CHAPTER 8

CONCLUSION

In adopting the Universal Declaration of Human Rights on December 10, 1948, the delegates to the U.N. General Assembly established a common set of principles against which the human rights practices of individual member states could be measured. Although these principles were not initially binding on member states, they included the seeds of an international legal system in the realm of human rights.¹ Following the Universal Declaration, a global human rights regime has emerged consisting of numerous international conventions, specific international organizations to monitor compliance, and regional human rights arrangements. Moreover, the global human rights regime has led to the emergence of a huge network of transnationally operating advocacy coalitions and international non-governmental organizations. As a result, some have argued that human rights have increasingly become part of the shared knowledge and collective understandings informing a “world polity.” International human rights, thus, have become constitutive elements of modern and “civilized” statehood.² But it is one thing to argue that there is a global human polity composed of international regimes, organizations, and supportive advocacy coalitions. It is quite another to claim that these global norms have made a real difference in the daily practices of national governments toward each other as well as their respective citizens. Therefore, it is imperative that one

² Ibid.
should not turn a blind eye to the formidable obstacles in the endeavours of human rights policymakers, activists, and scholars. The implementation of international human rights law depends for the most part on the voluntary consent of nations as the mechanism for the observance or enforcement of human rights is still in its infancy. Nevertheless, it is certain that a palpable concern for the advancement of human rights is here to stay, out of necessity no less than out of idealism. The ideology of human rights is probably the only one which can be combined with such diverse ideologies as communism, social democracy, religion, technocracy and those ideologies which may be described as national and indigenous. The defence of human rights is a clear path towards the unification of people in a turbulent world and a path towards the relief of suffering.³

The end of the Cold War and the normative and political changes that have ensued at the international level in recent years have reinvigorated the critical importance of the international effort to determine human rights. The most transformative aspect of the human rights regime for the international system is found not in its growth in scope, instruments, implementation, and players but in its impact on a fundamental principle of international relations: state sovereignty. Human rights abuses within state borders, even perpetuated by a government against its own people, are no longer matters solely within the purview of domestic affairs. Many noted experts such as U.N. Secretary General Kofi Annan highlight that a state’s legitimacy is tied to proper treatment of its citizens and an offending state can no longer hide behind the mantle of sovereignty alone. According to Annan, “State sovereignty, in its most basic sense, is being redefined...States are now

widely understood to be instruments at the service of their peoples, and not vice versa.”

This issue – the nature of the relationship between human rights and state sovereignty – lies at the core of many contemporary debates in the field: the cultural relativity of rights, international humanitarian intervention, human rights abuses as underlying causes of conflict, and how to address past abuses in post-conflict peace-building.

Despite the growth of human rights over the past 50 years, much of the discourse on international relations theory is deeply sceptical of the normative weight and practical force of not merely global human rights, but all claims to rights and duties across borders. But scepticism about efficacy of promoting global human rights is not confined to normative difficulties or the practicality of enforcing such rights. Certain countries have incorporated the promotion of human rights as one of their goals of foreign policy. The United States has been the main proponent of such an objective. However, instead of promoting human rights impartially throughout the world, it has used the concept to further its narrow political, strategic and economic interests. Therefore, the concept of promotion of human rights globally has come under severe criticism, not only from proponents of “cultural relativism” but also from nations which are targeted by the U.S. primarily for strategic, political or economic reasons.

The preceding chapters in the thesis have attempted to show how the United States has used the idea of universal human rights as an instrument for furthering its narrow

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6 Cultural relativism means that the customs and practices of each culture should be understood within the context of that particular cultural milieu. The study of human rights has been dominated, for the past two decades, by the debate between universalists and cultural relativists.
strategic, political and economic objectives. The end of the Cold War prompted many around the world to hope that there would be significant changes in United States’ policy of criticizing the human rights violations in Communist countries while overtly and covertly supporting repressive regimes in countries which were anti-Communist. Bill Clinton, as the first President of the U.S. in the post Cold War era, put the issue of human rights squarely on his agenda. The thesis has attempted to study certain policies of Bill Clinton to understand how the administration used human rights to consolidate America’s strategic and economic interests in the world. The two countries chosen for the study were China and India. Both countries – China as well as India – have welcomed economic liberalization and globalization but their political systems differ greatly. India is a democratic country while China is an authoritarian Communist state. That being the case, it would seem natural for the United States, which portrays itself as a champion of liberal values such as human rights and democracy to have better relations with India than with China. However, in reality, China has fared better than India in its relationship with the United States. The discriminatory approach of the U.S. toward India and China has weakened its efforts in upholding human rights policy.

