CHAPTER - II

CARTER ADMINISTRATION : BALANCING SECURITY AND HUMAN RIGHTS

‘That while human rights could be the ‘soul’, it could not safely and wisely be made the ‘whole’ of American foreign policy”

The human rights issue has been both a problem and a concern for the American people and their government. As a matter of fact, both are seen to have long wrestled and grappled with question of the relationship between morality and public policy. This issue has arisen in the specific area of foreign policy, where much controversy has raged over the place and status of moral principles including respect for human rights in the process of arriving at decisions. The great debate has ranged the "realists" against "idealists", with the former emphasising considerations of national security and objecting to the introduction of moral principles into the foreign policy making process in any determinative way. On the other hand, the idealists have not denied the primacy of national security in foreign policy making. They argue that it can be served through injecting some moral principles into the fulcrum of foreign policy.

When president Jimmy Carter contested the U.S. Presidential election in 1976, he observed that previous American Presidents' either neglected or gave low priority to issue of international human rights in his campaign. Indeed he gave high priority to these rights, even to the extent of risking the alienation of allied nations and complicating US-Soviet relations taking strong exception to the human rights violations in Soviet Union and other European countries.
However, this issue is not a new one, rather, it is of a similar one waged by America during the early post-war era by U.S.'s UN representative Eleanor Roosevelt. Carter's spokespersons like Charles W. Maynes, Assistant Secretary for International Organisation Affairs, while addressing the national United Nations Day Committee of the UN Association of the USA in September 9, 1977, said that "in giving human rights a high foreign policy priority, this administration was not embarking on an uncharted ground but simply asking that the United States return to that period of forward, balanced and determined leadership in the field of human rights that we associate with Eleanor Roosevelt".1

It may be observed that Eleanor Roosevelt effort was essentially to sensitise the world of the relevance of human rights in the community & nations and also in the growth of nations. It is the Carter Administration given the credit for formulating the process and methodology of pointing out the human right violations in a targeted country or groups of countries. It is said that the unprecedented place given to human rights in U.S. foreign policy during his period was a historical accident. Hence, it was claimed that "it was natural product of two factors, such as trends and elements in his countries' political history, and the personality and character of Jimmy Carter."2

Taken together, these two factors are said to have played a very important role in moulding and making it a distinguishing feature of the Carter

1 Washington Post, 10 September 1977.
Presidency. These two factors propelled the US human rights policy to such an extent that it became a 'foreign policy element' that the next Ronald Reagan's administration could not ignore it.

The stage for Carter's emphasis on human rights was triggered off by trends and events not only in the first 150 years of his country's diplomatic history but also in the era from the 1930's through the Nixon Presidency. In these tumultuous periods, the world in general and the US in particular witnessed the harrowing and horrible persecution of Jews by Hitler's Nazi Germany and the subsequent incorporation of human rights in the UN Charter to arrest the growing trend of the violations of the basic human rights.

In addition to these factors, the Vietnam war, Watergate scandal and the attitudes of Nixon and Ford administrations paved the way for Carter's emphasis on human rights.

This is clearly vindicated in the statement of Earnest B. Hass, who has rightly opined that "the post Vietnam era was one of disillusionment with ability of US. to promote its way of life by force of arms and the exercise of economic power. In a period like this, it is understandable that it would seek to hold out to the American public and other nations an attractive symbol to legitimate foreign policy, free from the stigma of duplicity, domination and defeat."³

The trauma of the 1960's and 1970's created a 'new mood' in the US and there was appearance of a perceptible changes in the composite American psyche which were favorable to the kind of leadership Carter gave. Coming close on the heels of these events, President Carter while announcing his candidacy said, "it is time to reaffirm and strengthen our ethical, spiritual and political beliefs". And no wonder, these pious sentiments were thumpingly validated in the results of the voting in the 1976 primaries, the run-up to the US elections.

Besides these development, the US Congress enacted a series of laws giving central place to such moralistic principles such as respect for human rights, expressing its dissatisfaction with the cavalier attitudes of Nixon-Kissinger team. The human rights legislation that Congress adopted provided the final and most tangible explanation for the fact that human rights got the high priority position in policy making in the late 1970's. Because of this Congressional action, Jimmy Carter assumed office under a clear legislative mandate giving central place to human rights in the mosaic of foreign policy decisions.

The American desire for a value-based and ethical politics to be embodied in their countries' foreign policy cleared the decks for Carter to bring human rights to the centre-stage of US foreign policy. And because of this deep-rooted aspects of this country's foreign policy which attracts the values that have long been considered to be essence and strength of the US, and Carter's call for a principled diplomacy with a prominent place for human rights struck the familiar umbilical chord in the hearts of the American citizens.
In addition to these factors, the personal character of Carter played a pivotal role in pumping some moral values into the fabric of foreign policy, introducing and infusing a particular value system which he took seriously, as a guide to personal conduct and public policy.

He was such a religious person who had a strong conviction that the country's foreign policy should express its moral values. He also had especially its a "profound religious experience and a clear concept of the relation between religion and politics had a long background."4

The religious faith that Carter carried with him into the White House had its origin and conviction in his very early age. He said, "he accepted Jesus into (his) heart," as an eleven year old boy and joined the Plains, Georgia, Baptist Church. In 1967, he underwent what he described as a "deeply profound religious experience that changed my life and this led him subsequently to refer himself as a born-again Christian.5

Thus, what Carter did "out of a combination of politics, character and commitment was to renounce the politics of power, embrace morality and elevate third world problems to the level of high policy. The new President had decided to make a concern for human rights the cornerstone of his foreign policy."6

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4 ibid, p.170.
One can say with some level of confidence that though the circumstances of the times such as the impact of the immediate and more remote elements in the American political experience were conducive to a change in orientation of American Foreign policy in the 1970's, this development would not have occurred without the presence of the second key ingredient to change—that is the catalytic spark provided by the appropriate leadership of Jimmy Carter.

**ACTION ON HUMAN RIGHTS FRONT** :-

Carter signed both UN Human Rights Covenants on 5th October, 1977 during his first year in office but was unable to win Senate ratification. On the 30th anniversary of the UN's adoption of the Human Rights Declaration on 10 December, 1978, he said, in a television address to the nation that "I have sought to rekindle the beacon of human rights in American foreign policy". He even promised to speak out when individual rights are violated in other lands citing the supremacy of 'natural law' over 'civil law'. And he said that "no nation can draw the cloak of sovereignty over torture, disappearances, officially sanctioned bigotry, or destruction of freedom within its own borders. Human rights is the soul of our foreign policy. And I say this with assurance, because human rights is the soul of our sense of nationhood."  

He appointed Patricia M.Derian to head the Department of State Bureau Human Rights and Humanitarian Affairs, a cell which Congress created in 1977. The moral tone of the Carter administration was reflected in

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the attitude of a key personnel, as expressed, for example, by National Security Adviser Zbigview Brezezinski, who said, "we were determined to demonstrate also the primacy of the moral dimension of foreign policy".  

