

# Revisiting the Carter Administration's Human Rights Policy: Understanding Traditional Challenges for Contemporary Foreign Policy

*Revisitando la Política de Derechos Humanos de la Administración Carter:  
Entendiendo los Desafíos Tradicionales para la Política Exterior Contemporánea*

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## Abstract

The Carter Administration came to office intent on changing the traditional logic of US foreign policy, namely by promoting a foreign policy set in a framework based on human rights. The Administration sought to make human rights a central tenet of US foreign policy while simultaneously protecting American national interests abroad. However, since early on, critics have considered the Administration's policy to be inconsistent and indecisive due to its failure to grasp the complexity of balancing many inherently conflicting issues. This paper analyses the Carter Administration's human rights policy throughout its term in office. It demonstrates how the Administration acknowledged the difficulty in reconciling moral and material issues in the development of its foreign policy. In addition, the paper considers how US human rights policy has informed foreign policy in subsequent Administrations. It highlights the continuous dynamics contributing to the inconsistencies verified between foreign policy discourse and behaviour.

Keywords: Carter Administration, human rights, national interest, US foreign policy.

## Resumen

La Administración Carter llegó al Gobierno con la intención de cambiar la lógica tradicional de la política exterior de los EE.UU., a saber mediante la promoción de una política exterior situada en un marco basado en los derechos humanos. El gobierno trató de hacer de los derechos humanos un elemento central de la política exterior de los EE.UU. al mismo tiempo buscando proteger los intereses nacionales de los Estados Unidos en el extranjero. Sin embargo, desde el principio, los críticos han considerado que la política de la Administración era incongruente e fluctuante debido a su incapacidad de comprender la complejidad en equilibrar muchas cuestiones inherentemente contradictorias. En este trabajo se analiza la política de derechos humanos del gobierno de Carter. Demuestra cómo la Administración reconoció la dificultad de conciliar las cuestiones morales y materiales en el desarrollo de su política exterior. Además, considera cómo la política de derechos humanos de los EE.UU. ha informado a la política exterior de los gobiernos posteriores. Se destaca la dinámica continua contribuyendo para las inconsistencias verificadas entre el discurso y el comportamiento de la política exterior.

Palabras clave: Administración Carter, derechos humanos, interés nacional, política exterior de EE.UU.

## 1. Introduction<sup>1</sup>

Today it seems difficult for us to appreciate US foreign policy without taking into consideration its human rights dimension. It has served as a distinctive feature of «US self-image» in foreign policy (Mertus, 2004: 23) and as a standard for evaluating each Administration's performance in the international arena. However, only a short four decades ago human rights were not much more than a peripheral objective within the overall context of US foreign policy (Buckley, 1980).

While there was some initial congressional bustle in the early 1970s, it was the Carter presidency that «opened the way for the astonishing explosion of 'human rights' across the American political landscape» (Moyn, 2010: 154). However, while human rights acquired an added significance with the Carter Administration, and have since become a standard for evaluating US foreign policy, it also initiated a trend of inconsistencies and contradictions that stretch up to the present moment.

Beginning with the Carter presidency, all the US Administrations have had difficulty in achieving a balanced trade-off among the main components of the national interest: ideals, prosperity, and national security. More often than not, strategic and economic considerations have prevailed over other interests, particularly those of a moral proclivity. While the US has been extremely vocal on human rights issues over the last three decades, this rhetoric has usually not been vindicated by its foreign policy record.

The Carter Administration faced this challenge early on. It developed a broad concept of human rights and made them a central tenet of US foreign policy. However, it also acknowledged that other issues of national interest would many times prevail over human rights considerations. In this sense, the Carter Administration committed itself to a morally pragmatic foreign policy which tried to properly balance the diverse issues involved in promoting the national interest.

## 2. Human Rights in US Foreign Policy before the Carter Administration

The issues intrinsic to human rights have traditionally informed US foreign policy. The Declaration of Independence's universalist ideology has fed the American belief of its altruistic conduct on behalf of «humanity» and «civilization» (Kagan, 2006). However, regardless of rhetorical considerations, before the Carter Administration came to office human rights policy were barely institutionalised and broadly defined in terms of foreign policy (Hartmann, 2001). In the early post-war years the US actively supported the Universal Declaration of Human Rights and the references to human rights in the United Nations Charter. However, decision-makers endeavoured to curtail the establishment of any precise and binding obligations regarding human rights (Forsythe, 1990). The 1950s witnessed a mounting disregard for human rights which extended for over two decades.

