a basis for it. But I think we have got to find a way to really own up to how much we are committed—without violence, without a war, I don't want us to be in that posture—but to really be forceful, consistent on this question of promoting human rights and democracy.

I would like you to go down the line. It looks like I have 1.56 seconds. Thank you.

Ms. WINDSOR. Let me just say that, while you can't get complete consistency absolutely, every government, no matter whether they are ally or adversaries, should be subject to the same universal standards that Elisa mentioned earlier.

I will add to the list of allies where we ignore democracy and human rights concerns, that being Ethiopia. No one actually talks about Ethiopia, but it has really been—essentially, democracy and human rights has been ignored for the last—since this government came in power. And since 9/11, it has been—they just had the worst possible elections, and there was really no U.S. statement at all or no U.S. effort to try to criticize them, because, of course, they play a very important role.

Similarly, in Egypt, I think that we keep on saying that we are going to put democracy and human rights—we need the Egyptians to do certain things for us, but it makes us look hypocritical.

Ms. JACKSON LEE. Where is our push? Can I yield to Mr. Craner?

Mr. CRANER. Where is our push? I think the leadership from the Department is very, very important. This body does not confirm officials. The Senate does.

But I can't tell you how important it is, as somebody who used to work in legislative affairs at the State Department and who worked again for Secretary Powell doing human rights, how important it is that you bring people up here.

I once said to Marc Grossman, who was the Under Secretary of State—I had been at State a couple of months, my second time; and I said, "I am finding that folks under 40, 45 get human rights, because we kind of grew up with it. But I am finding that people a little older don't get it." But I said then, "Oddly, people who are the Assistant Secretaries and the Under Secretaries get it." And he looked at me like I was a fool, and he said, "Lorne, they have to get confirmed, and they have to go up and testify at Congress."

Don't underestimate your role and value when witnesses come up here and you bother them on these issues.

Ms. JACKSON LEE. Thank you, Mr. Chairman. You just gaveled me down, but I must say that we have got to make some use out of our power on human rights if we are going to carry our message of democracy and freedom forward. Thank you, and I yield back.

Chairman BERMAN. Thank you.

I think, given the time, I will forgo the third round. I did want to pursue this notion of the conditioning of security assistance, but some other time, some other place.

Thank you very much. It has been a very valuable contribution you have made to our education on the subject, and we are very grateful that you took the time to come here.

With that, the committee hearing is adjourned.
[Whereupon, at 12:09 p.m., the committee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

FULL COMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

Howard L. Berman (D-CA), Chairman

June 4, 2010

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at http://www.hcfa.house.gov)**:

DATE: Thursday, June 10, 2010

TIME: 9:30 a.m.

SUBJECT: Human Rights and Democracy Assistance: Increasing the Effectiveness of U.S. Foreign Aid

WITNESSES: Ms. Jennifer L. Windsor
Executive Director
Freedom House

Thomas Carothers, J.D.
Vice President for Studies
Carnegie Endowment for International Peace

Elisa Massimino, J.D.
President and Chief Executive Officer
Human Rights First

The Honorable Lorne W. Craner
President
International Republican Institute
(Former Assistant Secretary of State for Democracy, Human Rights and Labor)

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF FULL COMMITTEE HEARING

Day Thursday **Date** 06/10/10 **Room** 2172 RHOB

Starting Time 9:34 A.M. **Ending Time** 12:12 P.M.

Recesses - (to)

Presiding Member(s)

Howard L. Berman (CA), Chairman

CHECK ALL OF THE FOLLOWING THAT APPLY:

Open Session ✓
Executive (closed) Session
Televised ✓

Electronically Recorded (taped) ✓
Stenographic Record ✓

TITLE OF HEARING or BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*

Human Rights and Democracy Assistance: Increasing the Effectiveness of U.S. Foreign Aid

COMMITTEE MEMBERS PRESENT:

See attached

NON-COMMITTEE MEMBERS PRESENT:

HEARING WITNESSES: Same as meeting notice attached? Yes ✓ **No**
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

- USA Today article dated May 29, 2010 on China's one-child policy – submitted by Rep. Chris Smith.
- Letter dated June 9, 2010 to Members of Congress from members of Cuba's Civil Society – submitted by Rep. Jeff Flake.
- Investing in Freedom, Freedom House special report – submitted by Ms. Jennifer L. Windsor
- Statement of Principles on Human Rights and Democracy for Foreign Aid Reform; Memo dated August 13, 2009 on Legislative proposals; and 2010 Human Rights Summit Plan of Action - submitted by Elisa Massimino.

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

Subject	Yeas	Nays	Present	Not Voting

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED 12:12 P.M.

Doug Campbell

Doug Campbell, Deputy Staff Director

Attendance - HCFA Full Committee Hearing:
Human Rights and Democracy Assistance: Increasing the Effectiveness of U.S. Foreign Aid
Thursday, June 10, 2010 @ 9:30 a.m.

Howard L. Berman (CA)
Donald Payne (NJ)
Brad Sherman (CA)
Diane E. Watson (CA)
Russ Carnahan (MO)
Gerald E. Connolly (VA)
Michael E. McMahon (NY)
Theodore E. Deutch (FL)
Gene Green (TX)
Lynn C. Woolsey (CA)
Sheila Jackson-Lee (TX)
Barbara Lee (CA)
Brad Miller (NC)
David Scott (GA)
Jim Costa (CA)
Keith Ellison (MN)

Ileana Ros-Lehtinen, (FL)
Christopher H. Smith (NJ)
Dana Rohrabacher (CA)
Donald A. Manzullo (IL)
Edward R. Royce (CA)
Jeff Flake (AZ)
John Boozman (AR)
Jeff Fortenberry (NE)

Thursday, June 10, 2010

Verbatim, as delivered

Chairman Berman's opening remarks at hearing, "Human Rights and Democracy Assistance: Increasing the Effectiveness of U.S. Foreign Aid"

This is the latest in a series of hearings on foreign assistance reform, one of the Committee's high priorities.

In past hearings and in other fora, we have examined the proper role of the military in carrying out humanitarian and security assistance; the efficacy and structure of our development programs; and, of course, resource levels appropriate to meet our national security, diplomatic and moral commitments around the globe.

Today, we will focus on our government's efforts to promote human rights and democracy abroad – a foreign policy imperative that enjoys strong broad bipartisan approach – and what we can do to make those programs more effective and efficient.

A core American principle is that all people should enjoy freedom of speech, expression, and religion, and freedom from tyranny, oppression, torture and discrimination.

U.S. foreign policy should reflect and promote those core values – not only because it implicates fundamental human freedoms, but because it serves U.S. national interests.

Violent extremism that threatens U.S. national security flourishes where democratic governance is weak, justice is uncertain, and legal avenues for change are in short supply.

Efforts to reduce poverty and promote broad-based economic growth are more effective and sustainable in a political environment in which fundamental freedoms and the rule of law are respected, government institutions are broadly representative, corruption is held to a minimum.

Regrettably, our human rights and democracy assistance programs continue to face obstacles that impede their effectiveness. With the fragmentation of resources and capabilities, gaps in the delivery of certain types of assistance, and lack of flexibility – be it through presidential initiatives or congressional funding directives – taxpayers simply aren't getting an adequate return on their investment.

While those deficiencies are not unique to human rights and democracy, these programs are particularly sensitive and deserve special attention. We have seen how ham-handed attempts to insert the United States in the political processes of other countries runs the risk of failing to achieve meaningful reform, and even endangering those who have dared to speak out against the policies of their own governments.

To address these problems, we recently released a discussion paper on human rights and democracy assistance – which is available on our committee website – that proposes a number of common-sense solutions to these problems. These proposed reforms – such as requiring action plans to broaden civic participation and prevent human rights abuses, enhancing the democracy and governance functions at USAID, modernizing and codifying existing human rights statutes, and improving training for democracy and human rights officers – will allow us to more effectively assist human rights defenders, promote participatory forms of government, and strengthen the rule of law.

Some may argue that these proposed reforms go too far, while others may say they don't go far enough. Even on those points where there is agreement in principle, there are likely to be many

challenges in operationalizing these ideas. We have tried to find the right balance among a variety of competing objectives – such as increasing flexibility while maintaining consistency, or assisting reformers without compromising their independence.

The purpose of the paper was to generate a robust discussion on these important issues, and we welcome any comments from the witnesses and – at the appropriate time – other stakeholders and members of the public. We will be scheduling meetings and roundtables in the near future for that purpose.

