CHAPTER 1
INTRODUCTION

There has been a significant paradigm shift in the 20th century regarding the issue of human rights. Today, through the United Nations (U.N.) and its half century of enactments, an impressive body of human rights doctrine is embodied in international law. Due to the revival of human rights on a massive scale, the last century has rightly been termed the "age of rights."1 The idea of human rights has indeed become "the new criterion of political legitimacy."2 The fulfillment of human rights has become, as John Rawls puts it, "the necessary condition of a regime’s legitimacy."3 To speak of human rights, one needs to have a conception of what rights one possesses by virtue of being human. That does not mean human rights in the self-evident sense that those who have them are human, but rather, the rights that human beings have simply because they are human beings and independent of their varying social circumstances and degrees of merit.

PHILOSOPHIC FOUNDATIONS OF HUMAN RIGHTS

One of the initial questions in any philosophic inquiry is what is meant by human rights. However, it is not easy to define the term human rights. Certainly "rights" is a chameleon-like term that can describe a variety of legal relationships. Sometimes "right"

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is used in its strict sense of the right holder being entitled to something with a correlative
duty in another. Sometimes "right" is used to indicate immunity from having a legal
status altered. Sometimes it indicates a privilege to do something. Sometimes it refers to a
power to create a legal relationship. Although all of these terms have been identified as
rights, each invokes different protections. 4

The origin of mainstream human rights ideas are generally traced back to ancient Greece
and Rome where it was closely tied to the doctrines of the Stoics. The Stoics held that
human conduct should be judged according to, and brought into harmony with, the law of
nature. In part because Stoicism played a key role in its formation and spread, Roman law
similarly allowed for the existence of a natural law and with it—pursuant to the jus
gentium (law of nations)—certain universal rights that extended beyond the rights of
citizenship. 5 It was not until after the Middle Ages, however, that natural law became
associated with natural rights. In Greco-Roman and medieval times, doctrines of natural
law concerned mainly the duties, rather than the rights, of "Man." Moreover, as
evidenced in the writings of Aristotle and St. Thomas Aquinas, these doctrines gave
legitimacy to the doctrines of slavery and serfdom.

For the idea of human rights qua natural rights to gain popularity, therefore, certain basic
societal changes were necessary. The changes began with the decline of European
feudalism from about the 13th century and continued through the Renaissance to the
Peace of Westphalia (1648). During this period, resistance to religious intolerance and

political and economic bondage; the evident failure of rulers to meet their obligations under natural law; and the unprecedented commitment to individual expression and worldly experience that was characteristic of the Renaissance all combined to shift the conception of natural law from duties to rights. The teachings of Aquinas and Hugo Grotius on the European continent, the Magna Carta (1215), the Petition of Right of 1628, and the English Bill of Rights (1689) in England, were proof of this change. Each testified to the increasingly popular view that human beings are endowed with certain eternal and inalienable rights that never were renounced when humankind “contracted” to enter the social from the primitive state and never diminished by the claim of the “divine right of kings.”

Natural law implying natural rights was expounded primarily by the thinkers of the 17th and 18th century. The intellectual achievements of the 17th century (including the materialism of Hobbes, the rationalism of Descartes and Leibniz, the pantheism of Spinoza, and the empiricism of Bacon and Locke) encouraged a belief in natural law and universal order. During the 18th century, the so-called Age of Enlightenment, a growing confidence in human reason and in the perfectibility of human affairs led to the more comprehensive expression of this belief. Particularly important were the writings of John Locke, arguably the most important natural-law theorist of modern times, and the works of the 18th-century philosophers centred mainly in Paris, including Montesquieu, Voltaire, and Jean-Jacques Rousseau.

Locke, who is regarded as the father of modern Western concept of human rights argued that certain rights self-evidently pertain to individuals as human beings (because these rights existed in “the state of nature” before humankind entered civil society); that chief

6 Ibid.
among them are the rights to life, liberty (freedom from arbitrary rule), and property. Upon entering civil society, humankind surrendered to the state—pursuant to a “social contract”—only the right to enforce these natural rights and not the rights themselves; and that the state’s failure to secure these rights gives rise to a right to responsible, popular revolution. The philosophers, building on Locke and others and embracing many and varied currents of thought with a common supreme faith in reason, vigorously attacked religious and scientific dogmatism, intolerance, censorship, and social and economic restraints. They sought to discover and act upon universally valid principles governing nature, humanity, and society, including the inalienable “rights of Man,” which they treated as a fundamental ethical and social gospel. Not surprisingly, this liberal intellectual ferment exerted a profound influence in the Western world of the late 18th and early 19th centuries. Together with the Revolution of 1688 in England and the resulting Bill of Rights, it provided the rationale for the wave of revolutionary agitation that swept the West, most notably in North America and France.\(^7\)

However, natural rights had many detractors from both the Right and the Left. In England, for example, conservative political thinkers such as Edmund Burke and David Hume united with liberals such as Jeremy Bentham to condemn the doctrine, the former out of fear that public affirmation of natural rights would lead to social upheaval, the latter out of concern lest declarations and proclamations of natural rights substitute for effective legislation. This assault upon natural law and natural rights intensified and broadened during the 19\(^{th}\) and early 20\(^{th}\) centuries. John Stuart Mill, despite his vigorous defense of liberty, proclaimed that rights ultimately are founded on utility. The German

\(^7\) Ibid.
jurist Friedrich Karl von Savigny, England's Sir Henry Maine, and other "historicalist" legal thinkers emphasized that rights are a function of cultural and environmental variables unique to particular communities. By World War I, there were scarcely any theorists who would defend the "rights of Man" along the lines of natural law. Although the heyday of natural rights proved short, the idea of rights nonetheless endured. The abolition of slavery, the implementation of factory legislation, the rise of popular education and trade unionism, the universal suffrage movement—these and other examples of 19th-century reformist movements offer ample evidence that the idea was not to be extinguished, even if its a priori derivation had become a matter of general scepticism.

Prior to World War II, there existed no international human rights law binding on nation states. Two social movements were, however, important antecedents to the current human rights regime. The first was the movement to abolish slavery and the slave trade, which began in Britain in the 18th century. The movement gave birth to the Anti-Slavery society whose lobbying culminated in the first anti-slavery treatise. The second was the Red Cross movement, which originated during the Crimean War. In the period between the World Wars, there were other significant efforts like the offer of protection to individuals by means of the "minorities treatise". Economic and social rights began to receive international recognition with the founding of the International Labour Oragnization (ILO) in 1919. However, it was not until the rise and fall of Nazi Germany that the idea of human rights truly came into its own. Many of the gruesome atrocities committed by the Nazi regime had been officially authorized by Nazi laws and decrees, and this fact
convinced many that law and morality cannot be grounded in any purely Idealist or
Utilitarian or other consequentialist doctrine. Certain actions, according to this view, are
absolutely wrong, no matter what the circumstances; human beings are entitled to simple
respect, at least. Non Governmental Organizations (NGO) began pressurizing states to
lay the conceptual and legal foundations for international human rights law.

The U.N., initially conceived narrowly as a security agency, emerged from the San
Francisco Conference in 1945 as: "An organization concerned with justice, international
law, trusteeship for dependent peoples; education, human rights and the economic and
social well-being of peoples everywhere."*8

The name "United Nations", coined by United States President Franklin D. Roosevelt,
was first used in the "Declaration by United Nations" of 1 January 1942, during the
Second World War, when representatives of 26 nations pledged their governments to
continue fighting together against the Axis Powers. In 1945, representatives of 50
countries met in San Francisco at the United Nations Conference on International
Organization to draw up the U.N. Charter. Those delegates deliberated on the basis of
proposals worked out by the representatives of China, the Soviet Union, the United
Kingdom and the United States at Dumbarton Oaks, United States in August-October
1944. The Charter was signed on 26 June 1945 by the representatives of the 50 countries.
Poland, which was not represented at the Conference, signed it later and became one of
the original 51 Member States. The United Nations officially came into existence on 24
October 1945, when the Charter had been ratified by China, France, the Soviet Union, the

* Ibid.
United Kingdom, the U.S. and by a majority of other signatories. The first stage in the evolution of human rights law began with the entry into force of the U.N. Charter and continued through the adoption in 1966 of the International Covenants on Human Rights. By this time, the Universal Declaration of Human Rights had been adopted by the United Nations, as had the Genocide Convention and the Convention on the Elimination of All Forms of Racial Discrimination, to mention only the principal human rights instruments. During this same period, the European Convention on Human Rights entered into force; the Organization of American States (OAS) proclaimed the American Declaration on the Rights and Duties of Man; and United Nations Education, Scientific, and Cultural Organization (UNESCO) and the ILO, respectively, promulgated the Convention against Discrimination in Education and the Convention Concerning Discrimination in Respect of Employment and Occupation.

The human rights provisions of the Charter and other human rights instruments came to be accepted as defining the basic human rights obligations that the member states of the U.N. had accepted by ratifying the Charter. That is to say, while some states still argued in the early days of the United Nations that the Charter imposed no human rights obligations whatsoever on them, that view was no longer tenable by the end of the 1960s. Second, once it was acknowledged that the Charter, a multilateral treaty, had created some human rights obligations for the member states, it followed as a matter of international law that human rights had, to that extent, been internationalized and removed from the protective domain of a subject that previously was essentially within

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their domestic jurisdiction. On 10 December, 1948, the U.N. adopted the Universal Declaration of Human Rights (UDHR). The UDHR proclaimed as “a common standard of achievement for all peoples and all nations”, addressed itself to the rights of individuals “to life, liberty and security of persons” as well as to their civil and political, economic, social and cultural rights. However, because the Western and the Socialist states had different ideas about the importance of civil and political rights on the one hand and economic, social and cultural rights on the other, three separate instruments emerged. They were: the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the latter Covenant, whereby any state that becomes party to the Protocol recognizes the competence of the Human Rights Committee (created to monitor the Covenant) to receive and consider “communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant”. Another 10 years passed before these three instruments garnered sufficient ratifications to enter into force in 1976.