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1. The current paper results from the presentation delivered at the III International Congress in Political Philosophy and Theory: Democracy, Human Rights, and Global Justice, held on 06 and 07 November 2012 at the University of Minho, Portugal.

Issues of international power, equilibrium, and stability overruled moral and legalistic approaches in the of conduct international relations, particularly during the period of détente.

Cold Warrior extraordinaire George Kennan (1993) best summarises the dominant perspective of post-war US decision-makers regarding the role of human rights in foreign policy by asserting a principle of non-interference in others states' affairs. A government's task is to interact with other governments whilst generating the least amount of tension possible between those two states. The soundest method to accomplish this, according to Kennan (1993: 207), is to avoid meddling in others internal affairs, for each government «from the standpoint of morality, [is] the judge of its own behaviour». While acknowledging some utility in the human rights movement throughout the years, Kennan was adamant in his disapproval of governmental human rights promotion through pressure for it may have been more counterproductive than useful to US national interests.

Much of the initial emphasis placed on human rights in the US's international conduct flourished in the early 1970s. Wary of US involvement with repressive regimes and the lack of a firm moral bearing in foreign policy making, Congress put into effect a wide array of legislation to safeguard its concerns with human rights issues abroad. The earliest legislation was put forward in 1973 in a response to the reported unrestrained behaviour of police forces in countries such as Chile and Vietnam. The Amendment to Section 600 of the Foreign Assistance Act of 1961 sought to prohibit the official involvement of US in equipping and training foreign police forces (Salzberg, 1986). The following years witnessed a rise in amendments to the foreign assistance legislation, as well as an increasing specification of detail, with the intention of promoting an improvement in the human rights of other countries.

Of particular importance was the work carried out by the Subcommittee on International Organizations and Movements<sup>2</sup> chaired by Congressman Donald Fraser between 1973 and 1978. The so called Fraser Committee adopted a report<sup>3</sup> in 1974 that stated that, while the safeguarding of human rights was fundamentally a sovereign issue, «when a government is itself the perpetrator of the violations, the victim has no recourse but to seek redress from outside his national boundaries» (cited in Salzberg, 1986: 15). Human decency should unite individuals in a common cause to counter these abuses, for «they have both the opportunity and responsibility to help defend human rights throughout the world» (cited in Salzberg, 1986: 15). In essence, the report emphasised the need for the US to make human rights a common standard in its foreign policy decision-making.

Throughout the years the Subcommittee on International Organizations and Movements contributed significantly to heighten US attention to human rights in its international dealings. For instance, in 1974 the disappointment with the results of the Abourezk amendment to curtail US assistance to regimes with political prisoners led the Subcommittee to introduce Section 502 to the Foreign Assistance Act and placed the

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2. The committee was later renamed Subcommittee on Human Rights and International Organizations.

3. The report was titled *Human Rights in a World Community: A Call for US Leadership*.

onus on the President for the responsibility of justifying continued military assistance to regimes that violated human rights. The initial segment of the amendment read as follows:

It is the sense of Congress that except in extraordinary circumstances, the President shall substantially reduce or terminate security assistance to any government which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman or degrading treatment or punishment; prolonged detention without charges; or other flagrant denials of the right to life, liberty, and the security of the person [...]

Whenever proposing or furnishing security assistance to any government falling within the provisions of paragraph (a), the President shall advise the Congress of the extraordinary circumstances necessitating the assistance (Committee on International Relations and Committee on Foreign Relations, 2003: 229).

