CHAPTER-1

INTRODUCTION : HUMAN RIGHTS ISSUE IN AMERICAN FOREIGN POLICY

“You can not neglect human rights. It is like building a house if the foundations are not sound, the house will collapse.”

(Jan Martenson, Under-Secretary General for Human Rights, Congress on Human Rights, United Nations, at the International Congress on Human Rights organised By the Jawaharlal Nehru University, in 1990 in New Delhi).
Till very recently, the study of international relations concentrated its attention on strategic issues and “Human Rights” were regarded as of little practical importance. Discussions of human rights by international legal scholars, philosophers, and moralists exercised only marginal influence. The issue of human rights has of late come to occupy a prominent place in international relations, a field that was once dominated by controversies over thrones and territories. A well-known scholar working on human rights rightly pointed out that “this emergence of human rights as an international relations agenda item is part of a more general process through which quality of human life has joined power in all its varied forms both as a dynamic of world politics and as an issue which policy-makers must deal.”

EVOLUTION OF HUMAN RIGHTS AND THE ROLE OF THE U.N. AND OTHER AGENCIES :-

Half a century ago, in August 1941, President Franklin D. Roosevelt of the US and Prime Minister Winston Churchill of the UK expressed in the Atlantic Charter-a joint declaration of post-war aims, their present hope “to see established a peace which will afford to all nations the means of dwelling in society within their own boundaries, and which will afford assurance that

---

all men in all the lands may live out their lives in freedom from want and fear.  

One year later, 26 allied nations expressed in the Declaration by the UN their firm convictions that "complete victory over their enemies is essential to defend life, liberty, independence and religious freedoms, and to preserve human rights and justice in their own lands as well as in other lands." In doing so, they were the first to use the term "human rights" in an international instrument. Later, 21 additional nations joined in adherence to the declaration.

The UN Charter, which entered into force in 1945, provides that the UN promote (Article 55) "universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion; and that (Article-56) all members pledge themselves to take joint and separate action in cooperation with the organisation for the achievement of the purposes set forth in Article 55."  

The General Assembly adopted and proclaimed the Universal Declaration of Human Rights on 10 December 1948 by 48 votes in favour, none against, and eight abstentions. The draft was prepared by the newly-constituted UN Human Rights Commission.

Thus was born what Mrs. Roosevelt called the "Magna Carta of Mankind", and others termed the 'lodestar of the international community': a

---

4 ibid, p. XII.
document that set out simply and clearly what was later described in the 1968 proclamation of Teheran as a "common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of human family." In December 1994, the UN General Assembly proclaimed the period 1995-2005 as 'UN Decade for Human Rights Education'.

Evidence of the increasing importance of human rights as an international political concern is found in the heavy and expanding volumes of international human rights agreements, both general and specific. On the global level, "various governments have produced fifty-seven convenants, resolutions, statements of principles, declarations, and codes of conduct within the United Nations." This herculean work at the global level through the UN has had spilled over to various regions. The Council of Europe and the Organization of American States (OAS) have codified basic human rights and machinery to protect them. These documents have given significant impetus to the movement to provide international protection for human rights.

Further testimony to the burgeoning status of this issue in the world community could be found in the expanding roster of organizations, both international and private, which are committed to the protection and promotion of human rights.

The UN and its satellite agencies such as the International Labour Organisation (ILO), and the United Nations Educational, Scientific and Cultural Organisation (UNESCO), head the list of such international bodies, in addition to the well-established regional organisations. The adoption of

---

5 ibid.
6 A. Glenn Mower Jr., n.1, p.1.
“African Human Rights Charter” suggests that the Organisation of African Unity (OAU) may become another regional organization serving actively the cause of human rights. A plethora of private human rights organizations has sprung up since the mid-twentieth century to support this great and noble cause.

Again the prominence of human rights as an international relations issue is attested by the place it has come to occupy on the agenda of the bodies besides UN whose primary concerns are political rather than functional. The finest example is the conglomeration of the then thirty-seven-nation Conference on Security and Cooperation in Europe (CSCE). The final act of its original meeting in Helsinki in 1975 has contained a section concerning with human rights under the “Basket-Three” of its statute, giving a big push to the cause of human rights.

Finally, the growing importance of human rights as an international relations issue is seen in the increasing tendency of the various governments to incorporate this concern in the substance of their foreign policy formulations. As one State Department official of U.S. observed “it is not just the United States that is interested in human rights, more countries now have human rights offices in their foreign ministries.” In a similar statement, Jerome Shestack, former US representative to the UN’s Human Rights Commission, noted that many governments have made human rights an integral part of their foreign policy mosaic. And he cited the examples of Netherlands and Norway to buttress his view points.

7 ibid., p. 2.
Since no single treaty was acceptable to all UN members, "the Human Rights Commissions drew up separate Convenants in 1954. One Convenant dealt with Civil and Political Rights as emphasized by the western democracies, and another Convenant concerned with the Economic, Social and Cultural Rights in deference to the wishes of the Soviet Union and many developing countries including India. After years of prolonged debate and discussion, the General Assembly approved both Covenants on December 17, 1966, four years after Mrs. Roosevelt's demise.

Since then 59 countries have adopted the Convenant on Economic, Social and Cultural rights, 58 the Convenant on Civil and Political Rights. In addition to the two Convenants drawn up by the Human Rights Commission, the UN itself and its specialized agencies have written several other human rights Convenants, including one on Genocide, which the General Assembly adopted earlier on 9 December, 1948. And it also adopted the political rights of women in 1950, giving a big fillip to the cause of human rights.

MEANING OF HUMAN RIGHTS:

Human Rights are entitlements due to every man, woman, and child because they are human. They include rights pertaining to the security of the person, including the right not to be deprived of life or liberty without due process of law, the right not to be tortured or subjected to cruel, inhuman or degrading treatment or punishment; and the right not to be held in slavery or servitude. They are nonderogable rights: their violations can never be justified even by a state of national emergency.
Human rights also include civil and political rights, among them the right to freedom of thought, conscience, and religion; the right to freedom of opinion and expression; the right to freedom of peaceful assembly and association; the right to freedom of movement; and the right to take part in the government of one’s own country, directly or through freely chosen representatives.

There are also economic, social and cultural rights to which everyone is entitled. These include basic survival rights to food, shelter, health care, and social services; the right to work; the right to education; the right to participate in the cultural life of one’s community.

The premise of current international law is that these rights are inherent in the human person. They are not given to the people by the state, and the state can not deprive people of their rights, these human rights and fundamental freedoms are the birth-right of all human beings.

The reality, of course, is that throughout history, people have had to fight to win their rights, because power holders are rarely magnanimous in granting these rights to the people.

**WESTERN & THIRD WORLD PERCEPTIONS ON HUMAN RIGHTS**

India has been attaching great importance to the issue of human rights since its independence. But India has been reluctant to use this democratic values and freedom as a basis for judging others. It has never imposed its view on others. India strongly opposes the western countries’ attempt and for
that matter US attempts to link human rights with other issues in bilateral relations. This is where it brings out the difference between the classical western liberal notion of human rights and the non-western third world notion of human rights. The western notion of human rights emphasises absolute individual political and civil rights, whereas the non-western third world notion of human rights traditions place greater emphasis on the community basis of rights and duties, economic and social rights, and the relative character of human rights. This notion is somehow or other closer to the Marxist/Socialist ideas which highlight economic and social rights and duties absolutely grounded in collectivist principles. India, and the third world countries believe that unless social and economic rights, conceived as the 'positive rights' of the governmental obligation, are fulfilled and provided for general well-being, the civil and political rights, conceived as the 'negative rights' of government obligation to refrain from abridging political and civil rights, cannot be fulfilled. The Carter administration had given equal priority and recognition to socio-economic rights, but the Reagan, Bush and Clinton administrations did not give that priority and recognition to socio-economic rights in their scheme of things.

