

at the birth of the twenty-first century. I show that the USA has a particular slant to its foreign policy on rights, and that Washington is more prone to preach to others than to take international rights standards very seriously in its own policies. The chapter then provides a comparative analysis of human rights in the foreign policies of some other states that either are liberal democracies or aspire to be so. I show that most differ from the US approach in one way or another, due to a varying combination of history and political culture, geo-political position, and perceived national interests. This is followed by a brief commentary on the human rights policies of some illiberal states such as Iran.

Finally, the chapter offers some concluding thoughts about human rights and foreign policy.³ The accent is on the positive, despite ample reason for reserve about the immediate future. Despite the rise of Al Qaeda and other manifestations of radical Islamic groups prone to total war, with their attacks on civilians and abuse of prisoners, and despite a US tendency to respond in kind, with especially abuse of detainees, the historical trend remains in favour of a broad range of human rights. While predicting the future is a notoriously risky business, the one-hundredth anniversary of the Universal Declaration of Human Rights is likely to be more joyous than the fiftieth. As long as states must provide for their own security in the absence of effective international arrangements, realist principles will never be totally absent from foreign policy. But there is good reason to think that certain long-term trends are favorable to more influence for liberal principles in relative terms.

Policy instruments

In the past, states have often proven reluctant to speak out on human rights violations by others, fearing interruption of "business as usual"—not only on business but also on other important matters like security cooperation. It is very clear that states do not like to sue each other about human rights in the International Court of Justice, the number of cases on human rights being very small. Even within the Council of Europe, neighboring states with lots of common concerns do not often sue each other in the European Court of Human Rights, the overwhelming number of cases being triggered by individual rather than state complaint. The same pattern is evident with regard to the InterAmerican Court of Human Rights. Nevertheless, many states do address human rights

³ Compare Jan Egeland, "Focus on Human Rights: Ineffective Big States, Potent Small States," *Journal of Peace Research*, 21, 3 (1984), and his *Impotent Superpower – Potent Small State: Potentialities and Limitations of Human Rights Objectives in the Foreign Policies of the United States and Norway* (Oslo: Norwegian University Press, 1988).

issues in other states, short of judicial proceedings. Sometimes this public diplomacy on human rights is to embarrass enemies, as was true of East-West debates in the UN General Assembly during the Cold War. And sometimes taking a public position on human rights abroad is designed for domestic consumption, as was true of Henry Kissinger's public comments about the importance of human rights in South America – even as he was committing the USA to quiet support for repressive regimes. But sometimes states are genuinely interested in advancing rights abroad; and then they seriously think about ends and means.

Diplomatic means

There are a number of ways a state may utilize diplomacy to try to influence the policies of states violating human rights. The traditional, classical method has been that of "quiet" diplomacy, that is, to hold a confidential discussion behind closed doors and away from public view. Emissaries may meet with foreign officials to discuss a particular human rights situation or to request a halt to certain actions. This is sometimes a useful way to bring objections and matters of concern to the offending party without risk of widespread controversy or public outcry. Sometimes a target government will prove flexible if it can avoid the public appearance of caving in to foreign pressure. Quiet diplomacy is of course hard to track and evaluate, precisely because it may be some years before outsiders know what has transpired.

From time to time private diplomacy for human rights is then followed by public statements, as when President George W. Bush met with Russian President Vladimir Putin in early 2005. President Bush, having devoted his second inaugural address to the theme of freedom, could hardly not raise the subject of Russian policies at home and abroad that touched on human rights. And by all accounts there was some private attention to human rights in places like Chechnya and the Ukraine during this presidential summit.

But when the dialogue moves to the public arena, states undertaking a human rights discourse frequently meet "blowback" or negative reactions. State leaders who are subjected to public criticism often become defensive and inflexible in the name of national pride, state sovereignty, or because they have domestic elements who are "hard liners" about resisting foreign pressure. When in the 1970s the US Congress passed the Jackson-Vanik Amendment publicly requiring greater emigration (freedom of movement) from Romania, the Soviet Union, and other European communist countries, the numbers of those allowed out actually dropped

in the short term, as the target governments did not want to be seen caving in to US public pressure.

On the other hand, sometimes some public pressure can be productive, and the human rights NGOs that engage in the “naming and shaming” game can cite a number of situations in which public pressure brought some progressive gains over time. European state pressure on Turkey to improve its human rights record, in the context of the debate over Turkey’s admission to the European Union, clearly had some beneficial effect.

