

# BOB DOLE



(R - Kansas)

SH 141 Hart Building, Washington, D.C. 20510

FOR IMMEDIATE RELEASE  
WEDNESDAY, FEBRUARY 19, 1986

CONTACT: WALT RIKER,  
DALE TATE 202/224-3135

STATEMENT OF SENATE MAJORITY LEADER ROBERT DOLE

## GENOCIDE CONVENTION

THE INTERNATIONAL CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE WAS APPROVED BY THE UNITED NATIONS IN 1948. SIX OF THE SEVEN PRESIDENTS WHO HAVE ASSUMED OFFICE SINCE THAT TIME HAVE ASKED THE SENATE TO CONSENT TO THE TREATY'S RATIFICATION. THE SENATE HAS CONSIDERED THE TREATY ON NO FEWER THAN FIVE OCCASIONS. IN THE LAST CONGRESS, WE OVERWHELMINGLY PASSED A RESOLUTION WHICH DECLARED THE TREATY TO BE A PRIORITY FOR THE 99TH CONGRESS, WITH ONLY TWO SENATORS DISSENTING. THE TIME HAS COME FOR THE SENATE TO TAKE THE FINAL STEP AND APPROVE THE RESOLUTION OF RATIFICATION. WE HAVE WAITED LONG ENOUGH.

### The President's Support

THE REASONS FOR RATIFYING THE GENOCIDE CONVENTION WERE SUCCINCTLY STATED BY PRESIDENT REAGAN WHEN HE WROTE ME LAST OCTOBER TO AGAIN URGE THE SENATE TO APPROVE THIS IMPORTANT AGREEMENT. IN HIS LETTER, HE STATED,

"RATIFICATION OF THE CONVENTION WOULD SERVE AS AN IMPORTANT STATEMENT IN OPPOSING THE GROSS HUMAN RIGHTS ABUSES THE CONVENTION ADDRESSES. I BELIEVE THAT WE CAN ALSO USE THIS CONVENTION EFFECTIVELY IN OUR EFFORTS TO EXPAND HUMAN FREEDOMS AND FIGHT HUMAN RIGHTS ABUSES AROUND THE WORLD. RATIFICATION OF THE CONVENTION AFTER THIRTY-SEVEN YEARS WOULD SERVE TO COUNTER THE CRITICISMS THE U.S. HAS RECEIVED OVER THE YEARS FOR ITS FAILURE TO RATIFY."

### An Important Symbol

THIS TREATY HAS ENORMOUS SYMBOLIC VALUE AS A WORLDWIDE STATEMENT OF OUTRAGE AND CONDEMNATION OVER VERY REAL HORRORS -- AS REAL AS THE ARMENIAN GENOCIDE AND HITLER'S DEATH CAMPS. WE CANNOT WIPE OUT THE MEMORY OF THESE ATROCITIES, NOR CAN WE TURN OUR BACKS ON THE VICTIMS FOR WHOM THIS TREATY HAS A SPECIAL MEANING THE REST OF US CANNOT EVEN BEGIN TO APPRECIATE. MOREOVER, AS WE REJOICE IN THE RELEASE OF ANATOLY SCHARANSKY, CAN WE CONTINUE TO LET HIS JAILERS USE OUR FAILURE TO RATIFY THIS CONVENTION AS A PROPAGANDA TOOL TO CAMOUFLAGE THEIR ABUSES OF HUMAN RIGHTS? THIS WAS A PARTICULAR CONCERN OF MINE WHEN I COCHAIRLED THE HELSINKI COMMISSION. JEANE KIRKPATRICK SUMMED THE PROBLEM UP FOR THE SENATE FOREIGN RELATIONS COMMITTEE IN THE LAST CONGRESS, WHEN SHE STATED,

"THE SOVIETS AND OTHERS HOSTILE TO THE UNITED STATES HAVE LONG FOCUSED ON THE UNITED STATES' FAILURE TO RATIFY THE CONVENTION AS PART OF THEIR ANTI-AMERICAN PROPAGANDA. IT IS CONTRARY TO OUR NATIONAL INTEREST TO PROVIDE FUEL TO THIS CAMPAIGN BY FAILING TO REAFFIRM CLEARLY AND UNEQUIVOCALLY U.S. SUPPORT FOR THE IMPORTANT OBJECTIVES OF THE CONVENTION."



## The Debate Over the Treaty

WHY THEN HAS IT TAKEN SO LONG FOR THE UNITED STATES TO RATIFY THIS AGREEMENT? NOT, OF COURSE, BECAUSE THERE IS ANY QUESTION THAT GENOCIDE SHOULD BE AN INTERNATIONAL OFFENSE. RATHER, THE DEBATE OVER THE YEARS HAS MAINLY CENTERED ON LEGAL AMBIGUITIES IN THE LANGUAGE OF THE TREATY, PERCEIVED BY CRITICS AS INFRINGING UPON THE SOVEREIGNTY OF THE UNITED STATES AND THE SUPREMACY OF THE CONSTITUTION. FEARS HAVE BEEN EXPRESSED THAT THESE AMBIGUITIES COULD RESULT IN AMERICANS BEING PROSECUTED IN FOREIGN COUNTRIES WITHOUT DUE PROCESS PROTECTIONS, OR THAT OUR COUNTRY COULD BECOME VULNERABLE TO TRUMPED UP CHARGES OF GENOCIDE BY OUR ADVERSARIES IN HOSTILE FORUMS.