It's worth noting that our democracy assistance does not aim to impose a particular form of government on anyone: these funds help local partners build representative and accountable institutions in their own countries. They take the lead, while we provide the training and resources that will enable them to be more successful. Our programs include activities – often carried out by nongovernmental organizations – such as training judges and journalists, monitoring elections, and encouraging the development of political parties and civil society organizations.

On the human rights front, we have a twofold task: providing support for defenders of internationally-recognized human rights, and ensuring that our aid stays out of the hands of violators.

Finally, I would like to note that additional funding is not the only key to advancing human rights and democracy abroad. Yes, increased resources, such as those proposed by President Obama, will certainly enhance our ability to protect human rights and promote democratic governance. But equally important are our efforts to reform the current system of providing such funding. In order to be responsible stewards of the taxpayers' dollars, we owe it to the American people to make the system we have function in a more effective, transparent, and responsive manner.

The Honorable Jeff Flake
House Committee on Foreign Affairs
"Human Rights and Democracy Assistance: Increasing the Effectiveness of US Foreign Aid"
June 10, 2010

The recent and unfortunate detention of a US AID contractor has forced a particularly bright light to shine on the State and US AID Cuba democracy programming. The Secretary of State has indicated that she will evaluate Cuba programming on the basis of how much it actually helps the Cuban people. Ms. Windsor, even with Cuban troubling human rights record, has not your organization taken a position that lifting the ban on travel to Cuba for all Americans "will reinvigorate efforts to advance human rights and democracy in Cuba?" Pending the ban being lifted, would it not be the case as well that increasing the people-to-people contacts between Cubans and Americans would be beneficial? If so, would it not make sense to look for opportunities presented by scholarship, exchange, and visitor programs like those administered by the Bureau of Educational and Cultural Affairs to provide influence in Cuba rather than a disjointed approach with a history of counterproductiveness?

Mr. Chairman, I have in my hand here a letter from the Cuban civil society addressed to Members of Congress and I wish to include this letter as a part of my testimony.

Letter from Members of Cuba's Civil Society to the U.S. Congress

June 9th, 2010 - Honorable Representatives:

We the members of Cuban civil society, who are signing this letter as individuals, have learned that you are currently considering the Travel Restriction Reform and Export Enhancement Act (H.R. 4645), to end travel restrictions on all Americans to Cuba and to remove obstacles to legal sales of United States agricultural commodities to Cuba.

We understand that this bill has the support of Republicans and Democrats in the Congress of the United States. We also know that for this bill to be considered by the full House of Representatives, it must first be passed through the House Committee on Agriculture.

We know that major non-governmental organizations support this bill, including, to name only a few: The United States Chamber of Commerce, the American Farm Bureau Federation, Amnesty International, Human Rights Watch, the United States Conference of Catholic Bishops, the Cuba Study Group and many other human rights organizations.

We share the opinion that the isolation of the people of Cuba benefits the most inflexible interests of its government, while any opening serves to inform and empower the Cuban people and helps to further strengthen our civil society.

We value the experience of all the western countries, including the United States, who favored opening and trade with all the countries of the former Eastern Europe. We are sure that isolation does not foster relationships of respect and support for people and groups around the world who are in favor of democratic changes in Cuba.

We would like to recall the memorable words of Pope John Paul II who, in his own life, had experienced a totalitarian and closed system: "Let Cuban open itself to the world and let the world open itself to Cuba."

Over time we have seen that the Cuban regime does not open itself fully to the world, nor to its own citizens, because what it fears most is an opening, of free trade and of free enterprise, and the direct flow of information and communication between peoples.

Those who oppose H.R. 4645 argue that lifting these restrictions would be a concession to the Cuban regime and a source of foreign income that could be used to repress the Cuban people. They also argue that given the ongoing violations of human rights and the repeated acts of repression, lifting these prohibitions would be an abandonment of Cuban civil society.

It is true that repression and systematic violations of Human Rights have recently increased in a cruel and public way. It is true that these funds could also be used to support and even worsen repression.

We believe, however, that if the citizens of the United States, like those of the rest of the world, increased their presence on our streets, visited the families of the political prisoners and

other members of the nascent Cuban civil society they could: first, serve as witnesses to the suffering of the Cuban people; second, be even more sensitized to the need for changes in Cuba; and third, offer solidarity and a bridge to facilitate the transition we Cubans so greatly desire.

The supportive presence of American citizens, their direct help, and the many opportunities for exchange, used effectively and in the desired direction, would not be an abandonment of Cuban civil society but rather a force to strengthen it. Similarly, to further facilitate the sale of agricultural products would help alleviate the food shortages we now suffer.

Above all, we believe that defending each and every Human Right for all people must be an absolute priority, ahead of any political or economic consideration, and that no restriction of these rights can be justified on economic, political or social grounds. We believe that rights are protected with rights.

Because the ability to travel freely is the right of every human being, we support this bill. The current Cuban government has always violated this right and in recent years has justified its actions with the fact that the government of the United States also restricts its citizens' freedom to travel. The passage of this bill would remove this spurious justification.

Finally, Honorable Representatives, we strongly believe that the problems of Cuba and its path to freedom and democracy are a responsibility and a labor that belongs to all Cubans, those of us who live on the Island as well as those who suffer in exile in the Diaspora, who also love this nation we all share.

In the world today, all peoples of the earth are interconnected, even when their decisions are their sovereign right. These principles – of responsibility for our beloved country and of universal fraternity – encourage us to respectfully communicate our views to you with regards to this bill, because although it is the responsibility of Americans, it affects the Cuban people.

Thank you for your attention and respect.

1. Juan Juan Almeida García 2. José Alberto Álvarez Bravo 3. Silvio Benítez Márquez 4. Juan Carmelo Bermúdez Rosabal 5. Servando Blanco Martínez 6. Félix Bonne Carcassés 7. Luis Cáceres Piñero 8. Claudia Cadelo de Nevis 9. Leonardo Calvo Cárdenas 10. Eleanor Calvo Martínez 11. Marcelo Cano Rodríguez 12. Cecilio Dimas Castellanos Martí 13. Miriam Celaya González 14. Francisco Chaviano González 15. Hortensia Cires Díaz 16. Martha Cortizas Jiménez 17. Manuel Cuesta Morúa 18. Roberto De Miranda Hernández 19. Gisela Delgado Sablón 20. Reinaldo Escobar Casas 21. Oscar Espinosa Chepe 22. Guillermo Fariñas Hernández 23. Guedy Carlos Fernández Morejón 24. Juan Carlos Fernández Hernández 25. Karina Gálvez Chiu 26. Livia Gálvez Chiu 27. Margarita Gálvez Martínez 28. Julio César Gálvez Rodríguez 29. Joisy García Martínez 30. José Luis García Paneque 31. Juan del Pilar Goberna 32. Ricardo González Alfonso 33. Iván Hernández Carrillo 34. Maikel Iglesias Rodríguez 35. Irene Jerez Castillo 36. Yusnaymi Jorge Soca 37. Eugenio Leal García 38. Miriam Leiva 39. Gloria Llopis Prendes 40. Olga Lidia López Lazo 41. Yasnay Losada Castañeda 42. Luis Ricardo Luaces 43. Juan A. Madrazo Luna 44. Ainí Martínez Valero 45.