Joining the chorus with him, Secretary of State Cyrus Vance saw the need for "harnessing our foreign policy to the basic values of our founding fathers and the champion of human rights as a requirement for nation with our heritage." And finally, the Assistant Secretary of State for Human Rights and Humanitarian Affairs, Patricia Derian while articulating the foreign policy postures of Carter administration opined that one must also operate in a principled way, thus reflecting the concern and priorities for human rights.

SALIENT FEATURES OF CARTER'S HUMAN RIGHTS POLICY: -

One finds very refreshing because, in Carter's human rights policy, he had accorded a very high position to it in which socio-economic rights figure prominently in the hierarchy of human rights concerns. Secondly, the human rights policy of Carter was linked to self-interest, ethics and expediency which were perfectly combined in one.

Thirdly, Carter's human rights policy was effectively tied to international law and organisation as he believed that an unilateral and purely ethical approach to human rights in world politics is not very effective. Otherwise American diplomacy would be characterized as pushing a strictly American view to which other countries don't agree and are not obliged to

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9 Cyrus R. Vance, Hard Choices: Critical Years in America's Foreign Policy, (New York, 1983), pp. 28 and 421
follow. Should the US make such a push, the policy could be precisely described as moral imperialism, Carter believed.

Fourthly, Carter administration's emphasis on human rights had its obvious domestic ramifications and Congress played a stellar role in this aspect of foreign policy. His administration's concern for human rights was primarily rooted in domestic politics in addition to having concern for the application of ethics about this also provided the basics for building consensus about foreign policy in addition to Carter's personal and his electoral calculations about appealing rhetoric's.

Last but not the least, this new component in American foreign policy acted as an antidote in fighting the former Soviet Union's ideological tirade. Though the moral values tone was predominant in the rationale for the Carter administration's human rights foreign policy, the utilization or pragmatic element was not amiss in it. It was amply clear in the statement of Brzezinski who said that, "we felt quite strongly that a major emphasis on human rights as a component of US foreign policy would enhance America's global interests by demonstrating to the emerging nations of the Third World the reality of our democratic system in sharp contrast to the political system and practices of our communist adversaries like USSR. The best way to answer the Soviet's ideological challenge would be to commit the United States to a concept which most reflected America's very essence".  

\[10\] Brzezinski, no. 7, p.124.
IMPACT OF CARTER'S HUMAN RIGHTS POLICY:

It is said that Carter's human rights policy has its greatest impact in Latin American countries such as Brazil, Uruguay, Chile and Argentina where military take-overs had taken place. While it is difficult to assess the impact of Carter's human rights policy on the conduct of South American military regimes, many scholars believe that "it did reduce the sufferings of tens of thousands of political prisoners arrested and tortured in violation of accepted human rights principles."\(^\text{11}\)

However, Carter's policy of pressing for human rights was less successful outside the western hemispheres. And also Carter was accused of applying his human rights policy unevenly. Gary Sick, a member of the National Security Council in his book, "All Fall Down: America's Tragic Encounter with Iran" during the Iranian Revolution and the 1979-81 hostage crisis has criticised the administration for continuing the policy of Richard Nixon of unquestioning support for the Shah of Iran, despite the well-known abuse of human rights by his secret police. In Iran, Gary Sick noted that Carter clearly placed perceived US security interests before human rights.

CRITICISMS OF CARTER'S HUMAN RIGHTS POLICY:

It has been criticised that Carter's human rights policy was discriminatory in nature. He was using two yardsticks to judge the human rights situations prevailing in other countries. It is said that Carter's policy

\(^{11}\) ibid, p. 126.
was guided by self-righteousness and cold-war orientation. Even he failed to examine human rights violations in America and the west itself.

Carter's human rights policy has been criticised on the ground that he subordinated human rights for achieving national security interests. One noted scholar has said "military, economic and strategic considerations were the final determinants in the formulation and application of foreign policy. Human rights became a subordinate factor when measured against the perceived imperatives of national security objectives". 12 In the same vein Michael Klare and Cynthia Arnson asserted that "in (his) final years Carter, abandoned much of his earlier commitment to human rights---(so that) by the end of Carter’s term it could well be asked if the administration had a human rights policy at all". 13 Joining the chorus with them, William Goodfellow concurs with them alleging that "Carter lost faith in the possibility of promoting both human rights and security interests". 14

However, these allegations were flatly denied by the NSA Chief Brezezinski who stoutly said, "Carter deeply believed in human rights and this commitment remained constant during his administration" 15

13 A. Glenn Mower, Jr., n. 2, p.31.
15 Brezezinski, n.7, P. 49
And also, at the other end of the spectrum some critics even felt that the prominence of the human rights element in the Carter administrations foreign policy was carried too far. One such critics, Lt. Gen. Sumner, Jr. contended that "US security interests have been sacrificed on the altar of human rights without regard for the strategic consequences", while other accused the administration of "injecting a discordant note in US policy deliberations and jeopardizing other foreign policy objectives".16

DEFENCE OF CARTER’S HUMAN LARGE POLICY :-

However, these criticism stand invalidated in the opinion of Stephen Cohen, who is of the view that “the charge that its pursuit of human rights was ‘single minded’ and to the exclusion of other interests was far wide of the mark.”17

In general, the Carter administration’s human rights policy was criticised not for its pragmatism but for what some observers saw as the lack of idealism. Ernst W.Lefever, for example, felt that Carter suffered from a “vague romantic optimism with an excessive confidence in the power of reason and good-will ....... understanding the totalitarian threat and

overestimating the US influence abroad, and ignoring the perils of reform intervention."\(^\text{18}\)  

Carter's spokespersons have justified it on the grounds that his human rights policy combined both idealism and realism. For example, Edmund S. Muskie, Cyrus Vance's successor as Secretary of State in Carter's Cabinet declared that "we do all this (promotion of human rights) not out of naive idealism and not only because it is right (but) ....... we are also convinced, in the most hard-headed and practical sense that emphasis on human rights serves our national interest. And in support of this proposition, Assistant Secretary of State on Human Rights, Patricia Derian cited the cases of Greece, Soviet oppression of Eastern Europe, Baptists' Cuba, the Shah's Iran, Park's Korea and Samoas Nicaragua. These in her opinion were examples of the fact that "we tried taking the line of least resistance on human rights issue, and as a result of this ignoring of human rights violation in the interest of short-term expediency ...... we have paid a long-term price".  

All in all, we find that while holding out a strong commitment to a human rights foreign policy the Carter administration also expressed a determination to be flexible in dealing with specific situations. Therefore, dedication to the cause of human rights did not produce a rigid absolution through which this issue would take precedence over all other foreign policy concerns in all cases. Secretary of state Vance, asserted that" we had to be flexible and pragmatic in dealing with specific cases that might affect on

\(^{18}\) ibid, p.271.
national security and ... had to avoid rigidity".\textsuperscript{19} This was also endorsed by the Deputy Secretary of State, Warren Christopher, who expressed the same view. However, the critics find justified in viewing it as a cynical exploitation of a moral principle.