Notwithstanding the lofty sounding ideals of the United Nations, states continued violating basic rights with impunity because of the lack of political will among nations to hold themselves and each other accountable to international standards. Throughout the 1970s and for much of the 1980s, an important consequence of this lack of commitment was the unwillingness of governments to monitor and to speak out against human rights violations of other governments, unless there was a specific ideological, economic or

11 Although Article 2(7) of the Charter, which deals with non-intervention in matters that are essentially within the domestic jurisdiction of states, was frequently invoked in the early days of the UN by some states seeking to limit UN discussion of human rights cases, this provision has gradually faded away as a major obstacle to UN consideration of human rights issues.
military advantage to doing so. As Felice Gaer, Director, Jacob Blaustein Institute for the Advancement of Human Rights points out: "Early subjects of scrutiny were comparatively small countries, often reflecting the Cold War ideological divide, with each side sponsoring criticism of some countries and shielding their own."\textsuperscript{12}

As a result of pressure from human rights NGOs, in the late 1970s, states reluctantly moved from promotion of human rights and a concentration on the drafting of international instruments and standards, to the protection of human rights, with an emphasis on implementation and enforcement. By the 1980s, the human rights situation played a large role in how various actors evaluated the situation in such places as Iran, the Philippines, Nicaragua, Panama, China and throughout the Soviet Union and the Eastern Europe. To recognize this increased importance of human rights is not to suggest that human rights became the only consideration. Strategic and economic considerations continued to play a very large role in international relations.\textsuperscript{13} The 1970s and 1980s also saw the emergence and consolidation of universal and regional treaty-based institutions for the protection of human rights. In the mid to late 1970s the U.N. Human Rights Committee and the Committee on the Elimination of Racial Discrimination (CERD) came into being with the entry into force of the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. The entry into force in 1978 of the American Convention on Human Rights brought with it the establishment of the Inter-American Commission and Court of Human Rights. Although the European Convention of Human Rights came into


\textsuperscript{13} Ibid.
effect as early as 1953, it was not until the late 1960s and early 1970s that the institutions it created, particularly the Court, began to play an important role in the implementation of the Convention. In 1978, moreover, UNESCO adopted a special mechanism for dealing with human rights violations falling within its sphere of competence. ILO institutions for dealing with human rights issues predate those referred to above, whereas those established under the African Charter on Human and Peoples' Rights did not come into being until after the entry into force of that instrument in 1986. The establishment of these and related institutions also contributed to the emergence of nongovernmental human rights organizations and laid the basis for their growing significance. Although some of these groups existed much earlier, their number and strength, and their activism begin in this period.14

The end of the Cold War saw many erstwhile Communist nations in Eastern Europe as well as the former Soviet Union embarking on a process of democratic transformation. More importantly, it liberated international efforts to promote human rights from the debilitating ideological conflicts and political sloganeering of the past. These developments have enabled the U.N. to focus increasingly on obstacles to the implementation of human rights, which is reflected in part in the text of the 1993 Vienna Declaration on Human Rights.15 While the Declaration does not come up with solutions to the many intractable problems facing the international community in this field, it identifies them and in the process demonstrates that there are few, if any, human rights

issues today that are not of international concern. The catalogue embraces civil and political rights, economic, social and cultural rights, the right to development, the rights of refugees and internally displaced persons, humanitarian law issues, the rights of minorities and of indigenous peoples, the rights of women, the rights of the disabled and of children, etc. It is in this context that the statement in paragraph 4 of the Declaration that "the promotion and protection of all human rights is a legitimate concern of the international community", gains its true significance. Hence, it seems that the dividing line between domestic and international human rights issues is no more because its factual and legal basis has disappeared. More importantly, the international community is today free to say so.

HUMAN RIGHTS IN AMERICAN FOREIGN POLICY

The U.S. foreign policy from 1945 through the end of the 1980s was dominated by anti-communism. Even during the “liberal” Democratic presidencies of Truman, Kennedy, Johnson and Carter, fear of communism was an overriding concern. While the U.S. pictures itself as the leader of the free world and city on a hill to be emulated by other, U.S. multilateral diplomacy has been far from the forefront of efforts to create international regimes on human rights. Historically, the U.S. proclivity has been to locate human rights abuses elsewhere rather than into its own past and present. Although the American Declaration of Independence, adopted unanimously in 1776, inspired many national and international rights instruments adopted since then, its history includes the

near annihilation of a native population, profit from institutional slavery, harsh exploitation of natural resources and human labour, the use of atomic bomb, and intervention in other states' affairs via covert Central Intelligence Agency and overt military and economic actions.

The United States' engagement with human rights has contributed to a growing body of international legal human rights standards and instruments. But as the U.S. government itself has generally abstained from ratifying international human rights covenants, its participatory role has been minimal. Although the U.S. had agreed to some mention of human rights in the U.N. Charter, the first era of U.S. foreign policy on human rights should be labeled as one of limited support only.

**Extension of Limited Support to Human Rights**

Harry S. Truman took the oath of office on April 12, 1945, upon the death of President Roosevelt. Seeking to carry out Roosevelt's policies, Truman brought to fruition the plans for the unconditional surrender of Germany, which came on May 8, 1945, and the establishment of the U.N. However, he made the decision to use atomic bombs against Japan, which also brought the 2nd World War to an end on August 14, 1945. The written order for the use of the atomic bomb against Japanese cities made no mention of targeting military objectives or sparing civilians. The cities themselves were the targets. The order was also open-ended: "additional bombs" could be dropped "as soon as made ready by
the project staff." Some revisionist scholars argue that Truman used the bomb to influence the Russians and keep them out of peace settlements in the East rather than as a punishment of the Japanese for the bombing of Pearl Harbour and the atrocious treatment of American prisoners of war. However, the reasons for the bombings remain open to debate till the present. By August 1945, Truman had become more critical of the Russians than Roosevelt had been. The change in presidential behavior is explained chiefly by changes in the situation. As time passed in 1945, Russian efforts to dominate Eastern Europe became more obvious and alarming to American officials, and the need for Russian help, which had influenced Roosevelt so much, significantly declined as Germany and Japan were defeated and the U.N. was established.

President Truman appointed the former First Lady Eleanor Roosevelt as a special delegate to the U.N. in 1945. Mrs. Roosevelt was elected the Chairwoman of the United Nations Commission of Human Rights (UNHCR) and was instrumental in formulating the Universal Declaration of Human Rights, the Magna Carta for all humankind. She served as a delegate for six years, until she was almost 68 years old. To understand why the former first lady was sent as a delegate although she was neither a scholar nor an expert on international law, a brief history of her life is necessary. Even prior to her years in the White House as the wife of President Franklin D. Roosevelt, Eleanor Roosevelt was actively engaged in politics and advocacy on the local and national level. After Franklin Roosevelt's unsuccessful campaign for the vice presidency in 1920, Eleanor

17 Official Bombing Order, July 25, 1945, US National Archives, Record Group 77 Records of the Office of the Chief of Engineers, Manhattan Engineer District, TS Manhattan Project File '42 to '46, Folder 5B.
became active in the League of Women Voters. At the time of her marriage, she had opposed suffrage, thinking it inconsistent with women's proper role; now she coordinated the League's legislative programme, drafted laws providing equal representation for men and women, and worked with Esther Lape and Elizabeth Read on the League's lobbying activities. In 1922, she joined the Women's Trade Union League. In addition to working for maximum hour and minimum wage laws for women, she helped raise funds for WTUL headquarters in New York City.

By 1928, Eleanor Roosevelt had become a political leader in her own right. She headed up the national women's campaign for the Democratic Party in 1928, making sure that the party appealed to independent voters, to minorities, and to women. After Franklin Roosevelt's election as governor of New York, she was instrumental in securing Frances Perkin's appointment as the state's industrial commissioner. During the 1932 campaign which led to her husband's election to the presidency, Eleanor Roosevelt coordinated the activities of the Women's Division of the Democratic National Committee, working with Mary Dewson to mobilize thousands of women precinct workers. Mrs. Roosevelt's own political role was best seen in the 1936 re-election drive when she used the educational approach developed by the Women's Division in 1932 as a primary campaign weapon. More than 60,000 women precinct workers canvassed the electorate, and for the first time women received equal representation on the Democratic platform committee, an event described by the New York Times as "the biggest coup for women in years."19 She toured the country repeatedly, surveying conditions in the coal mines, visiting relief projects,

19 Eleanor Roosevelt, The Papers of Eleanor Roosevelt, 1933-1945, (Frederick, MD: University Publication of America, 1986), advisory editors, Susan Ware and William H. Chafe.
and speaking out for the human rights of the disadvantaged through her syndicated newspaper column "My Day," which first appeared in January 1936, and through radio programmes and lectures.