Katia Sonia Martínez Véliz 46. Ricardo Santiago Medina Salabarría, presbítero 47. Manuel Alberto Morejón Soler, presbítero 48. Félix Navarro Rodríguez 49. Jorge Olivera Castillo 50. Pablo Pacheco Ávila 51. Leonardo Padrón Comptiz 52. Héctor Palacios Ruíz 53. Gustavo Pardo Valdés 54. Yisel Peña Rodríguez 55. Ana Margarita Perdigón 56. Arturo Pérez de Alejo 57. Juana Yamilia Pérez Estrella 58. Tomás Ramos Rodríguez 59. Soledad Rivas Verdecia 60. José Conrado Rodríguez Alegre, presbítero 61. María Esperanza Rodríguez Bernal 62. Lázaro Rosales Rojas 63. Elena Rosito Yaruk 64. Yoani Sánchez Cordero 65. Fernando Sánchez López 66. Elizardo Sánchez Santa Cruz 67. Mayra Sánchez Soria 68. Pedro Antonio Scull 69. Sergio Abel Suárez García 70. Virgilio Toledo López 71. Dagoberto Valdés Hernández 72. Wilfredo Vallín Almeida 73. Alida Viso Bello 74. Liset Zamora

COMMITTEE ON FOREIGN AFFAIRS

U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, D.C. 20515

STATEMENT OF

THE HONORABLE ENI F.H. FALEOMAVAEGA

CHAIRMAN

SUBCOMMITTEE ON ASIA, THE PACIFIC AND THE GLOBAL ENVIRONMENT

before the

COMMITTEE ON FOREIGN AFFAIRS

"Human Rights and Democracy Assistance: Increasing the Effectiveness of U.S. Foreign Aid"

JUNE 10, 2010

Mr. Chairman, the advantages of a more flexible, consistent and updated foreign aid policy are clear. Though foreign aid should always be first and foremost humanitarian, it also has strong implications in terms of long-term national security, diplomatic relations, global economic growth and transnational threats. In dealing with these issues, we must be certain to reflect the values and priorities of the American people. The current law governing our foreign aid programs, which fragments programs across 12 departments, 25 agencies and nearly 60 government offices, is wholly inadequate for meeting today's challenges.

Sending aid requires a delicate balance, one that can only be achieved through comprehensive, consistent and flexible procedures. We do not want to support a tyrannical regime through aid, nor do we wish to single-mindedly support democracy in nations that lack the capacity to sustain it. Yet, in these and other instances, we must weigh problems associated with delivering aid against humanitarian necessity. Moreover, we must make certain that, in providing aid, or in attaching conditions to it, we do not restrict or limit the self-sustaining conditions that we try to promote in recipient countries.

I believe that we must consider placing conditions on aid. American values and interests are propagated and validated in an international community where nations respect and honor codified norms of conduct and obligations toward their citizens. Sending aid to countries that refuse to honor basic standards of decency, far from being humanitarian, may inhumanely prolong the suffering of their citizens by sustaining abhorrent regimes. The State Department produces valuable reports on a wide variety of human rights issues that should be, but often are

not, used to shape and inform policy. As we consider imposing conditions on aid with the help of these reports, we should weigh the merits of promoting human rights against humanitarian aid.

There also exist systemic hurdles to delivering aid. Currently, insufficient resources, loopholes and ambiguities prevent effective implementation of policy. In addition, redundancies and lack of coordination among offices and agencies lead to inefficiency that squanders time and resources. By overhauling the system, we can streamline the process and highlight human rights and democracy as priorities.

The challenges facing us in enacting foreign aid reform are enormous, but they exemplify the pressing need for reform.

The Honorable Ted Poe
Committee on Foreign Affairs
Human Rights and Democracy Assistance: Increasing the Effectiveness of U.S. Foreign Aid
10 June 2010

Mr. Chairman: Thank you for holding this hearing today. Foreign assistance is the cornerstone of our international policies. It gives us the tools to encourage countries around the globe to act with dignity toward human liberty and quality of life. Ensuring this type of behavior around the world is not only a moral imperative; it is in the best interest of our national security.

However, good foreign assistance practices compel us to periodically re-examine the behavior of recipient countries to make sure our dollars are being used effectively. While countries with the worst human rights records are constantly under this type of scrutiny, the developed nations that we assist often escape this close inspection. Their human rights abuses may not be overt or even exist—but their disregard for international obligations and treaties directly impact American citizens both at home and abroad.

Two countries that must be examined in this regard are Peru and Brazil. Both these nations receive substantial amounts of military and economic assistance from the United States, and both continue to violate international agreements with our country, to the detriment of American citizens.

Peru continues to protect Evelyn Mezzich, a Peruvian citizen whose decision to drive drunk on November 10, 1996, resulted in the death of Texas resident, Lindsay Brashier. Evelyn was charged with intoxicated manslaughter in Texas before she jumped bail with her parents and fled to Peru. Peru has denied her extradition—without an explanation—and Evelyn continues to live out her life in comfort and security while Lindsay's family grieves.

And then there is Brazil, whose lack of compliance with the Hague Convention on Child Abduction became infamous when they refused to turn over Sean Goldman. Despite the

international embarrassment of the Goldman case, Brazil has failed to reform. The government of Brazil still refuses to turn over Nicole Pate, the kidnapped daughter of my constituent, Marty Pate. It has been five years since Nicole was taken, and Brazil continues to stonewall Marty while allowing Nicole's kidnapper to negotiate for custody. Let's be clear—by not complying with the tenets of the Hague Convention, Brazil is sanctioning the kidnapping of American children. And since we continue to dole out millions of dollars in foreign assistance to Brazil every year, American taxpayers are inadvertently sanctioning it, too.

We have a duty to promote human rights across the globe. But we have a duty to American citizens first. Our foreign assistance to developed nations should not continue if these countries take our aid with one hand, and violate their international obligations with the other. Peru and Brazil are harboring international fugitives, and the hollow irony is that their activities are funded by our tax dollars—including those paid by the families of Lindsay Brashier and Nicole Pate. Foreign assistance does tremendous good throughout the world—but only if we take the necessary steps to ensure that American taxpayers are not inadvertently supporting countries that knowingly subvert the rule of law.

Thank you, Mr. Chairman, for holding this hearing today. I look forward to hearing from the witnesses.

The Honorable Gerald E. Connolly (VA-11)

HCFA Full Committee Hearing—Human Rights & Democracy Assistance: Increasing the Effectiveness of U.S. Foreign Aid
Thursday, June 10, 2010
9:30am

The success of human rights and democracy programs is often measured by numerical data that can obscure the true impact of these programs. Oftentimes, discussions focus on the number of dollars spent, number of observers trained, or percentage of voters that turned out. But the true effects of human rights and democracy promotion assistance programs ought to be examined in a different way. A more effective approach would focus on the fundamentals of democracy promotion—such as a bottom-up approach with regard to local governance—and would focus less on overly quantitative measures that can obscure the true efficacy of foreign aid programs.

As someone who authored the last foreign assistance authorization during my days as a Senate staffer in the 1980s, I welcome the debate that comes with the rewrite of the Foreign Assistance Act of 1961. Any discussion on reforming foreign aid requires an examination of how funding practices incentivize certain strategies that may not work in a 21st century, post-Cold War context. The role of non-profits is valuable in many development efforts. After all, these groups often employ career development experts who can support efforts that official U.S. Government entities cannot—due to diplomatic concerns, for example. But there are concerns about potentially approaching key issues from a Cold War perspective, which is no longer useful or relevant (despite the fact that the outdated Foreign Assistance Act contains references to the Soviet Union).

The major non-profit organizations that work on overseas democracy assistance are funded, indirectly or directly, through annual appropriations or State Department funds. Though these organizations were founded in the early 1980s, their emphasis on free and democratic institutions is relevant today. The challenges they face are encouraging democracy overseas through new, innovative practices and avoiding the trap of rigid, Cold War models.

One method is to shift away from top-down institutions such as national parties and encourage the growth of democratic institutions from the bottom up. Working with grassroots organizations is not the same as encouraging grassroots democracy. For example, building the strength of local government is a great place to start, since accountability and responsibility are not diluted through multiple layers of bureaucracy or a party machine. In order to move forward and address the varied state of democracy in various countries, an approach which addresses the basics is necessary. A corporate model in one country will not work for all countries.

A notable example of the shifting investment in local government can be observed in the United States' work in Afghanistan. Instead of focusing on Kabul and working outward, the strategy has shifted to empowering local leaders. In an ideal world, this shift will continue for democracy assistance programs in other countries.

The President has made clear that overseas democracy assistance is a priority. After all, the United States has invested in overseas democracy assistance and human rights programs for decades. For FY2011, the Administration's request for democracy assistance programs is $3.44 billion; a 24% increase over the FY2010 estimated funding level. Given this large financial commitment, I look forward to an honest discussion about how this aid can be most effectively dispensed.

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

China's one-child policy: As brutal and hypocritical as ever

May 29, 2010

By Chai Ling

June 1 is the most memorable day of the year for hundreds of millions of children in China. It is "Children's Day," a national holiday where kids enjoy free access to cinemas, parks and museums while their schools throw celebration parties. This year, the Chinese government will celebrate it at the same time as the Shanghai Expo, a $58 billion extravaganza. The real attention-grabber of the Expo is Miguelin, a 21-foot-tall animatronic baby to show that "all our actions have direct consequences on our children's future."