**THE US AND HUMAN RIGHTS**

And no wonder, the United States does not want to lag behind in this context. Indeed, the U.S. has been a “leader in this movement to make human rights an integral part of the machinery and substance of foreign policy.”^8^ This leadership role was assumed during the Presidency of Jimmy Carter, whose election in 1976 set the pace for what could well be described

---

as a “quantum leap forward” in the ongoing movement to incorporate this issue into his country’s foreign policy framework, giving a big fillip to the cause of human rights. Certainly, President Carter’s human rights diplomacy had played a major part in ensuring human rights a focus of concern politically and intellectually in US in particular and the world in general. Hence, since Carter Administration, we find the phrase ‘human rights’ has made a remarkable sudden entry into our common political vocabulary. Increasingly, the wrongs and injustices of various governments perpetuated on their citizens are referred to as violations of human rights. And a concern for promoting and preserving respect for human rights has increasingly assumed highly publicized media blitzkrieg goal of US foreign policy postures.

By the late 1970s, political behavior and praxies had changed significantly reflecting a broader sense of responsibility for others outside one’s own country. This was amply reflected in the statement of Patricia N. Derian, US Assistant Secretary of State for Human Rights and Humanitarian Affairs, in 1980, when she said, “the concept of human rights is a concept of world order. It is a proposal for restructuring the world so that every individual’s human rights is realized and every individual’s dignity is protected.” And in the same vein Arthur Schlesinger, Jr., wrote that, “the US was founded on the proclamation of unalienable rights and human rights ever since have had a peculiar resonance in the American traditions.”

---

The Americans in the western tradition think of rights as belonging to individuals, something with which all persons are embodied by their Creator. And the state has a duty to protect, promote, preserve, respect and defend their rights, which constitute the lifeline of all individuals. The most basic of all individual rights are civil liberties, such as, the rights to say, hear, and believe what one chooses, the right to privacy, the right to own property, to the equal protection of laws, to a fair trail, to freedom from torture.

In addition, the state must guarantee certain political rights, which constitute the arch of a democratic and republican government. Such as the right to vote in fair multiparty elections, to belong to organisations, to petition the government, to run for office etc. All these rights are protected by the U.S. constitution. Their application has widened greatly since the nation was founded mainly by the inclusion of non-whites, the ending of property qualifications for voting and the granting of the vote to the women folk.

Thus, according to the late philosopher, Charles Frankel, 'human rights are not the only item on the American international agenda. A desire to maintain conditions conducive to peace and prevention of bloodshed is not an immoral desire, and the consequences of protest against human rights violations should rightly be weighed against it.'

In a sense, we find that American foreign policy has long demonstrated, albeit, unevenly, a penchant for ethical tradition. From the American Revolution to the Presidency of Jimmy Carter, many Americans have sought for clubbing ethics and power together. For some, this tie-up was

---

to be communicated to the world by passive examples. In this category comes George Washington’s Farewell Address and the moral isolationism of the 1920s and 1930s, stating that old world politics are evil and the US should stay out.

For other Americans, the linking of ethics and power could be conveyed to the world by active intervention. Leading examples here had been the American rationale of anti-imperialism in the Spanish-American war, Woodrow Wilson’s crusade to make the world safe for democracy and the ideological anti-communism of the late 1940s and early 1950s.

Thus, in its two basic forms, the ethical tradition is a fact of the American heritage. In addition to avoiding war and opposing communism, most Americans had been seeking more affirmative and positive values in their nation’s foreign policy framework. And not surprisingly, among these, none strike an umbilical chord in the hearts of the people than the promotion of human rights.

Although their inclusion in foreign policy is a recent phenomenon, human rights draw on a long tradition running from the Mosaic Code and the philosophy of the ancient Greece ultimately to the Age of Enlightenment. With it came the “natural law” concept, that, rights are universal, the “inalienable” possession of all men everywhere as expressed in the Declaration of Independence by Thomas Jefferson.

And before him other such thinkers as John Locke in ‘Civil Government’ in 1690, Charles Louis Montesquieu in ‘De L’Esprit des Lois’ in 1748, and the authors of English “Bill of Rights” in 1689 which is
popularly described as the ‘Magna Carta’ of English people had also advocated the cause of human rights.

According to Lois Rene’ Beres, “the US has always been committed to the idea of a higher law, codified in both the Declaration of Independence and the constitution, this idea is based upon the acceptance of certain principles of right and justice prevail because of their own intrinsic values.” Thus, one finds that “out of the cradle of liberty has arisen the US’s greatest gift to the world and to itself. Though it is sometimes troubled by evolving system of social and political freedoms, which have been clearly enshrined in the US constitution and in the hearts of their people.”

VIOLATIONS OF HUMAN RIGHTS IN THE U.S.

It is true that the U.S. has played a special role in the political development of spread of human rights ideas and practices. The Declaration of Independence, by which the American colonies severed their allegiance to the British Crown in 1776, proclaims the self-evident truth that all men are created equal and endowed with inalienable rights to life, liberty and the pursuit of happiness. No less importantly, it asserts the right of people to dissolve political bonds that have come to be oppressive. And in the political system established under the U.S. Constitution and its Bill of Rights, the world witnessed the first practical experiment in a government committed to being judged by the extent to which it respected and protected the rights of its citizens. Rights, are thus seen by Americans as a defining feature of national heritage.

13 Schlesinger, Jr., n. 6, pp. 503 - 26.
But this does not mean, the U.S. is the paragon of all virtues on the issue of human rights. Though it presents the holier-than-thou picture to the outside world, as if it is the sole champion of human rights in the world, a 'city upon a hill' to be emulated by others, its own rights record are far from satisfactory. There are darker sides to that so-called great American heritage on human rights. It is yet to clear up its backyard before pointing its fingers to others.

'Slavery' was officially accepted for the better part of the first century of the new U.S. Republic - the U.S. Constitution actually protected the slave trade for some 50 years - and legalised racial discrimination was the norm for much of the second century. Indigenous populations were forced to surrender their homes and their lands, without recompensation, as America expanded westward.

There was a similar ambivalence in American international human rights policies and practices. For example, Central America and the Caribbean were viewed as their "own backyard", in which American troops were sent to overthrow governments the U.S. judged unacceptable. And during the cold war, brutal military dictatorships were called free and democratic and were given American financial and military support, so long as they supported U.S. economic and geo-political interests.

The institution of 'slavery' was so rampant and shameless that recently President Bill Clinton announced his administration's resolve to offer a 'national apology' to the Blacks to heal the wound of their hurt feelings and sufferings.
Although the United States has a positive and long international action on behalf of human rights, it has been reluctant to open itself to the sort of human rights scrutiny it applies to others. It was only in 1992 that the U.S. ratified the U.N.'s International Convenant on Civil and Political Rights, more than 25 years after it received General Assembly approval. In addition, across the mainstream of the American political spectrum, there has been an unusual reluctance to accept the equal status of civil and political and economic, social and cultural rights, a central normative principle of the U.N.'s Universal Declaration of Human Rights and the Convenants. The U.S. is not a party to the International Convenant on Economic, Social and Cultural Rights, and the Americans do not regard social problems involving education, health care, and employment as human rights.

That's why American leadership has also been challenged. At home, the isolationist tradition is deeply rooted. Today, many Americans are reluctant to spend money or risk American lives to support human rights abroad. In abroad, American self-righteousness and a preference for unilateral action have often provoked resentment even among those who shared the values underlying American Policies.

The myth of describing the U.S. as the champion of the human rights in the world was demolished by a report of Amnesty International. In one of its recent workshops, Amnesty International had chastised the U.S. for human rights abuses in three areas - police brutality, the Haitian refugee crisis and death penalty which it says, "were jeopardising rights protection around the world".  