Mrs. Roosevelt was the Chairwoman of the United Nations Commission of Human Rights and instrumental in formulating the UDHR. Her role is however both overstated and under-appreciated. Eleanor Roosevelt's genius was a political one: during the critical early phases of the UDHR project, she steered the debate and moved it along. The modesty she projected was both charming and disarming, and her seemingly effortless exercise of political savvy--hosting quiet conversations, diplomatically limiting debate--provided necessary lubrication for the wheels and cogs of a newly invented international mechanism, the UN Commission on Human Rights. Without Eleanor Roosevelt's effort and attention, the UDHR project might not have come to fruition, and the ovation she received from the UN General Assembly was well-deserved. Eleanor Roosevelt, however, did not write any version of the UDHR. However, she and her State Department advisers were at great pains to emphasize its nonbinding and aspirational character. Fears of international scrutiny of American domestic and civil rights practices in the South and elsewhere loomed large in U.S. calculations. Several individuals substantially contributed not only to the shape of the UDHR, but to the process of seeing it through. Mrs. Roosevelt did make an effort to include different conceptions of human rights during the UDHR's composition. She remarked: "We

wanted as many nations as possible to accept the fact that men, for one reason or another, were born free and equal in dignity and rights, that they were endowed with reason and conscience, and should act toward one another in a spirit of brotherhood. The way to do that was to find words that everyone would accept.\textsuperscript{22}

The development which affected the Truman administration most markedly was the British government's official notice in February 1947 that it could no longer afford to supply military and economic aid to Greece and Turkey. These were key Mediterranean countries which the U.S.S.R. sought to bring into its orbit. In what became known as the Truman Doctrine, the President announced that the U.S. would give economic and military aid to the area. His March 12, 1947 speech to the Congress, specifically called for $400 million in aid to be delivered to Greece and Turkey, both of which he suspected were threatened by possible communist insurrections. President Truman declared: "It must be the policy of the U.S. to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures."\textsuperscript{23}

The sanction of aid to Greece and Turkey by a Republican Congress indicated the beginning of a long and enduring bipartisan cold war foreign policy. Truman's other momentous new steps that added up to a policy of "containment of communism", included the Marshall Plan, which used American economic resources to stimulate the recovery of European economies outside the Soviet sphere; the Berlin airlift, designed to maintain the Western presence in that city, which was surrounded by the Russian-

\textsuperscript{22} Eleanor Roosevelt (available at www.udhr.org/history/Biographies/bioer.htm).
occupied zone of Germany; and the North Atlantic Treaty Organization, the nation's first peacetime military alliance; and the Point Four program, which helped new nations develop economically.

Truman was elected for a second term in 1948. His brush with Asia, which had hitherto been considered of less importance than Western Europe and less capable of using American aid effectively, began in 1945 when he attempted to get the Chinese Nationalists and Communists to work together in one government. However, the policy failed and Chiang Kai-shek, the Nationalist leader, was driven from the mainland. The next crisis came on 25th June, 1950, when the North Korean People's Army crossed the 38th Parallel and invaded South Korea (Republic of Korea). The North Korean radio proclaimed that the South Korean army had tried to invade North Korea thus forcing the North Koreans to invade. In spite of military weaknesses, Truman decided to act boldly to repel the aggressors. First he won passage of a U.N. Security Council resolution recommending that member states furnish aid to South Korea. Truman then authorized U.S. military intervention by ordering the U.S. Air Force and U.S. Navy to assist South Korea. The decision to intervene militarily in Korea led to other American moves. One was protection for Chiang Kai-shek, who had retreated to Formosa. Another was increased support for the French in their battle against revolution in Southeast Asia. A third was a sharp increase in the size, cost, and complexity of American armed forces and in the number stationed in Europe. The administration also carried out plans for a peace treaty and an alliance with Japan. However, as the war progressed Truman disagreed with his commander in the Far East, General Douglas MacArthur. The general advocated

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an expansion of military operations so as to defeat the Chinese and unify Korea, but Truman feared that the general's suggestions would tie down American forces in Asia, give Russia new opportunities in Europe, and lead to a world war. When MacArthur publicly criticized administration policies, Truman removed him from command on April 11, 1951. The clash with MacArthur contributed to growing protests against the administration.

The Republicans, led by a popular military hero, Dwight D. Eisenhower returned to the White House in 1953. Eisenhower served two terms as President of the U.S., January 20, 1953 to January 20, 1961. President Eisenhower, who had suggested during his 1952 campaign that he could end the war in Korea, moved toward an agreement with the Communists. In doing so, he defied the wishes of John Foster Dulles, his Secretary of State, who remained opposed to ending the war as it could be construed as appeasing communism. South Korea's President Syngman Rhee was also opposed to a settlement and favoured using nuclear weapons. However, other allies protested the inflexible attitude of the Americans. An armistice agreement was signed on July 27, 1953, by which North Korea was to remain under Communist rule.²⁵ Recent reports have brought to light the incidences of rapes and murders, bombing accidents, environmental pollution, and other U.S. atrocities during the Korean War, such as the incident at No Gun Ri where, according to Associated Press stories, hundreds of Korean civilians were gunned down by U.S. troops.²⁶

In the domestic sphere, he had to contend with Senator Joseph R. McCarthy and his crusade to rout out communism in America. Matters came to a head in 1954 during the Army-McCarthy Hearings. In May 1954, he got into a confrontation with the U.S. Army and its secretary, Robert Stevens, and the famous hearings started soon after. President Eisenhower helped the Army, his former employer, mount an impressive counter-attack. After the hearings, McCarthy's witch hunting career ended. On December 2, 1954, the senate voted 67-22 to condemn him for "conduct contrary to Senatorial traditions." 27

Equation of Anti-Communism with Promotion of Human Rights

Following the Second World War, the U.S. witnessed the rise of civil rights movement in the 1950s and 60s. The movement had its genesis in the institutionalized slavery and brutal suppression perpetrated by the White Americans on the Black population, forcibly brought from Africa and used as slave labour, right from the inception of the U.S. Slavery was institutionalized by the Constitution of 1787 where the slaves had far limited rights than the White masters. The victory of the Yankees over the Confederate army during the Civil War of 1861-65 brought hope of better condition for the African-Americans. The Civil War Amendments to the Constitution (13th, 14th, and 15th) were passed between 1865 and 1870. They abolished slavery, gave all U.S. citizens equal protection of the law and granted the right to vote irrespective of 'race, color or previous condition of servitude'. However, the period immediately after the Civil War proved to be a false

dawn. African Americans did not achieve permanent political and civil equality. The 1896 Plessy versus Ferguson case enshrined segregation in the Constitution by accepting ‘separate but equal protection of the law’. Racist Jim Crow laws in the South and crippling discrimination in housing, employment, and education kept the African Americans in a position of servitude for almost another 100 years before the Civil Rights Movement swept the country.

However, the end of World War II and decolonization of developing nations brought a paradigm shift in the concepts of equality, liberty and rights. In the U.S., the federal government proved to be the major catalyst for change. The Supreme Court laid the legal foundations for a revolution in civil rights. Beginning with the 1938 case of Missouri ex rel. Gaines versus Canada, the court began to attack segregation. But it was not until the 1954 Brown versus the Board of Education case that segregation in education was declared unconstitutional. With the Brown II case of 1955, which demanded that the change be achieved ‘with all deliberate speed,’ the Supreme Court placed the legal and moral power of constitutional civil rights on the side of African Americans. But this decision was not actually implemented until 1969, when, in the Alexander versus the Holmes County Board of Education case, it was claimed that 14 years was too long to constitute ‘all deliberate speed’. From that date segregation was forced to end. In 1956, the Montgomery Improvement Association, led by Martin Luther King, brought an end to the segregation of buses in Alabama. In 1960, the Student Non-Violent Coordination Committee (SNCC) led ‘lunch counter protests’ against segregation, starting in the

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Woolworth's store in Greensboro, North Carolina. In 1961, the Congress of Racial Equality highlighted segregation on interstate buses by means of the 'freedom rides' across the Old South.²⁹

The Eisenhower administration presided over the formative years of the civil rights movement but he never publicly gave support to the civil rights movement. Rather than lead the country on the issue, he had to respond to problems such as in Little Rock when the Supreme Court declared segregation in public schools unconstitutional in May 1954. During his second term, although the President did not actively support the 1954 Brown decision, he was forced to act to prevent a major riot by sending in troops of the 101st Airborne Division to protect the nine black students who were trying to enroll at Central High School in Little Rock in 1957. But the ensuing media publicity of the event shocked him into coming out in support of the movement and he pushed through the 1957 Civil Rights Act. The act kick started the civil rights legislative programme that was to include the 1964 Civil Rights Act and the 1965 Voting Rights Act.³⁰

The Eisenhower doctrine in the sphere of foreign policy was marked by a strong ideological stance against Communism. Secretary of State John Foster Dulles, who favored a firm stand against communism, influenced the President in his foreign policy. The administration promised to assume the diplomatic offensive and thereby free oppressed peoples behind the "iron curtain." Reports of the excesses of the totalitarian regime under the guise of Communism in Russia gave impetus to the "new look" in

²⁹ Ibid.
³⁰ Ibid.
foreign policy, which involved an intensification of ideological confrontation and
pronouncement. The excesses like illegal arrests of dissidents, torture and formation of
Gulags (concentration camps) came to light after the publication of Alexander
Solzhenitsyn's award winning book. Like Truman, Eisenhower too perceived
Communism as a monolithic force struggling for world supremacy. He believed that
Moscow under leaders like Stalin, was trying to orchestrate worldwide revolution. In his
first inaugural address, he declared: “Forces of good and evil are massed and armed and
opposed as rarely before in history. Freedom is pitted against slavery, lightness against
the dark.”