HUMAN RIGHTS AND U.S. FOREIGN POLICY

One of the most perplexing questions in the development of U.S. foreign policy is the importance of human rights. By making human rights an issue of high salience, U.S. policymakers have placed themselves in a paradoxical situation. On the one hand, promoting global human rights is seen as the morally and politically correct approach. On the other hand, geopolitical and geo-strategic realities have, at times, caused the United
States to turn a blind eye to certain chronic abusers of human rights. The irony of the 1991 Gulf War is an obvious example: the U.S. was willing, for political expediency, to join in an alliance with an old enemy and human rights abuser, Syria, in order to liberate Kuwait. As another example, states such as Sudan, Somalia, Pakistan, El Salvador, Honduras, Indonesia, the Philippines, Kenya, and Guatemala receive or have received tens of millions of dollars in aid from the United States — and their human rights conditions are as bad or worse than those in Syria. Such inconsistency between stated policy and actual practice seriously erodes America’s credibility and simultaneously sends the message that the U.S. is not really serious about human rights. 7

Defining relations with states based on their human rights record has pitfalls in at least three ways. First, the U.S. fails to evenly apply the same standards to every state. Some nations are arbitrarily punished for not meeting so-called U.S. standards whereas other abusive states face no sanctions whatsoever. Second, the measures used to determine human rights conditions are inconsistent and subject to debate. Moreover, they tend to be value laden with Western ideals and pay little attention to a nation’s unique cultural experience. Various groups, using different subjective criteria, create the scales and reports which policymakers use to judge human rights conditions in each nation. The discrepancies in these measures create confusion and disagreement that is eventually reflected in policy. Finally, it might be reasonably argued that U.S. focuses upon the wrong kind of human rights. Rather than concentrate solely on a state’s civil and political freedom. The policies of the U.S. might be more effective and less contradictory if it

were grounded in universally accepted ideas of human suffering and actual physical well-being of the people.\(^8\)

The Cold War era presented a paradox with respect to human rights. Although it was characterized by anti-humanitarian interventions by both super-powers (the U.S. and U.S.S.R.), it was also the period in which human rights first became an established subject of international relations. American foreign policy from 1945 through 1976 increasingly shifted toward the power tradition. American anticommunism progressively became primarily not a moral crusade but a power struggle.\(^9\) This trend toward almost total concern with power and stability reached its zenith in the Kissinger period of 1969 to 1977. In his memoirs, Kissinger arrogantly justified power politics as moral because, according to him, as employed by the United States it is intended "to preserve the world balance of power for the ultimate safety of all free people."\(^{10}\) It was against this background of widely perceived power politics that Jimmy Carter rose to prominence, emphasizing ethical values.\(^{11}\) Since then, America’s concern with human rights started getting reflected in U.S. foreign policy and in a number of laws as well as the speeches of presidents and other officials. But developing nations have raised serious doubts about the real motivation behind America’s professed interest in promoting human rights globally. The reason is: in spite of its stated commitment to human rights and democracy, a super-power like the United States has since 1945, aided and abetted many more dictatorships than democracies in the non-Western world. Reagan’s preference for a

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\(^{8}\) Ibid. pp. 168.


\(^{11}\) David P. Forsythe, Human Rights and World Politics, (University of Nebraska, 1983), pp. 93.
decidedly limited view of human rights became evident when he made it clear that he conceived of human rights as a weapon against communism. The linkage of anti-communism with human rights was strengthened and facilitated by the belief in American exeptionalism (the belief that the United States is different from and generally superior to most other countries, in large part because of its domestic commitment to individual rights).

The Clinton administration's policy has prioritized human rights when competing concerns were insignificant or, as with China, when public pressure compelled a response. In Rwanda and Bosnia, the administration's failure to act decisively proved deadly for thousands, although, to its credit, the Dayton Accords ruled out amnesties for those in former Yugoslavia who ordered or committed atrocities. In Haiti, although the U.S. military was a factor in ending the military dictatorship, which spread a reign of terror from 1991-1994, the links between the dictatorship's criminals and U.S. military, diplomatic and intelligence communities are both deep and widespread, as has been widely reported by the press.12 Washington has also stonewalled efforts to seek documentary evidence for past abuses, especially those committed by the paramilitary Revolutionary Front for the Advancement and Progress of Haiti, reportedly founded with Central Intelligence Agency assistance.13

**Indo-U.S. and Sino-U.S. Relations: A Comparison**

Right from the time of India's independence in 1947, the United States and India were at odds with each other over several issues. The first efforts by the United States to co-opt

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India into its strategic ambitions came to naught when Prime Minister Jawaharlal Nehru refused to align with the U.S. to isolate China. The pattern was set during Jawaharlal Nehru’s visit to the United States in 1949, which followed on the heels of the first nuclear test by the Soviet Union and the success of the Chinese communists in seizing power. Robert J. McMahon, a historian of U.S. diplomacy toward South Asia records in his book *The Cold War on the Periphery: The United States, India, and Pakistan*, that before Nehru’s visit, the CIA and the State Department argued that India was the only potential regional power that could “compete with Communist China for establishing itself as the dominant influence in South-eastern Asia.” However, Nehru made it clear that India needed help, but not at any cost. He said: “We shall ... gladly welcome such aid and cooperation on terms that are of mutual benefit. We believe that this may well help in the solution of the larger problems that confront the world. But we do not seek any material advantage in exchange for any part of our hard-won freedom.”¹⁴ For its part, after Nehru left, the U.S. National Security Council noted: “...the current reluctance of the area to align itself overtly with any power bloc” and determined that “it would be unwise for us to regard South Asia, more particularly India, as the sole bulwark against the extension of Communist control in Asia.”¹⁵

Throughout the period of Cold War, the relations did not improve significantly. The term “estranged democracies,” coined by Dennis Kux best describes the relationship between the two nations during the Cold-War era. The U.S. was frustrated that India followed a policy of non-alignment and refused to covenant with the U.S. to contain communism.

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¹⁵ Ibid.
India also refused to join the United States nuclear non-proliferation regime and continued in its quest to develop nuclear weapons in spite of the U.S. nonproliferation policy.