It is said that President Carter and Secretary Vance shared a commitment to weave the defense of human rights throughout the fabric of American foreign policy\textsuperscript{20}. One observer has said that the "problem of how to integrate human rights into foreign policy has confronted every President since the Universal Declaration of human rights was adopted by the UN in 1948 and no President has tried harder than Jimmy Carter to achieve this incorporation".\textsuperscript{21}

The Carter administration firmly believed that by connecting human rights with national interests will not only bring benefits to the American people, but also, it will reap a good political harvest at the domestic political level. Carter's chief political confidant Hamilton Jordan told an interviewer in the early weeks of the administration that "championing the cause of human rights is a good politics. The people who are upset are people who would prefer international relations conducted in traditional way. This is a

\textsuperscript{19} Vance, n.8, P.33

\textsuperscript{20} ibid., p. 46.

break with tradition. His international style of doing business is as different as his domestic style."

The most important factor in making the marriage of human rights with foreign policy was to serve the national security interests by making for a more peaceable world. It was believed by the Carter administration that "violations of human rights often provoked internal revolts, which could spin across state boundaries; countries that observed their citizens' rights did not spread such contagion. If states lived up to the various international agreements that might be followed in other areas of international life; countries that observed restraints on arbitrary and irresponsible action domestically were likely to be law-abiding international citizens as well. The United States was satisfied power; its prosperity, if nothing else, would be harmed by the disruption of the international economy. Its interests would be served by the stability of a world made up of human-rights-friendly states."  

The Carter administration believed that pressing for respect for human rights will serve particular American security interests by increasing American power. Patricia Derian contended that "human rights is an area where our ideals and our self-interests strongly coincide, because an effective human rights policy strengthens our position and influence in the world."

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The Carter administration believed in carrying high the standard of human rights movement having worldwide appeal and thrust. For them, it was politically as well as diplomatically very much useful.

It is said that the human rights policy of Carter administration was successively integrated into national security policies avoiding the doctrinaire approach. It was best articulated by the remarks of Michael Armacost of the State Department that "we have tried to recognize the need to integrate the security concerns of the United States with our human rights concerns."  

CARTER'S HUMAN RIGHTS POLICIES TOWARDS INDIA AND PAKISTAN:

Although human rights issue in Indo-US relations is basically a post-1990 phenomenon but, nevertheless, this had been there in the Indo-US friendship basket since 1970s. Before 1990, this issue had been underplayed both by US and India’s Policy makers, since the US administration was preoccupied in maintaining the balance of power in the wake of the new cold war.

During President Carter’s period, a big hue and cry was raised in 1977 about the alleged human rights violations in India particularly in Punjab and Kashmir. There was criticism galore against Mrs. Indira Gandhi for imposing

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national emergency on 26th June, 1975 suspending all fundamental rights and suppressing all dissents, criticisms and discussions in India. In doing so, she ordered the arrest of hundreds of Indian citizens, suspended civil liberties and imposed strict censorship on the press. The measures enacted under the emergency markedly changed the "system of government in the world's largest democracy, and they raised questions as to whether the word 'democracy' still applies to 'India."**26**

Soon after taking White House in early 1977, President Carter took a stand on human right violations in India. He vehemently criticised Mrs. Gandhi for imposing national emergency in India in 1975 resulting in large-scale violations of human rights and urged Mrs. Gandhi to end the emergency soon and release all political detainees restoring the fundamental rights of the citizens. In that year's country reports, the State Department had charged India of violating basic human rights during the promulgation of national emergency.

Moreover, President Carter threatened to curtail aid programmes to India during emergency, but it did not have much impact. At that time, US did not have any leverage in India. During the later stage of Indira Gandhi's tenure in office in India, two potential levers available to the US to induce Indira Gandhi's government to be more respectful of human rights were 'food aid' and 'economic assistance'. But President Carter did not use this option as he perceived that "to use these levers was to subject the American government to the charge of using food and economic help as political

weapons, thereby, displaying a callous indifference to the real needs of the people." 27 Indeed the U.S. had strained relations towards Pakistan and negative relations towards India over a long period especially since 1971 Indo-Pak war which produced an independent Bangladesh. Moreover Indo-Pakistan war produced what Seymour Hersh disclosed "tilt" towards Pakistan advocated by the then Secretary State Henry Kissinger.

As soon as Carter Administration assumed office there was hardly any effective option for it to build pressure on Indira Gandhi to revoke emergency and restore human rights in India. It perceived that that while the world community could be more persuasive in dealing with Indira Gandhi than the US acting alone, the fact that India had the support of the communist and the third world countries virtually ruled out 'any possibility that the US could muster the votes needed to get the UN to act.' 28

Hence, in respect to the Indian situation under Indira Gandhi, for example, it was suggested that the US could take some positive diplomatic steps which would increase American influence with India, and thereby facilitate restoration of human rights. These measures included a loosening of the American alliance with Pakistan, abandoning the American plan to build a military base on the island of Diego Garcia and the including of Indian government among the half-dozen or so with which the US would habitually confer on international issues.


28 ibid, p.28.
The State Department favoured a "private approach" in dealing with human rights situations in India. One of the State Department officials pointed out during a hearing before a Congressional Committee that it would have been inappropriate for the US to go public with its opinion concerning the human rights performance of India's government under Indira Gandhi since a principal complaint on our part concerning the Indian conduct toward the US has been the tendency of the Indian government to address problems through public polemics."²⁹

Moreover Carter administration officials noted the relevance of a bilateral approach as the US had not lost influence in India. A State Department official by Homer Jack Contended that the US did, in fact, have influence with India in the Indira Gandhi era. He said, "there is a legacy of good will toward America which selectively can be called upon, a goodwill born partly of American response to India's food needs and partly of the ideological congruity in the political experiences of the two nations."³⁰

After emergency was lifted, the human rights scene once again glowed in the Indian landscape under the Desai regime. So much so that, when President Carter visited India on 1st January, 1978, he did not criticise India on human rights front. Rather, he congratulated the Janata government for restoring civil liberties and fundamental rights while addressing the joint-sitting of the Indian Parliament on 2nd January, 1978. However, Carter prompted a dialogue on another most sensitive Indian issue nuclear non-

²⁹ ibid, p.150.
³⁰ ibid, p.9.
proliferation with Prime Minister Desai, although no understanding could be reached but Indo American relation were not strained

The Janata government restored all the fundamental rights and civil liberties to the people which were snatched away during the emergency phase. Even Amnesty International had praised the human rights situation in India after the Year 1977. On 10th April, 1979, the Indian government ratified the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights. India was the second Asian Country after Japan to ratify these two Covenants. On 20th April, 1979, the Amnesty International cabled the then Foreign Minister, Atal Behari Vajpayee and "warmly welcomed the government's decision and said this was an important step towards ensuring the long-term protection of fundamental rights in India."31

DEPARTMENT OF STATE'S ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES IN INDIA AND PAKISTAN FROM 1977-80:

The country reports by State Department on human rights practices for 1977 had made no adverse observation on India and Pakistan. It stated although human rights and democracy had been restored in India, but "the period of emergency rule, June 1975-March 1997, included numerous reports of violations of basic rights connected with the arrest and detention of political prisoners as well as restrictions on many basic personal and civic freedoms. These policies and practices disappeared following the

inauguration of the Desai government in March 1977 and the termination of emergency rule”.