In practice, however, Eisenhower deployed U.S. military forces with great caution,
resisting all suggestions to consider the use of nuclear weapons in Indochina, where the
French were ousted by Vietnamese communist forces in 1954, or in Taiwan, where the
U.S. pledged to defend the Nationalist Chinese regime against attack by the People's
Republic of China. In the Middle East, Eisenhower resisted the use of force when British
and French forces occupied the Suez Canal and Israel invaded the Sinai in 1956,
following Egypt's nationalization of the canal. Under heavy U.S. pressure, British, French
and Israeli forces withdrew from Egypt, which retained control of the canal. Moreover,
there was more rhetoric than action, notably in the case of Hungary's abortive revolt
against its Communist leaders. Although the President was successful in securing the
termination of the four-power occupation of Austria and the restoration of Austrian

31 Aleksandr I. Solzhenitsyn, The Gulag Archipelago: An Experiment in Literary Investigation 1918-1956,
32 Dwight D. Eisenhower, First Inaugural Address, January 20, 1953.
sovereignty in 1955, he however failed to mitigate the Cold War. Eisenhower also encountered increasing frustration after 1957 in his attempts to moderate the Cold War. After a left-wing revolution in Iraq, Eisenhower airlifted a marine detachment to Lebanon in 1958 to forestall a similar uprising there. The immediate crisis soon subsided, and the troops were withdrawn, but the American position in the Middle East continued to deteriorate. In the same year, Vice President Nixon was almost killed by a hostile mob in Caracas, Venezuela, during a goodwill tour. Anti-American feeling erupted still closer to home when the radical Fidel Castro seized power in Cuba. Eisenhower outwardly ignored Castro's increasingly strident attacks on the U.S. but was criticized for both provoking and tolerating them. Thus, the period between 1954 and 1961 is characterized by its neglect of human rights. The limited American support for internationally recognized human rights turned to outright neglect given Brickerism at home and Dullesism in foreign policy by 1953. Brickerism—a movement named after an Ohio senator who sought to limit presidential authority under treaties—caused the Eisenhower administration to eschew leadership on and participation in the development of formal human rights regimes. The Genocide Treaty languished in the Senate until 1986; the UN Covenants on Civil-Political and Social, Economic and Cultural Rights were not even submitted to the Senate until 1977. Dullesism, the moralistic preoccupation with the Soviet-led communism—named after Eisenhower's secretary of state, John Foster Dulles—solidified the notion that by contesting the USSR one was contributing to human rights.

34 Ibid.
Human Rights Takes a Backseat to Anti-communism Rhetoric

John F. Kennedy won the election of November 1960 by a razor-thin margin. Domestically, much of the Kennedy programme was unfulfilled, brought to fruition only in the Johnson administration. In the early 1960s, President Kennedy was drawn reluctantly into action on behalf of African Americans because Southern states were defying the federal government on the issue of civil rights. While Kennedy tried to ease the problem with executive actions that expanded black voting, job opportunities and access to public housing, he consistently refused to put major civil rights bill before Congress because he felt that the conservative-dominated Congress would not pass it. Kennedy was also reluctant to make any public show of solidarity with events like the ‘Freedom Rides’\(^{35}\) of 1961 because the polls showed that the American public considered the world scenario of much greater importance than specific ‘home difficulties’. Finally, on June 19, 1963, President Kennedy sent Congress the promised civil rights bill, which offered federal protection to African Americans seeking to vote, to shop, to eat out, and to be educated on equal terms. Pressurizing Congress to adopt this bill and consolidating huge upsurge in protest activities brought together major civil rights, labour and religious groups to organize a massive Washington demonstration known as the march on Washington. At the end of a long procession of speech and song, Martin Luther King, Jr., stepped up to the podium to deliver the closing address. With its final crescendo improvise in response to the crowd, “I Have a Dream”\(^{36}\) became instantly famous and

\(^{35}\) James C. Harvey, Civil Rights During the Kennedy Administration, (Mississippi: University & College Press, 1971).

remains one of the great moments of modern oratory. On November 22, 1963, President Kennedy was assassinated in Dallas, Texas. On July 2, 1964, the Civil Rights Act of 1964 was passed by Congress. The act banned racial discrimination in public facilities and in voting rights, but it proved to be only one step forward toward a distant goal.37

Kennedy's leadership in foreign affairs proved to be more decisive. The U.S. space programme surged ahead during the Kennedy administration, scoring dramatic gains that benefited American prestige worldwide. During his relatively brief term of office – less than three years – President Kennedy dealt with several challenges in Cuba, Berlin, and Bay of Pigs. Leading the country at the height of the Cold War, he promised to “pay any price” and “meet any challenge” to assure U.S. national security and freedom around the globe. He initially stumbled in the Bay of Pigs fiasco, when a CIA-sponsored invasion of Cuba to topple Fidel Castro's regime failed. Kennedy however demonstrated his diplomatic skills in the 1962 Cuban Missile Crisis, during which the United States and the USSR nearly went to nuclear war over the placement of Soviet nuclear missiles in Cuba. Through resolute negotiation and a limited display of force, Kennedy persuaded Soviet Premier Nikita Khrushchev to abort plans to use Cuba as a missile base. Kennedy's subsequent agreement to a nuclear test ban treaty with Moscow in 1963 opened the way to improved relations and a lessening of tensions with America's most formidable Communist adversary. Kennedy's most significant foreign policy blunder came in his 1961 decision to send thousands of U.S. soldiers to Vietnam whereby the

country was drawn along a path toward military defeat overseas and political turmoil at home.\textsuperscript{38}

\textbf{U.S. violates Human Rights in Vietnam}

Johnson was catapulted to the White House after Kennedy's assassination in 1963. At the top of the new president's agenda was enactment of Kennedy's proposals on civil rights and taxes. With Johnson in the White House, a Democratic Congress became sensitive. In 1964, it passed the Tax Reduction Act, which reflected the economic theory that at times the federal government must spend more than it takes in order to stimulate economic growth. Congress also passed a very broad civil rights law that attacked segregation, banned discrimination in public accommodations, and eliminated restrictions in job opportunities. The laws passed included the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Poll Tax Amendment to the Constitution in 1964. The decisive action on part of President Johnson was due in part because of the publicity given to the civil rights movement and a liberal Congress.\textsuperscript{39} In the international arena, increasingly, American policy makers concluded that the U.S. must play the lead role in containing China, as it had in containing the Soviet Union. The new containment policy focused on South Vietnam, where, beginning in the late 1950s, the revolutionary Vietcong had been trying to overthrow a government that had American support. The Vietcong had support from Communist North Vietnam.

\textsuperscript{38} Ibid.
Johnson came to office convinced that the United States had to honour its commitments to South Vietnam and resist the revolution. He "Americanized" the war by manipulating the Tonkin Gulf Resolution that was passed by the Congress on August 7, 1964. At that time, Johnson said that he felt compelled to take the step, because the political and military situation in South Vietnam had deteriorated rapidly and a Vietcong victory seemed likely. The immediate cause was the unprovoked attacking of U.S. destroyers, on August 4, 1964, by North Vietnamese torpedo boats. The President and his advisers decided upon immediate air attacks on North Vietnam in retaliation. Beginning in February 1965, American planes bombed North Vietnam, gradually increasing the size of the attacks and the importance of the targets. American bombers also began to hit targets in South Vietnam. And a rapid expansion of American ground forces got under way in July. By the end of the year some 180,000 American troops were in Vietnam, and the number doubled during 1966. Although it did halt Vietcong’s military drive, the President was unable to negotiate with Vietcong. The measure was repealed by Congress in 1970. Retired Vietnamese general Vo Nguyen Giap, in a 1995 meeting with former Secretary of Defense Robert McNamara, categorically denied that the North Vietnamese had attacked the U.S. destroyers on August 4, 1964, and in 2001 it was revealed that President Johnson, in a taped conversation with McNamara several weeks after passage of the resolution, had expressed doubt that the attack ever occurred. 40 In April 1965, Johnson was suddenly confronted with another trouble spot. In the Dominican Republic supporters of Juan Bosch, a social democrat who had been elected president in 1962 but overthrown the following year, rebelled. Johnson intervened with more than 20,000

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troops that led to a ceasefire. Johnson announced two major decisions on March 31, 1968. Ever since American reverses in Tet offensive\(^{41}\) in Feb. 1968, Johnson chose to pause the bombing of almost all of North Vietnam. He also announced his determination not to seek another term. The carpet bombing of North Vietnam can be classified as severe violation of human rights by the U.S. In fact, a letter written by McNamara to Johnson in 1967 conceded that the U.S. was flirting with war crimes and cautioned the President that: "...there may be a limit beyond which many Americans and much of the world will not permit the United States to go." He added: "The picture of the world's greatest superpower killing or seriously injuring 1,000 noncombatants a week, while trying to pound a tiny backward nation into submission on an issue whose merits are hotly disputed, is not a pretty one."\(^{42}\)

Some of the worst human rights atrocities were committed by the U.S. in Vietnam, notable among them being the massacre in My Lai, where U.S. troops under Lt. Calley, killed hundreds of unarmed Vietnamese civilians, mostly women, children, and old men on March 16, 1968. The incident was initially covered up but on November 12, 1969, independent investigative journalist, Seymour Hersh broke the

\(^{41}\text{Tet Offensive: It was a major offensive by the North Vietnamese Army (NVA) and the National Liberation Front (NLF) beginning on the night of January 30, 1968 (Tet Nguyen Dan – the lunar new year day). It involved military action in most of the major cities in southern Vietnam and attacks on the US firebase at Khe Sanh. The NVA suffered a heavy military defeat but it is widely seen to have been an enormous psychological and propaganda victory. Until the Tet Offensive, General William Westmoreland's now-infamous public reports of the progress of the Vietnam War were highly fictionalized and exaggerated to appear positive for the American public, often using exaggerated bodycounts and other inflated numbers. Developing reports of the Tet Offensive severely undercut the upbeat war propaganda of the Johnson administration and The Pentagon, and served to unite previously divided public opinion towards opposing the war.}\)

\(^{42}\text{Robert Scheer, "Do As We Say, Not As We Do," The Nation (July 9, 2001).}\)
Mai Lai story. Although Lt. Calley was imprisoned, the other officers were not charged.43

Human Rights Remains Sidelined

When Richard Nixon ascended the Oval Office in 1969, he inherited a country at war and at times beset with domestic unrest and violence. The theme of his inaugural address was unity. He declared in his inaugural speech: “What has to be done, has to be done by government and people together or it will not be done at all. The lesson of past agony is that without the people we can do nothing; with the people we can do everything. To match the magnitude of our tasks, we need the energies of our people--enlisted not only in grand enterprises, but more importantly in those small, splendid efforts that make headlines in the neighborhood newspaper instead of the national journal. With these, we can build a great cathedral of the spirit--each of us raising it one stone at a time, as he reaches out to his neighbor, helping, caring, doing.”44 During his tenure, the liberal consensus towards civil rights continued in the domestic sphere, mainly because of the domination of both houses of Congress by liberal Democrats.