Other essentially diplomatic steps can be undertaken, such as cancellation or postponement of ministerial visits or recall of ambassadors. This is likely to draw attention to the issue at hand, particularly when done by prominent states. In early February 2005, in the wake of the assassination of a former Lebanese prime minister, the United States recalled its ambassador to Syria, believing that state bore at least some measure of responsibility. The USA used the opportunity to criticize Syria for its lax border-control policies, its anti-democratic domestic practices, and what it felt was an unnecessary Syrian military presence in Lebanon. While Syria condemned the assassination and denied involvement, greater international attention was being paid to its policies, including human rights policies.⁴

The large number of intergovernmental agencies dealing with human rights means that member states are confronted almost daily about taking a diplomatic position on some human rights question. This is certainly true in the sprawling UN system, but also true in more limited IGOs like the OSCE, Council of Europe, and OAS. Even in the Commonwealth, formerly the British Commonwealth, there are occasions for voting on human rights issues pertaining, for example, to governmental violation of rights in Zimbabwe.

Often less influential, though undeniably symbolic, are various cultural or sports-related embargos enacted by states. For example, many states refused to participate in sporting events with South Africa under white minority rule to protest the country’s policy of apartheid . . . These actions were generally supported by apartheid’s victims and often found favor with public opinion in criticizing states – in part because one could take a stand for human rights without paying much price in national blood or treasure. While these sports and cultural boycotts did not by themselves lead to the end of apartheid, such policies made their contribution to the broader effort to delegitimize repressive minority rule.

⁴ See Steve R. Weissman, “Bush Considers Syria ‘Out of Step’ with Democracy,” *International Herald Tribune*, February 19, 2005, <http://www.iht.com/articles/2005/02/18/news/syria.html>.

The diplomatic methods discussed above are used to protest or draw attention to particular human rights violations. It can be noted, too, that not all diplomatic techniques are negative in nature. States may offer ministerial visits or invite foreign diplomats or heads of state to visit in an effort to support a country’s human rights policies. Governments may be invited to participate in international conferences or to join international organizations, such as the Council of Europe or the European Union, in order to influence human rights policy. Organizations like the EU do note the domestic human rights policies of member states. One of the reasons for expanding NATO membership was to integrate militarily certain former authoritarian states into an alliance for constitutional democracies.

While diplomatic means may or may not be effective by themselves, they can be linked to other steps.

Economic means

Governments are often reluctant to undertake economic sanctions against another state – whether for human rights or other reasons – as they may hurt themselves. One of the reasons Switzerland did not join the United Nations until 2004 was that the economic sanctions it had imposed on Mussolini’s Italy as voted by the League of Nations damaged the Swiss economy as well as proving highly unpopular in Italian-speaking Switzerland. One of the reasons that the USA violated mandatory trade sanctions on the breakaway white minority government of Ian Smith in Rhodesia, now Zimbabwe, was the damage otherwise done to American businesses, particularly Union Carbide. Economic sanctions mostly cut both ways.

States, however, do sometimes suspend full trade, and also development aid or other types of foreign assistance. This may be done for lack of other appealing options – eg., diplomacy alone has proven ineffective but military action is not desired. But this type of sanctioning can have unintended or unwanted effects.⁵ Former UN Secretary General Boutros Boutros-Ghali expressed this concern succinctly: “[Economic sanctions] raise the ethical question of whether suffering inflicted on vulnerable groups in the target country is a legitimate means of exerting pressure on political leaders whose behaviour is unlikely to be affected by the plight of their subjects.”⁶ Indeed, virulent debate ensued during the 1990s regarding sanctions imposed on the people of Iraq, as authorized by the UN Security Council. Supporters of the sanctions pointed to their efficacy in making life difficult for Saddam Hussein’s abusive regime, while critics stressed their destructive effects on the people of Iraq, notably

⁵ Boutros Boutros Ghali, quoted in Peter Baehr, *The Role of Human Rights*, 74.