Sino-U.S. relations also began on a hostile note. The U.S. government regarded the establishment of the PRC in 1949 as a great danger to its national interests. Not only was their political ally, Chiang Kai-shek, forced to retreat to Taiwan, but the new Chinese leaders were seen as the forward battalions of world Communism. Beginning with the Korean War in 1950, China and the United States remained unremittingly hostile to each other throughout the decade. However, the split between China and the Soviet Union in 1960\(^6\) forced the U.S. to rethink its policy. In the decade following this, the U.S. and China began, largely unnoticed, to take parallel positions on many questions, culminating in the spectacular visit of Richard Nixon to Beijing in 1972 to meet Mao Zedong. China and the United States saw mutual advantage in constraining the Soviet Union, and entered into what can be considered to have been a limited alliance.

Although China and the U.S. were completely hostile to each other from 1950 to 1971, the U.S. took the initiative in 1971 to develop better relations with the Chinese. The major reason behind such a decision was strategic concerns. Both were concerned about Soviet expansionism in Asia and to some extent, India and Japan’s ambitions also. However, no such significant effort was made with India because it was seen as an ally of Soviet Union, even though it professed to be non-aligned. Also, Pakistan was more willing to accommodate American demands, which led the U.S. to invite Pakistan to join

\(^6\) One precipitating factor in the split was the fact that the Soviet Union reneged on its pledge to help China acquire nuclear weapons, something China nonetheless accomplished on its own in 1964.
the U.S. sponsored defence pacts such as the SEATO and the CENTO, originally, the Baghdad Pact. Indo-U.S. relations were further strained when Pakistan started receiving American weapons under the pacts. Even though India was assured by the US that these weapons would not be used against India, the Indian leadership remained sceptical of Pakistani intentions and critical of the American decision. In spite of being the world's largest democracy, India could not forge cordial relations with the U.S. during the Cold War period.

**Economic relations**

In 1989, the Tiananmen Square massacre drew public attention to the inconsistent, unintegrated character of U.S.-China policy. A wave of public indignation with China's repressive practices forced the Bush administration to adopt a stern posture with regard to human rights violations and to apply certain unilateral sanctions. Weapons exports to China were prohibited, nuclear energy cooperation ceased, export licenses for crime-control equipment were withheld, and Overseas Private Investment Corporation (OPIC) and Trade Development Agency (TDA) business assistance programmes in China were legislatively suspended. Many academic and cultural exchange programmes were also cancelled. However, other U.S. agencies remained engaged in China, thereby sending China mixed signals about the seriousness of U.S. human rights concerns. For example, Eximbank, which provides loan guarantees for U.S. exports, expanded its commitments to China trade since 1989. The bank gave preliminary approval to a plan by

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Westinghouse to sell nuclear energy technology to a Chinese state enterprise that sold nuclear-weapons related technology to Pakistan and Iran. In February 1990, U.S. voting policy with respect to World Bank lending was relaxed when the U.S. resolved to approve new loans to China if they were directed at meeting “basic human needs.”\textsuperscript{19} Although China was the largest recipient of World Bank loans, the U.S. government did not use its influence at the World Bank to escalate international pressure on China to improve its human rights practices. Occasionally, the U.S. did not approve an infrastructure project in accordance with its commitment to support only basic needs projects. More often, the U.S. simply abstained, thereby allowing projects to proceed.\textsuperscript{20}

Clinton took office vowing to change the previous administration’s policies toward China, which he termed as “mollycoddling” of dictators. He argued that the U.S. could use China’s huge trade surplus with the U.S. as leverage to make China change its human and labour rights practices. Therefore, for the first time, China’s MFN status was linked to China’s human rights record. However, in the face of tremendous opposition from China as well as his own country’s business community, Clinton had to abandon the policy. The Clinton administration opted for a policy of “comprehensive engagement,” which held that long-term U.S. goals such as human rights improvement were more likely to be achieved through sustained contact and open trading than by further isolating China.\textsuperscript{21} Yet Chinese human rights practices, including respect for political and labour rights, continued to fall well below internationally accepted standards. Neither the existing U.S. sanctions nor the policy of comprehensive engagement resulted in human

\textsuperscript{19} Ibid.
\textsuperscript{20} Ibid.
\textsuperscript{21} Ibid.
After its delinking human rights issues from China’s MFN status, the Clinton administration announced the creation of a special human rights programme that included promises of increased Radio Free Asia broadcasts to China, new support for NGOs working in China, and the formulation of a corporate code of conduct for companies doing business in China. The programme however exerts little pressure on China and cannot be regarded as an effective substitute for a tougher U.S. stance on human rights violations. The voluntary and unspecific character of the code of corporate conduct that the Commerce Department formulated is typical of U.S. unwillingness to endanger trade and investment in China. In the end, rather than making the code more China-specific, Commerce announced that the code was a loose and nonbinding list of suggestions for TNCs. Trade and investment concerns have knocked U.S.-China policy out of balance. Although the U.S. government has let it be known that human rights improvements would be welcome, it has been unwilling to jeopardize U.S. economic relations by adopting stricter human rights conditionality on aid and trade. The only note of dissent in the U.S. business community comes from those that are affected adversely by Chinese exports, in particular small domestic businesses. They have joined with human rights critics to oppose the annual renewal of China’s MFN status. Thus, although economic globalization has led to increase in the volume of trade between China and the United States, the promotion of human rights has taken a backseat.