Unlike during the emergency period, there had been no reports of cruel, inhuman or degrading treatment or punishment since March 1977. There had been no reports of torture either since March 1997. The report further added that “although the emergency had been lifted, laws which permit preventive detention with certain legal safeguards remain on the books. There had been no cases in which the new government had invoked these powers. Legislation was expected in early 1978 revoking or amending present detention laws.”

In respect of civil and political liberties including freedom of thought, speech, press, religion and assembly, the report stated: “there is full freedom of thought, speech, press, religion and assembly in India. There are no restrictions on the activities of trade unions. There is full freedom of movement within India for all citizens regardless of ethnic or religious background, except for a longstanding requirement of permits to enter sensitive tribal border areas”.

On the government attitude and record regarding international and non-governmental investigation of alleged violations of human rights, the report said, “there have been no international investigations of human rights

33 ibid, p. 348.
34 ibid, p. 349-50.
conditions in India since the termination of the emergency in March 1977. However, it is likely that the present government would cooperate fully with such efforts, should aspects of the Indian human rights record come into question. It has appointed its own commissions to investigates offenses committed under the emergency". 35

On Pakistan, the report stated that, Pakistan had been governed by a military regime headed by General Zia-Ul-Haq since July 1977, and this new regime had made significant changes in the human rights record. Nearly all political prisoners had been released. The Judiciary had been strengthened and Amnesty International has again been invited to inspect conditions in the country. Elections were scheduled for October 1977, but they had been postponed until investigations were completed concerning the alleged illegal and corrupt practices of the regime headed by former Prime Minister Bhutto.

In respect of freedom from torture, cruel, inhuman or degrading treatment or punishment, the report said, “the 1973 constitution bans torture and there have been no indications of any such mistreatment since the present government assumed power in July 1977. Under Bhutto regime, thousands of political opponents were imprisoned. Following the March 1977 election, the Bhutto regime acknowledged imprisoning some 13,000 persons. The opposition parties claimed the figure reached 50,000 Following the initiation of martial law by the Zia regime, virtually all of those imprisoned were released” 36

35 ibid, p. 350.
36 ibid, p.397.
On aspect relating to civil and political liberties including freedom of thought, speech, press, religion and assembly, the report said, "martial law regulation prohibited political meetings in open public places. According to the report the Political leaders were encouraged to have small, indoor meetings and other meetings were convened in mosques. Freedom of speech had been restricted by martial law regulations limiting political activities and expressions. Freedom of religion was guaranteed by the constitution. The report also observed that the regime had substantially relaxed previous government restrictions on freedom of the press, but some journalists were detained by the authorities for short periods of time. Although there was no censorship, there were some self-imposed restrictions on full expression".37

On the matter of government attitude and observation of international and non-governmental investigation of alleged violations of human rights, the State Department report noted: "after rejecting Amnesty International's overtures in 1976, the Bhutto government resisted all efforts by outside groups attempting to investigate alleged human rights violations. Amnesty International has now been invited to return and examine the way the court system operates. The Military regime has given widespread publicity to the charges against its predecessor and has stated that it would welcome suggestions from reputable organizations for constructive change. Many prominent officials have praised President Carter's human rights policy and said that it encouraged them to struggle against the irregularities of the old government".38

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37 ibid, p.399.
38 ibid, p.401.
In the annual country reports on human rights practices for the year 1978, the State Department observed that the year 1978 marked an increase in awareness of human rights conditions around the world. On India, the report stated that although torture is prohibited by the Indian Penal Code, but nonetheless, "there had been few reports of major violations of these provisions. In two reported cases of deaths which followed police interrogations this past year in the states of Tamil Nadu and Andhra Pradesh, the state governments responded by instituting judicial or magisterial commissions of inquiry. Besides, there had been occasional press reports of harsh police treatment towards those involved in or detained following demonstrations and civil disturbances". 39

On the question of arbitrary arrest or imprisonment, the report stated that the Department of State had no information that there was any arbitrary arrest or imprisonment. On the question of respect for civil and political liberties including freedom of thought, speech, press, religion and assembly and the freedom to participate in the political process, the report had appreciated the various constitutional provisions guaranteeing these rights and liberties.

On the Indian government attitudes and record regarding the international and non-governmental investigation of alleged violations of human rights, the report said, "Amnesty International sent a mission to India from December 31, 1977 to January 18, 1978 to 'obtain a first-hand account of the many and serious human rights violations during the emergency period."

and to acquaint itself with the measures announced by the new government for the restoration of the rule of law. In their report of January 10, 1979, the mission delegates indicated they received full cooperation from officials throughout their stay.  

On Pakistan, the report mentioned about the prevalence of cruel and unusual punishments as public flogging of ordinary criminals and expressed grave concern about the martial law restrictions on political activities, free expression and the civil court system in Pakistan. It noted the the martial law regime had arrested and detained political opponents, primarily supporters of Bhutto.

The report added that the “Amnesty International, quoting Pakistani press stories, reported that as many as 161 persons had been sentenced to undergo flogging for committing political offenses. It was unclear how many were actually punished. Former Prime Minister Bhutto had complained about the treatment he had received in jail during the course of his trial and appeal hearings.”

On the question of respect for civil and political liberties including freedom of thought, speech, religion and assembly, the report disclosed that during their first year in office, the martial law authorities limited political activities and expression through martial law orders and regulations. It stated that the Pakistani military overthrew the Bhutto regime in 1977, which had just won an overwhelming majority vote in the parliamentary election.

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40 ibid, 548.

41 ibid, p. 609.
military junta promulgated two Presidential Ordinances on October 17, 1978, affecting political freedom. One of these, termed “the freedom of Association Order of 1978, granted all citizens, except government employees, the right to form and participate in political parties. However, the other new ordinance modified existing law on political parties, providing for the outlawing of any party whose activities were judged prejudicial to the Islamic ideology, to the sovereignty, integrity, or security of Pakistan, to the morality or to the maintenance of public order. The act also prohibited all parties with any sort of foreign affiliation or funding”. 42

On the Pakistani government’s attitude and record regarding international and non-governmental investigation of alleged violation of human rights, the report cited an Amnesty International’s report of April 1978 which said “its representatives received extensive cooperation from the government and from the Chief Martial Law Administrator in particular. The report condemned the use of such cruel and unusual punishments as flogging of ordinary criminals. The report also urged that death penalty not be imposed on Bhutto. Amnesty International repeatedly invited the Pakistan government to provide pre-publication comments on the draft report. There was no response to the invitation and Amnesty International proceeded to publish without such comment. The government had not commented on the report.” 43

42 ibid, p. 615-16.
43 ibid, p. 616.
The Pakistani government, however, did not heed to the request of Amnesty International for not awarding death sentence on the deposed Prime Minister Bhutto. Ultimately, he was condemned to death by hanging in the hands of the military junta.