Nowhere is such reflection more important than in China, where the consequences of the government's barbaric one-child policy have been catastrophic. For more than 20 years, the government's family planning bureaucracy has been carrying out this coercive population control measure, ruthlessly wielding its power over the reproductive choices of every Chinese woman. Women are forced to obtain a birth permit to have a child. Those who don't comply have been forced against their will to suffer through abortions and sterilization.

'Abort it! Kill it!'

Amnesty International and the U.S. State Department have both properly criticized China's one-child policy for contributing to infanticide. It is a charge that even some of the propagandists in China's totalitarian regime would not dispute. The government plasters a number of chilling slogans throughout China that are short on nuance. "Better 10 graves than one birth," reads one slogan. "Abort it! Kill it! Terminate it! You just cannot give birth to him or her," reads another official sign written on a long red banner stretched across the entire side of a building. In a nation long known for its ancient preference of sons over daughters, the one-child policy has led to an undeclared war on baby girls. For the cost of a $12 ultrasound, young couples determined to have a boy are practicing gender-selective abortion. Other couples abandon their baby girls, or refuse to report them to authorities, leaving them without basic social services such as health care and education.

The results of this social engineering? Nearly 100 million missing girls, and a growing gender imbalance where more than 120 boys are being born for every 100 girls. In some rural provinces the numbers are even more lopsided, with 130 boys being born for every 100 women. It is no wonder why women are being driven to despair in China. The suicide rate among Chinese women is five times the world average, and it is the No. 1 cause of death for rural Chinese women ages 15 to 34. Before Children's Day is over, more than 500 women will have taken their own lives.

The damaging impact will not be limited to women. According to the Chinese Academy of Social Sciences, in just 10 years there will be 30 million to 40 million more boys than girls under the age of 20 in China. To put that number into perspective, China will have as many young men who will never marry — "or bare branches" — as the entire young male population of the United States. This does not bode well for a country where the crime rate has almost doubled in the past 20 years. This reality makes the charade of Children's Day all the more heartbreaking. For every five Chinese boys celebrating, one of them will never find a bride when he gets older. And he will never know the unbridled joy that comes from being a parent.

Fighting for freedom

The last time I celebrated Children's Day was in 1989. As one of the student leaders of the Tiananmen Square protests, I was given the honor of greeting the children as they walked into the square. It was a time of great hope and enthusiasm. Just three days later, the tanks rolled in as we helplessly witnessed the government firing on its own defenseless citizens. In my subsequent escape from China, many brave men and women risked their lives to protect me and get me to safety.

Today a brave network of people in China still are risking their lives to protect innocent women and children from the brutality of the Chinese government. And here in America, half a world away, there are a number of heroes, such as Rep. Chris Smith, R-N.J., who's holding congressional hearings, and activist Reggie Littlejohn, who's dedicating her life to exposing to the world China's forced abortion and "gendercide."

Since moving to the U.S., I have been blessed to marry the man of my dreams, and we have three beautiful daughters. Every June 1, I make sure to remind them how lucky we are to live in a country that values personal freedom more than hollow public pageants. When I tuck them in, I give them a kiss, read them a story and say a prayer for the women in China, that one day soon they may have the same freedom and safety that I have found in America and which is the birthright of my three little girls.

Chai Ling, a leader of China's 1989 pro-democracy movement, is founder of All Girls Allowed, which is dedicated to ending human rights abuses committed against mothers and baby girls under China's one-child policy.

http://www.usatoday.com/news/opinion/forum/2010-05-29-ling01_ST_N.htm

MATERIAL SUBMITTED FOR THE RECORD BY MS. JENNIFER L. WINDSOR, EXECUTIVE DIRECTOR, FREEDOM HOUSE

Investing in Freedom:

An Analysis of the Obama Administration FY 2011 Budget Request for Democracy and Human Rights

Special Report

April 2010

FREEDOM HOUSE

Executive Summary

The United States utilizes diverse tools to support efforts in other countries to strengthen democracy and defend human rights, including bilateral and multilateral diplomacy, trade agreements and preferences, and through U.S. foreign assistance. While the outcome of struggles around the world for greater freedom and better, more accountable governance will be determined by the men and women of each country, democracy assistance from the international community can abet those efforts, especially in conjunction with strong and supportive diplomacy. The annual foreign assistance request to Congress provides insight into how priorities are being set within an Administration – and the importance placed on democracy and human rights relative to other aspects of foreign policy and international development.

The budget request for the State Department and Foreign Operations for Fiscal Year 2011 is the second of the Obama Administration. In the FY11 request for Governing Justly and Democratically (GJ&D), the Administration has requested a record $3.3 billion for democracy and human rights programs, a 25% increase over last year's request, although the majority of this increase is accounted for by growth in the proposed investment in Afghanistan. As a general proposition, Freedom House believes that, given the mounting threats and challenges to democracy and human rights around the world, and the consequences these have for other vital national interests, more funds should be made available to support democracy and human rights.

In the FY11 request, democracy and human rights funding represents only 10% of total Foreign Assistance; furthermore, it is less than one-tenth of one percent of the total amount requested in the budget submission.

Freedom House's *Freedom in the World 2010* report found that 2009 was the fourth straight year in which more countries saw declines in freedom than saw improvements, the longest continuous period of deterioration in the nearly 40-year history of the report. This troubling trend has been further evinced by recent developments abroad such as the restrictions on the free flow of information including the cyber-attacks against Google in China, the erosion of freedom of association including brutal crackdowns against protesters in Egypt, the silencing of opposition in Venezuela, the criminalization of defamation in Cambodia used to intimidate journalists, and more subtle and frequently legalistic forms of intimidation and control against civil society around the globe.

While many countries throughout the world received small increases in the FY11 request, the vast majority of the proposed funding increase is directed towards two countries: Afghanistan and Pakistan.

- Of the total request, 47% of all GJ&D funding for FY11 is being directed towards Afghanistan and Pakistan. This is a significant increase from the FY10 request, in which over a third (35%) of all GJ&D funding was directed towards these two countries.
- If funding for Afghanistan and Pakistan is removed, the FY11 request reflects a global decrease of $27.7 million, or 1.5% from the adjusted FY10 request.
- GJ&D funding for Afghanistan alone is more than GJ&D funding for the Western Hemisphere, Africa, East Asia and Pacific, and Europe and Eurasia *combined*.

While the challenges posed by Afghanistan and Pakistan are formidable, and we believe that the American-led efforts in those countries *should* include a major investment in strengthening the democratic character of governance and support for fundamental rights, Freedom House is concerned that such large increases (and overall amounts) for any single country may mean that funds are not utilized effectively. More broadly, the FY11 budget request in this respect continues a long-term trend by the U.S. government of episodically requesting large amounts of assistance (including democracy and governance assistance) for countries experiencing conflict, crises, impending elections, or that are emerging from conflicts. These investments are all-too-often then abandoned quickly when attention moves elsewhere.

- Of the 20 countries that receive the largest amounts of GJ&D funding in this request, eight countries are currently experiencing conflict or are in a very recent post-conflict state.
- The requests for Afghanistan, Iraq, Liberia, Pakistan, Sudan and West Bank/Gaza account for 60% of the total GJ&D request.

Inevitably, large amounts of democracy funding for a small number of strategically important countries come at the expense of support for democracy initiatives in countries at a crossroads in their democratic development. Fortunately, there were increases for some countries that have made strides toward becoming stable democracies.

- Appropriately, the FY11 request includes sizable requests for Mexico, Indonesia, Ukraine, Serbia, and Georgia, all new democracies deserving of sustained support. Indeed, the largest percentage increase over the FY10 request was for Mexico (539%.)
- Increases for a number of African countries that have made notable democratic progress - including Ghana, Mali, and Tanzania - should be maintained.

There are other countries, however, where the governments are resisting citizen demands for reform and the engine of progress resides in civil society and alternative political movements. It is therefore concerning to note that overall funding to support civil society in the FY11 request shows a 14% decline from the FY10 estimated spending levels. Greater investment in building the institutional capacity of deserving governments should not come at the expense of strengthening citizen-led demand for accountable governance, as appears to be the case in several countries in the budget justification. As assaults on freedom of association increase worldwide, abetted by schemes enacted by governments to 'legalize' suppression of independent groups, trade unions, associations and opposition political parties, the US should increase and deepen its support for civil society activities, and for efforts to improve the legal and international operating environment for them.