Referring to the recent Los Angeles riot, it has condemned U.S. for the police excesses, which self-styledly call itself as the 'cradle of liberty'. The racial riot which flashed from Los Angeles and spread to many other parts of the country left at least 58 dead and 2,300 injured just in Los Angeles. Besides property worth $717 million was damaged. For decades, the "American leadership has delivered moral lectures to the world about human rights and democracy. But today America looks naked to the rest of the world, its superior credentials blurred by the burning fires of Los Angeles, its sermons sounding hollow. American leaders who are so eloquent in citing problems of other countries, are mute when it comes to their own backyard"15.

Thus, Los Angeles was caught in the chasm of racial violence following a California court verdict delivered on 29 April, 1992 - that acquitted fair white policemen charged for using excessive force against Rodney King, a Black motorist, while he offended traffic rules in March, 1991. The court judgement was seen to be tainted with racial feelings. This led widespread protests which eventually deteriorated into riotous situation.

On the Los Angeles, Amnesty International criticised this sad and violent incident It said the “record on police brutality is appalling. It is one of a number of current human rights scandals in the U.S. that undermine its credibility in promoting rights internationally”16.

---

16 Times of India, (New Delhi), 6 July 1992. (All References to the Times of India in this Chapter are to the New Delhi of that Newspaper).
The Amnesty report covering some 40 cases in the Los Angeles area showed that police officers regularly seemed to use higher levels of force than allowed in their guidelines, often out of all proportion to the threat posed by the victims. The evidence suggested that Blacks bore the brunt of police brutality in Los Angeles.

On the Haitian refugee crisis after the coup in Haiti in September, 1991, the U.S. government had sent back 14,000 Haitians back to their country where grave violations of human rights continued to be reported. The U.S. had rightly criticised in 1989 the flawed refugee screening process in Hong Kong and the British proposal to forcibly return 'screened out' asylum seekers. What the U.S. doing with asylum-seeking Haitians underscored the double-standard the U.S. government applied. The scandal of U.S. police turning possible refugees away was not only that this was being done, but that it was being done by the riches and most powerful nation on the earth.

Amnesty also rapped the U.S. for allowing the executions of juvenile offenders. It said, this was out of step with international trend towards abolishing the death penalty and stood alone in the world in executing its juvenile offenders.

India had also strongly criticised the U.S. for its racial policy. One leading politician of India, Sunil Dutt, questioned the U.S. right to advise the world on human rights when they were being trampled upon in that country in the name of race and authority. He asked, "a member of the Kennedy clan charged with rape gets away but a boxer like Mike Tyson was jailed for rape."
Why? Because one was White, and the other was Black?"\(^{17}\). In his view India should not bow to U.S. pressure on any issue and should be ready to be on its own, even if it meant hardships.

Former minister of state for external affairs, K.K. Tewary remarked that "the pretentious magic of Pax America masquerading as a universal model of good governance, democracy and a society based on equality, non-discrimination and human rights is all in a shambles, thanks to the courage and determination of the long-suffering Black people in the Land of Mammon"\(^{18}\).

And recently, O.J. Simpson, the famous Basketball player was charged with rape by a White majority jury. All the white members of the jury charged him with rape and murder involving his ex-girl-friend, but the Black members of the jury found the allegation baseless. Thus, without going into the merit of these allegations, one could easily see the element of racial bias creeping into the judgement of both White and Black members of the jury. Hence, even today, this racial discrimination and bias refuse to be away from the American society and policy, damaging its credibility of being the champion of human rights in the world.

**U.S. FOREIGN POLICY AND HUMAN RIGHTS:**

Despite their importance to the country's political heritage, human rights did not figure prominently in American foreign policy until this country's participation in world war - II. But as the war revealed the horrors

\(^{17}\) Times of India, 6 May 1992.

\(^{18}\) ibid.
of Nazi Germany inflicted on helpless civilian populations the groundswell support for the formulation of human rights standards to be included in the country’s policy towards other nations was demanded. American concern for human rights on a global scale was first expressed soon after the world war-II, when the US played a major role in the development of human rights program for the UN.

It is noteworthy that an early demonstration of American interest in human rights was given by President Franklin Roosevelt in the “Four Freedoms” section of his 6 January 6, 1941 State of the Union Message. The President said, “an enduring peace could not be bought by other peoples freedoms, rather, the world order which we seek is the cooperation of the free countries, working together in a friendly and civilized way. Therefore, we look forward to a world founded upon four essential freedoms, such as, freedom of speech and expression, freedom to worship as one chooses, freedom from want and freedom from fear of aggression and these freedoms were to prevail everywhere in the world.”19

Thus, in this brief but specious message, President Roosevelt did include at least three points which have been central to discussions of human rights in U.S. foreign policy. Firstly, human rights everywhere would be an American concern. Secondly the rights to be provided were both civil-political, and economic-social, and, lastly, international peace and security was itself a human rights.

---

And it was Roosevelt’s widow, Eleanor, who made the greatest contribution towards bringing human rights to the forefront of UN activities. President Truman named her to the American delegation at the first organizing session of the UN General Assembly, which was convened in London in December 1945. One year later, she was elected as chairperson of the newly established permanent, “UN Commission on Human Rights.”

Her task was to foster agreement among representatives of diverse cultures on a human rights document. And as a result of her sustained efforts, the Universal Declaration of Human Rights was approved by the General Assembly on 10 December 1948, with only the Soviet bloc countries, South Africa and Saudi Arabia abstaining. Eleanor Roosevelt resigned in 1952 after five years on the Human Rights Commission. During this period, she also led the drafting of a human rights treaty, which was intended to give greater impetus to the Declaration. However, with Mrs. Roosevelt’s departure from the UN, an era of relative non-involvement by the US in international human rights affairs followed.

With Dwight D. Eisenhower’s election that year as President, human rights ceased to hold an important place in American foreign policy. With the intensification of cold war, the existing differences in interpretation of the concept between East and West was heightened, without any possibility of common meeting grounds. Secretary of State John Foster Dulles withdrew U.S. support from the UN efforts to draft a human rights treaty.

The Kennedy and Johnson administrations spoke of the need to promote democracy, especially in the western hemisphere, which actually “meant pro-United States governments diluting further the concept of human
rights.” The Alliance for progress, technically not under the Organization of American States (OAS) but billed as the hemispheres’ answer to poverty and repression, continued the pattern of giving priority to anti-communism, giving tertiary attention to human rights.”

“Yet this approach ‘fashioned by U.S. liberal state-capitalism floundered on the illiberal state capitalism that dominated Latin America at that time.”

However, in larger perspective, if we analyse, we find that the Kennedy administrations was too short-lived to have much of an impact. And the Johnson administration was “consumed” by the Vietnam war, which estranged the US from the UN, where US policies were under trenchant criticism not only from the majority of states but from Secretary General, U-Thant. When other nations took the lead to improve the functioning of the UN Human Rights Commission to get UN action on private petitions about human rights violations, the U.S. exhibited nominal supportive actions. Indeed “the US did not play a leadership role in the 1960s on multilateral human rights.”

During President Nixon’s term, human rights continued to take a sharp nosedive in the American foreign policy. The Nixon-Kissinger team further downgraded human rights as a separate issue and multilateral diplomacy. Secretary of State Henry Kissinger in particular has left a written record

---


arguing against "the intrusion of human rights into the calculus of geo-
strategy."²³

He argued that the traditional approach to foreign policy resisted
concepts of power, equilibrium, and stability in favour of debilitating moral
and legal principles. Human rights fits under these later categories, he argued.
However, later on "he tried to reformulate his views in the face of
considerable criticism."²⁴ In fact during his second term, he became an ardent
supporter of human rights and tried to put it in his country's foreign policy
map.