The U.S. foreign policy, since 1945, revolved around the single most important consideration of containing the growth and expansion of communism. Nixon’s tenure was no different. Any and every decision, ethical or unethical, was justified on the grounds of containing communism. Nixon won the presidency on a strong campaign to

end the Vietnam War. But the war was nowhere near the end; on the other hand he had intensified the war, extended it to Cambodia. Nixon realized that he could not end the war without the active cooperation of both the benefactor nations of North Vietnam – the Soviet Union and China. Both countries were also in competition to retain and maximize their hold over North Vietnam although they realized that it was a drain on their resources. Thus Nixon, a hard-line anti-Communist, set on a course to change the American foreign policy from Cold War to détente. With a carefully crafted strategy and the assistance of Henry Kissinger, Nixon sought better relations with the People's Republic of China. He relaxed the trade embargo against that country, a move coinciding with the visit there, at China's invitation, of a U.S. table tennis team. His visit culminated in signing the Joint Communiqué in February 1972, which opened new possibilities for trade and created semiformal channels of communication, short of diplomatic recognition and exchange of ambassadors, between the two countries. In 1973, Nixon named the distinguished diplomat David Bruce to head the new U.S. liaison office in Peking. This was followed by a visit to Moscow in May 1972 wherein the two leaders, Nixon and Brezhnev, signed the SALT I treaty thereby formalizing détente. As Nixon was negotiating with Brezhnev and cementing détente, the U.S. pounded Vietnamese targets with heavy bombing. Finally, North Vietnam conceded to peace terms in October 1972, which eventually culminated in signing the “Peace with Honour” Agreement in Paris on January 27, 1973.45 Thus, Nixon and his special assistant for national security affairs Henry Kissinger ended direct U.S. involvement in the Vietnam War. Kissinger and Nixon

also did not concern themselves with human rights while carpet bombing North Vietnamese peasants and destroying the countryside in Cambodia.46

The trend towards almost total concern with power and stability reached its zenith in the Kissinger period of 1969-1977. It was epitomized by one of the major excesses of the Vietnam War, the illegal B-52 bombing of Cambodia. On December 14, 1972, the President authorized the reseeding of mines in Haiphong Harbour and extensive B-52 strikes against Hanoi and Haiphong. Some 200 aircraft were pressed into service for around-the-clock bombing despite monsoon weather. Hanoi reported the destruction of the Bach Mai Hospital as well as heavy civilian casualties. As protests rolled into the White House, Kissinger manipulated the press to give the impression that peace talks had broken down due to North Vietnamese intransigencies. However, the main reasons Nixon authorized the bombing were to keep a corrupt dictator in power to maintain American credibility and keep South Vietnam non-Communist forever. Kissinger supported Nixon’s policy without qualms as he expressed no regret over the carpet bombings in his memoirs. The Nixon administration had also begun escalating the secret ground war in Laos from the moment it took office although the matter did not turn into a big crisis due to the other crisis in Cambodia. Although there is no conclusive evidence of direct American involvement, in March 1970, Prince Sihanouk’s government was overthrown by a group of anti-Communist Cambodian officials led by Premier Lon Nol.47

46 Robert Scheer, “Do As We Say, Not As We Do,” The Nation (July 9, 2001).
Another incident that highlighted American obsession with containing Communism at any cost was the Bangladesh War. On March 1971, President Yahya khan of West Pakistan, who had been of assistance in Washington’s secret negotiations with Peking, ordered his army to begin a war against secessionist forces in East Pakistan. The war quickly turned into genocide slaughtering Awami League supporters, students and intellectuals. For Nixon and Kissinger, there was no issue: Yahya Khan was their conduit to the Chinese and held the key to Nixon’s re-election. India was drawn into the tragedy as millions of refugees, mostly Hindus, poured across the Indian border. On December 3, 1972, Mrs. Indira Gandhi, the then Indian Prime Minister, ordered a full-scale offensive in East Pakistan and a more limited retaliation in the West, after the Pakistani army attacked certain Indian air fields. The war was over in two weeks with Yahya Khan’s capitulation and a new government headed by Sheikh Mujibur Rehman assumed control of Bangladesh. Mrs. Gandhi offered Yahya Khan an unconditional ceasefire in West Pakistan, and in negotiations concluded a month later, she agreed to withdraw her troops from the occupied territories in the West. Nixon and Kissinger pursued a policy of a “tilt” towards Pakistan throughout the war. In their obsessive need to open negotiations with China in order to contain Soviet Union, the U.S. was ready to go to almost any length to preserve the regime of Yahya Khan. In spite of opposition in the Congress and State Department, the Nixon-Kissinger team chose to misinterpret the happenings in favour of Pakistan and almost brought South Asia to the brink of nuclear war when it ordered a Navy Task Group with the aircraft carrier Enterprise to steam towards the Bay

48 Ibid.
of Bengal because the U.S. thought that Soviet Union was ready to support India in the war. The news of Yahya Khan’s surrender ended the threat.\textsuperscript{49}

There was one notable foreign policy success for the Nixon-Kissinger team in 1973. The most significant threat to Chilean democracy, in the view of American policy makers, was Salvador Allende Gossens, a member of the Socialist Party. American corporations were threatened with possibility of nationalization of their profitable subsidiaries in Chile if Allende came to power. Kissinger was worried about the question of dominoes "infection," and Western stability. Chile, like Vietnam before it, had become a test case for America's imperial will. Allende was finally overthrown and killed in a bloody coup d'état in September 1973. Although Nixon denied any involvement, Richard Helms, CIA Director, said that Nixon had specifically ordered the CIA to get rid of Allende.\textsuperscript{50} The Nixon-Kissinger team set the CIA against Allende, not to preserve democracy or to counter a Soviet puppet in Latin America, but to prevent a socialist leader from providing a democratic alternative to American policy. The president introduced a "Nixon Doctrine" that encouraged other nations to assume a greater share of their own defenses. The basic goal of American foreign policy was to stabilize world politics through a concert of five great powers—The United States, the Soviet Union, China, Japan and Western Europe.\textsuperscript{51}

As a consequence, and in part perhaps because of partisan politics, in 1973 the Democrat controlled Congress began to hold hearings on human rights led by Congressman Donald

\textsuperscript{49} Ibid.
\textsuperscript{50} Ibid.
\textsuperscript{51} David P. Forsythe, \textit{Human Rights and World Politics}, (University of Nebraska, 1983).
Fraser. The Democratic Party began to criticize the lack of ethic in American foreign policy. There was also the ethical backlash against the Watergate affair. This resulted in Kissinger paying lip service to human rights. Kissinger’s speech in 1976, his last year of office, at the OAS meeting in Santiago, Chile epitomizes this trend. He said: “Basic human rights must be preserved, cherished and defended if peace and prosperity are to be more than hollow technical achievements....Human rights are the very essence of a meaningful life, and human dignity is the ultimate purpose of government…”52

Gerald Ford became president after Nixon resigned in the midst of the Watergate Scandal. Ford and Kissinger attempted to negotiate arms reduction agreements with the Soviets in 1975 and yet Congress at this time distrustful of the potential for the unilateral abuse of the Executive office after Nixon, refused to ratify the treaty. Further attempts at détente were creating a heightening of Cold War escalation in which the Soviets began to produce huge hydrogen missiles and both super powers intensified their hegemonic energies towards the third world.

The case of Vietnam had not stopped the U.S. practice of intervention in the third world to maintain the economic status quo, rather it led to a proliferation of U.S. led smaller scale counter insurgency campaigns and low intensity conflict doctrines which proliferated throughout the US military intelligentsia and on the battlefields of the third world as well. In general these new military conflicts were based on small scale regional civil wars between nationalist third world factions, and foreign sponsored puppet regimes, installed to facilitate the free flow of western capital investment.

52 Ibid.
Human Rights “cornerstone” of Foreign Policy

It was against this widely perceived power politics that Jimmy Carter rose to prominence, emphasizing ethical values. Carter represented himself as returning to the ethical tradition of trying to blend morality with power. In domestic politics he wanted “a government as good as the American people.” In foreign policy he wanted human rights to be the “cornerstone”. Thus, on a number of occasions between 1977 and 1980 American foreign policy in substance did entail a specific human rights goal. One of the first policies of the administration was to engage in active congressional lobbying for the repeal of the Byrd amendment permitting trade with Rhodesia. The successful effort to repeal was based largely on the ground that American trade violated compulsory U.N. resolutions, adopted because Rhodesia’s violations of human rights constituted a threat to the peace. The other policies included support of self-determination for Namibia, embargo on Uganda for human rights violations etc.