Military assistance to repressive regimes was thus constrained unless the President could justify the «extraordinary circumstances». Correspondingly, in 1975 an amendment was also introduced to restrict economic aid to governments responsible for gross violation of human rights. More specifically, Section 116 of the Foreign Assistance Act (a.k.a. the Harkin amendment) established that economic aid could only be provided if the «Administrator primarily responsible for administering part I of this Act to submit in writing information demonstrating that such assistance will directly benefit the needy people in such country, together with a de-tailed explanation of the assistance to be provided (including the dollar amounts of such assistance) and an explanation of how such assistance will directly benefit the needy people in such country» (Committee on International Relations and Committee on Foreign Relations, 2003: 59).

Other areas of foreign assistance were also subject to similar constraints regarding the respect for human rights. For instance, the Food for Peace Act and the Overseas Private Investment Corporation and the Export-Import Bank adopted the concept of «gross violations» of the Foreign Assistance Act to compel foreign regimes to assure basic human rights for their citizens (Salzberg, 1986). In addition, the International Financial Institutions Act (Sections 701 and 703) instituted goals and standards for human rights which were to guide US participation and voting in the World Bank, the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund (Salzberg, 1986).

The legislation mentioned so far entailed a coercive approach to human rights; i.e., it endorsed the interruption or termination of assistance to regimes that did not comply with protection of basic human rights of their populations (with the exceptions already mentioned). However, in 1977 the Subcommittee introduced Section 116(e) of the Foreign Assistance Act which authorised the President to provide financial assistance to programs and activities which promoted civil and political rights in countries qualified

for aid.<sup>4</sup> The majority of the assistance went to programs supporting nongovernmental organisations which carried out activities such as teaching, visits, information, legal services, research, and workshops in the US and abroad (Salzberg, 1986).

In the five years of Fraser's chairmanship, the subcommittee held over 150 hearings, interviewing over 500 witnesses. The effort of the committee reveals its misgivings towards the Nixon and Ford Administrations compliance with the human rights element of their foreign policy. In fact, both Administrations tried to sidestep many of the legislative initiatives. In 1975, for example, Kissinger decided to not release the country reports arguing that all states violate human rights and singling out individual countries could be detrimental to US interests (Merritt, 1986).

Moreover, military and financial assistance continued to be given to controversial regimes such as Chile, El Salvador, Nicaragua, Philippines, and South Korea. As a result, specific country legislation was adopted in order to proscribe or limit military and economic aid. Chile and South Korea were the initial targets of the legislation, but they were followed in the ensuing years by countries as diverse as Argentina, Cambodia, Cuba, El Salvador, Guatemala, Haiti, Nicaragua, South Africa, Uganda, and Vietnam. While acknowledging that for operational reasons Congress was not the best institution to manage foreign assistance (e.g., due to the time of response to violations or compliance of human rights), Fraser supported the legislation due to the difficulty in making the Administration comply with congressional intentions (Salzberg, 1986). Also, in 1976 Congress overrode a presidential veto to enact a human rights policy into the International Security and Arms Export Control Act making legislation linking human rights and security assistance a legal requirement (rather than the non-binding situation previously observed).

Moreover, the legislation submitted throughout the years led the Department of State to request reports on human rights from US embassies. The reports consisted of a short review and analysis of the human rights practices in each individual country. This practice began with the Bureau of East Asian and Pacific Affairs and was followed by all the other regional bureaus. The initial reports were completed in 1975 and were updated yearly. The country-by-country reports provided an initial assessment for establishing US foreign assistance.

### 3. The Carter Administration and the Quest for a Morally Pragmatic Foreign Policy

The Carter Administration has been harshly criticised for its human rights policy. Disapproval has come from both sides of the political divide. Some on the left have condemned the Administration for its inconsistency and bias in enforcing human rights in repressive regimes. Others, mostly on the right, have assailed the Administration for its naiveté in trying to balance human rights concerns with issues relevant to national security. However, while Carter's personal experience may have contributed initially to some excessive

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4. At that time, the budget allocated was \$ 750,000 US dollars.

idealism,<sup>5</sup> a careful examination of the Carter Administration's public statements and official documents attests to the contrary. In fact, the Administration developed an intricate account of the concept of human rights and its infusion into US foreign policy and was well aware of its limits and potential inconsistencies.

