
Code of Conduct on Arms Sales

By

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[The following is a reprint of testimony presented by The Honorable John Shattuck, Assistant Secretary of State for Democracy, Human Rights, and Labor, before the United States Senate Appropriations Committee, Subcommittee on Foreign Operations, on May 23, 1995, in Washington DC.]

I would like to thank you, Mr. Chairman [Senator Mitch McConnell, R-KY], for the opportunity to appear before you today to discuss the role of human rights and democracy considerations in our security assistance and arms transfer policies. I will keep my comments brief to allow time for questions. Before getting into the specifics of my own bureau's role in these matters, I would like to offer some general comments.

As Under Secretary [of State for International Security Affairs, Lynn E.] Davis has outlined, security assistance and arms transfers are among our main tools as we go about advancing our long-term foreign policy and national security objectives. Among those objectives are human rights protection and democracy promotion worldwide. Indeed, human rights and democracy concerns must be front and center in any decision we make regarding security assistance and arms transfers. My bureau [Democracy, Human Rights, and Labor] is actively engaged in decisions on arms transfers and security assistance at both the policy and the working levels. We maintain this engagement in order to protect U.S. interests and principles in the post-cold-war world.

Respect for democracy and human rights constitute an integral element of our long-term security and stability interests. Moreover, the global movement for democracy and human rights, which is changing the political map of the post-cold-war world, is in many countries the wave of the future, and support of that movement is an essential part of our foreign policy.

Even countries with which we are in fundamental agreement on many issues will at times engage in excesses that result in oppression and human suffering—and there too we have an obligation, and perhaps a special obligation, to see to it that American technology and assistance not be used for acts which we cannot condone, even when they are being done by friends.

It is the job of my bureau, as the institutional steward of the human rights and democracy dimension of our foreign policy, to pay close attention to our arms transfers and security assistance programs and, where appropriate, to voice our opposition. The criteria that we use in assessing a country's human rights record are the criteria in our annual country reports. There is no ready-made, one-size-fits-all formula for these questions. To be sure, the law provides the outer limit, namely that "gross human rights violators" are ineligible for security aid and sales and are simply out of bounds. But we do not take the position that a country must be engaged in a "consistent pattern of gross violations" to warrant denial of security assistance. There is much play in the joints of policymaking, and there are judgment calls for countries that are not gross violators on which reasonable people can disagree. But our underlying intent must always be to craft a mix of policies and programs, in security matters and other areas, that advance our interests as the leader of the global community, and reflect our deep commitment to human rights and democratic values—as indeed, our interests are ultimately inextricable from our commitment

to open societies and respect for human rights. My bureau is actively engaged in the decisionmaking processes of arms transfers and security assistance programs, at both the senior and the working levels. In addition, we participate in the development of the annual security assistance budget and its presentation to Congress, provide advice on applications for export licenses for munitions equipment controlled by the State Department, and review all government-to-government excess defense articles transfer notifications to Congress. We also closely review our IMET program, which is one of our tools for promoting both security interests and human rights objectives.

As a result of our interventions, export licenses for munitions or crime control commodities have been denied during the past two years due to human rights concerns in Afganistan, Algeria, Angola, Burma, Burundi, Cameroon, Chad, China, Equatorial Guinea, Gabon, Guatemala, Indonesia, Iran, Lebanon, Liberia, Mauritania, Peru, Rwanda, Serbia, Sierra Leone, Sri Lanka, Somalia, Sudan, Syria, Togo, Turkey, Vietnam, Yeman, and Zaire. The human rights record in several of these countries is such that we do not even consider requests for export licenses. In other cases the requests that have been denied have included commodities such as rifles, shotguns, handguns, small arms ammunition and parts, stun guns, tasers, and shock batons.

I would now like to address briefly two large and important countries with whom we enjoy friendly relations and where, even so, the relationship between security assistance and human rights is very much in play, namely Indonesia and Turkey. I have visited both countries to see the situation firsthand and have carried our message on democracy and human rights to all my interlocutors.

My visit to Indonesia followed the discussions held by the President and the Secretary of State in Jakarta last November. In particular, we are concerned about the situation in East Timor, including the excessive use of force by the government against civilians in instances such as the 1991 Dili incident. As a consequence, we have adopted a policy of restricting the sale of small and light arms and lethal crowd control items. We are also closely scrutinizing non-lethal items that might be useful in crowd control or police work. [Editor's note. The "Dili incident" refers to the killing by Indonesian military personnel of at least 100 civilians as they were marching in a funeral procession in Dili, the capital of East Timor, on November 12, 1991. All of those killed were reportedly members of the separatist Revolutionary Front of Independent East Timor, which has resisted Indonesian rule since 1976—or since Indonesia established its sovereignty over East Timor after Portugal released its rule over the colony it had controlled for 300 years.]

At the present time, we do permit the sale of military equipment that supports Indonesia's legitimate external defense needs, subject to our standard criteria, including controls on sensitive technologies, proliferation concerns, and regional arms balances. We are, however, paying close attention to Indonesia's human rights situation and will take this into consideration in making decisions on arms sales.

Turning to Turkey, we are, as you know gravely concerned about the use of military material, particularly cluster-bombs, provided to Turkey. My bureau is currently helping to draft a report to the Congress, which, among other things, discusses this end-use issue.

It goes without saying that Turkey is a crucial NATO ally of the U.S. and a key friend at the strategic, economic, political, and cultural crossroads at which it stands. It is precisely because Turkey is valuable to us and because we seek a long-term friendship with a democratic Turkey that we must ensure that our assistance and equipment address legitimate security needs and not go toward activities that might do irreparable harm to the fabric of Turkish civic life.

In closing, Mr. Chairman, I would simply reaffirm our deep commitment to fully integrating human rights and democracy into these aspects of U.S. foreign policy as, indeed, into all its dimensions. We appreciate your leadership and commitment, and I look forward to answering your questions.