In his inaugural speech, President Carter argued that: "[o]ur commitment to human rights must be absolute. . . . Our moral sense dictates a clear-cut preference for those societies which share with us an abiding respect for individual human rights."53 Despite this ringing appeal, it took more than three months before a high-ranking member of the new administration found himself ready to translate this vague foreign policy goal into more concrete terms. In his Law Day speech on 30 April 1977 at the University of Georgia,

Secretary of State Cyrus Vance delimited three categories of human rights: the integrity of the person, the fulfillment of basic human needs, and civil and political rights. The foreign policy of his administration, he declared, would be aimed at the protection of all of these rights. Debates on the relative importance of each of these categories might occur, but he believed that all these rights were "complementary and mutually reinforcing." Nevertheless, he put special emphasis on the protection of the integrity of the person, while describing the other categories as a broader challenge, which might take longer to be accomplished.54

Vance urged that the pursuit of a human rights policy had to be realistic: rather than impose US values on other societies, one had to take into account "the limits of our power and of our wisdom" and thus had to decide on a case-by-case basis which approach might be best suited for each situation.55 This would require a careful study of the causes, extent, and kind of human rights violations, as well as a thorough weighing of the measures available, analyzing the efficacy and consequences of intervention, especially in relation to other US interests. Vance underlined that the administration needed certain flexibility: "[A] decision whether and how to act in the cause of human rights is a matter for informed and careful judgment. No mechanistic formula produces an automatic answer."56 Some members of the foreign policy community regarded this appeal for a sober assessment and flexibility as a partial retreat from previously voiced priorities. In retrospect, then-Assistant Secretary for Human Rights and Humanitarian

55 Ibid.
56 Ibid.
Affairs Patricia Derian judged his speech as apologetic. She said: "They were trying to reassure people that State didn't want it, that diplomats didn't really do stuff like this and that [it] was going to offend our allies . . . . It was almost like: don't blame us, we don't know what's going to happen but we're going to try our best." 57

Large sectors of the foreign policy bureaucracy reacted reluctantly and at times were openly hostile to an active human rights policy which, if pursued vigorously, was bound to threaten the traditional concerns of the influential regional bureaus at the State Department, mainly the maintenance of smooth relations with other governments, including a number of egregious human rights offenders. 58 Bureaucratic intransigence was only one causal aspect for the insistence on executive flexibility. It also reflected the ambivalence of an administration that saw itself confronted with the task to institutionalize human rights concerns in its foreign policy and to set up binding standards for its implementation—under time pressure, without a preconceived concept, and critically observed by a skeptical Congress. It soon became obvious that there were fundamental controversies within the executive branch regarding the definition of human rights as well as the relationship between human rights concerns and other U.S. interests.

Executive branch differences surfaced early, during the drafting procedure of Carter's May 22, 1977 Notre Dame Speech, in which the President was to elaborate, for the first time in detail, his foreign policy principles and human rights campaign in front of a

57 Interview with Patricia Derian, former Assistant Secretary for Human Rights and Humanitarian Affairs, in Alexandria, Virginia (April 28, 1998).
domestic audience. In a memorandum to his colleague Jim Fallows, speech writer Griffin Smith referred to an early draft of the speech, which contained the line: "No one forced to live in poverty, hunger and sickness can be really free." Smith regarded this as an unapproved broadening of the administration's human rights concept and argued that employment, shelter, and health "are human needs, but they are not thereby human rights. To lump them together is muddled thinking." Smith warned that an inclusion of economic and social rights not only went against the President's own understanding of human rights, but also threatened the entire human rights policy: [I]f that definition ever gets so broad that it also includes Milk for Hottentots, its usefulness will be lost. I know the temptation is strong to define one's pet project as a human right so that the president will appear to be endorsing it, but let's keep human rights to mean human rights, and find another label for economic and social progress. On the other hand, there were vocal proponents inside the administration who insisted on an equal status for economic and social rights and some of them even refrained from explicitly preferring a capitalist order. They reacted against a passage of yet another draft of the Notre Dame speech, which held that: "[f]rom free and open competition comes creative change . . . . [D]emocracy is the most productive way to manage human affairs." 


Among the advocates for an inclusion of economic and social rights into the human rights catalogue of the administration were Assistant Secretary Derian, and the U.S. Ambassador to the U.N., Andrew Young. In a speech at the UN-General Assembly on 14 December 1978, Young emphasized the importance of protecting the integrity of the person as well as civil and political rights. However, he added that these rights were of secondary importance to people threatened by starvation. Young called poverty the gravest obstacle to the global protection of human rights and urged the U.N. to work together in the fight against social injustice. In his Notre Dame speech, President Carter also mentioned the pressing global concerns of poverty, sickness, illiteracy, and repression and emphasized their destabilizing effects: "We know a peaceful world cannot long exist one-third rich and two-thirds hungry." In this context, he stressed the importance of multilateral assistance and did not rule out cooperation with communist states to combat poverty.

The initial human rights policy of the Carter administration as a central feature of its foreign policy was closely related to a self-confident and optimistic effort to revive détente with the Soviet Union, giving Washington sufficient latitude to pursue policies without always directly linking them to security issues. In his Notre Dame speech, Carter incorporated a relaxed attitude towards communist countries, recommended to him via Jim Fallows in a memorandum by speech writer Jerry Doolittle: "We say detente should be a two-way street; no Republican would take exception. We're for human rights; but

they're for human rights, too. . . . The real difference is this: In the past, our foreign policy was based on the implicit assumption that communism is superior to democracy. They alone are masters of the black art of propaganda. They can appeal to the third world in a way that we never can. . . . So powerful are they that if we give them an inch, they will take the globe. But the truth is that if we give them an inch, they are very likely to choke on it. . . . And, at long last, we have come to understand this."

During the first months of the Carter administration, then, some confident and progressive members of the foreign policy community were of high hopes that an integrated human rights approach untainted by Cold War concerns could be developed. Based on the understanding that not a subversive Soviet master plan but rather mass poverty and social injustice were responsible for most of the regional instabilities and civil wars, they argued for an equal or even privileged inclusion of economic and social rights into the administration's human rights catalogue. This position deviated drastically from Washington's traditional stand in the international arena. Since the founding of the U.N., the U.S. had been a vocal opponent to any governmental obligation to guarantee certain social standards. Repeatedly, Washington had voiced its concern that developmental ambitions were used by several despots as a cynical device to justify their repressive measures. Also, intensified cooperation with the U.N., as advocated by Ambassador Young, and the ratification of several international human rights treaties pursued by President Carter, met deep-seated fears on Capitol Hill. This skeptical posture towards any international obligations had already prevented the passage of human rights

63 Ibid.
treaties in the 1950s, as conservative senators suspected a backdoor introduction of socialism to the U.S.\textsuperscript{64}

Due to disagreements within the administration, the passage of internal guidelines on human rights issues was delayed considerably. On May 20, 1977, a Special Coordinating Committee was assigned the task of developing recommendations for a human rights policy by July 1, 1977. Although this study was not to exceed thirty pages, in early July a draft of eighty-five pages circulated inside the administration that refrained from clear policy suggestions, and simply presented different options.\textsuperscript{65} This all-inclusive paper did little to develop concrete guidelines, but rather manifested the already ongoing turf wars and policy differences. It took the Carter administration, which had declared the protection of international human rights to be a central aspect of its foreign policy, over a year, until February 17, 1978, to work out a Presidential Directive on its human rights policy. However, this directive also lacked clarity. It set out guidelines only in vaguest terms and reflected the preference to maintain utmost flexibility in an \textit{ad hoc} decision-making process. The directive--and especially its draft--confirmed the uneven importance that a majority of the administration's officials attached to the different categories of human rights. Along the lines that Vance had already sketched in his Law Day speech, the directive held: It shall be the objective of the US human rights policy, \textit{first of all} to reduce worldwide governmental violations of the integrity of the person . . . ; and,


secondly to enhance civil and political liberties. . . . It will also be a continuing U.S. objective to promote basic economic and social rights.66

Although progressive viewpoints at times made their way into foreign policy speeches and had some influence on the political practice of an initially reform-minded administration, a binding and comprehensive human rights strategy, including aspects such as political pluralism, fair trade, and sustainable development was not developed. The acceptance of economic and social rights turned out to be an especially difficult feature. The limiting of governmental power, as pursued by the protection against violations of civil and political rights and of the integrity of the person, was well entrenched in traditional political thinking and societal practice of the United States. Hence, to allow for the state to interfere actively into the daily planning of its citizens to guarantee material well-being was hardly compatible with a political culture which preferred to define governmental power in negative terms. Summing up the human rights policy during the Carter administration, the departing staff-member of the National Security Council (NSC) for Global Affairs, Lincoln Bloomfield, explained: [E]ven if all human rights were created equal, in practice they could not be so applied. . . . Philosophically, it is extremely hard to reconcile the high degree of government intervention required by that form of empowerment with the severe limits on governments inherent in political rights. Ideologically, the American "modified free enterprise system," while capable of welfare policies, does not lend itself to a

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constitutionally all-embracing regime. . . . That ideological circle is squared, at least for Americans, only in speeches.67

The preference of most of the administration for utmost flexibility in the conduct of its foreign policy worked against an emphasis on economic and social rights. Contrary to protests against obvious violations of the integrity of the person, such as widespread torture or arbitrary imprisonment, the fulfillment of basic human needs posed more complex questions to the concept and practice of a credible foreign policy. The proponents for a special emphasis on this human rights category not only regarded poverty and unequal wealth distribution as a human rights violation in itself, but as the major cause for instability and hence for repression, thereby contributing also to the curtailment of the other two human rights categories. Thoroughly taking into account this causality would have implied an unequivocal distancing from "friendly" repressive oligarchies almost regardless of traditional geo-strategic considerations, and both a drastic increase of economic aid projects for the needy and serious reflections on a reorganization of world trade. This agenda not only stood in contrast to the economic and strategic interests of the U.S., if implemented, it also would have decreased the administration's room to maneuver. Instead, Carter and most of his foreign policy team preferred to speak out primarily against political imprisonment, torture, or other indisputable practices of repression. The administration generally shied away from an

evaluation of the socioeconomic background of human rights violations and limited itself to a condemnation of the most obvious symptoms. 68