It is also disconcerting that efforts to support freedom of expression are not accorded greater prominence in the budget proposal at a time when the world's leading authoritarian states have embarked on systematic efforts to diminish access to information via the Internet and to curtail free speech more generally. Given the strong statements made in recent months by the Secretary of State on these themes, one would have expected greater focus on these efforts in the budget proposal.

Not all efforts need to be highly technological – traditional outlets like radio and newspapers still play an important role combating misinformation and strengthening support for democracy and human rights.

While funding for the Voice of America has increased in recent years, other vital government-supported broadcasting programs have been consistently underfunded – notably Radio Free Europe/Radio Liberty, whose budgets have remained flat for more than a decade, a period during which many of the societies served by these radio broadcasts have seen independent news reporting eviscerated. RFE/RL broadcasts in 21 countries in 28 languages, including Iran, Afghanistan, Iraq, Central Asia, and parts of Europe that doggedly remain autocratic. In these places, surrogate broadcasting – providing accurate and objective news and information to people living in places where state-controlled media is otherwise their only option – needs to be seen as a vital component of a comprehensive democracy assistance strategy.

Additionally, we are concerned that 50% of the Rule of Law and Human Rights request for FY11 is provided through the International Narcotics Control and Law Enforcement account. This account is primarily aimed at combating transnational crime and strengthening law enforcement. Programs in these areas may sometimes serve to strengthen the delivery of justice and respect for human rights, but past experience demonstrates that this is often not the case.

The FY 11 request provides $59.8 million for USAID's Office of Democracy and Governance and $70 million for the State Department's Bureau for Democracy, Human Rights and Labor. These core centers of support for democracy and human rights programming also require adequate resources to bolster their intellectual programmatic leadership in terms of distilling lessons learned and best practices, and to provide funding to enable them to support global and regional initiatives that often get short-shrift in an assistance framework otherwise built largely around bilateral, country-specific programs.

Regional Summaries

South and Central Asia
While funding for GJ&D has been protected relative to the overall cuts in the Assistance for Europe, Eurasia and Central Asia (AEECA) account, the primary avenue for US funding in the region, recent events in Kyrgyzstan provide a stark reminder that the U.S. should focus more diplomatic and assistance efforts - not less - to support democracy and human rights in Central Asia, which in recent years has become the most repressive sub-region in the world.

Western Hemisphere
The request for Western Hemisphere GJ&D funding increased 29% over the FY10 request, the vast majority of which is reflected in the 130% increase for Mexico. Despite the overall increase, we are concerned to see that a number of countries in the Andean region received decreases or no request at all, for civil society activities, including Venezuela, Bolivia, Peru, Ecuador, and Colombia. Many of these countries face considerable challenges to freedoms of expression and association and civil society groups need adequate resources in order to work against repressive policies. We are particularly disappointed to see that there is *no* GJ&D funding requested for Bolivia at all.

Near East
The request for Near East democracy and human rights funding went down overall, but when dramatically reduced funding for Iraq is taken into account, there is actually a 10% increase over FY10 estimated levels. Although the request for Iraq went down 45% from the FY10 request, the country

remains the region's largest GJ&D recipient, with $175 million for FY11. Freedom House urges Congress and the Administration to continue to closely monitor GJ&D spending in Iraq to ensure that money is being spent efficiently and is meeting citizens' needs.

The issue of democracy-related funding with respect to Egypt is of particular concern as the environment there becomes increasingly restricted – as evidenced by recent crackdowns against political activists, bloggers, and journalists. GJ&D funding for Egypt has gone down considerably over the past decade and although the Administration had last year indicated that the decreases in democracy support in the bilateral USAID program in Egypt would be off-set by increased funding from the State Department's Bureau of Democracy, Human Rights, and Labor (DRL) and Middle East Partnership Initiative (MEPI), it is not clear that has been the case. Additionally, we have serious concerns about the US Government decision to stop funding civil society groups not registered with the Egyptian Ministry of Social Solidarity, essentially giving the Egyptian Government veto power over who receives funding from USAID. Not only is this decision harmful to civil society groups in Egypt, it sets a dangerous precedent in terms of US Foreign Assistance.

Africa

While Freedom House welcomes the Administration's continued focus on democracy and human rights funding in Africa, the total amount dedicated to these programs remains inadequate given the enormity of the challenge on that continent. We would particularly like to see a shift in Africa away from the tendency to invest large amounts of democracy-related resources in conflict countries, which, given budget realities, inevitably means fewer funds are available for countries that are at a critical juncture in their democratic development. We urge the Congress to be mindful of these vast needs when deliberating on the appropriations request, as in previous years a plethora of earmarks for other worthy causes has crowded out the ability for USAID, in particular, to be able to respond to political development needs and opportunities.

East Asia and the Pacific

The East Asia and Pacific region has the smallest GJ&D request of any region, with only 3% of the overall FY11 GJ&D request. This modest amount hardly reflects the dismal state of democracy and human rights in the region, with two countries (Burma and North Korea) appearing on our *Worst of the Worst* list, and another two countries (China and Laos) that consistently rank near the bottom of our *Freedom in the World* ratings. More than half of the world's people living in Not Free countries live in China and this deserves a greater investment of strategic planning and resource allocation.

Europe and Eurasia

Though there was a small decrease (3.3%) in the request for Europe and Eurasia compared to the FY10 request, Freedom House is encouraged to see that the Administration has for the most part continued to fund democracy and human rights programs in the region. We were pleased to see increases in Bosnia and Herzegovina, Georgia, Moldova, and Montenegro.

The growing challenges to fundamental freedoms, and the assiduous efforts by many authoritarian and even nominally democratic governments to impugn and marginalize critics, means that the United States ought to be intensifying and expanding its effort, in tandem with the other democracies, to provide

support to those who are taking the greatest risks to advance the cause of freedom in their respective countries. Mindful of the limits of American ability to influence outcomes in so many places, because the men and women of each country are really the authors of their democratic development, we at Freedom House believe that the overall U.S. investment in support of freedom, democracy and human rights, should be enlarged overall.

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FREEDOM HOUSE

MATERIAL SUBMITTED FOR THE RECORD BY ELISA MASSIMINO, J.D., PRESIDENT AND CHIEF EXECUTIVE OFFICER, HUMAN RIGHTS FIRST

To: David Abramowitz and Diana Ohlbaum, HFAC
From: Members of the Human Rights Community[1]
Re: Legislative proposal relating to security assistance and human rights/governance
Date: 13 August 2009

Following is a draft legislative proposal for consideration in your preparation of the new FAA bill.

It addresses what we collectively agree is the most significant gap in the FAA in relation to the protection and advancement of human rights and governance—namely, the lack of a credible process that will actually be applied to allied nations receiving security assistance and will help move their human rights policies and practices forward.

There are, as you know, existing reporting processes that currently condition aid (and in some cases IFI votes and trade) on the basis of particular human rights or governance concerns (eg, trafficking, religious freedom). We have attempted to construct a process that would lift up other core human rights concerns, and that would run parallel to the existing certifications until some years down the road, at which time these processes might converge.[2]

Specifically, our proposal:

- establishes an annual determination of individual countries' eligibility for US security assistance, based on clear and specific human rights criteria;
- eliminates the "all or nothing" approach of 502B by allowing a partial conditioning of aid;
- provides incentives for human rights improvements through tailored MOUs that address each country's specific human rights problems, identify clear benchmarks for improvement, and authorizes the expenditure of HRDF funds to help meet some of these benchmarks;
- bolsters DRL and the human rights sections of US embassies in affected countries in order to effectively implement this proposal.

[1] Including leadership of Center for International Policy, Freedom House, Human Rights First, Human Rights Watch, International Justice Mission, Open Society Policy Center, Physicians for Human Rights, Washington Office on Latin America and other senior members of the human rights community.

[2] References to relevant conditionality and/or reporting processes that we drew from include:

PL 105-292, as amended, the International Religious Freedom Act of 1998
PL 106-386, as amended, the Victims of Trafficking and Violence Protection Act of 2000
PL 107-228, section 706(1) of the Foreign Relations Authorization Act, Fiscal Year 2003 (re "the Majors List" and narcotics decertification procedures) and other parts of the this law, re promotion of democracy, as amended
PL 108-199, Div. D, Title VI, Millennium Challenge Act of 2003
PL 110-53, Title XXI, the Advancing Democratic Values Act of 2007

Proposed Framework for Incentivizing Human Rights and Democracy via Security Assistance

Section 101: Short Title

If applicable, this Act/Division may be cited as "The Human Rights Partnership Act."