The Country reports on human rights practices for the year 1979 had been a mixed one on the human rights situation in India and Pakistan. On India, the report said, India had a vigorous democratic political system, an independent judiciary, and flourishing free press. Fundamental human rights were guaranteed in the constitution and discrimination on the grounds of religion, race, caste, sex or place of birth was prohibited. During the past year, India had been particularly active as human rights matters in the UN.

In respect of the integrity of the person including freedom from torture, the report said, "torture was prohibited by the Indian penal code. There had been few reports of major violations of these provisions. In such cases, the state governments, which have responsibility for police administration, generally respond by instituting judicial or magisterial commissions of inquiry. The state governments use the findings of these commissions for subsequent criminal proceedings and administrative action against the officers involved. Cruel, inhuman or degrading treatment or punishment were prescribed by law. There were occasional and probably credible reports of harsh police treatment toward those involved or detained following demonstrations and civil disturbances". 44

On arbitrary arrest or imprisonment, the report said, the constitution provides that a person detained in custody must be informed of the grounds for arrest as soon as possible and shall have the right to be represented by council. However, the constitution provides preventive detention laws 'to prevent threats to the public welfare and safeguard national security'. In India, there are effective legal procedures to assure fair trial.

Matters relating to civil and political liberties including freedom of speech, press, religion, assembly, the report stated that the Constitution of India guarantees freedom of speech and by extension, press, religion and assembly and these guarantees are honoured in practice. There are no restrictions on the activities of the trade unions, which trace their roots to Mahatma Gandhi and the beginning of Indian National Movement. There is full freedom of movement within India for all citizens, except for a long-standing requirement for permits to enter sensitive border areas. All citizens of India regardless of religion, race, caste, sex or place political process on equal basis.

On the government attitude and record regarding international and non-governmental investigations of alleged violations of human rights, the report stated that the "Department of State had learned of no international investigation of the human rights situation in India since that time. Within India, a fact-finding non-governmental committee appointed by the People's Union for Civil Liberties in March 1979 investigated press reports alleging violations of civil rights in a rural district of Bihar. The Committee found
evidence of several cases of violations of civil rights and stated that it was subjected to harassment by local officials." 45

On Pakistan, the report stated that on October 16, 1979, President Zia indefinitely postponed national elections, dissolved all political parties, expanded the jurisdiction of military courts, and imposed formal censorship of newspapers. Former Prime Minister Bhutto was executed on April 4, 1979 after a lengthy trial on charges of conspiracy to murder and an unsuccessful appeal to the Pakistani Supreme Court. On November 21, 1979 large-scale anti-American demonstrations took place in Islamabad, Karachi and Lahore. Two American and two Pakistani employees were killed in mob violence and the American embassy in Islamabad was virtually destroyed by fire. The government of Pakistan apologized for the incident, offered to pay for the damages and reaffirmed its responsibilities for the protection of foreign diplomats.

Pakistan was currently providing refuge to massive numbers of refugees fleeing political and religious persecution and the unsettled conditions in Afghanistan. The number of refugees was approaching 500,000 in late January 1980 and was growing daily. Despite its own limited resources and the political tensions created by Soviet intervention in Afghanistan, Pakistan willingly had shouldered the humanitarian burden thrust upon it. The generous assistance provided by the Pakistan government was now being supplemented by a growing international program under the leadership of the U.N. High Commissioner for Refugees.
In respect of the integrity of the person including freedom from torture, cruel, inhuman or degrading treatment or punishment, the report stated: "the government had endorsed the establishment of punishments codified in the 'Sharia', the Islamic traditional code. Following the October 16 announcement, there was an increase in public flogging. On October 25, twenty-seven men were flogged in Rawalpindi before thousands of spectators. Amputation had also been approved as punishment for certain crimes. Limited preventive detention of persons who might act in a manner 'prejudicial' to the regime is authorized under Martial Law Order (MLO) on 12 July 1979. Under this authority there had been a substantial number of detentions without charge or trial of political figures associated with the previous regime". 46

In addition, the report observed that during the initial period of Martial Law rule, the government made extensive use of military tribunals to supplement or, in same cases, to substitute for the civil courts.

On matters relating to civil and political liberties including freedom of speech, press, religion and assembly, the report stated "during their first year in office, the martial law authorities limited political activities and expression through martial law orders and regulations. Minority groups continue to be denied certain rights enjoyed by Muslims, but were allowed to participate in the local elections in September 1979.... Traditionally, women have held subordinate roles". 47

46 ibid, p. 810.
47 ibid, p. 812.
On government attitude and record regarding international and non-governmental investigation of alleged violations of human rights, the report stated "according to Amnesty International's 1979 report, at least 7,000 political opponents of the regime were in prison as of May 1979. It also stated that it had received dozens of reports alleging torture of political prisoners in Pakistan. The Department of State estimates that more than 100 of those detained in October had now been released. In addition, those rounded up at the time of Bhutto's execution had been freed...".48

For the year 1980, the State Department had mentioned some alleged violations of human rights in India and Pakistan. On India, the report said, "in 1980 the focus of human rights debate in India was on police brutality and rights of women, particularly where violence was involved. There was also continuing attention to undertrials (i.e., prisoners awaiting trial in Indian Jails), widespread support for stronger anti-rape laws and better legal protection for women. Women's organization and lawyers had made rape a focus of a national debate, urging re-examination and reform of the Indian Penal Code, the Evidence Act and the Criminal Procedure Code. Following the August 1980 outbreak of severe clashes between Muslims and predominantly Hindu police and parts of northern India and agitation elsewhere, the central government legally introduced and extended preventive detention authority in order to restore law and order and assure the supply of essential commodities'. Although the government had exercised this authority

48 ibid, p. 814.
in only a few cases, they had led to debate whether it would again be used against political opponents". 49

On matters relating to freedom from torture the reports stated that although torture is prohibited by the Indian code of criminal procedure, nonetheless, "there is widespread circumstantial evidence that torture by the police did occur. Amnesty International in August 1980 cited newspaper reports asserting that 'third degree' methods were used in a high percentage of cases of police custody in West Bengal. Other press reports by reliable journalists had cited widespread reliance on police torture in Punjab, Bihar and Haryana. A vivid illustration of brutal police methods was the revelation in late November that policemen had used needles and acid to blind some 31 prisoners awaiting trial in a rural district of Bihar". 50

However, the report stated that no instances had been reported of the abduction, secret arrest, clandestine detention or disappearance of individuals at the hands of public authorities in India. On the government attitude and cooperation during international and non-governmental investigation of alleged violation of human rights, the reports stated: "during 1980, Amnesty International wrote separately to Prime Minister Indira Gandhi and to the Chief Ministers of several states concerning allegations of prisoners dying in police custody. Amnesty International had also written to the Prime Minister about the preventive detention measures adopted in 1979 and 1980. The organisation received a letter from Mrs. Gandhi reporting the freeing of a


50 ibid. p. 972.
prisoner detained in Kerala after three years without trial. No request for a visit to India was made by Amnesty International in 1980 nor by other external non-governmental human rights groups.  