International Events Force Carter to downplay Human Rights

The Cold War fever spread slowly until the end of 1978, but quickly reached epidemic proportions during the following year, as the dethronement of the Shah in Iran, the Sandinista revolution in Nicaragua, the "discovery" of a Soviet combat brigade on Cuba, the hostage crisis in Tehran, and finally the Soviet invasion of Afghanistan led almost the entire administration to believe that international developments were turning against the U.S. and that an assertive and confrontational foreign policy was now necessary. NSC staff member for Latin American Affairs Robert Pastor recalled this as a drastic mood swing: "Vance was more relaxed. And in '77, '78, so was Carter. But then all of a sudden in late '78, early '79 that began to change, Carter and the American people responding to the continued series of steps both by the Soviets or [undertaken] independent of them... It communicated a message to the American people that the United States was certainly being pushed around. ... [T]he Cold War became a higher priority." 69

The administration's human rights policy did not fare well in the shadow of increased East/West tensions and was more and more regarded as a moral luxury, a stranger to

69 Ibid.
sober geo-strategic calculations. Neither willing nor apparently able to confront the conservative charge that human rights concerns undermined "friendly" dictators of strategic importance, the administration tended to downplay the issue. This is not to say that the administration completely abandoned its human rights policy, but it grew less vocal in its criticism of egregious repressive acts and started to tailor its intervention in a way also compatible with strategic concerns. This political shift brought the issues of democratic opening and internal reform to the forefront in an effort to bring order and stability to regimes under attack by a militant left. Thus, during the second half of Carter's tenure, political and civil rights became the most important human rights category, sometimes at the expense of the formerly dominant category of the integrity of the person. It was, for example, judged as more important in 1980 to support the "centrist" junta of Christian Democrats and the military in El Salvador, despite the fact that paramilitary right wing groups had direct links to the ruling military and that levels of government repression reached abominable heights. It was regarded as more important to bolster the Salvadoran military supervising the land reform project than to follow the pleas of Archbishop Romero not to deliver military equipment. It was deemed preferable to defend President Duarte against the "final offensive" of the Salvadoran militant left than to insist on a thorough investigation of the slaying of four US churchwomen by the Salvadoran military. As strategic concerns grew in importance, the "classic human rights side" took the back seat, while the "democracy side" alone remained on the passenger seat.

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70 Ibid.
After the downgrading of social and economic rights, mainly to be covered by developmental aid subject to severe Congressional limitations, the elevation of democratization to premier rank constituted the second step towards a conceptional narrowing of U.S. human rights policy. It was a step not undertaken without regrets. On April 2, 1980, a memorandum written by Thomas Buergenthal, lawyer and judge at the Inter-American Court for Human Rights, was passed on to President Carter, warning in unequivocal terms against a reduction of US efforts in the human rights field: [I]t is a mistake for the President to put human rights on the back burner, to appear to do so or, for that matter, to be softening the rhetoric. (In this area, the rhetoric has been an important part of the policy itself.) . . . For the U.S. not to continue and in fact strengthen the Carter human rights policy . . . would . . . be a serious political blunder. . . . He should not be afraid to fully identify himself with a policy whose architect he is. 71

At the top of the memorandum, the President noted--twice emphasized--"I agree," but the course was never reversed.

Carter's Foreign Policy

In foreign affairs, Carter's frequent criticism of nations that violated basic human rights and his pleas in behalf of Soviet dissidents angered the Soviet government, which viewed the statements as intervention in its internal affairs. In spite of these differences, Carter and Soviet President Leonid Brezhnev signed the strategic arms limitation (SALT II) treaty in Vienna in June 1979, setting limits on the numbers of Soviet and U. S. nuclear-

71 Ibid.
weapons systems. In spite of his vigorous campaign, however, the treaty was not ratified by the Senate and eventually was placed in limbo by the Soviet invasion of Afghanistan in 1979. That invasion also resulted in Carter's insistence on an American boycott of the 1980 Summer Olympic Games in Moscow. Carter brought to fruition the long negotiations over the Panama Canal treaties by persuading the Senate to ratify them. Conservative forces severely criticized the treaties as a "sellout" of vital American interests, and the issue had a significant impact in some areas of the South and West in the 1980 congressional and presidential campaigns. Much the same reaction greeted Carter's decision to inaugurate full diplomatic relations with the People's Republic of China in 1979, thus cutting formal U. S. ties with the Nationalist Chinese government on Taiwan. The highlight of the Carter foreign policy came on March 26, 1979, with the signing of a peace treaty by Israeli Premier Menahem Begin and Egyptian President Anwar el-Sadat. The so-called Camp David accord represented a high point in the Carter presidency, although later negotiations to implement it foundered. 

Probably the most perplexing problem facing President Carter was the seizure in November 1979, by radical Iranian students, of American diplomats and embassy employees in Teheran. More than a year of inconclusive negotiations with the Iranian government, plus an unsuccessful airborne attempt to rescue the hostages, proved to be difficult political and policy problems. Many people were dissatisfied with Carter's handling of the hostage seizure and many blamed his administration for not having protected embassy personnel in the first place. However, the delicate problem was muted

somewhat as an issue owing to the paucity of reasonable alternative plans, the erratic nature of a succession of Iranian governments, and fears generated by Iranian threats to punish or kill the hostages.\textsuperscript{73}

**Human Rights made synonymous with Democracy**

Ronald Reagan came to the presidency determined to reduce the growth of the national government, restore the power of the states in the federal system, reduce government expenditures through massive domestic budget cuts, expand the military and defense establishments, lower taxes, and restructure foreign policy away from détente with the Soviet Union to a posture of peace through strength. To help achieve these goals he sought to restore the dominance of the presidency over the Congress. He was quite successful until the 1986 off-year elections, in which the Democrats won a net gain of five seats in the House of Representatives and took control of the Senate by a 55-45 margin. Reagan's first term was dominated by efforts to carry out his economic program—dubbed "Reaganomics" by the media—which consisted in part of large budget reductions in domestic programmes and substantial tax cuts for individuals and businesses. The theory of supply-side economics—generating growth by stimulating a greater supply of goods and services, thereby increasing jobs—was a mainstay of the Reagan approach. During the President's first term, Soviet-U.S. relations were generally chilly. The shooting down of a South Korean airliner by a Soviet military plane in 1983, alleged Soviet expansionist and interventionist policies, the U.S. deployment of intermediate-range missiles in Western Europe, and the Reagan-proposed Strategic Defense Initiative

\textsuperscript{73} Ibid.
contributed to continuing tensions. A cordial 1985 meeting with Soviet leader Mikhail Gorbachev in Geneva began a warming trend. In 1987 the two leaders signed a historic treaty in Washington that would eliminate their intermediate-range nuclear forces. In 1988, Reagan had a friendly summit meeting in Moscow, the capital of what he had once called an "evil empire." 74

The Reagan administration’s policies on human rights were initially almost a caricature of American exceptionalism cum Cold War politics. The U.N. and most other international organizations not under significant U.S. influence were seen at best as unimportant and at worst as under the control of the Second and Third Worlds. 75 The early Reagan orientation towards rights was personified by Ernest Lefever, nominated to be assistant secretary of state for Human Rights and Humanitarian Affairs. Lefever had criticized Carter for “trivializing” 76 human rights by not seeing the subject as part of the Cold War. At the U.N., the Reagan team was outspoken in their attacks on human rights violations by communist nations and their defense of authoritarian allies like Chile, Argentina and Guatemala. The Reagan forces wanted to raise human rights issue loudly when competing with Soviet Union and its clients but not when working with anti-communist allies. However, there was some measure of change on these policies toward international standards and multilateral diplomacy during the second Reagan Administration, especially after 1985. It criticized the Pinochet regime, supported ratification of the Genocide convention etc.

74 "The Evil Empire" President Reagan’s Speech to the House of Commons, June 8, 1982.
Reagan resorted to military action, either as an instrument of foreign policy or as a possible deterrent to terrorism. As part of the policies that became known as the "Reagan Doctrine," the U.S. also offered financial and logistics support to the anti-communist opposition in central Europe (most notably the Polish Solidarity movement) and took an increasingly hard line against Communist governments in Afghanistan, Angola, Cambodia, and Nicaragua. Reagan considered the anti-Communist rebel groups such as the Contras and Afghan mujahideen to be freedom fighters and the "moral equivalent of our [America's] founding fathers" fighting against Communism. In contrast he considered socialist forces and enemies of U.S. geopolitical allies such as the Hezbollah guerrillas in Lebanon, Palestinian guerrillas in the West Bank and Gaza Strip, and left-wing guerrillas fighting right-wing military dictatorships in Honduras and El Salvador to be terrorists.