⁶ *Ibid.*

children.⁷ Eventually the UNSC voted to allow Iraq to sell some oil, using the proceeds supposedly to purchase goods necessary for the civilian population. But the Council failed to supervise the program effectively. Money was siphoned off to the Hussein regime, and other problems manifested themselves.⁸

Most general economic sanctions undoubtedly do not seriously affect the elite, because the rulers and associated social circles are well positioned to avoid inconvenience. Most general economic sanctions fail to drastically change policy by the target state in the short term. On the other hand, "smart sanctions" have been tried on occasion in an effort to affect target governments while avoiding harm to civilian populations. In Haiti, for example, after general sanctions had been tried with predictable results, smart sanctions were applied to the military elite associated with Cedras, that group then blocking the return of the elected President, Father Aristide. These smart sanctions, closing off elite bank accounts and freedom to travel, contributed to the departure of Cedras and his entourage – along with promises of safe passage and comfortable life in exile. Smart sanctions have been either debated or adopted regarding other situations, for example with regard to the Sudanese government because of its policies pertaining to the Darfur region in 2005.

As with diplomatic means, economic steps do not have to be negative in nature. States may often provide loans or credits to governments who are willing to adopt measures conducive to human rights protection. Most liberal democracies, as well as the IGOs that they influence, manifest democracy promotion programs in order to provide economic and technical assistance to certain authoritarian or transitional states. The funding is used to sponsor and supervise free and fair elections, state-building – for example the construction of vigorous parliaments and independent courts, and nation-building – for example encouraging an active and rights-supportive civil society. At the time of writing western states were undertaking unilateral and multilateral democracy promotion and other rights-protective policies costing hundreds of millions of dollars in foreign assistance.

Military means

Finally, there is a range of military steps available at least to those states with effective military establishments. The most dramatic measure is that

⁷ David P. Forsythe, *The Humanitarians: The International Committee of the Red Cross* (Cambridge: Cambridge University Press, 2005). The private ICRC was the first to raise the alarm, followed by UN agencies like UNICEF and WHO.

⁸ While much commentary in the USA focused on "UN" failures and corruption, the main difficulty was that western states turned a blind eye to such things as black market profiteering, since western allies Jordan and Turkey were the main beneficiaries.

of coercive military action. Such action, as a matter of fact and not necessarily of law, may be taken to stop gross human rights violations such as major war crimes, crimes against humanity, or genocide. When undertaken without UN Security Council approval, such action is highly controversial, as seen by NATO's bombing of Serbia in 1999 to try to stop violent persecution and forced displacement of the ethnic Albanians constituting a majority of the Kosovars.

There is the long-standing problem that states may claim to be engaged in "humanitarian intervention" whereas in reality they have other primary motives. The US-UK war in Iraq, though it may produce some positive long-term consequences for human rights, could not be defined as a humanitarian intervention. By 2005 the George W. Bush Administration's main justification for the war was advancing democracy. But the foundations for the war were steeped in the rhetoric of national security. At the time of the US invasion Washington argued that Iraq had ties to terrorist groups such as al Qaeda, that it possessed illegal weapons of mass destruction, and that the Hussein regime needed to be removed because of future security problems. As Peter Baehr and Monique Castermans-Holleman note, "This regime had for a number of years been guilty of human rights violations, but to put an end to these violations was not mentioned as a main objective of military action."⁹

There have not been many clear cut cases of "humanitarian war" for obvious reasons: most states have been reluctant to spill national blood for the protection of the rights of "others," and it is hard to justify such uses of force when the projected human and other costs may exceed the humanitarian good accomplished. Humanitarian intervention almost always makes the situation worse in terms of human costs in the short run. NATO's bombing of Serbia in 1999 was initially met with expanded persecution and displacement.

Less controversial than unauthorized state military action is state military support for a UN Security Council resolution designed to alleviate human rights problems. As discussed in earlier chapters, this may take the form of an enforcement or peacekeeping field operation. As noted, after the cold war these multilateral security missions almost always entailed a human rights dimension. Whether these field operations were designed to be coercive, evolved into coercion, or remained mostly a matter of armed diplomacy, states were at the center of action. It was states in the UN Security Council that authorized the deployment, states that contributed the troops, and often states that pressed for termination of mission when difficulties occurred. It was states that were responsible to see that "UN" troops were trained – or not – in international humanitarian

⁹ Baehr and Castermans-Holleman, *The Role of Human Rights*, p. 80.

law, and states that prosecuted troops that engaged in sex trafficking or other abuses – or failed to do so.