THE DEBATE HAS GONE ON FOR FAR TOO LONG, BUT IT HAS RESULTED IN A REFINED UNDERSTANDING OF THE TREATY WHICH IN TURN HAS HELPED CULMINATE A CONSENSUS WHICH HAS PLACED RATIFICATION WITHIN OUR REACH. ONE OF THE MOST SIGNIFICANT DEVELOPMENTS OCCURRED IN 1976 WHEN THE AMERICAN BAR ASSOCIATION -- AN OUTSPOKEN CRITIC OF THE TREATY -- CHANGED ITS POSITION AND BECAME A LEADING SUPPORTER.

### The Provisos

ANOTHER SIGNIFICANT DEVELOPMENT OCCURRED THIS PAST YEAR WHEN THE DISTINGUISHED CHAIRMAN OF THE FOREIGN RELATIONS COMMITTEE JOINED SENATOR HELMS IN SPONSORING EIGHT CAREFULLY CRAFTED PROVISOS WHICH MEET THE CONCERNS OF THOSE WHO VIEW THE CONVENTION AS AN IMPRECISE LEGAL DOCUMENT, WHILE MAINTAINING THE TREATY'S INTEGRITY AS A STRONG, INTERNATIONAL CONDEMNATION OF GENOCIDAL ACTS. I AM SATISFIED THAT THESE PROVISOS WILL PROTECT OUR NATIONAL INTERESTS. INDEED, SENATORS HELMS AND LUGAR HAVE DEVOTED SUBSTANTIAL AMOUNTS OF TIME TO THE CONSIDERATION OF THIS TREATY AND THE VARIOUS OBJECTIONS THAT HAVE BEEN RAISED. I HAVE A DEEP RESPECT FOR THEIR EXPERTISE AND JUDGMENT. MOREOVER, THERE IS NO DOUBT THAT IN DRAFTING THESE PROVISOS, THEY HAVE STRUCK A VERY DELICATE BALANCE -- ANY TAMPERING, AND THE WHOLE PACKAGE COULD VERY WELL FALL APART.

### Political Genocide

A FINAL OBJECTION RAISED ABOUT THE TREATY IS ONE WHICH CANNOT BE ADDRESSED THROUGH RESERVATIONS OR PROVISOS. THAT IS THE ARGUMENT THAT THE TREATY IS DEFICIENT BECAUSE IT FAILS TO PROHIBIT POLITICAL GENOCIDE -- A FLAW WHICH CAN BE REMEDIED ONLY BY AMENDING THE TEXT OF THE TREATY ITSELF. I AGREE THAT POLITICAL GENOCIDE SHOULD BE INCLUDED AS AN INTERNATIONAL CRIME, AS DOES EVERY MEMBER IN THIS BODY I WOULD VENTURE TO GUESS. THE PROBLEM IS THAT IF THE SENATE ADOPTS AN AMENDMENT TO THE TREATY, IT CONDITIONS ITS CONSENT TO RATIFICATION ON THE ACCEPTANCE OF THE AMENDMENT BY ALL 96 COUNTRIES WHO HAVE ALREADY RATIFIED THE CONVENTION -- AN EXTREMELY UNLIKELY OCCURRENCE. SENATE PASSAGE OF THE RESOLUTION OF RATIFICATION WOULD BECOME A MEANINGLESS ACT.

THE CONVENTION ITSELF PROVIDES FOR A PROCESS FOR AMENDMENT. SO I WOULD ASK THOSE WHO WANT TO AMEND THE TREATY NOW TO INSTEAD LET US PASS THE RESOLUTION RATIFYING THE TREATY AS IT IS CURRENTLY WRITTEN. ONCE A PARTY, THIS COUNTRY CAN SEEK TO USE THOSE PROCEDURES TO EXTEND THE CONVENTION TO POLITICAL GENOCIDE. AND LET ME STATE FOR THE RECORD THAT IMMEDIATELY AFTER WE COMPLETE ACTION ON THE CONVENTION, I WILL SEEK PASSAGE OF A SEPARATE SENATE RESOLUTION WHICH DIRECTS THE PRESIDENT TO INITIATE THOSE PROCEDURES UPON DEPOSITING THE INSTRUMENT OF RATIFICATION WITH THE U.N.

### Conclusion

WE HAVE WAITED TOO LONG TO DELAY FURTHER. THE CONVENTION IS NOT PERFECT, BUT THAT IS HARDLY REASON TO REJECT IT. AS A NATION WHICH ENSHRINES HUMAN DIGNITY AND FREEDOM AS A GOD GIVEN RIGHT IN ITS CONSTITUTION, WE MUST CORRECT OUR ANOMALOUS POSITION ON THIS BASIC RIGHTS ISSUE. THE TIME TO DEBATE IS OVER. THE TIME TO ACT IS NOW.

###