India’s fiscal deficit crisis forced it to liberalize its economy in 1990. In the early 1990s, economic reforms permitted a qualitative breakthrough in relations between India and the

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22 Ibid.  
23 Ibid.  
24 Ibid.
United States. Washington was instrumental in speeding a US$1.8 billion IMF credit that New Delhi obtained in January 1991 to deal with a severe external-debt-payments crisis. In 1990, India and the United States signed a double taxation pact designed to facilitate American investment in India, further breaking a thirty-year deadlock in economic relations. However, U.S. trade with India is one-tenth that of China: In 2004, it stood at $22 billion in 2004 compared to $231 billion with China.25 The relatively less economic importance of India prompted the U.S. to push for introduction of the “social clause” in the WTO forum. In brief, the idea is to permit WTO member-states to deviate from the normal principle of non-discrimination among trading partners by allowing them to prohibit (or prohibitively tax) the importation of goods from countries that do not observe ‘core labour standards’. In such a scenario, the issue of child labour could be successfully invoked to pressurize India on other issues. Therefore, the Government of India was among the most vocal critics of efforts by some WTO member-states, most notably the United States, to include labour standards on the agenda of the 1999 ‘Millenium Round’ of trade negotiations in Seattle. According to Jagdish Bhagwati, professor of economics and political science at Columbia University, “A foreign country could say that U.S. law, which makes it possible to execute a teenager, is an offense against humanity. Would it happen? Maybe not.” “What would happen,” said Bhagwati, “is that the rules would be framed to suit the rich countries. They would write the Social Clause. Child labor would be in. Migrant farm-workers would not.”26

25 “U.S. wants Trade with India to match China,” People’s Daily Online, June 17, 2005.
Thus, globalization has led to polarization among and within nations, among economic entities and among individuals. The international discipline being introduced under the aegis of globalization is iniquitous. In its political dimension, globalization is stimulating a "rearticulation of international political space", in which, the strategic and foreign policy options confronting an individual state are defined by its location in the global power hierarchy. Similarly, in its economic dimensions, the institutional framework for globalization is characterized by striking asymmetry. It prescribes that the developing countries provide access to their markets without a corresponding access to technology, and accept capital mobility without a corresponding provision for labour mobility. The 'social clause' and 'environmental clause' advocated by the developed countries is a pretext for circumventing the rules of trade liberalization wherever necessary, and neo-protectionism through the back door. In the agreements on trade in services there is almost nothing on labour mobility, which would allow developing countries to exploit their comparative advantage in services. These discriminatory features of globalization get amplified in a milieu where global institutions are declining. The United Nations has been virtually disenfranchised in the economic field, and its role and functions have been transferred to the IMF, World Bank, and the WTO.27

In such a discriminatory milieu the issue for India is not whether it should globalize or remain outside the mainstream of global economy. The real challenge is to determine the extent, pace, and terms and conditions under which we globalize. To globalize successfully, India has to shepherd its economy along two dimensions, building a world scale domestic market by opening up its economy to new products and services, and

developing world class competitive capabilities by enabling the economy to upgrade itself. What is also required is bargaining with large international firms to improve the distribution of gains, prudent macro-management and active state intervention to minimize social costs and the negative effects of globalization.28

**Issue of Nuclear Proliferation**

One key security issue for the United States has been China's weapons proliferation track record – including sales, technology transfers, and nuclear energy assistance, particularly to Iran and Pakistan and India’s refusal to join the nuclear non-proliferation regimes spearheaded by the U.S.

In 1964, amid American concerns about China's first nuclear weapons test, senior officials in the State Department and the Pentagon went so far as to consider offering “the possibilities of providing nuclear weapons under U.S. custody” to India.29 Increasingly bogged down in Vietnam and worried that its future wars in the Third World would be even more difficult if nuclear weapons continued to spread, the United States decided that it preferred instead to stem the spread of nuclear weapons. It joined with the Soviet Union, which had similar worries, in crafting a nuclear non-proliferation treaty. The treaty was negotiated in 1968 and came into force in 1970. At the same time, the United States began to improve its relations with China. India’s 1974 nuclear test further eroded hopes of a U.S.-India nuclear relationship as a new regime of non-proliferation restrictions took shape. India’s nuclear option is perceived by the United States as having two purposes: one, military and the other, political. The military dimension is viewed

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28 Ibid.
primarily as a response to the Chinese nuclear weapons programme, whereas the political dimension is viewed as its determination to achieve greater recognition on the strength of its heritage of an ancient civilisation and in a world where nuclear power is viewed as the currency of power. Its negative attitude towards India’s nuclear capability deepened after Pakistan’s nuclear tests. For the U.S., Pakistan’s acquisition of nuclear power was a political necessity after India acquired it. Therefore, if Pakistan is to be restrained, the initiative must be aimed at first pressurising India to cap its nuclear programme and join the NPT, the CTBT and the proposed Fissile Material Cut-off Treaty (FMCT). India’s argument that the NPT is discriminatory which restrains acquisition of nuclear power by non-nuclear states but does not commit to phase-out the nuclear weapons of the declared nuclear states, is not compatible with the U.S. perception of the nature of the global power structure. On the other hand, India views that the U.S. policy of allowing ownership of nuclear power to a “manageable number of countries including itself” is “an attempt to retain its dominant place in the international system and to shape the international order in a way which suited its interests.”