The Reagan administration also considered guerrillas of the ANC's armed wing Mkhonto we-Sizwe (MK or Spear of the Nation) and other anti-apartheid militants (e.g. the PAC) fighting the apartheid government in South Africa to be terrorists, despite the fact that many people throughout the world (especially the black majority in South Africa) considered them freedom fighters. In his message to Congress of 14 March, 1986, titled 'Freedom, Regional Security and Global Peace,' President Reagan outlined an ambitious Wilsonian programme for rolling back recent Soviet advances in the Third World and for extending 'the freedom tide' into states which underwent socialist revolutions in the 1970s -- Nicaragua, Afghanistan, Angola, Ethiopia, Kampuchea and so on. Calling upon Congress to support counter-revolutionary actions against Nicaragua and other leftist states, Reagan argued that there is "no historical basis for thinking that Leninist regimes

are the only ones that can indefinitely ignore armed insurgencies and the disintegration of their own political base. The conditions that a growing insurgency can create-high military desertion rates, general strikes, economic shortages, infrastructural breakdowns, to name just a few-can in turn create policy fissures even within a leadership that has had no change of heart." 78

In October 1983 he ordered the invasion of the Caribbean island of Grenada (Operation Urgent Fury), declaring that Americans there were in jeopardy and that the country had become a potentially dangerous Cuban-Soviet military base. The Grenada operation occurred just two days after a terrorist attack on the U.S. Marine peacekeeping contingent in Lebanon caused the death of 241 servicemen. Fighting continued for several days and the total number of American troops reached some 7,000 along with 300 troops from the assisting neighboring islands of Antigua, Barbados, Dominica, Jamaica, Saint Lucia, and Saint Vincent. The invasion was the first major operation conducted by the U.S. military since the Vietnam War. Although the Americans had overwhelming superiority in firepower and manpower, many people were surprised at the difficulty the U.S. experienced in conducting its Grenadan sorties. By mid December, the American troops withdrew after a new government was appointed by the governor-general. Many believe that Grenada was seen as a bad example for other poor Caribbean states. Its foreign policy was not subservient to the American government and it was not open to having its economy dominated by U.S. corporate interests. A show of force would cause states with similar leftist nationalist ideals to think twice. If a country as small and poor as Grenada

could have continued its rapid rate of development under a socialist model, it would set a bad precedent for other Third World countries. In short, Grenada under the New Jewel Movement was reaching a dangerous level of health care, literacy, housing, participatory democracy, and economic independence.  

Reagan's other long-standing foreign-policy initiative was to assist anti-Communist guerrillas, known as contras, in thwarting alleged Soviet-Cuban inroads into Nicaragua and to pressure the Sandinista government to hold elections and negotiate with its neighbors. In 1984, Daniel Ortega became Nicaragua's first elected President. As the years progressed, the Ortega government became more socialist, with the more moderate factions of the coalition being expelled from government. Suppression of political dissent increased, as did accusations of state-sponsored human rights abuses. However, these accusations of human rights abuses were not accurate, according to Human Rights Watch: "Almost invariably, U.S. pronouncements on human rights exaggerated and distorted the real human rights violations of the Sandinista regime, and exculpated those of the U.S.-supported insurgents, known as the contras." 

The leftist nature of the Sandinista government and its support for Cuba distressed many in the Reagan administration, who viewed the country as a key Cold War battleground, in danger of becoming a Communist proxy state. As a result, covert support began to flow to the anti-Sandinista Contra rebels. However, the Contras were condemned as terrorists

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by many. They attacked farms and other civilian targets, as well as murdered, tortured and mutilated civilians and committed other war crimes, as documented by human rights organizations such as Amnesty International and Human Rights Watch. The Contras were also accused of being involved in illicit drug-trafficking. In 1986 a CIA-written training manual detailing methods of terrorism and assassination was discovered to have been issued to the Contras. Nicaragua decided to take their case to the World Court in Nicaragua v. United States in 1986. In an unprecedented decision in the history of world justice, the World Court sanctioned the U.S. for "unlawful use of force" for "sponsoring paramilitary activity in and against Nicaragua", ordering the U.S. government to pay billions of U.S. dollars in compensation. The World Court ordered Reagan to terminate his crimes, but the Reagan White House dismissed the ruling and then vetoed two Security Council resolutions affirming the Court ruling and calling on all nations to observe international law. Nicaragua then took its case to the General Assembly and the General Assembly ruled in its favor, with only the U.S., Israel, and El Salvador dissenting. In 1988, the Nicaraguan government and the contras signed a cease-fire. Therefore, the most damaging foreign-policy event of 1987 for President Reagan was the Iran-contra affair. Despite the strong opposition of the Reagan administration, the Democratic-controlled Congress enacted legislation, known as the Boland amendments, that prohibited the Defense Department, the Central Intelligence Agency (CIA), or any other government agency from providing military aid to the contras from Dec., 1983, to Sept., 1985. The Reagan administration circumvented these limitations by using the National Security Council (NSC), which was not explicitly covered by the law,

81 Ibid.
supervise covert military aid to the contras. Under Robert McFarlane (1983–85) and John Poindexter (1985–86) the NSC raised private and foreign funds for the contras. This operation was directed by NSC staffer Marine Lt. Col. Oliver North. McFarlane and North were also the central figures in the plan to secretly ship arms to Iran despite a U.S. trade and arms embargo.\textsuperscript{83} In early November 1986, the scandal broke when reports in Lebanese newspapers forced the Reagan administration to disclose the arms deals. Poindexter resigned before the end of the month; North was fired. Higher administration officials, particularly Reagan, Vice President Bush, and William J. Casey (former director of the CIA, who died in May, 1987), were implicated in some testimony, but the extent of their involvement remained unclear. North said he believed Reagan was largely aware of the secret arrangement, and the independent prosecutor’s report (1994) said that Reagan and Bush had some knowledge of the affair or its cover-up. Reagan and Bush both claimed to have been uninformed about the details of the affair, and no evidence was found to link them to any crime.\textsuperscript{84} A number of criminal convictions resulted, including those of McFarlane, North, and Poindexter, but North’s and Poindexter’s were vacated on appeal because of immunity agreements with the Senate concerning their testimony. Former State Dept. and CIA officials pleaded guilty in 1991 to withholding information about the contra aid from Congress, and Caspar Weinberger, defense secretary under Reagan, was charged (1992) with the same offense. In 1992 then-president Bush pardoned Weinberger and other officials who had been indicted or convicted for withholding information on or obstructing investigation of the affair. The Iran-contra

\textsuperscript{84} Ibid.
Reagan increased funding to many other Central and South American states throughout his two terms. Financial aid to Colombia's military and right-wing paramilitary groups skyrocketed in the 1980s, even as Colombia compiled one of the worst human rights records in the hemisphere. A similar situation existed for El Salvador. Congress attempted to put constraints on aid to the government of El Salvador and make it contingent on human rights progress. This pattern of funding right-wing military and paramilitary groups would continue in Guatemala. In 1999 a report on the Guatemalan civil war from the UN-sponsored Commission for Historical Clarification stated that between 1981 and 1983 the Guatemalan government—financed and trained by the US—destroyed four hundred Mayan villages and butchered 200,000 peasants. In Panama this funding was more covert. Manuel Noriega, the dictator of Panama, was on the payroll of the CIA as of 1967. By 1971, his involvement in the drug trade was well known but he was an important asset of the CIA and so remained well-protected. CIA Director George Bush arranged to give Noriega a raise in 1976 to a six-figure salary. Noriega allowed CIA listening stations in his country, provided funding for the Contras, and protected covert U.S. and U.S.-funded air shipments of supplies to the Contras.86

Speculation was rife during Reagan's second term over what Bush knew about the policy of selling arms to Iran in exchange for the release of U.S. hostages held in the Middle

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85 Ibid.
East. Bush insisted he did not know until the information became public that the sale of weapons, through Israel, was part of a hostage deal. But his attendance at key meetings seemed to suggest that he should have known that some leading administration officials had vehemently opposed the plan. On the related question of transfer of profits from the arms sales to contras opposing the leftist Nicaraguan regime, Bush also denied knowledge. Evidence of contacts between his aides and private U.S. citizens assisting the contras raised questions for which Bush offered no definitive answers, in public at least.87

**Bush initiates military operation in the Gulf**

During both the Reagan and Bush tenures, the U.S. sabotaged U.N. efforts at international cooperation on human rights, environmental issues and arms control. The Bush regime (in part reflecting congressional reluctance to authorize additional foreign aid) refused to commit the US share of the needed funds for a 500-person peacekeeping force to protect relief workers in Somalia. The plan had to be abandoned for paucity of funds. After Iraq’s invasion of Kuwait, the U.S. bullied, bribed and cajoled the international community into endorsing and supporting a military operation in the Gulf that succeeded in expelling Iraqi troops and restoring Kuwaiti sovereignty but the human rights implication of the Gulf conflict has been horrendous. It resulted in the expulsion of Palestinians from Kuwait in hordes; repression deepening in such Gulf War allies as Egypt and Saudi Arabia. It also left Saddam Hussein free to turn the remnants of his army against Iraqi and Kurdish civilians who rose in protest at Desert Storm’s end. The Bush

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administration's tacit support of China in spite of clear evidence of selling of nuclear weapons and related parts to Iran, Syria, Pakistan and Burma was another case in point.

The qualitative erosion of the U.S. debate on human rights was due to the fact that the conservative camp was quite successful in portraying human rights, democracy, and U.S. interests as synonymous. This was only possible through an incorporation process, by which the first two terms lost meaning in favor of the third. In the case of the human rights policy, liberal and conservative administrations continuously narrowed the definition and scope of a once holistic approach, first, excluding economic and social rights, second, arguing for flexibility, and third, elevating political and civil rights into the predominant position, until it was hard to distinguish conceptually between democratization and the protection of human rights. In the case of democratization, integrated as it was into a primarily strategic concept, less attention was paid to a substantial broadening of the means of political participation for all relevant social groups than to formal gestures such as regularly held elections, which often were rendered meaningless amidst repression and civil war. 88

A New Outlook on Human Rights

The end of the Cold War generated broad optimism that human rights would take centre stage not only in the American foreign policy but in world politics as a whole. It was presumed that America would no longer be tempted to back dictators such as the Shah,

Marcos, Pinochet, Suharto and Mobutu et al. just because of their anti-Soviet credentials. It was also predicted that global revolutions in communications and commerce would inevitably carry democratic political ideas and economic practices into even the most repressive and backward societies. The subsequent chapters would explore Clinton administration's foreign policy in order to understand whether the issue of human rights was used as an instrument to manipulate nations to fulfill American strategic and economic goals.

89 Alan Tonelson, "Jettison the Policy", Foreign Policy, no. 97, Winter 1994-95, pp. 121-32.