So, it was not surprising to find Kissinger saying in 1973 at the United
Nations that "we strive for a world in which the rule of law governs and
fundamental rights are the birthrights of all."²⁵

In 1976, in the last year in office, Kissinger went to an OAS meeting
in Santiago, Chile and said, "human rights must be preserved, cherished and
defended if peace and prosperity are to be more than hollow technical
achievement... Human Rights are the very essence of a meaningful life, and
human dignity is the ultimate purpose of government... Respect for the dignity
of man is declining in too many countries of the hemisphere. There are
several states where fundamental standards of human behaviour are not
observed... the condition of human rights as assessed by OAS Human Rights

²⁴ Henry A. Kissinger, "Continuity and Change in American Foreign Policy", in Abdul
Commission has impaired our relationship with Chile and will continue to do so."^{26}

In the same year, Kissinger said, "this administration has believed that we must make every effort to enhance respect for human rights."^{27}

Thus, we find a major change in the stands of Kissinger on human rights during the last year of his office, in sharp contrast to his earlier positions saying the intrusion of human rights is the "impotence of American foreign policy."

However, Kissinger resisted Congressional pressures on implementation of human rights laws at the end of his tenure under President Gerald Ford. For example, US Congressional law required the State Department to submit reports on human rights conditions in countries receiving US security assistance. Kissinger refused to release those reports to the Congress until just before leaving office, when he released several short and superficial notes. It is also worthwhile to mention here that during Gerald Ford's Presidency, US record on human rights was lacklustre as it was in the subsequent years.

But this issue came to the centrestage of US foreign policy during President Jimmy Carter's period reversing the 'backgear driving policy' on human rights in the preceding years. This issue got priority status under his Presidency and his administration embraced this concept as a fundamental objective of its foreign policy. The prolonged debate over the moral

---

^{27} ibid, p. 1
implications of US involvement in Vietnam had heightened many Americans’ sensitivity towards the issue of human rights. President Carter included it among his top foreign policy priorities from the beginning of his administration in 1977.

His successor President Ronald Reagan soft-pedalled this issue and disavowed the use of human rights issue as a “visible instrument” of foreign policy by giving priority to fighting the international menace of terrorism and illegal drug-trafficking. But, nevertheless, he never pushed it to the background.

However, the human rights issue once again bounced back as one of the items on the main agenda of U.S. foreign policy in the 1990s capturing the epicentre of U.S. foreign policy with President George Bush and Secretary of State James Baker taking avowed renewed interests to make the world more humane and civilized.

Now the present incumbent President Bill Clinton has been putting high accent on this issue since his assumption of the office, which is widely seen as one of the most powerful discourses of American foreign policy. President Clinton has asserted that human rights issues shall continue to be an important part of his country’s diplomatic agenda and shall monitor the human rights situations all over the world.

The present study attempts to examine in details the human rights records of Carter, Reagan, Bush and Clinton administrations in the succeeding chapters. Meanwhile some general observations are attempted. By and large, the U.S. is always presented as the “leader of the free world and a
‘city on a hill’ to be emulated by others.” But its human rights records in its multilateral diplomacy has been far from encouraging till 1977, notwithstanding its claim of being the ‘cradle of liberty’. Its multilateral diplomacy, as a matter of fact, has been far from the forefront of the efforts to create international regimes on human rights.

Again in general term it could be observed that from 1945 to 1952, US had very “limited support” to the cause of human rights promotion. The years from 1953 to 1977 was a “sheer neglect” on the part of US on the furtherance of the cause of human rights. But the years from 1977 to 1980 marked a considerable “renewed interest” on the part of US administrations to further the cause of human rights. And the years from 1981 to 1988 were characterized as “exceptionalism triumphant” on the part of US administrations as to the promotion of human rights.

The Reagon administration’s policies on human rights were initially a caricature of American exceptionalism-cum-cold war politics. Indeed, one scholar has rightly mentioned that “if one views US policy on this subject in terms of these four periods, three of them have been characterized by various forms of foot-dragging on human rights in multilateral diplomacy.”

---


29 David P. Forsythe, The United States, the United Nations, and Human Rights”, in, Margaret P. Kanus, and, Karnus A. Mingst, eds., The United States and Multilateral Institutions : Patterns of Changing Instrumentality and Influence (Boston, 1990), pp. 261 - 89.
ROLE OF CONGRESS IN THE FURTHERANCE OF HUMAN RIGHTS:-

It is traditional as well as convenient to speak of US foreign policy and human rights strictly in terms of an administration and its multilateral and bilateral policies. However, for fuller understanding of US foreign policy necessitates considerable attention to Congressional role, certainly in the 1980s and 1990s.

Congress plays a "co-equal" partnership role with that of the President in the making of the US foreign policy postures. It has the primary responsibility for determination of the substance of foreign policy. Of the eighteen powers assigned to the Congress in Article-1, section-8 of the U.S. constitution, seven related directly to the foreign policy functions and responsibility of the Congress. As the "first-among-equals", the Congress has a number of continuing opportunities to influence policy in the direction of a more active concern for human rights.

It is found that human rights concerns became publicized and prominent part of US foreign policy as the result of a movement, which began in Congress in 1973. This is the result of a combination of historical factors that brought the abuses of its own and other governments around the world increasingly to US public attention. Thus, this human rights movement was an offshoot of natural reaction to a series of exposures and revelations.

The development of human rights as an important element in U.S. foreign policy may largely be attributed to the Congressional initiative. As it has been seen, prior to the 1970s, the U.S. foreign policy has treated human rights as a peripheral issue. In the late 1960s, and early 1970s members of
Congress were troubled by many situations abroad in which it was felt that the U.S. policy was contributing to human rights violations. For example, the "Tiger Cages", political prisoners and other indications of repression were a major element in the growing Congressional opposition to U.S. armed support for the South Vietnamese government. In response to that, Congress adopted legislation opposing aid to governments that hold political prisoners.

In the 1960s the democratic Greek government was overthrown by a military junta. The European allies of the United States distanced themselves from the junta and the junta withdrew from the Council of Europe to prevent its expulsion. However, in contrast, the United States negotiated with the junta for home-porting facilities for its navy. And during the Indo-Pak conflict that established Bangladesh, the Kissinger tilt towards Pakistan in the face of reports of genocidal practices demonstrated for many persons an indifference to human rights by the Nixon administration. Many other examples can be cited such as U.S. ties with dictatorship in Latin America, such as in Somoza in Nicaragua, and in 1973, the U.S. support for the overthrow of a democratic government in Chile and the installation of a repressive regime, as well as alliance with dictatorships in other regions of the world such as in the case of South Korea and the Philippines, where the U.S. has overtly or covertly supported these repressive regimes across the world, to the chagrin of the Congress.

As it has been observed that support for a repressive regime by the super power U.S. has more than a marginal influence on the regime's viability. United States support in the form of military and economic assistance provides substantial staying power for such a regime. Even in situations, where tangible U.S. aid is arguably negligible, U.S. diplomatic
identification with a regime provides significant symbolic support for the regime and its repressive practices. This support in itself helps to consolidate domestic and regional elements in favour of the regime. The United States, as a super power, in either situation is seen as an accomplice in the repression. It was this questionable relationships of sort between the U.S. and the repressive regimes that sparked off Congressional concern for human rights and U.S. foreign policy.

The first legislation directly related to human rights concerns in 1973 was a ban on any U.S. official involvement in the training and equipping of foreign police forces. After Chile, Vietnam and reports of police excesses in other countries with which the U.S. was identified, the Congress by 1973, prohibited further assistance. However, unlike later legislation this did not seek to promote human rights by permitting assistance if abuses were corrected. Rather it was clearly intended to distance the United States from such abuses.