Section 102: Purpose

The purpose of this legislation is to establish a more meaningful, effective, and systematic approach to promoting compliance with international human rights norms by recipients of US foreign assistance.

The law sets up a baseline process relating to the provision of Security Assistance, analogous to the conditions established through the Millennium Challenge Act for receipt of Development Assistance. As with the MCA, this process would provide leverage to move the recipient's governance practices in ways embraced by US policy.

Sec 103: Definitions

"Security Assistance" means all programs authorized under Title X and Title XXII of the USC that provide operational military training and/or the provision of military equipment, weaponry or services to foreign armed forces, including police and paramilitary forces, as well as direct budgetary support (ESF). [[Write it in a way that exempts civilian leadership seminars, JAG school, etc.??]]

"Relevant Committees" means HFAC, SFRC, HASC, SASC.

Section 104: Findings

Among the principal goals of US foreign policy is to promote increased observance by all countries of internationally recognized, standards-based human rights. As such, the President is directed to provide Security Assistance in a manner that strengthens and promotes recipients' respect for human rights and good governance.

Section 105: Annual HR Evaluations/Assessment

Every year, the State Department (led by DRL) will conduct a comprehensive evaluation of the human rights practices of every country receiving or eligible to receive Security Assistance to determine whether they meet core international human rights norms (as specified).

The DRL Assistant Secretary should be delegated by the Secretary of State to coordinate an interagency review process to produce a combined annual USG evaluation of the human rights practices on a core set of agreed criteria (as determined). Representatives of USAID, DoD, NSC, State Regional Bureaus and other relevant actors would determine which countries have significant human rights problems (based on the standards), and the DRL Assistant Secretary would inform the Secretary of State of the panel's conclusions.

The evaluation of countries' practices will be based on the findings of the annual State Department Country Reports on Human Rights, as well as other credible sources, including NGO reports, and the findings of relevant international bodies (e.g. OAS, UN Human Rights Council, International Committee of the Red Cross), and will be measured against a set of internationally-accepted human rights standards (as specified in appendix 1).

Beginning 180 days after enactment or no later than May 1 (whichever is later), the Secretary of State [[or President]] will make public the list of governments found to have significant problems in their human rights policies and practices. (We estimate that 20-40 countries would be listed.)

Sec 106: Eligibility for Assistance

Beginning two years after enactment, governments that are listed as having significant problems in one or more of the specified core human rights areas will be subject to the following process in order to be eligible for Security Assistance:

1) At the time the list is made public, the State Department invites the named **governments to participate in a consultative process to develop a tailored memorandum of understanding (MOU)** that identifies concrete steps toward compliance with international human rights norms.[3] This MOU must be in existence by October 1 in order for the country to continue receiving Security Assistance already in the works for the new fiscal year. Governments that refuse to negotiate an MOU will be ineligible for any such assistance. Humanitarian and development assistance would not be affected. The consultative process will be led by DRL, and will also involve relevant indigenous, US, and international NGOs.

2) Examples of such benchmarks could include: releasing an agreed-upon number of political prisoners; investigations and prosecutions of perpetrators of human rights violations; adopting or amending national legislation, including criminalizing human rights abuses; creation of protection systems for victims of child labor, etc.

3) **A minimum of 30 percent of US Security Assistance and direct budget support will be withheld from the government until the terms of the MOU are met.** DRL will convene an interagency process to identify the proportion and specific aid programs affected (which could reach 100 percent for countries with severe problems). The steps outlined/agreed to in the MOU must be implemented before the current year's full Security Assistance can be provided [[and before further SA funds may be authorized/appropriated??]] DRL will reconvene the interagency process at specified intervals to evaluate progress in achieving benchmarks and to determine whether conditioned assistance will be released.

Sec 107: Staffing Issues

For purposes of carrying out evaluation, monitoring, negotiating and reporting duties associated with this act, the State Department is authorized to expand DRL staff in Washington and to establish and fill a human rights section in the US embassy in each country included in the list required under Section 105.

[3] This process is similar to the Universal Periodic Review that the US and many other countries undergo at the UN Human Rights Council, where measures for improving a country's human rights record are identified and published.

Each US embassy in a country appearing on the annual list required by Section 105 shall establish a human rights section, which will report directly to the Ambassador. The size of the section will be commensurate with the size of the country, level of human right problems, and workload resulting from the MOU monitoring process. If a country falls off of the list required by Section 105 for two consecutive years, the human rights section in the US embassy may be closed.

DRL will control the assignments of Foreign Service Officers to the Human Rights Section and will also have co-equal control with regional bureaus of all FSOs assigned to the human rights portfolio in Embassies not having human rights sections.

Funding for these staff positions will come from a small administrative fee applied to all Security Assistance (including ESF and programs authorized under Title X and Title XXII) and/or from an annual appropriation line dedicated to this purpose.

Sec 108: Congressional Oversight of the Process

Congress shall exert vigorous oversight of the process by requesting an annual report from State Department regarding governments named under Section 105, the status of the consultative process and negotiation of MOUs, progress reaching benchmarks, and decisions regarding the proportion of aid conditioned for each country. We recommend a statutory change to the law requiring the production of the Annual Report on Advancing Freedom and Democracy [required by PL 107-228, section 665(c)], to include this information and/or that this information be rolled into the annual Country Reports on Human Reports. Congress should hold hearings, inviting testimony from DRL's Assistant Secretary to explain the annual process and its results, as well as from relevant indigenous, US, and international NGOs.

Section 109: Affirmative Assistance

Such amounts as may be needed are authorized to support progress toward the established human rights benchmarks contained in the MOU. Assistance should include independent civil society monitoring of government reform.

Section 110: Conforming Clause

This legislation does [[or does not??]] supersede procedures established under laws relating to the specific human rights issues of trafficking and religious freedom [TVPA and IRFA]. [[If not, five years after enactment, the Committees should review whether the certification and reporting procedures already established for these two specific human rights issues should be merged with the process established in this act.]]

Appendix on Core Human Rights Standards and Indicators

Human rights practices of countries receiving US Security Assistance will be evaluated in the following areas, which generally correspond to issues covered by the State Department human rights country reports and are based in international standards derived from the Universal Declaration of Human Rights.

I. Torture, killings, extrajudicial executions, war crimes, and crimes against humanity
Indicators of significant problems could include state involvement in such actions and/or failure of the state to investigate and bring to justice perpetrators of these crimes;

II. Disappearances and arbitrary detention
Indicators include state involvement in such actions and/or failure of the state to investigate and bring to justice perpetrators of these crimes;

III. Suppression of freedom of expression, press, assembly, and religion
Indicators include state involvement in attacks, harassment, or threats against human rights defenders, journalists, and members of religious groups, and/or failure of the state to prevent, investigate or prosecute such attacks; refusal to allow independent press to publish/broadcast;

IV. Violations of the right of citizens to change their government
Indicators include failure to hold free and fair elections, suppression of efforts to form new political parties;

V. Violations of the rights of women, children, persons with disabilities, national, racial and ethnic minorities, migrants, indigenous persons, and other vulnerable populations;
Indicators include discriminatory laws without efforts at legal reform; patterns of discrimination in education, health care, or other government services; failures to investigate abuses against such populations; failure to adopt and implement measures to protect the rights of such populations;

VI. Violations of workers' rights;
Indicators include failure to protect one or more of the four core workers' rights identified in the ILO Declaration on Fundamental Principles and Rights at Work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labor; the effective abolition of child labor; the elimination of discrimination in respect of employment and occupation.

VII. Absence of an independent, fair and impartial judicial system
Indicators include lack of due process rights for those accused, lack of independence of judges.

Timeline Describing How Human Rights Incentive Process Might Work

1 March	HR Country Reports issued
1 May	Countries with serious HR problems designated
1 October	MOU must be complete to get/keep new FY security aid flowing [if country refuses to engage process, ineligible for SA in new FY] MOU is prepared in consultation with the recipient government and outlines areas where progress can be achieved in the coming 6-7 months. 30% (min) SA is withheld pending achievement of MOU benchmarks.
1 March	HR Country Report issued; reports on progress in reaching benchmarks [alternatively, the progress report could be issued separately in April or on 1 May]
1 May	If the previous year's MOU conditions are met, but country still has "significant problems," country would receive remainder of current FY withheld aid but would also have to negotiate new benchmarks for the next year. If the previous year's MOU conditions not met, the country automatically has 30% withheld again in coming FY.