The post-Cold War world system as perceived by the U.S. is a nuclear free world where weapons of mass destruction should not proliferate beyond the five declared nuclear powers who have a high stake in the present nuclear order as it affects their ability to supply strategic materials (conventional as well as nuclear), their command over markets and resources, which in fact affect their growth and prosperity. Both China and the United States are part of the P-5 countries. The nuclear tests conducted by India in 1998


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threatened U.S. interests and fuelled American fears of the possibility of an arms race destabilising the Indian subcontinent.\(^\text{32}\) On November 12, 1998, Strobe Talbott said at the Brookings Institute that the U.S. remained committed to the "common position of the P5 and G8 and will not concede that India and Pakistan have established themselves as nuclear weapon states under the NPT. Until and unless they disavow nuclear weapons and accept safeguards on all their nuclear activities, they will continue to forfeit the full recognition and benefits that accrue to members in good standing of the NPT."\(^33\) He also reiterated U.S. demand on the implementation of five steps which are: signature on the CTBT, suspension of production of fissile material, non-deployment of missiles, restraint on nuclear exports and Indo-Pak bilateral dialogue. But there was no breakthrough on any of these issues even after the eighth round of the Talbott-Singh talks. India insisted on the complete "elimination of nuclear weapons" and viewed the present nuclear non-proliferation regime as a creation of the United States and one that has been forced on others through coercion and pressure. The sanctions imposed by the United States against India are evidence of its pressure tactics.\(^34\)

On the other hand, despite evidence of China assisting Pakistan to develop its nuclear and missile capabilities the United States have taken only limited action against China.\(^35\) In 1992, China, during the Bush administration, promised to abide by the MTCR and acceded to the NPT. During the Clinton administration, China signed the Chemical Weapons Convention (1993), the CTBT (1996); and joined the Zangger Committee of

\(^{32}\) Ibid.
\(^{33}\) Ibid.
\(^{34}\) Ibid.
\(^{35}\) "China’s Nuclear Exports and Assistance to Pakistan," Monterey, CA: Centre for Non-Proliferation Studies, August 1999.

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NPT exporters (1997) but not the more restrictive Nuclear Suppliers Group. Critics however pointed out that for years, reputable sources had reported that China had been selling technology for weapons of mass destruction and ballistic missiles in the international market, primarily to Pakistan, the Middle East (Iran, Libya) and North Korea. For example, in 1993, a CIA report concluded that China had shipped 34 M-11 ballistic missiles to Pakistan.\(^{36}\) In a similar incident in 1996, the CIA informed the President of a Chinese shipment of magnets used to make bomb-grade uranium to Pakistan.\(^{37}\) Although in May 1996, China publicly declared that it would not assist unsafeguarded nuclear facilities, intelligence intercepts published by *Washington Times* reporter Bill Gertz suggested that only months after that declaration the Chinese, through the China Nuclear Energy Industry Corporation, were still making deals with the Pakistanis although it remains unclear whether the transactions were completed.\(^{38}\) However, in 1997 the Clinton administration certified that Beijing's nuclear policies complied with Congressional non-proliferation requirements. Pressure from the U.S. nuclear energy complex was an important element in the decision. According to the 1997 certification, "we have no direct evidence that China has transferred equipment or material to Pakistan's unsafeguarded nuclear program since that time, and we have no basis for concluding that China is not honoring its pledge."\(^{39}\) That China's aid to Pakistan had the most negative consequences became evident in May 1998, when both India and Pakistan held nuclear weapons tests and more recently with more and more disclosures


on Pakistan's role as a super-proliferator. The Clinton administration only imposed limited sanctions on China for transfers of the M-11 missile to Pakistan alleged to have occurred in 1992 and more recent evidence that Beijing is continuing assistance to Islamabad's ballistic missile programme.\textsuperscript{40}

However, the Bush administration has been more ready to accommodate India's nuclear aspirations as is evident from the March 2006 nuclear deal. It sees India as a strategic partner in its war against terrorism. Many analysts see a stronger U.S. relationship with India as part of a longer-term effort to check China's influence in Asia while they say India is seeking a closer relationship with the United States both to improve its regional standing and to bolster its security position against China and Pakistan. According to Sumit Ganguly, the Rabindranath Tagore professor of Indian cultures and civilizations at the University of Indiana, Bloomington, India suffers from "status anxiety" in relation to its northern neighbour, and is "constantly peering over the Himalayas at China, trying to catch up." China began its economic reforms nearly a decade before India did and its per capita income is now nearly three times India's, he says. Beijing also enjoys greater world standing—including UN Security Council membership and a prominent role as a political power broker in situations like the North Korean nuclear issue—which some in India covet.\textsuperscript{41}

\textsuperscript{40} Esther Pan, \textit{India, China and the United States: A Delicate Balance}, (New York: Council on Foreign Relations, February 27, 2006).