In the next two years, beginning from 1973, the active interest of a Sub-Committee of the House Foreign Affairs Committee, under the chairmanship of Democratic Congressman Donald M. Fraser of Minnesota, spurred the drive for legislation. As a result, beginning in 1974, a series of amendments to the foreign assistance legislation required the United States to show a positive impact on human rights in countries which the U.S. was providing aid. However, because of the mistrust of the executive, even after Carter’s election, the legislation became increasingly specific.

Congressman Fraser was a pivotal figure in U.S. Congress in articulating concerns for human rights. He strongly believed that how a
government treats its own people should be an important element in shaping up U.S. bilateral relations. From 1973 through 1978 as chairman of the Sub-Committee on International Organisations and Movements (which was later renamed as the Sub-Committee on Human Rights and International Organizations), he made human rights in U.S. foreign policy a major focus of the Sub-Committee's attention. And after an initial series of fifteen hearings in 1973, the Sub-Committee adopted a report in 1974. The Sub-Committee's report was significant in enunciating the enduring ethical principle of U.S. responsibility for the international protection of human rights. The report provided the rationale principle that "protection of human rights is essentially the responsibility of each government with respect to its own citizens, however, when a government is itself the perpetuator of the violations, the victim has no recourse but to seek redress from outside his national boundaries. Men and women of decency find common cause in coming to the aid of the oppressed despite national differences. Through their own governments and international organisations, they have both the opportunity and responsibility to help defend human rights throughout the world."  

The said report has contained twenty-nine recommendations regarding human rights as a factor in U.S. foreign policy, as well as ways and means of protecting human rights through international organisations. It called upon the Department of State to treat human rights factors as a regular part of U.S. foreign policy decision making and directed the Department to discourage human rights violations through private and public diplomacy, withdrawal of military aid and certain economic aid programmes.

The adoption of the Sub-Committee's report marked only the threshold of its work. The sheer complexity of the issue and the strong resistance within the Nixon administration in giving human rights the desired priority underlined the necessity for continuing Congressional monitoring. A Sub-Committee with authority to conduct hearings was the most effective means of continuing this monitoring process.

In response to the Fraser Sub-Committee hearing and report, the Department of State also adopted some organizational changes to increase the consideration given to human rights factors. Several specific recommendations contained in the Sub-Committee's report were adopted, such as establishing a Human Rights office in the Bureau of International Organization Affairs, creating the post of assistant legal advisor for human rights designating human rights officers in each of the regional bureaus. Later this office became the Bureau of Human Rights and Humanitarian Affairs headed by an Assistant Secretary of State in 1977, having the overall responsibility for human rights and ensuring full consideration of human rights factors in decision making.

Despite the progress achieved by the hearings and the legislation adopted in 1974 and 1975, the Nixon and Ford administrations did not change their policies with respect to human rights issues sufficiently to satisfy the proponents of a pro-active human rights policy in the congress. Military and economic aid continued to such highly criticized regimes like Chile, Nicaragua, El Salvador, Philippines and South Korea. Congress, therefore, decided that more stringent general and specific country legislation was required to achieve its objectives. Legislation prohibiting or limiting military
and in some cases economic aid was adopted. It is thus, the administration's resistance to Congressional concerns which propelled Congressional action.

The 1974 legislation linking human rights and security assistance (Section 502B of the Foreign Assistance Act) was transformed in 1976 from non-binding legislation to a requirement that except in extraordinary circumstances security assistance be prohibited to governments engaged in gross violations of human rights. This legislation also mandated that military aid programmes be formulated and conducted in a way that would avoid identification of the U.S. with repressive regimes. This legislation went a step further saying that human rights is a "principal goal" of U.S. foreign policy and requiring an annual public report to Congress regarding the observance of human rights in each country receiving security assistance. Later, the human rights reports were required of all countries. Finally in 1977, a legislation mandated the appointment of an Assistant Secretary for human rights and humanitarian affairs in the State Department.

The Congress has also directed the State Department to enforce the human rights provisions in these new laws and to report to Congress about human rights conditions in the countries receiving US aid or buying US arms. It also directed the State Department to see the steps being taken to improve these conditions where they are precarious. The Congress also continues to hold hearings, which help it evaluate the State Department's judgement.

Much of the economic assistance to other countries is administered multilaterally through the International Financial Institutions (IFIs), which include the World Bank, the Inter-American Development Bank and others. The US directors of the IFIs receive specific instructions from 'White House'
and report to it and State Department. As of 1977, as a result of a bill that Republican Congressman Harkin co-authored, US directors of the IFIs were instructed to determine their vote on specific loans by the human rights conditions in recipient countries.

A stronger bill, which would have given Congress more direct control over IFI loans by adding as a condition of US allocations that specifically named countries would not receive World Bank funds were opposed by the then World Bank President Robert Mcnarma and by President Carter. And this bill was eventually defeated in Congress in 1977. Similar but weaker human rights amendments were attached to bills appropriating US funds for the International Monetary Fund (IMF) and for Export-Import Bank.

However, these initial Congressional efforts were substantially thwarted by the Kissinger-Ford dislike of any effort to bring human rights factors on the foreign policy process. President Ford refused to cut aid to such human rights violator countries such as Argentina, Haiti, Indonesia, Iran, Peru and Philippines. However, the Carter administration gave a green signal to Congress on these human rights amendments.

Short of an administration that comes up with a near perfect human rights policy and especially given the political socialization that has occupied within Congress on human rights since 1973, Congress will remain an important maker of policy and sometimes takers of influence from international human rights regimes. In this connection, a scholar has opined that “if true that in the history of the Republic, Congressional assertiveness on foreign policy ran in cycles of about a generation the end of this cycle is not
yet in sight."^31 Even some scholars claim that Congress has been stealing the show from the Presidency since 1973.

However, some critics of this human rights movement in Congress have charged that human rights has merely become the latest banner with which the US is attempting to make the world conform to its will. Even the critics level charges saying it is becoming another theme to use both to cut back on foreign aid programs, which have long been unpopular with the public and to criticise America’s traditional communist adversaries.

But Congressman like Harkin argues that the aim is simply to institutionalize a legitimate moral objective, so that concern for human rights will not depend entirely upon the priorities set by any administration. A truly moral goal deserves bilateral support, he affirmed.

It is said that although the Carter administration took office with a visible commitment to make the observance of human rights throughout the world a principal goal of U.S. foreign policy, but it did not generate its human rights policy out of a “whole cloth”. The Congress had adopted the legislation for this policy. The Fraser hearings had provided an educational forum for diplomats as well as the American public to develop an understanding and appreciation of the importance of human rights for U.S. long-term vital security interests. The institutional mechanisms within bureaucracy had been developing to accomplish this goal as well. The stage had been set for the pursuit of an effective human rights policy. It has been, therefore, claimed that “it was Congress, not the Carter administration, that

---

put international human rights back on the foreign policy agenda of the United States.\textsuperscript{32} And it was said that “it was primarily Congress that prevented the Reagan administration from taking the subject off the foreign policy agenda in 1981, as it evidently wished to do”.\textsuperscript{33}

It has been argued that by putting human rights back on the foreign policy agenda, Congress was striving to address the political reality that the United States should try to deal with one of the major reasons influencing persons to act politically. It is said that a U.S. foreign policy inattentive to human rights will thus be built on weak foundations domestically as well as internationally.

All in all, despite the problems of organization, lack of consensus, and the pull of personal and partisan politics, Congress has been very assertive in making an important contribution to U.S. foreign policy by insisting that what happens to people matters. During the Nixon-Kissinger administration, Congress rightly noted that the executive branch almost wholly ignored an important motivation for political action abroad. During the Carter administration, it correctly noted that human rights should be integrated with economic policy via the multilateral banks and security policy. During Reagan administration, it emphasised that human rights violations mattered in friendly dictatorships as well as communist countries. And during Bush and Clinton administrations, the Congress has been very vocal and assertive in playing its legitimate role in championing the cause of human rights across the world.