The State Department while submitting these reports to the Congress, also mentioned the amount of assistance and grants India received from the U.S. It reported that India received “total economic and military assistance of $196.5 million in 1978, $228.8 million in 1979 and $221.8 million in 1980 from U.S. overseas loans and grants, obligations and authorizations scheme. India received a total of $84.4 million in 1978, $90.0 million in 1979 and $79.0 million in 1980 as loans, and $112.1 million in 1978, $138.8 million in 1979 and $142.8 million as grants”.  

On Pakistan, the report said, “the Martial Law Administration under President Zia continued with alternating periods of increased restrictions on political activities and relatively greater liberalization during 1980. At the end of 1980, Pakistan’s 1973 constitution remained in effect but with significant portions dealing with civil and political rights suspended or so amended as to deny rights previously guaranteed. No general elections had been scheduled, political parties remain dissolved, censorship was heavy, and the jurisdiction of the civilian judiciary had been further curtailed”.  

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51 ibid, p. 983.
52 ibid, p. 984.
53 ibid, p. 1069.
The report further said, "President Zia indicated in late September that there had been over 200 violations of Pakistani air space from Afghanistan since the Soviet invasion of that country. Three armed attacks killed two Pakistani soldiers and wounded three civilians. Pakistan was also concerned about the agents of the Kabul regime might be seeking to infiltrate the various Afghan resistance groups which had organized themselves in Pakistan, making possible acts of sabotage and subversion". 54

The report further stated that "restrictions on dissent and individual freedoms had grown during the past year, while citizen’s rights had diminished. During 1980, there had been five alleged cases in which prisoners had died as a result of rough treatment and brutality, particularly beatings, while in custody of police or military authorities. In another case, a student leader from Sind province allegedly died from torture while being interrogated by military authorities". 55

On the government attitude and cooperation during international and non-governmental investigation of alleged violations of human rights, the report said, "in September 1980, Amnesty International expressed deep concern over five cases in which prisoners allegedly died after torture and over flogging, which was inflicted on 76 people in the first seven months of 1980. The Pakistani government stated that both flogging and the death penalty were provisions of Pakistani Law. There was no confirmation of the alleged floggings of prisoners in concerted purely for political reasons, 54

54 ibid, p.1069-70.
55 ibid, 1070.
although there were unconfirmed reports that those who were socially prominent had been subjected to such treatment".  

The State Department had come down heavily on the Pakistani military regime for suspending the basic civil and political liberties in Pakistan. At the same time, it had appreciated the efforts the Pakistani government had taken in helping out the Afghan refugees fleeing Soviet occupied Afghanistan.

The State Department reported that Pakistan "received a total of $78.4 million in 1978, $50.9 million in 1979 and $58.6 million in 1980 from the U.S. as economic and military assistance under the U.S. overseas loans, grants, obligations and loans authorization schemes. It received a total of $75.8 million in 1978, $45.2 million in 1979, and $47.2 million in 1980 as loans from U.S. And it received a total of $2.6 million in 1978, $5.7 million in 1979 and $11.1 million in 1980 as grants from the U.S.".  

CARTER ADMINISTRATION'S BALANCING RESPONSE:-

Thus one finds that although there was many allegation of abuse of human rights by India during Carter's Presidency, the State Department and President Carter did not take any visible action against India except expressing their strong exceptions to it. The Carter administration, in fact refused to succumb to the pressures exerted by the anti-Indian lobbyists in the US. There are many pro-Pakistani lobby and anti-India organisations which constantly feed the State Department about alleged abuse of human rights in India.  

56 ibid, pp. 1076-77.  
57 ibid, p. 1078.
India. However, these were found to be "distorted, one-sided, and in many cases misleading". This was stated by United Methodist Bishop James K. Kathew who testified before a Congressional Committee about alleged incidents in India. He was speaking from his experiences as a recent resident in India returning to the US.

In case of Pakistan, the Carter administration had turned a Nelson's eye to the grave human rights violations under martial rule. This fact was vividly stated in the first weeks of the Carter administration, when Secretary Vance brought to capital hill proposals for a few symbolic cuts in aid, on human rights grounds, in the Ford administration's security assistance budget, Carter explained that "in case we must balance a political concern for human rights against economic or "security goals". Thus a rubric of security considerations encompassed a host of situations. The most obvious was that of authoritarian regimes in countries deemed to be of geo-political importance that were allied to the United States. In the eyes of the Carter administration, most of these perhaps all of them, were located in Asia. According to Patricia Derian, "we must maintain our bases at Subic and Clark airfield, we must prevent the repressive regime in North-Korea from countering South-Korea, we must try to keep ASEAN.... and strategically located .... ‘Pakistan must be heavily armed so that it can withstand and discourage a Soviet invasion’.


Derian went on to say that in her view, all of these considerations except for the one about Pakistan, ‘seem to be sound’ and had to be weighed against human rights considerations.

However writing in 1976 concerning US foreign policy as it related to such areas as Pakistan, Chile, Cambodia and Vietnam, Carter commented that the American government’s foreign policy has not exemplified any commitment to moral principles. Furthermore, each time we have become embroiled in an embarrassing predicament, it has become apparent that our leaders have often departed from the more decent inclinations of the American people.  

However, when Carter visited Pakistan on a two-day visit beginning from 3rd January, 1978, he took up the deteriorating human rights situations prevailing there under the military rule. The yearly State Department reports had criticised Pakistan rulers for denying the basic socio-economic and political rights to their citizens.

Besides human rights issue, nuclear non-proliferation issue was another concern of the Carter administration. And these issues had prominently figured in its relations with Indian and Pakistan. Though Carter integrated human rights issue into national security policies, he avoided a doctrinaire approach and never used human rights to achieve nuclear non-proliferation concerns in India and Pakistan. Carter’s human rights policy was linked to self-interest, ethics, and expediency which were perfectly combined in one as

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it was primarily conceived to act as an antidote in fighting the former Soviet Union's ideological tirade.

All in all, Carter, though, had integrated the human rights into national security concerns, he treated them as separate concerns while dealing with India and Pakistan. Thus, balancing both his country's security interests and human rights concerns.

Time and again this theme was reiterated by administration representatives, perhaps most clearly by Deputy Secretary, Christopher, who said, "human rights is one element of his foreign policy, but it is not the sole element. In same situations, the security considerations are sufficiently important that they alter the direction that our policy would be driven if we were concerned solely with human rights matters."62

It may be recalled that Carter had expressed his commitment to a value-based foreign policy in numerous statements during his campaign for the Presidency. Speaking more directly to the issue of what his country foreign policy should be and of the President's responsibility to represent his country's basic beliefs, he declared in one occasion that "our foreign policy ought not to be based on military might nor political power nor economic pressure. It ought to be based on the fact that we are right, honest, decent, truthful, and respectful. In other words, that our foreign policy itself accurately represents the character and ideals of the American people. But it

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does not. We have a different standard of ethics and morality as a nation that we have in our own private lives. And that ought to be changed. The President ought to be the spokesman for his country, and when the President speaks, he ought to represent as accurately as he can what our people are. And that is the basis, I believe on which a successful foreign policy can be based.\textsuperscript{63} One finds that these expression of commitment to a value-based foreign policy were accompanied by criticisms that contemporary American diplomacy betrayed this country's ideals and led to undesirable consequences.