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Taiwan

The political status of Taiwan constitutes the single most sensitive issue in China-U.S. relations. The PRC claims Taiwan to be part of its sovereign territory and the Chinese Communist Party has consistently declared that reunification is a central goal. Taiwan’s government was controlled after 1949 by the defeated forces of the Kuomintang regime, which for many years declared itself to be the legitimate government for all of China. However, political change and democratisation in Taiwan since the 1980s have produced a situation where the Taiwan government no longer claims to govern China but instead declares Taiwan to be a distinct entity which has not asserted its "de jure" independence from China but does not accept China’s right to alter by coercion the existing situation of "de facto" independence. From 1949 to 1971, the U.S. did not recognize Communist China as a sovereign country. The United States extended its support to the Nationalist government of Taiwan under Chiang-Kai-shek. However, from 1972 onwards, when the U.S. took initiative to improve relations with China, it more or less accepted China’s position on Taiwan although it did keep the military option open as a deterrent to mainland China’s expansionist impulses. From 1972 onwards, the U.S. has maintained a ‘one China’ policy and has opposed any unilateral move by Taiwan towards independence, while also rejecting any Chinese attempt at coercive reunification. The U.S. government maintains a non-official relationship with Taiwan and under the Taiwan Relations Act of 1979 is authorised to supply Taiwan with weapons of a defensive nature. China for its part has expressed concern at the continuing level of U.S. support

for Taiwan (including assistance for Taiwan’s recent bid to gain membership of the World Health Organisation and U.S. arms sales to Taiwan). However, it has been successful in restricting American involvement and support with Taiwan’s bid for political independence. In comments in Beijing during his visit in October 2004, U.S. Secretary of State Colin Powell said that, ‘Taiwan is not independent’ and ‘does not enjoy sovereignty as a nation’. He affirmed the U.S. desire that the two sides should pursue dialogue leading to a ‘peaceful resolution.’43

Tibet

Not until the Cold War did Tibet become of interest to the U.S. government, which initiated secret talks with Tibetan dissidents in 1950 on the premise that Tibetans were fighting communism, not Chinese rule. China’s suppression of a 1959 revolt forced the Dalai Lama and 50-60,000 Tibetans into exile. Beijing then subjected the TAR to political and social integration, ending Lhasa’s autonomous rule. During the Cultural Revolution, the Red Guards, both Chinese and Tibetan, engaged in wholesale destruction of almost every religious building in Tibet, paralleling antireligious campaigns throughout China. From exile, the Dalai Lama oversaw refugee resettlement and guerrilla warfare—although he officially renounced all violence. CIA support encouraged insurgent Tibetans to continue their war for independence, but the CIA was more interested in harassing communist China than in promoting Tibetan independence.44 After 1971 U.S. interest in Tibet waned as relations with China warmed, but mounting

pressure from the Tibet Lobby complicated the policy environment. In the late 1980s, the Tibet Lobby found a receptive hearing with the U.S. Congress, whose members were angry at China over nuclear proliferation, trade imbalances, prison labour, and human rights. Hearings were held, and amendments were added to bills condemning “human rights violations” and calling Tibet an “occupied country.” In September 1987, when the Dalai Lama was in the U.S. promoting the Tibet Lobby, the first demonstrations in three decades broke out in Lhasa. Undoubtedly expressions of U.S. “support” helped spur on the demonstrators, as Tibetans wrongly interpreted congressional testimony and nonbinding congressional resolutions as evidence of a changing U.S. policy. But official U.S. policy remained unaltered. Pursuant to its early alliance with the Nationalists/Taiwan and to its subsequent relations with Beijing, Washington never recognized Tibetan independence (or the Dalai Lama’s “government-in-exile,” despite covert CIA support). Washington’s failure to articulate a consistent and definitive policy has displeased all sides: anti-China politicians, the Tibet Lobby, and the Chinese. Moreover, Washington’s ambivalence and equivocations have proved harmful to resident Tibetans.

U.S. public diplomacy has skirted the independence issue, focusing on criticism of human rights abuses. Yet recent concessions and overtures to the Tibet Lobby are seen as evidence by CCP hard-line factions that Washington’s ultimate goal is to fracture China. Such initiatives as the establishment of Radio Free Asia (RFA), the 1998 appointment of a special coordinator for Tibet (a State Department employee who works part-time on Tibet and whom China will never allow into Tibet or to play any role in Chinese-Tibetan

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45 Ibid.  
46 Ibid.
affairs), and invitations to the Dalai Lama to visit the White House have served to strengthen the anti-Dalai Lama, anti-U.S. positions of the hard-line CCP faction. The events of the past decade have demonstrated that public diplomacy, international hoopla, and the involvement of the world’s governments, especially the United States, have worsened conditions for resident Tibetans. More realistic policies can help bring about a peaceful resolution of the Tibet issue, which is in the interests, and to the benefit, of Tibetans, Chinese, and, ultimately, the whole world.  

The Clinton administration’s China policy has seen substantial policy shifts and reversals over its term leading to an ostensibly unstable relationship with the PRC and undermined American credibility in the region. Issues such as weapons proliferation, human rights, and Taiwan continued to be roadblocks in forging closer ties, although China’s economic power enabled it to negotiate with the U.S. on equal terms. At the end of Clinton’s term in the White House, the trade deficit with China was greater than ever; the Taiwan Strait remained volatile; progress on human and religious rights and democracy in China stagnated if not regressed; the PRC did not discontinue its covert weapons proliferation to countries like Pakistan, Iran, North Korea and Libya; and China became involved in an unprecedented conventional and strategic military buildup which may portend a regional arms race.