As with diplomatic and economic means, there was a positive side to military options. We have already mentioned one reason for expansion of NATO membership, namely to shore up transitional democracies by linking them to more established democracies. Bilaterally, states may choose to expand military assistance to reward another state for democratic and rights reform. In 2005 the USA expanded military assistance to Guatemala, partly in response to some rights-protective reforms in that state. At the same time the USA reduced military assistance to some states supportive of the ICC, thus using military assistance to undercut human rights developments.

US foreign policy and human rights

To a great extent a state's foreign policy on human rights is bound up with its version of nationalism, which is to say with a nation's collective self-image, which is to say with its informal ideology. Since most nations think well of themselves, most states' policies on human rights reflect the conviction that the state has some virtuous point to teach others. In the case of the United States, to understand the interpretation of human rights in foreign policy it is crucial to understand that some in the elite and most in the mass public view the USA as a beacon of freedom to the world. Human rights is equated with personal freedom as found in the US Bill of Rights appended to its constitution, and not with the broader and more complex conception found in the International Bill of Rights (as indicated, this means the UN Charter, the Universal Declaration, and the 1966 International Covenants on Civil-Political and Socio-Economic-Cultural Rights). Human rights in foreign policy is thus primarily a matter of Washington pressing others to improve personal freedom. International human rights is not primarily a matter of the United States applying global or regional standards to itself. Particularly the Ronald Reagan and George W. Bush Administrations – whether one calls them romantic nationalists, chauvinist nationalists, militant American Exceptionalists, crusading neo-conservatives, or some other label – certainly did not try to use internationally recognized human rights to improve American society. They often preferred a strictly American conception of human rights in order to bypass many international rights standards and implementing agencies.

From the early settlers in New England to the powerful Goldwater-Reagan-George W. Bush wing of the Republic Party in contemporary times, important political circles have seen the USA not as an ordinary

nation but as a great experiment in personal liberty that has implications for the planet.¹⁰ Well-known defects in American society such as a history of slavery, segregation, racist immigration laws, anti-Semitism, religious and other bigotry, gender discrimination, and grinding poverty have failed to alter this dominant self-image. American exceptionalism, the belief in the exceptional freedom and goodness of the American people, is the core of the dominant American political culture.¹¹

The continuing strength of American exceptionalism should not necessarily be equated with an automatic crusade for human rights in US foreign policy. The belief in American greatness, as linked to personal freedom, can lead to involvement or isolationism. Two schools of thought have long competed for control of US foreign policy. The first, associated with Washington, Jefferson, and Patrick Buchanan, would perfect American society at home and thus provide international leadership only by indirect example. This school was clearly dominant in the Congress in the 1930s. The second, associated with Hamilton and most presidents since Woodrow Wilson, would have the USA actively involved in world affairs – on the assumption that US impact would be for the better.¹² As Henry Kissinger has noted,¹³ Ronald Reagan was the classic American liberal, albeit tending toward the unilateralist rather than multilateralist pole, believing that an active foreign policy, featuring at least a rhetorical commitment to democracy, would make the world a better place.

American exceptionalism does not so much guarantee specific foreign policy initiatives as it predisposes Washington to talk about freedom and democracy and to assume it can make a difference for the better when and if it gets involved. The American public and Congress were deferential if not supportive in 1992 when President Bush deployed military force to guarantee the secure delivery of humanitarian assistance in Somalia. But after difficulties there, especially in 1993, the American public and Congress were content to avoid military intervention in Rwanda during 1994. The Vietnam syndrome, now supplemented by Somalia, occasionally or inconsistently puts a brake on direct US military intervention in complicated situations. Military operations in places like Haiti, Bosnia, and Kosovo could only be sustained because combat casualties were avoided. But the more fundamental faith in American greatness as

¹⁰ T. Davis and S. Lynn-Jones, "City upon a hill," *Foreign Policy*, 66 (1987), 20–38.

¹¹ See further David P. Forsythe, *American Exceptionalism and Global Human Rights* (Lincoln: University of Nebraska Distinguished Lecture Series, 1999). And Forsythe, "Human Rights and US Foreign Policy: Two Levels, Two Worlds," in David Beetham, ed., *Politics and Human Rights* (Oxford: Blackwell, 1995), 111–130.

¹² See Michael H. Hunt, *Ideology and US Foreign Policy* (New Haven: Yale University Press, 1987).

¹³ Henry Kissinger, *Diplomacy* (New York: Simon & Schuster, 1994).