Human rights were a central concern for Carter right since his presidential campaign. Indeed, Carter's campaign was centred more on values than on specific issues (Kaufman, 1993). Confronted with the predicaments of Watergate, Vietnam, and CIA covert operations in the Third World, Carter was very critical of the secrecy and *realpolitik* involved in past Administration's foreign policy. He thus put emphasis on human rights as one of the ways by which the US could improve its global image (Moore, 1984). Accordingly, in his second presidential debate with Ford, Carter (1976) chastised the previous administrations for ignoring human rights and consequently weakening America's position in the world. In his closing statement, he argued that the US should once again become «a beacon for nations who search for peace and who search for freedom, who search for individual liberty, who search for basic human rights» (Carter, 1976). The theme of human rights continued to be a significant discussion point throughout the campaign.

Once in the White House the Administration promptly began working to conceptualise its human rights perspective and embed it within the Administrations' broader foreign policy goals and objectives. Contrary to past Administrations, with Carter «human rights rhetoric was given unprecedented prominence in US foreign policy» (Mutua, 2007: 568). In the briefing book submitted by Brzezinski to Carter, on April 30, outlining the top ten foreign policy goals for the following four years, human rights featured prominently in countering soviet ideological expansion and enhancing the global sensitivity to the US's adherence to international norms (Brzezinski, 1983). From the beginning, despite their consensus on the issue (Carter, 1982), key decision-makers in the Administration were aware of the limits of institutionalising human rights in foreign policy. Secretary of State Cyrus Vance was particularly sensitive to the implications of pursuing a human rights agenda. While agreeing on the need for a more moral approach to foreign policy, from the opening Vance (1983) counselled Carter on the need to maintain flexibility and pragmatism in dealing with particular cases that might affect US security interests – e.g., South Korea. In order to reconcile human rights with other issues of national interest and develop a coherent and functional foreign policy, the Administration set up the Intergovernmental Group on Human Rights and Foreign Assistance.

Meanwhile, key-members of the Administration were beginning to showcase the framework of the future policy. A preliminary outline of the Carter Administration's human rights policy was presented by Deputy Secretary of State, Warren Christopher (1977), in a statement before the Senate Subcommittee on Foreign Assistance, on March 7, 1977. Whilst confirming the Administration's commitment to human rights as an integral part of its foreign policy, Christopher (1983) acknowledged that at many times there would be difficult trade-offs:

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5. In his memoirs, Carter (1982: 44) admits that he initially did «not fully grasp all the ramifications of our policy».

[...] conflicts in policy may arise when the security of the United States is linked to that of a country whose human rights priorities are deficient. It should be uppermost in our minds that security assistance is rendered to maintain or enhance our own security, not to strengthen the hand of a repressive regime, although we must face up to that as an undesired and unintended consequence in certain cases (Christopher, 1983: 408).

The best way to balance this reality was, according to Christopher, to carefully and systematically weigh human rights concerns against economic and security goals on a country-by-country basis. In each case a series of questions was developed in order to help decision-makers settle on the best policy option, namely (Christopher, 1983: 408):

- Will our action be useful in promoting the cause of human rights? Will it actually improve the human rights situation at hand? Or, is it likely to make it worse?
- What will be the most effective means of expressing our views? Quiet diplomacy? A public pronouncement? Withdrawal of aid or other tangible sanctions?
- Even when there is only a remote chance that our action will be influential, does our sense of values, our American ethic, prompt us to speak out or take action?
- Will others support us? Can we expect the aid of national and international organizations dedicated to furthering human rights?
- Have we steered away from the self-righteous and strident, remembering that our own record is not unblemished?
- Finally, have we remembered national security interests and kept our sense of perspective, realizing that human rights cannot flourish in a world impoverished by economic decline or ravaged by armed conflict?

Secretary of State Vance reiterated this position in his May 23 speech at the Law Day ceremonies at the University of Georgia. While proclaiming human rights as an essential part of the US's progressive values, Vance held firm on the limits of US power and its wisdom. Therefore, Vance called for a realistic policy which took into consideration the effective possibility of achieving US objectives. Any other attitude would result in «a sure formula for defeat of our goals would be a rigid, hubristic attempt to impose our values on others» (Vance, 1977: 506). Thus, elaborating on Christopher's previous statement to Senate, Vance also put forward a series of questions that the Government must consider before deciding on what action to take.<sup>6</sup>

On the previous day (May 22, 1977), Carter laid out his vision for human rights in an address at Notre Dame University. Carter reaffirmed his conviction that previous administrations had backed away from traditional US values in their dealings with other nations due to the excessive focus on containing the global expansion of soviet communism.