Kashmir

In order to understand U.S. policy in South Asia, it is important to understand its policy toward Kashmir. Kashmir was always secondary to the U.S. and was seen as part of

47 Ibid.
larger security concerns such as containment of Communism, nuclear proliferation and
terrorism. In the last 50 years, the United States applied different labels to the Kashmir
issue from 'self-determination' to 'aspiration of the Kashmiri people' to being 'a nuclear
flash-point' endangering international security. The constantly changing stand of the
United States is reflective of the fact that the United States stand on the Kashmir issue is
dependent on the tenor of India-United States relations and the strategic utility of
Pakistan for any intended United States strategic moves in South West Asia.

The United States at the inception of the dispute and conflict over Kashmir between India
and Pakistan had asserted the legality of Kashmir's accession to India. However, the
assertion was made before Cold War politics could take root in the Indian sub-continent
and before Pakistan became an accomplice of U.S. strategic designs. Henceforth,
America's stand on Kashmir kept changing in direct response to India's stances and
attitudes on international issues. The more important factors that came into play, singly or
in combination were the Cold War enlistment of Pakistan as a strategic ally for
containment of the former Soviet Union and India's policy of non-alignment which
became an anathema for the United States. The U.S. support for Pakistan remained firm
and the State Department's attitude is best illustrated in an official communique that
appeared in newspapers February 27, 1972, when Richard Nixon was President. The
statement followed the United States-China conference held in Peking that month, and
the U.S. position was the same – that India and Pakistan should withdraw their troops to
their own side of the ceasefire line, and that the people of Southeast Asia should be
allowed to shape their own destiny, free of military threat. India's government interpreted
the communique to mean that the U.S. still supported the right of the people of Kashmir.
to a plebiscite. Indian officials pointed out that Pakistan had never withdrawn its tribesmen or regular troops from Kashmir, which was required in preparation for the voting. This vital point is ignored still today in media coverage of the Kashmir issue.\(^4^8\) The issue remained unresolved, and when President Ronald Reagan declared that the United States would support anti-Communist "freedom fighters" everywhere, including Afghanistan, and when his administration began delivering arms to Afghanistan guerrillas fighting the Soviet Union, India objected. From India's point of view the weapons could be used against India in Kashmir. The Reagan administration imposed sanctions against India's nuclear weapons policy, restricting export of items that could be used for missile development or "dual-use technologies."\(^4^9\) Thus, before the end of Cold War the Americans were supportive of Pakistan on several issues including Kashmir as India's non aligned policy was interpreted as tilting towards the Soviet Union.

The election of Bill Clinton as President in 1992, produced expectations that better relations between India and the U.S. would be forthcoming. Yet, rapprochement was stillborn for the first two years of the Clinton administration when it started criticizing the country's human rights record in the Punjab and Kashmir. Ironically the creation of a South Asia Bureau proved detrimental to Indo-American relations. Washington's emphasis on human rights issues was counterproductive in the case of India. The Clinton administration, focussed mainly on the issue of non-proliferation and promoting human rights, viewed Kashmir as a major trouble spot. He equated Kashmir with Bosnia in his speech to the U.N. General Assembly in 1992 and in September 1993, referred to


\(^{4^9}\) Ibid.
Kashmir as a major trouble spot. He also said that his country shared Pakistan's concern about human rights abuses in Kashmir. India was understandably displeased with such a statement and the Indian foreign office issued a statement saying, "it is unfortunate that the US President has made common cause with Pakistan in his remarks on human rights in Jammu and Kashmir and has failed to take into account the proven role of Pakistan as a sponsor of terrorism." In March 1994, Assistant Secretary of State, Robin Raphael issued a controversial statement criticizing India for the excesses in Kashmir as well as questioning the legal validity of Kashmir's accession to India. The reason behind the Clinton administration's stance on Kashmir lies in India's refusal to join the American nuclear non-proliferation regime. In the meantime, one of the effects of economic liberalization was that India became a far more attractive investment destination and export market than it was before. The economic attraction of India proved to be a lever by which it could limit Western human rights accusations and defend its sovereignty. Clinton therefore did not hesitate to ally India's misgivings about American tilt toward Pakistan. The appointment of Frank Wisner as new ambassador in New Delhi in July 1994 was seen as an attempt to make amends. Wisner stated that the Kashmir problem could only be solved through 'negotiations between Pakistan and India taking into account the attitude and wishes of all the people of Jammu and Kashmir.' The U.S. Secretary of State Warren Christopher stated that India's willingness to hold elections in Jammu and Kashmir was an important step towards the resolution of the conflict. In 1994, India also won a diplomatic victory over Pakistan in the United Nations Human

Rights Commission in Geneva. Pakistan had planned to introduce a resolution critical of the Indian human rights record in Kashmir. However, Iran and China pressurized Pakistan to withdraw such a resolution. The 1994 Human Rights Commission meeting did pass a resolution condemning international terrorism, with leadership coming from India. Accusing Pakistan of sponsoring terrorism in Kashmir and other regions in India, the Indian government has sought to isolate Pakistan on the issue of international terrorism.