The refreshing feature of Carter's human rights policy was his refusal to resort to direct action in an effort to influence a human rights situation in another country, that is the combination of rewards and punishments, known more popularly as the "carrot and stick" approach. This technique involves the promise of benefits to a government that improves its human rights performance and the threat of sanctions it does not.

Such fact was also driven home when Patricia Derian of the State Department said in a testimony before a Congressional Committee on this subject that a threat to withhold security assistance from any country would not produce a change in that situation. In a more general statement she commented on such a policy by noting that "I don't favour the carrot and stick approach to human rights. I think it does not work. I do not think you can buy people out of jail without insuring and guaranteeing that the next time whatever it is you bought them with is wanted. And 5,000 innocent people

This approach of Carter administration was further corroborated by two other officials serving in the State Department. Michael Armacost, said, “if you begin to make that kind of direct linkage between military assistance and human rights conditions and say we will cut military assistance unless country X does these things, I have serious doubts as to whether that kind of explicit linkage is effective.”

Deputy Secretary of State Warren Christopher speaking for the Carter administration said, “we are prepared to support our words with action... to take tangible steps to recognize good human rights performance or to manifest our concern over human rights violations. The tangible steps to do with this country’s foreign assistance programs, which were to be made subject to human rights consideration.”

Thus, the Carter administration evidently took this commitment to take “tangible steps” in support of its human rights policy and to apply sanctions if and when seriously necessary. Patrician Derian testified during Congressional Subcommittee hearing that foreign military sales programmes

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64 US House, n.24, p.183.
65 ibid, pp.191-92.
had been reduced in 1980 for South-Korea, Indonesia and Zaire, all with poor human rights record.

India, on the other hand got an appreciation when the Carter administration praised India's improved human rights record in 1980. Moreover America in 1980 increased assistance levels to seven countries with improved human rights records such as “India, Sri Lanka, Botswana, the Zambia, Costa Rica, the Dominican Republic and Peru.”

Stephen B. Cohen found the Carter administration to have exhibited a remarkable degree of tentativeness and caution in its application of Section-502B of the amended Foreign Assistance Act of 1961, which forbids assistance to any government that display a consistent pattern of gross violations of internationally recognized human rights. According to Cohen, “relatively few governments were found guilty of such abusive performance and security assistance was actually cut off to even fewer.”

However, the critics of the Carter administrations handling of this human rights related issues, pointed to its support of loans to Guatemala, Zaire and Pakistan in the International Financial Institutions such as IMF and World Bank. They charged the Carter administration “of actually not

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designating any country as showing a consistent pattern of gross violations of internationally recognized human rights." 69

EVALUATION OF CARTER'S HUMAN RIGHTS POLICY

Although it is not easy to reach a comprehensive evaluation of the Carter’s human rights policy, but nevertheless, there was an improvement in the level of observance of human rights in the world. The annual survey of Freedom issued by Freedom House noted that there was very slight gains for freedom in the world during the Carter Years, except during Carter’s first year in office. Freedom House reported that “the percentage of the world’s population living in free countries jumped from 19.6 percent to 35.7 percent, a truly startling improvement”. 70 But more than 99 percent of that gain was attributable to the restoration of democracy in India and Spain, “neither of which was a particular focus of the administration’s policy, nor was even mentioned among the couple of dozen countries for whose progress administration spokesman did on occasion claim credit.” 71

However, much of the controversy aroused by the Carter administration’s human rights activities centred on the accusation that the administration responded more sharply to violations in some countries than to violations of equal or greater severity in others. These discrepancies,

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69 A. Glenn Mower, Jr. n.2 p.103.


71 ibid, p.6.
observed Stanley Hoffmann, “one particularly unbearable in a domain which seems to call for consistency, since moral principles are at stake.”\(^{72}\)

Different observers, however, have complained of different inconsistencies. Some found the administration to be too soft on rightist governments. Jonathan Dimbleby of the British Broadcasting Corporation, for example, asked the President why “he concentrated so very much on Russia and human rights there, where you were not actually able to do very much, and have not apparently done anything. For instance in Iran and Pakistan, the countries with which you have very close links and where you could presumably very much influence what in fact went on.”\(^{73}\)

It is said that the Carter administration tended not to criticise governments of strong or important countries from strategic point of view like Iran and Pakistan, and was only going hard on the weak or geographically unimportant government. Stanley Hoffman wrote, “the danger is not, as some have charged that we shall hit only our friends, but rather that we shall predominantly hit these expendable offenders who play no important role in the power contests.”\(^{74}\)

Arthur Schlesinger was more emphatic in his analysis that “Washington was fearless in denouncing human rights abuses in countries like Cambodia, Paraguay and Uganda, where the United States had negligible


\(^{74}\) Stanley Hoffman, n.71, p.479.
strategic and economic interests; a good deal less fearless toward South-Korea, Saudi-Arabia, Yugoslavia, and most of black Africa; increasingly circumspect about the Soviet Union; and totally silent about Pakistan and China.”75 Indeed such a policy was clearly evident in the first weeks of the Carter administration, when Secretary Vance brought to capital Hill proposals for a few symbolic cuts on human rights grounds, he explained that “in each case we must balance a political concern for human rights against economic or security goals.”76

Thus Pakistan continued to be the Achilles heel of the Carter administration which was considered to be a significant violator human rights but was clearly a major significant all of the United States in view of the Cold War paradigm. The Carter administration abandoned his countries high profile concern for human rights in Pakistan after the Soviets invaded Afghanistan in 1979.

Derian’s deputy, Stephen Cohen, in a testimony to the US Congress has said” that the Iran and Pakistan were protected from U.S. human rights policy... we, (i.e. the Bureau of Human Rights) would have liked to have applied some human rights pressures, (but we lost) All during 1977 and 1978


we argued for them and we always lost the argument. Iran and Pakistan were too important, there were too many national security considerations.  

But, nevertheless, because of the Congressional push, the repressive regimes of Pakistan always continued to remain under the legislative watch. Under the Section 116 of the Foreign Assistance Act of 1961, as amended, the US Congress made Pakistan to sign special agreements permitting extraordinary US supervision of Public Law, 480 food distribution because of human rights problems.

The U.S. Congress not only enacted general but also specific legislation on human rights. Although countries in the western hemisphere generally drew more attention from Congress than these in other regions, but nevertheless, country-specific legislation was on the books in the early 1980s regarding India, Pakistan, Mexico Uganda, but none of it had much impact on American foreign policy.

About Pakistan, Congress stated in law that "in authorizing assistance to Pakistan, it is the intent of Congress to promote the expeditious restoration of full civil liberties and representative government in Pakistan." But in the same statute, Congress expressed concern about a response to the erstwhile Soviet invasion of neighboring Afghanistan. It mentioned other US interests such as controlling the proliferation of nuclear weapons and re-iterated the importance of security assistance to Pakistan.