Statement of Principles on Human Rights and Democracy for Foreign Aid Reform

Put Forward by Members of the Human Rights Community[1]
December 1, 2009

We are gratified that the House Foreign Affairs Committee's Concept Paper from June 2009 acknowledges protection and promotion of human Rights and democracy as key goals of US foreign assistance policy, as well as important components of poverty alleviation (the overarching goal put forward by the Committee for Development Assistance).

What follows is an agreed statement of principles that the undersigned organizations believe must be part of any foreign aid reform initiative. As such, we would like to see these principles included in Title III ("Supporting Human Rights and Democracy") and elsewhere in the FAA of 2010, as appropriate, as well as reflected in the Quadrennial Diplomacy and Development Review and in the Presidential Study on Development.

Statement of Principles

1. The protection, promotion and fulfillment of fundamental human rights (as articulated in the Universal Declaration of Human Rights) is a core objective of US foreign policy and should be integrated into US development policy.

2. Broad-based development is most likely to be achieved when partner/recipient governments and national institutions are democratic and accountable to their populace and respectful of their fundamental human rights. Support for progress towards establishing democratic governance and respect for human rights should be a goal of US development policy.

3. Human Rights and democracy are inextricably connected. Only when human rights are respected, protected and fulfilled can democracy be secured.

4. Assistance programs (including Security Assistance) should provide incentives to encourage recipients to move toward open and democratic forms of governance that ensure respect of human rights and access to justice for all parts of society. The "Ruling Justly" criteria in the MCA should be strengthened as part of that incentive system.

5. Monitoring and evaluation of Security Assistance programs should be required to determine what impact such aid is having on human rights and democracy in countries of concern. Assistance that is found to undermine respect for human rights or democratic governance should be cancelled or suspended.

6. All government-to-government assistance should be terminated to any government that unseats a democratically-elected government via a coup or unconstitutional transfer of power, or is engaged in the commission of crimes against humanity or genocide. Exceptions should be made for Humanitarian

[1] Center for International Policy, Council for Global Equality, Fellowship of Reconciliation USA, Freedom House, Global Rights: Partners for Justice, Human Rights First, Human Rights Watch, International Justice Mission, Open Society Policy Center, Physicians for Human Rights, Washington Office on Latin America

Assistance and assistance delivered through civil society organizations, especially those addressing the fundamental human rights of the population.

7. As part of an overall US foreign policy that supports human rights and democratic governance, adequate funds should be made available to encourage and aid the establishment of local systems, national institutions and regional organizations supporting democratic governance and respect for human rights. This support should include assistance to civil society organizations and defenders and advocates of human rights, including those advancing access to justice, freedom of association, freedom of expression and the rights and protection of members of marginalized populations, as well as to groups and institutions involved in active oversight of governmental operations (e.g., independent media, anticorruption, etc.).

8. Functioning justice systems – in both the civil and criminal areas – are crucial to both the protection of human rights and the consolidation of democratic governance, as well as to the achievement of effective economic development and, as such, should be a goal of US assistance. It is particularly important that the systems of justice be non-discriminatory and accessible and that they provide protection to the vulnerable and marginalized segments of society.

9. To realize the rightful place of protection and promotion of human rights and democracy in US foreign and development policy, the bureaus and offices leading this work need to be strengthened, coordinated with other elements of the US government and given decision-making authority on key matters (e.g., whether US Security Assistance might reasonably be assumed to be undermining human rights and democratic governance in recipient countries).

Fuller Explication

Incentivizing Democratic Governance & Respect for Human Rights

The FAA of 2010 should include strong human rights and democracy criteria for Development Assistance, Security Assistance and Trade/Investment in order to incentivize the good governance we want partner nations to embrace.

This approach is pragmatic, as open, democratic governments are more likely to be responsive to their citizens' needs than are non-democratic governments, and US assistance to such governments is more likely to achieve the desired results.

Humanitarian Assistance, including basic health, education, and post conflict emergency reconstruction, would be exempt from these criteria.

Specifically, we encourage you to:

- Incorporate the MCA into the FAA of 2010. Revise MCA eligibility criteria to make the "Ruling Justly" criteria a pre-condition for MCC compact eligibility.[2] Permit long term and multiple compacts for states making progress on democracy and rule of law.

- Increase emphasis and support for the Threshold Grant program of the MCA, in order to help bring more governments up to the desired human rights and good governance standards.

- For countries that do not meet MCC standards, link Development Assistance to specific agreements (compacts or MOU) that require transparency, citizen participation and/or attainment of some other clear benchmarks of progress in identified areas. Alternatively, program Development Assistance through effective (non-abusive, non-corrupt, non-discriminatory) local government or non-governmental structures.

- Help move recipients of US Security Assistance away from practices that violate fundamental civil and political rights of their populations.[3] Establish an annual process for determining which recipients of US Security Assistance have significant problems in one or more areas of internationally-recognized human rights (based on the State Department annual Country Reports on Human Rights and other credible sources). Such a finding should result in a minimum of 30% of Security Assistance (both DOS and DOD-funded) being withheld until specified improvements in problem areas (as agreed between the US Embassy and local government) are achieved. Authorize affirmative assistance to help governments meet these improvement benchmarks and avoid having their Security Assistance permanently reduced.

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[2] Currently, of the 17 eligibility indicators listed in Section 607 of the MCA of 2003, the corruption requirement (section 607(b)(1)(E)) is the only one that the MCC requires countries to meet in order to be eligible for a compact. We encourage Congress and the MCC to also require governments to meet the other civil and political freedom criteria included in the act (sections 607(b)(1)(A) and (B)).

[3] A memo to HFAC from the HR/D community of August 13, 2009 spells out this proposal in more detail.

- Enshrine the "coup clause", contained in annual Foreign Aid appropriations, revised to include genocide and crimes against humanity, in the FAA of 2010. There should be no waiver for Development Assistance (except that related to democracy promotion and human rights protection) and Security Assistance. Revise the clause to include all unconstitutional interruptions of the democratic process and to trigger response as soon as the illegal actions take place.

The fact that all of these incentive mechanisms would be applied by law universally would go a long way toward diminishing claims by partner governments that the US is interfering in internal matters or micro-managing. These are simply the rules of the aid programs.

Affirmative Assistance

As part of an overall US foreign assistance policy that supports human rights and democratic governance, adequate funds should be made available to encourage and aid the establishment of local systems, national institutions and regional organizations supporting democratic governance and respect for human rights. This support should include assistance to civil society organizations and defenders and advocates of human rights, including those advancing access to justice, freedom of association, freedom of expression and the rights and protection of members of marginalized populations, as well as to groups and institutions involved in active oversight of governmental operations (e.g., independent media, anticorruption, etc.).

Title III of the FAA of 2010 should specifically authorize funds to support civil society engaged in the following:

- Human rights defense and protection
- Transparency/independent media
- Evidence-based legal, judicial, and penal reforms designed to increase respect for human rights and democratic governance
- Access to justice (for both civil and criminal offenses)
- Anti-slavery and anti-trafficking initiatives
- Promotion of the rights and protection of members of vulnerable and marginalized populations
- Worker/labor rights

Title III should require accountability for such expenditures, while acknowledging that establishing causal relationships between funds being expended and outcomes on the ground is complex and may be politically sensitive.

The title should also explicitly authorize US support for the UN Democracy Fund, which administers support directly to NGOs, and for NGO participation in the Universal Periodic Review process of the UN Human Rights Council.

Strengthen the HR/D Structures

Currently there are many different spigots of foreign aid related to the rule of law, democracy and human rights, including USAID, MCC, State/INL/DRL/TIP, DOJ, DOL, DHS, DOD and NED. Mechanisms of coordination should be strengthened to ensure that funds are used effectively.

Ideas for strengthening programming in this area follow.

- Require a Human Rights Country Operational Strategy: Overseas missions should be required to produce COPS for the human rights and democracy programs. Development programs for democracy, local human rights groups, assistance for victims, anti-trafficking/anti-slavery programs and support for effective police and justice systems (see below) should all be reflected in the HR COPS. Local civil society must participate in this process.