The most significant event concerning Kashmir during Clinton’s second term was the Kargil crisis which erupted in May 1999. However, unlike in the past, the United States, adopted the unequivocal position that the sanctity of the Line of Control had to be respected and indeed restored. President Clinton and his National Security Adviser, Sandy Berger, delivered this message with considerable force when Prime Minister Nawaz Sharif visited Washington, D.C. on 4 July 1999 in an attempt to seek American mediation to end the crisis. This was, in effect, the first time in fifty years that the United States had sided with India against Pakistan ‘openly and firmly’. Possibly, the “tilt” of Nixon towards Pakistan in 1971 was finally rectified when Clinton sided with India on the Kargil issue. The American willingness during this crisis to adopt an unwavering position, favourable to India, opened the pathway to a new, more cordial Indo-U.S. relationship. It received a further boost with the election of President George W. Bush. Unlike the Clinton administration, which had hamstrung relations with India

54 Stephen Philip Cohen, The United States and South Asia: Core Interests and Policies and their Impact on Regional Countries, paper presented to the Conference on Major Powers and South Asia, 11–13 August, 2003 at the Institute for Regional Studies, Islamabad, Pakistan (revised for publication on 1 October 2003), pp. 3.
over its differences on the non-proliferation question, the Bush administration adopted a
more pragmatic approach to the same subject. It chose to significantly broaden the scope
of Indo-U.S. ties despite India's unyielding position on the nuclear question. This shift
also made it possible for New Delhi to warmly respond to various American strategic
initiatives, including an end to the anti-ballistic missile treaty of 1972.55

In the aftermath of the tragic events of September 11 the American decision to seek
Pakistan's assistance to prosecute a war against the Al Qaeda and the Taliban could have
brought to a close this cordial trend in Indo-U.S. relations. Adroit diplomacy on the part
of both capitals prevented such an infelicitous outcome. India, while understandably
miffed with the U.S. decision to publicly court and lionize General Musharraf,
nevertheless avoided needless pique with the United States. Instead, India's foreign
policy establishment quite dexterously emphasized its own trials and tribulations with
terror and sought to link them to America's global concerns. This endeavour, of course,
gathered considerably greater force and significance in the wake of the terrorist attack on
India's Parliament on 14 December 2001. The United States, while sympathetic to India's
plight, nevertheless proved unwilling to press the Pakistani military dictatorship to desist
from its support to the Kashmiri militants. The American reluctance to forthrightly
upbraid Musharraf has stemmed in large measure from the necessity to elicit his
cooperation in prosecuting the war against the remnants of the Al Qaeda and the
Taliban.56

56 Ibid.
The Indian state has viewed Western and Islamic accusations of human rights violations in the context of the international strategies of the militant organizations and Pakistan. Indians, inside and outside the government, have viewed international organizations, human rights NGOs, and foreign governments less as sincere adjudicators of human rights accusations than as objects of political struggle and as politically motivated actors. The Clinton administration used various pressure tactics to coerce India to fall in line with its non-proliferation agenda – first by invoking human rights violations and second by advancing the myth of Kashmir as a “nuclear flashpoint.” However, India's policies of economic globalization have played a key role in limiting U.S. accusatory diplomacy against India. Indiana Republican Congressman Dan Burton, who is on the right wing of his party, introduced a bill every year from 1993 to cut U.S. aid to India on the grounds of human rights violations in Punjab. In 1995, his bill lost by only 19 votes, whereas by 1997 the margin of defeat had broadened to 260 votes, mainly owing to pro-India lobbying by US corporations.

The Path Ahead

Any improvement in India-United States relations will largely revolve around the ability and the motivation of the policy makers in both Washington and New Delhi to make a break with the turbulent past. In the changed international scenario, the key to conducting diplomacy for both the countries is to engage in a dialogue, even when there appears to be no meeting ground. Delinking trade from security issues in India-U.S. relations has

never been an easy proposition. Rather the endeavour should be to strike the right balance between economic and security issues.\textsuperscript{59}

China commands greater interest in the U.S. than India because of its military and economic importance in the world. Therefore, shaping and managing the U.S. relationship with China is one of the principal foreign policy challenges facing the United States for the foreseeable future. Indeed, if the U.S.-Soviet relationship was critical to the history of the second half of the twentieth century, it is quite possible the relationship between the United States and China will, more than any other foreign tie, define international affairs in the first half of the next century. More generally, the United States has a clear interest in seeing the emergence of a China that is prepared to act with restraint, both beyond its borders and toward its own citizens. However, it is not clear what role human rights would play in Sino-U.S. relations. Although China engages in a wide range of severe and systematic abuses, and Chinese human rights activists and political reformers keep the issue prominent, it is a major focus of U.S. commercial and strategic interests. Therefore, the U.S. has not used its economic clout to force China to reform its human rights policies. Recently, there is a strong awareness from the U.S. side of China as an emerging competitor for everything from international markets to energy resources to military primacy. Some experts suspect the United States is cultivating a closer relationship with India to contain China, which is the reason that Bush signed the recent nuclear deal with India.\textsuperscript{60}


\textsuperscript{60} Esther Pan, \textit{India, China and the United States: A Delicate Balance}, (New York: Council on Foreign Relations, February 27, 2006).
Human rights have a greater prominence in the contemporary foreign policy of more states than at any other time in the past. But, while international human rights are working their way up the foreign policy agendas of a growing number of states, in few if any have they come even close to the top. Although the U.S. has used the rhetoric of human rights in its foreign policy to pressurize certain countries to follow American diktats, more often than not, its transparent selectivity has undermined any real efforts to bring about changes in the human rights practices of other countries. Therefore, the U.S. needs to develop a human rights policy that addresses the major failings of its current approach: the selectivity that exempts the foreign policies of allies or strategically important countries from scrutiny or rebuke, and the exceptionalism that demands U.S. exemption from international standards and accountability.\textsuperscript{61}