77 US House, n.58, p.11.
Although the law may have reflected well the myriad interests of the United States with regard to Pakistan, but it did not really emphasise human rights and it provided no guideline as to how human rights were to be integrated with other interests. It was rightly said that "some Congressional interest in human rights in Pakistan stirred, but the country-specific legislation was useless. It was law. it was country-specific, and it proved irrelevant to the conduct of American diplomacy." 79

Although President Carter had pledged to shape the world order that is more responsive to human aspirations, while sending the special message to "citizens of world", supplementary to Inaugural Address, many strategic thinkers like Dr. Earnest W. Lefeven, opposed arbitrary application of human rights standards to US foreign policy as dangerously irresponsible. He said that the "best guide to decisions is national interests which does not exclude human rights factor also." 80

However, immediately after the Soviet invasion of Afghanistan in December 1979, Carter moved to Kissinger’s position of protecting Americas vital national interests overriding human rights considerations. The US administration “offered increased armaments for Pakistan despite serious human rights violations there.” 81 It was simply the Cold War calculus which outweighed other as trivial considerations as human rights.

However, serious human rights violations were reported in the annual country reports prepared by the Department of State, in compliance with Sections 116 (d)(1) and 502B (b) of the Foreign Assistance Act of 1961, as amended, where the Secretary of State shall transmit to the Speaker of the House of Representatives and the committee on Foreign Relations of the Senate by 31 January each year, a full and complete report of regarding the status of internationally recognised human rights in countries that receive assistance under this Act.

As it is well known, the Foreign Assistance provided to the countries covered in these reports continues to be an effective instrument of U.S. human rights policy. The U.S. government adjusts assistance levels to recognise good human rights performance and to manifest their concern over human rights violations.

President Carter while re-affirming this said, “in distributing the scarce resources of our foreign assistance programs, we will, demonstrate that our deepest affinities are with nations which commit themselves to a democratic path to development.”

Thus, during Carter administration, the progress on human rights front were substantial to some extent in Pakistan. Although it is hard to know how much credit the US can or should take, the annual reports from Freedom House and the International League for Human Rights have confirmed that respect for human rights had improved in many countries including Pakistan.

82 U.S. House, n.61, p.6.
and that some of those improvement reflect emphasis placed on human rights by Carter administration.

According to David Hawk, formerly of Amnesty International, “anyone who worked in the field of human rights before Carter became President can appreciate the difference he made”. 83 Due to the efforts of US, thousands of political prisoners had been released since early 1977 in such nations as Cuba Indonesia, Pakistan and Bangladesh. Zbigniew Brezinski, assistant to the President on National Security Affairs, observed that these changes have occurred because that “there is today not a government in the would that does not know that how it behaves in regard to human rights will affect its relationship with US.” 84

This fact was corroborated by Richard Falk and Albert G. Millbank, Professors of law and practice in Princeton University, while testifying before the Sub-Committee on International Organisations of U.S. Congress that “the collaboration of Congress and Carter administration in the area of human rights, for all of its imperfections, has been the brightest achievements of the American foreign policy in the post-Vietnam era”. 85 Indeed the human rights as a focus of concern had come alive politically and intellectually especially in the US, and also in the world wide. Certainly, President Carter’s ‘human rights diplomacy had played a part in this process” 86

84 ibid, p.61.
85 US House, Congress 96, Session 1, Sub-Committee on International Organisations of the Committee on Foreign Affairs, May 2, 10; June 21, July 12 and August 2, 1979. pp.378-79.
86 ibid, p.368.
However, one issue from which Carter tried to “isolate human rights concern was arms control”. The Carter administration even did not link its stance on human rights with its aid policies on its positions in the international financial institutions. The Soviet Union was one of the world’s most serious violator of human rights. It was also the U.S.’s necessary partner in the control of strategic arms. There was no link between human rights and arms control.

All in all, the U.S., foreign policy had apparently recognized that human rights concerns must be balanced with other fundamental interests. In his 1980 State of the Union Address, President Carter re-affirmed both America’s commitment to the human rights policy and the contribution of this policy to world peace. He said, “we well continue to support the growth of democracy and human rights. When peoples and governments can approach their problems together through open and democratic methods-the basis for stability and peace is for more solid and enduring . That is why our support for human rights in other countries is in our national interests as well as part of our national character”. 88

Now it has become clear, that the Carter phase on human rights was regarded as a typical waxing phase of a cyclical pattern which began from Mrs- Eleanor Rosevelt period. He used it as one of the centre-pieces of his foreign policy and his initiative centred on human rights as an end in itself. Never before had concern for the way governments treat their populations been given so much importance in the formulation of foreign policy, a Presidential initiative was reinforced by strong Congressional support. Until

the hostage crisis in Iran and Soviet invasion of Afghanistan, critics or supporters of Carter foreign policy often concentrated on human rights.

Highlighting Carter's human rights policy, Warren Christopher says, "Our idealism and our self-interest coincide. Widening the circle of countries which share our human rights values is at the very core of our security interests. Such nations make strong allies. Their commitment to human rights gives them an inner strength and stability which causes them to stand steadfastly with us on the most difficult issues of our time". 89

However, after the first five months of his Presidency, Carter slowed down on his ebullient advocacy of human rights policies. It was believed that pressing hard on human rights will cause antagonisms abroad with both friends and rivals, and it may complicate prospects of economic cooperation, arms control agreements, and alliance relations. Such a realization had evidently led Carter to "adopt a more realistic and low-profile approach in reaction to the negative after-effects of his robust advocacy of human rights policy in the initial first five months". 90

The critics of Carter's human rights policy had alleged that the promotion of human rights had often served as a propaganda vehicle for his foreign policy. And there often appeared to be a very opportunistic quality about his human rights diplomacy. In the most recent period, it seemed obvious that President Carter "stumbled across the human rights theme on his way to the White House. Once used, it seemed to fit with his temperament, as well as fill an important need to mobilise domestic support for an activist foreign policy in a period of wide depression among the American citizenry after Vietnam and Watergate. Human rights built up some moral enthusiasm

90 ibid, p. 10.
for U.S. world leadership without necessarily reviving the tensions of the Cold War". 91

Daniel Patrick Moynihan believed that Carter’s conceptual approach to human rights was objectionable to the extent that it “diverted our attention from the central political struggle of our time—that between liberal democracy and totalitarian communism—and focused instead on something else, namely, the concerns and quests of Third World Peoples”. 92 He said this was clearly evident in the U.N., where the U.S. during his tenure, “stridently used human rights as an ideological tool against the third world in an effort to dilute the anti-apartheid campaign”. 93

Patricia Derian who often had reportedly clashed with Cyrus Vance over allowing security interests ever to override human rights issues and opposed to Shulman’s application of ‘quiet diplomacy’, has conceded that it was incredibly complex to balance all of the things that are of great concern to the United States with all the other issues.

Although the Carter administration’s refusal to decide every case of conflicting interests in favour of human rights led to the appearance and the reality of inconsistency, the administration felt that other needs and dangers in the international environment often had to take precedence. In the President’s phrase, “that while human rights could be the “soul”, it could not safely and wisely be made the “whole” of American foreign policy.” 94

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92 ibid, p. 25
93 ibid, p.13.