- Establish Focus Countries and Human Rights Compacts: PEPFAR's focus country approach has had some major benefits. We propose that Title III emulate the approach by authorizing the President to designate focus HR/D countries and aid them in confronting particular human rights and governance challenges, including gender-based violence and infirmities in the public justice system, including the police and prisons. The list of Focus Countries could be derived by a review of the annual Human Rights Country Reports (as we recommend in our proposal on incentivizing good governance via US Security Assistance, above).

- Increase HR Staffing in Focus Countries: There are currently a half dozen Congressionally-mandated reports prepared by US embassies relating to HR/D issues (see below, on reports). These, in addition to Leahy Law background vetting, create a heavy HR reporting burden, while many embassies have insufficient staffing in this area. Given that Security Assistance has the potential to undermine democratic governance and human rights, we propose that a small administrative fee be applied to all Security Assistance (in both DOS and DOD budgets) to fund the appropriate level of HR/D officers in embassies of concern.[4]

Authorize Police Assistance

Professional, civilian police who protect vulnerable populations, respond quickly and competently to violent crime, combat terrorism and maintain public order, while remaining accountable to judicial institutions, should be a clearly stated goal of the FAA of 2010—necessary both for the realization of HR/D and the overarching development objectives.

In the 1960s and 1970s, US assistance and training of foreign police came under serious criticism due to strong evidence that US-provided equipment and trainees were implicated in human rights abuses. In response, Congress passed Section 660 of the FAA, prohibiting police training conducted abroad. Over the years, Section 660 has been modified repeatedly, and a patchwork of agencies and programs now provide some training abroad for specific purposes.[5]

The FAA of 2010 should authorize and consolidate police training, preferably into one program with multiple goals, including anti-terrorism, criminal policing and anti-trafficking, as each of these requires a police force with basic professional skills. Professional ethics should be a core component of any training.

[4] Currently, annual Foreign Operations Appropriations include a line item under FMF for an administrative fee directed toward the Defense Security Cooperation Agency at the DOD. Our proposal would mirror that idea, but would have all sources of military aid contribute to a HR/D fund (administered by State/DRL), to underwrite personnel necessary to prepare the required background checks, reports, etc.

[5] Police assistance abroad is currently available to many developing countries through INL, DOJ (funded by INL), State/TIP and USAID's Democracy and Governance Program, as well as the DEA and DOD.

Other points for consideration by the Committee:

- Explicitly authorize assistance to create discipline and accountability within police forces, including citizen watch-dog groups, judicial oversight, special investigation units and JAG-like functions.
- Explicitly authorize assistance to promote community policing, especially in areas where organized crime and gang violence are a primary concern.
- Explicitly authorize training, forensic capacity and creation of special units to address gender-based violence, hate crimes and trafficking crimes.
- Police units receiving training should be subject to the Leahy Law (and funds necessary to implement the Leahy Law must be allocated; see below).
- The agency administering police training and assistance programs should be required to provide annual reporting to Congress and the public on the performance and human rights record of beneficiary units. Specific measurable outcomes should include police competence, rather than the number of police trained.
- Restrictions on case-specific police training should be removed.[6]

Human Rights Reporting

We strongly support continuation of the annual Country Reports on Human Rights, as required by Sections 116 and 502B of the FAA. These reports are very important for exposing government abuses and informing US foreign policy at various levels.

We urge the Committee to streamline the mandates[7] and specify additional abuses that should be included in the annual reports to fill existing gaps and to reflect issues covered in practice.[8] We also urge the Committee to consider reducing redundancy with other reporting requirements (e.g., Trafficking in Persons, Worst Forms of Child Labor, International Religious Freedom and Advancing Freedom and Democracy Report) and consider consolidating other reporting requirements with the Country Reports.

Consider including report language that encourages the State Department to maintain the integrity of these reports (i.e., keep them as free from internal and external politics as possible).

[6] Current USAID regulations prohibit police training for individual investigations or for training for specific law enforcement operations. In contrast, State/TIP allows police training on specific casework (anti-trafficking) which permits excellent training and mentoring on real cases.

[7] The mandate, as amended over the years, has resulted in some issues requiring fairly detailed reporting (the provision on trafficking covers 9 separate elements) while other issues—torture, extrajudicial execution, etc.—are referenced only in passing, with no guidance regarding what kind of reporting is expected.

[8] As the reports have evolved over time, the State Department has included a number of additional issues that are not strictly required by the FAA. These include freedom of speech, press, assembly and association; political participation; discrimination against women, persons with disabilities, indigenous persons, etc.; worker rights, etc. On the other hand, some issues mandated by the FAA (e.g., countries' voting records at the Human Rights Council) are not consistently included and, we believe, should be eliminated.

Monitoring & Evaluation of Security Assistance

The executive branch (both State and Defense Departments) routinely assert many unsubstantiated benefits from the provision of Security Assistance to foreign governments—including growing support by the military institutions in the recipient country for civilian control of the military and respect for human rights and international humanitarian law. Critics have frequently asserted a negative correlation between US Security Assistance and human rights performance by local recipients.

In order to assess the effects of US Security Assistance programs on the recipient government's HR and governance practices, and whether they are consistent with US law and policy, the FAA of 2010 should require periodic comprehensive evaluation of the human rights impacts of military assistance in selected countries (these could be Focus Countries, as suggested above, or other). (HR/D impacts could be part of a broader M&E process required for Security Assistance—to assess the operational outcomes, as well as the impact on HR/D.)

Sections 548 and 549 of the current FAA mandate some data gathering by the DOD and DOS on recipients of some US Security Assistance. To be able to monitor and evaluate the human rights (or other) impacts of US Security Assistance programs, this data collection requirement would need to be expanded.

In order to ease monitoring and evaluation by the executive branch, Congress and the public, we recommend that all Security Assistance expenditure and programming be collected and reported in a single, unified internet-based portal.[9]

Incorporate, Strengthen Leahy Law

The FAA of 2010 should authorize the President to take all steps necessary to ensure that the provision of Security Assistance from the US does not inadvertently contribute to the undermining of core US human rights and democracy values. Among the provisions the Committee should include:

- "Leahy Law" provisions included in the annual DOD and Foreign Operations appropriations acts since the late 1990s should be enshrined in permanent law, with clear directive provided for what constitutes credible evidence of abuses.

- A mandate for adequate HR staffing in key embassies of concern (funded by Security Assistance administrative fee, see above).

[9] This web site, which should be publicly available, would compile military and police assistance, from all USG sources, on a country-by-country basis. It would contain information included in the following reports (currently mandated by law):

- The program-and-country breakdowns currently available in the Foreign Operations Congressional Budget Justification;
- The report on all forms of Department of Defense-funded military and police assistance, required by Section 1209 of the 2008 National Defense Authorization Act;
- The further detail available in the State Department International Narcotics and Law Enforcement Program and Budget Guide (formerly known as State/INL's Congressional Budget Justification);
- Training data in the "Foreign Military Training and DoD Engagement Activities of Interest" report, required by Section 656 of the Foreign Assistance Act;
- Arms sales data in the report required by Section 655 of the Foreign Assistance Act (including unclassified data about Foreign Military Sales, a section of the report that today is only available by FOIA); and
- Information on Special Forces training deployments, required by Section 2011 of Title X, US Code.

- Clear directive that US Embassies are required to implement the law and authorization of oversight inspections periodically to ensure application of the law.

Labor Rights and Supply Chain Scrutiny

There is no agency of the US government that is authorized and funded to scrutinize imports for slavery-made or child-made goods. US Customs ends up with the job but has no tools with which to do it. Accordingly, existing US laws prohibiting importation of slave-made goods are not implemented. Trade benefit reform is the purview of Ways and Means, but foreign assistance reform offers an opportunity to create a structure where monitoring and foreign assistance programs could be stood up and explicitly linked to duty-free/tariff-free access to US markets.[10] This structure could be grafted onto State/TIP, State/DRL, USAID or USTR.

Firm Prohibitions

Currently, annual Foreign Operations appropriations laws require the suspension of most US foreign assistance in the event of a coup, or unconstitutional transfer of power, against a duly elected government. This prohibition should be enshrined in permanent law, but rewritten to cover any unconstitutional interruption, whether the military was in the lead or not, and be triggered as soon as the illegal action occurs and usurpers exercise authority. There should be a broad application of the aid cut off and no waiver.

We also recommend codifying the same or a similarly strong prohibition on aid to governments determined to be engaged in the commission of crimes against humanity and genocide.

[10] HR 3905 introduced in the 110th Congress authorized the USAID to make grants in this area, in the context of access to US trade benefit programs.