\textsuperscript{33} Ibid., p.ix.
Whatever may be the personal calculations by members of Congress about publicity and power, a large number of members have shown interest in human rights and U.S. foreign policy. They are Donald Fraser, Tom Harkin, Stephen Solarz, Ed Koch, Jim Leach, Don Bonker, Howard Wolpe, Gerry Studds, Michael Barnes, Clarence Long, Ted Weiss, Pante Fascell, Jerry Patterson, and Hank Brown. And in the Senate Larry Pressler, James Abourezk, Charles Percy, Christopher Dodd, Ted Kennedy, Ed Zorinsky, Paul Tsongas, Pat Moynihan and Scoop Jackson.

This concern for the place of human rights in U.S. foreign policy was only a part of a growing assertiveness by Congress relating to many aspects of foreign policy. From 1970 to 1975, Congress ended U.S. involvement in the Vietnam War, passed the War Powers Act over President's Veto, blocked CIA involvement in Angola, instigated an arms embargo against Turkey for its policies in Cyprus, established some control over intelligence activities and moved in other ways to legislate foreign policy in opposition to an unwilling President. The Watergate scandal further emboldened the legislature. Human rights remained at the centre of its renewed concern.

**CRITICISMS ON AMERICAN HUMAN RIGHTS POLICY :-**

Some scholars have expressed the opinion that human rights issue in American foreign policy lacks coherence and clarity of expression. According to Cecil Crabb and Patt Holt, 'the issue of human rights become possibly the most tangled web in American foreign policy.'

34 Joining the chorus with them, Lincoln Bloomfield doubted whether the US government will ever be

able to express those (human rights) values in its foreign policies in any form that is either coherent or sustained.

In the same vein, Sandra Vogelgesang adds that “there is no simple or enduring domestic consensus behind this concern for human rights in US foreign policy by the executive branch, the Congress, or the American people.”\(^\text{35}\) And the last word comes from Elliott Abrams, that, “the human rights problem is so complex that mistakes will inevitably be made.”\(^\text{36}\)

**HUMAN RIGHTS AS DEFINED BY U.S. FOREIGN POLICY:**

After discussing in general and some specific instances of the Congressional role relating to human rights, it may be appropriate to examine the meaning of “human rights” as U.S. foreign policy perspectives reveal. It is very surprising that although the U.S. has been clamouring so much on human rights, it has taken an essentially unilateral stance on the subject of human rights. It has “not ratified the major international treaties on human rights, such as the United Nations, Convenant on Civil and Political Rights, the United Nations Convenant as Social, Economic, and Cultural Rights, and the organisation of American States Convention on Human Rights.”\(^\text{37}\) However, the United States is a full party to the International Protocol on Refugees and the 1948 Universal Declaration of Human Rights.


\(^{37}\) ibid., p.2.
The bilateral human rights policy of the United States addresses to persistent and gross violations of those human rights which are most basic in nature as contained in the Universal Declaration of Human Rights, the International Convenant on Civil and Political Rights, and the International Convenant on Economic, social and Cultural Rights. The bilateral human rights policy of U.S. can not address itself to violations of all rights by all countries as "every country violates some rights everyday—even the United States, according to American courts, when they hold some official action unconstitutional and give relief to the victims."\textsuperscript{38}

The U.S. Secretary of State Cyrus R. Vance in the Carter administration, while addressing at the University of Georgia School of Law at Athens, Georgia on April 30, 1977, defined human rights as "firstly, there is right to be free from government violation of the integrity of the person. Such violations include torture, cruel, inhuman or degrading treatment or punishment, and arbitrary arrest or imprisonment. And they include denial of fair public trial and invasion of the home. Secondly, there is the right to the fulfilment of such vital needs as food, shelter, health care and education. We recognize that the fulfilment of this right will depend, in part, upon the stage of a nation’s economic development. But we also know that this right can be violated by a government’s action or inaction- for example, through corrupt official processes which divert resources to an elite at the expense of the needy or through indifference to the plight of the poor. Lastly, there is the right to enjoy civil and political liberties: freedom of thought, of religion of assembly, freedom of speech, freedom of the press, freedom of movement

\textsuperscript{38} Linda M. Horkitz, ed. United States Foreign Policy and Human Rights: Principles, Priorities and Practice (New York, 1979), p.34.
both within and outside one’s own country, freedom to take part in
government."

He said that it is the policy of U.S. to promote all these rights. They
are all recognized in the Universal Declaration of Human Rights by
international consensus. Although all these rights set forth in various U.N.
documents are accepted by every state in principle, virtually without
exception, still there are differences of interpretation as to some rights, and
differences as to the permissible limitations on some rights. These are
differences as to whether, in principle or in particular circumstances, it is
necessary to choose between rights or to give priority to some rights over
other, and if so, which should be preferred. Universal acceptance of these
rights in principle does not mean that all states observe all rights actually.
States differ widely in the respect they accord to rights generally or to
specific rights, and some states persistently commit gross violations of the
most basic rights.

REASONS FOR INCORPORATING HUMAN RIGHTS IN US
FOREIGN POLICY :-

There are several reasons why protecting the basic human rights of
residents of other countries has been and continues to be, in the national
interest of the United States. These human rights goals in U.S. foreign policy
not only reflect the national values and moral concerns but also usually
support other important U.S. foreign policy objectives. It is said that there
may be short-run conflicts between human rights objectives and other foreign
policy goals in particular situations, but in the long-run, human rights

objectives tend to support rather than to oppose other U.S. foreign policy goals. However, experience shown that the U.S. has sometimes developed important-security relationships with governments that persistently and grossly violate basic human rights, preferring security interests over human rights goals.

According to a U.S. policy studies panel on United States foreign policy and human rights, the most compelling reason for integrating human rights considerations into U.S. foreign policy is that "human rights objectives respond to the strongest moral and humanitarian concern of the American people." 40

It has been said that concern for human rights in United States foreign policy also helps to advance important foreign policy goals. The promotion of human rights directly supports the United States' most important foreign policy goal, that is, preserving peace. It has been argued that internally repressive governments tend to threaten world peace in several ways. Such repression may lead to revolution or insurgency by its victims and may invite foreign intervention. Conflicts of this sort can and do spread to other countries. Repressive regimes may also tend to be more warlike and aggressive than governments that place a high value on human rights. In the short term, international or bilateral measures to promote respect for human rights may appear so exacerbate rather than alleviate domestic unrest and international tension, but in the long term, general respect for rights fosters greater mutual security, international trust and cooperation. Increased respect

---

for human rights throughout the world also furthers a climate conducive to mutual economic development and political cooperation.

It is said that the concern for human rights of people in other countries should play an important role in United States foreign policy. The reasons of morality, humanitarianism, the furtherance of peace and world order and international obligations, both global and regional require it. Other U.S. interests are enhanced by such a concern. It has been argued that in many situations, "United States policy can not remain neutral on human rights questions. United States interactions with other governments are frequently so close and mutually dependent that the United States has or widely believed to have important and even decisive influence on the respect for human rights shown by these governments. The failure of the United States to take human rights into account in its foreign policy will often result in a policy that appears to be opposed to the protection of rights and that may indeed effectively give support to human rights violations by foreign governments. In an interdependent world, failure by the U.S. to disassociate itself from gross violations of human rights inevitably associates it with such violations. Hence neutrality is not an alternative."41

**MAJOR PRINCIPLES GUIDING US HUMAN RIGHTS POLICIES:**

After presenting the strong reasons by American citizens, academic scholars and officials for incorporating human rights concerns into U.S. foreign policy, it would be prudent to delineate the major principles guiding

---

41 ibid., p. 28
U.S. human rights policies. According to a policy panel group, the U.S. human rights policies abroad will be most effective if they are guided by four basic considerations. These four considerations are "firstly, the United States should recognize that its efforts are part of important international obligations and concerns. United States efforts to protect and encourage the observance of international human rights in other countries should be understood not as an undertaking unique to the U.S. but as part of the broad and continuing international effort to formulate and protect human rights pursuant to international law. Secondly, the U.S. should be aware of the necessary practical and legal limitations upon the efforts undertaken by any single nation to improve human rights conditions within other countries. Adequate protection for human rights throughout the world will depend primarily upon the development of effective international principles and mechanisms. Thirdly, the United States human rights activities will be more effective if they are as evenhanded as possible, without apparent favouritism for friends and traditional allies. Fourthly, the U.S. should be prepared to look inward as well as to criticize others, incorporate international human rights norms into its domestic law by notifying pending treaties, and accept international scrutiny of the condition of human rights in the United States. In general, the U.S. should use existing broad constitutional and statutory powers to improve human rights protections within the U.S. where they are presently inadequate."  

In short, the need for an international perspective, practical limitations on the effectiveness of U.S. human rights initiatives, evenhandedness in human rights responses and the need for self-security are supposed to be the...

42 ibid., p.12
principles to guide the U.S. human rights policy. But the U.S. diplomacy in the human rights field has suffered inevitably from the contradictions between promise and fulfillment. It has been seen that rhetorics and actions of the U.S. in support of individuals and in favour of freedom and democracy has raised many a hopes and created expectations that in many cases could not be fulfilled. For example, the commitment of a President of the U.S. to human rights becomes essential if the policies in this field are to be effective. President Carter, in general, gave that commitment although the signals were mixed. His comments in December 1978 praising the Shah of Iran as a strong advocate of human rights were obviously rhetorics in consistent with a firm policy, sending confusing signals to the world. As with any President, he was required to balance consideration of human rights with other objectives of national policy such as trade and security interests. This fact has been driven home by an American scholar saying that “there is no simple or enduring domestic consensus behind concern for human rights in U.S. foreign policy—by the executive branch, the Congress, or the American people.”

ROLE OF HUMAN RIGHTS LOBBYISTS IN US FOREIGN POLICY:

Among the factors and processes of U.S. foreign policy making, “Lobbying” plays a pivotal role in tailoring the policies of the U.S. government. No wonder, human rights does not escape from the purview of its lobbying-nettle. The well-known American columnist James Reston has

---

43 Sandra Vogelgesang, n.24, p. 111-12.
rightly opined that "special interest groups" exert much pressure in the formulation of American foreign policy. It is claimed in certain circles that the serpentine course of American foreign policy on human rights and its failure to fully mix up human rights with security and economic concerns are the result of pressure from various lobbies operating within and outside America.

In 1960s and 1970s, there was mushrooming at public interest groups formed to influence American foreign policy. For example, the Friends Committee on National Legislation—the Quaker Lobby, the Washington office of Amnesty International, the International Commission of Jurists, the Freedom House, Members of Congress for peace through law, the Ad-hoc Committee on the Human Rights and Genocide Treaties, the American Civil Liberties Union, the Amalgamated Meat Cutters and Butcher Workmen Union, Paraguay Watch, Helsinki Watch, Asia Watch, American Human Rights Watch etc, are some of the profit and non-profit lobbies groups which set the ball rolling on the making and breaking of US foreign policy on human rights.

However, all these human rights organisations, "Amnesty International" with its headquarters at London, tops the bill. It is the largest human rights organisations in the world with worldwide networks. Because of its sheer size and access to information, Amnesty International is a prominent source for the State Department's annual country practices report on human rights. Though some academic scholars downgrade the role of lobbies in influencing policy making, it has been empirically argued that
“human rights non-profit lobbies can ‘turn around’ policy or take State Department officials or members of Congress where they ‘don’t want to go’ on foreign policy.”

Moreover, one scholar has remarked that, “human rights lobbies and many non-profit lobbies lack the raw materials of ‘handball-politics’ namely money and voter.” But, nevertheless, various studies have demonstrated that, these groups have exerted non-so-insignificant influenced on the making of US human rights policy from 1973 to 1979, and till date through Congress and its satellite wings, which in fact, help humanizing American foreign policy.


The US Department of State plays one of the pivotal roles in the US human rights foreign policy. It should be borne in mind that the US enjoys a variety of means at its disposal to respond to human rights. Preparation of annual country reports on human rights practices in countries receiving the US aid constitutes an important element of US foreign policy. The annual country reports are submitted to the Congress every year in January by the Department of State in compliance with Sections 116 (d) (I), and 502B (b) of the Foreign Assistance Act of 1961, as amended. These legislations require human rights reports on all countries receiving the US aid. The first such


country reports was prepared in 1977, in the very first year of Jimmy Carter Presidency. And in 1977, these reports only covered 82 countries including India and Pakistan. However, by the end of 1996, 194 countries were covered in the annual country reports of 1996.

These reports are to be used as a resource for shaping the US policy, conducting diplomacy, and making assistance, training and other resource allocation. These reports are prepared in line with the incumbent President’s policies and plannings. These reports have had become very much a reference point for the administration and the Congress. These reports, by and large, reflect the attitudes and responses of the American administration on the human rights issues of various concerned countries. In 1994, the Clinton administration renamed the Bureau of Human Rights and Humanitarian Affairs as Bureau of Democracy, Human Rights and Labour. When these reports are published, all the countries give serious attention to these reports on their respective countries, and evoke very strong mixed reactions. The US believes that this process with its continuous and well-publicized attention has contributed to the strengthening of an international human rights agenda, and these reports have heightened awareness in the world on human rights issues.

This was amply stated by Richard Shiffer, Assistant Secretary of State for Human Rights and Humanitarian Affairs, who stated that “many countries that are strong supporters of human rights are taking steps of their own to engage in human rights reporting and have established offices specifically responsible for international human rights policy. Even among countries without strong human rights records, sensitivity to these reports increasingly
takes the form of constructive response, or at least a willingness to engage in a discussion of human rights policy. In calling upon the Department of State to prepare these reports, Congress has created a useful instrument for advancing the cause of human rights.  

However, it may be noted that the Department of state does not prepare any reports on the human rights practices in the US. Human rights practices in the US are treated in the report submitted to the Congress by the Commission on Security and Cooperation in Europe (CSCE) entitled “Implementation of the Final Act of the Conference on Security and Cooperation in Europe: Findings and Recommendations Five Years After Helsinki”. The President of the US submits an annual report to the CSCE on the implementation of the Helsinki Final Act. Besides these, private non-governmental human rights organisations like Amnesty International American Watch, Freedom House etc. also prepare reports on human rights practices in the US.

VARIous OTHER MEANS EMPLOYED BY THE US ADMINISTRATION ON HUMAN RIGHTS DIPLOMACY :-

In addition to these country reports, the US administration also engage in traditional diplomacy, particularly with friendly governments, where frank diplomatic exchanges are possible and productive. Where there is limited opportunities for the US to exert significant influence through bilateral

---

relations, it resorts to public statements conveying its concerns and calling attention to countries where respect for human rights is lacking. In a number of cases so far, the US administration has been employing a mixture of both traditional diplomacy and public affirmation of American interest in the issue.

And also, the US employs a variety of means to encourage greater respect for human rights over the long term. Since 1983, the National Endowment for Democracy has been carrying out programmes designed to promote democratic practices abroad involving the two major limited states political parties, labour unions, business groups, and many private institutions.

**ROLE OF MEDIA IN US FOREIGN POLICY MAKING:**

Besides lobbies, the role of ‘Media’ in the formulation of US human rights policy can not be lost sight of. It plays a great role in highlighting the human rights violations taking place all over the world and creates a strong public opinion against these violations, which directly compels the officials to take these violations into account while formulating the policies. In a country like US, where the people are highly aware of the issues and events, and very sensitive about human rights violations, it is the ‘media, which feeds them constantly with news and views relating to human rights.

**NATIONAL SECURITY INTERESTS AND U.S. HUMAN RIGHTS POLICY:**

It is true that all countries in the world are guided by their respective defined national interest and power politics while dealing with outside world.
Hence, the U.S. is no exception. Foreign policy are not built upon abstractions. They are the result of practical conceptions of national interests arising from some immediate exigency. Interest has a powerful influence over the mankind, and is the basis on which all the transactions of mankind are built.

Participating in a symposium on Human Rights and American Foreign Policy, Noam Chomsky lamented over the fact that “national interest is the concept devised to obscure plain facts, a mystification that serves to conceal the ways in which state policy is formed and executed...”47 It has been rightly said that there is no charity in international politics and every country’s foreign policy is formulated keeping in mind the respective national interests of a country.

But when the policy makers of any country formulate foreign policy, they take many factors into consideration. Human rights can only be one of those factors. However, human rights factors can never be as important as security considerations - at least not for long. And although the exact mix of foreign policy consideration clearly varies from issue to issue, from time to time, from policy maker to policy maker, it must always invariably incorporate considerations of security, economic interest, ethnic and linguistic affinity, ideology and history as well as human rights.

U.S. FOREIGN POLICY TOWARDS INDIA AND PAKISTAN

The U.S. interests in Asia have three main objectives: strategic equilibrium with China, expanding economic relations with all Asian countries, and consolidating relations with countries traditionally responsive to U.S. interests in the region, stretching from Japan to ASEAN, Pakistan, Saudi Arabia and up to Turkey. And in South-Asia, non-proliferation, missile proliferation control and economic interests will continue to underline the U.S.'s South-Asia policy in the future. President Bill Clinton in his second term may show more interest in foreign policy. Being unhindered by another election will make him more purposeful in maintaining global superiority and technological domination and safeguarding its vital economic interests.

India's size, resources and strategic location ensure that it cannot be ignored. But whether, it can be a significant factor in Washington's scheme of things is doubtful, both due to its own limitations and more important, its security interest. The new Secretary of State Ms. Albright has said on the Sino-Pak co-operation in the supply and manufacture of M-11 Missiles, that the administration's conclusion is that the known transfers to Pakistan are not of a destabilising number and type. In her assessment, Sino-Pak Co-operation has not crossed the threshold of sanctionable activity. She said the U.S. is more concerned with China's co-operation with Iran. She has also said that the U.S. intends to take steps beyond the Hank Brown amendment (restoring military supplies to Pakistan) to enhance Pakistani-American ties.

Washington is downplaying the Chinese supply of M-9s to Pakistan. It seems China has crafted a major security risk for India by gifting Pakistan its M-9 missiles, now renamed the Haft-3. The lack of any substantive U.S.
action against this breach of the Missile Transfer Technology Regime (MTCR) indicates that the missile supplies were in furtherance of a common China-U.S. strategy to 'equalise' Pakistan's strike power with that of India. As the Brown amendment made clear, Washington will continue to supply Islamabad with lethal technologies even while it tries to choke off India's nuclear and rocket programmes. In view of these emerging trends, India cannot sit back quietly and romanticise about India's own defence capabilities.

It arouses fears that the U.S. will continue to accord considerable strategic importance to Pakistan on account of its global and regional interest, especially its interests in Central Asia's Oil and Gas reserves. And in real politic terms, the U.S. would continue to supply and sell military equipments, including arms to Pakistan in view of U.S. multi-national Companies' vested interest in Pakistan's military market. As it recently succumbed to the U.S. military lobbies for sale of arms to Pakistan in the Hank Brown amendment case, it would continue to do so in view of its commercial and security interests. Through Pakistan it wants to isolate Iran and contain China.

It has been widely believed and feared that the frequent scare stories in the U.S. media, particularly in the Washington post, on Indo-Pak tensions, could be related to the then tilt towards Pakistan on the Kashmir issue. There has been an American thesis that India could be contained on the non-proliferation issue via Srinagar of Kashmir. The Pakistanis, for their part feel that the best way to pressure India on the Kashmir issue and attract favourable U.S. mediation was by raising the nuclear scare.
The Americans believe that, once operational, India's 'Agni' missile can easily strike at Chinese missile sites in Tibet, just as it can target the American base in Diego Gracia and it would end the strategic imbalance in the region. It is precisely for this reason that America so constantly seeks to strait-jacket India's Integrated Guided Ballistic Missile Programme (IGBMR) using its favourite weapon - the Missile Technology Control Regime. That’s why the U.S. wants to Cap, freeze and roll-back India’s Agni intermediate range ballistic missile programme. Earlier it had pressured Russia not to supply the "ring magnets" to India for its missile programmes, and continues to pressure Russia not to transfer any new missile-related technology to India.

The cold war may have ended, but that has not diminished the U.S.'s desire to continue to assert its domination over the rest of the world. Inherent in this desire to emasculate nations that have the potential to challenge its dominance in the future. The centrepiece of U.S. policy for the region is, therefore, the elimination of the development of India as a credible military and independent economic power. The Kashmir issue, therefore, has been seized upon by it to inveigle itself into the problems of the region and force India to accept a western-dominated international regime. It is with this in view that the scenario of Kashmir as a flashpoint leading to a nuclear conflagration has been conjured up. The Pakistani aim is to show that tensions are building up in South-Asia and by raising the spectre of war in the region, they are hoping to get international intervention to resolve the Kashmir dispute in their favour.
Therefore, it would be naïve consequently to believe that there is going to be any relief from pressure for New Delhi. If anything the pressure is going to intensify, both on the ground in the valley as well as in all the various international fora where Pakistan has been raising Kashmir in order to force external intervention.

In the post-1990 phase, resolving proliferation concerns and economic interests will continue to be U.S. foreign policy’s top priority in South-Asian region, which is home to nearly one quarter of humanity. Economic engagement will be a key feature of American Policy towards India, because their economic involvement is rooted in their national interest. Now the U.S. is India’s largest trading partner, biggest investor, and primary source for the supply of technology. One third of the total foreign investment in India comes from the U.S. and 18 % of India’s exports to the U.S. The U.S. has recognised India as one of the ten most exciting emerging markets in the world. India’s economic reform policies has provided tremendous opportunities for U.S. trade and investment. The U.S. firms of all sizes are becoming increasingly engaged in a potentially enormous and profitable market. Trade promotion organisations such as US-India Business Council and the India Interest Group have drawn the support of some largest and most important U.S. Corporation and their work in complemented by government to government institutions such as the Indo-U.S. Economic/Commercial sub-Commission and the U.S.-India Commercial Alliance. India boasts of 200 million of its over 890 million people who have a purchasing power of roughly the equivalent of $20,000 which is growing at five percent a year.

The U.S. policy towards India and Pakistan will be to facilitate the entry of U.S. multinational companies, protect American intellectual property
rights and remove restrictive trade practices, and to continue urging them to open their economics, privatise industries as it offer a big opportunity for enhancing U.S. trade and investment in the region. Hence, primacy of economic interest will go hand in hand with missile and nuclear proliferation control policies.

Thus, economic and security interests play a most significant role in the fashioning of US human rights policy. Hence, US human rights policy has been a constant admixture of its economic and geo-political considerations. This factor could be seen more glaring one in the 1990s, where these factors decide the contours of US human rights policy.

Moreover, at a time, when the US is constructing the basic framework for building the "New International World Order", the human rights issue has become one of the 'premises' in the emerging world order, which aims at building a 'human space' in the world, where basic human rights and dignity is maintained and respected. American leadership at this particular historic juncture, cannot ignore the gap between "two civilisations", where one lives in 'excess of humanism' and the other lives in 'excess of hunger'.

************