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6. The questions put forward by Vance are in general quite similar to those presented by Christopher. However, Vance (1977) added some initial considerations on the nature of the case, i.e., «What kinds of violations or deprivations are there? What is their extent? Is there a pattern to the violations? If so, is the trend toward concern for human rights or away from it?»

However, according to Carter (1977), far-reaching changes were occurring globally and «as more people have been freed from traditional constraints, more have been determined to achieve, for the first time in their lives, social justice». Consequently, US policy should reflect its historical optimism in the belief that «dignity and freedom are fundamental spiritual requirements» of all individuals and peoples (Carter, 1977). While committing human rights as a fundamental tenet of US foreign policy, Carter was careful to highlight that there were no «rigid moral maxims» to guide policy and that changes in the human rights conditions in many nations could be protracted. Rather than any guarantee to rid the world of the plethora of violations to human rights, Carter was sober in his pledge:

Throughout the world today, in free nations and in totalitarian countries as well, there is a preoccupation with the subject of human freedom, human rights. And I believe it is incumbent on us in this country to keep that discussion, that debate, that contention alive (Carter, 1977).

Thus, the US could be counted on to serve as a sounding platform for those individuals and people who lacked the basic rights from their governments. By acknowledging the limits in enforcing human rights abroad and that change would be slow in many cases, Carter merely committed the US to keep the human rights agenda on the table. Ultimately, it was a question of political moralisation, as he later admitted in his memoir:

Whenever I met with the leader of a government which had been accused of wronging its own people, the subject of human rights was near the top of my agenda. Almost always, the discussion was initiated by those who had been accused. They seemed eager to let me know what progress was being made in their homeland to end persecution and to redress grievances. I knew often that this was a ploy to mislead me, but even then it was possible that the seeds of reform had been planted. *At least they were confronting a question they had not been forced to address before* (Carter, 1982: 150-151; emphasis added).

In July 1977 the final draft of the Presidential Review Memorandum on Human Rights<sup>7</sup> (hereafter PRM 28) was submitted to the Administration. Adopting the United Nations Universal Declaration of Human Rights as its conceptual foundation, PRM 28 identified three main groups of human rights (Christopher, 1977):

- The right to be free from governmental violations of personal integrity, namely torture, cruel, inhuman or degrading punishment, arbitrary arrest or imprisonment, denial of fair public trial, and invasion of the home;

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7. Presidential Review Memorandums identified topics to be researched by the NSC, defined the problem to be analyzed, set a deadline for the completion of the study, and assigned responsibility for it to one of the two NSC committees. When the committee completed the study the conclusions were sent to the President and formed the basis for a Presidential Directive.



- Economic and social rights, which imply that governments did not restrain an individual's freedom to fulfil his vital needs (e.g., food, shelter, health care, education) or fail satisfactorily to support individuals in meeting these needs;
- Civil and political rights, guaranteeing freedom of thought, of religion, of assembly, of speech, of the press, as well as individuals' freedom of movement within and outside his own country and the freedom to partake in government.

The authors of PRM 28 highlight that the Administration's human rights policy should, in accordance with the President and Secretary of State, contemplate all three groups of rights. However, the study does highlight the differences involved in safeguarding these different groups of rights and analyses the costs and benefits involved in each group. The document also acknowledges that there is no single strategy for approaching the issue. Rather, PRM 28 argues for a case-by-case evaluation within the context of national groupings. Accordingly, the study identifies Western Democracies, Communist States, Third World Nations, and Gross Violator of Human Rights. Each grouping has particular characteristics that recommend certain types of actions, such as:

- Diplomatic actions, public statements, and various symbolic acts;
- Changes in levels of security and economic assistance and food aid;
- Initiatives in international financial institutions;
- Use of overseas broadcast facilities and cultural programs;
- Improved access to the US for refugees and dissidents;
- Substantive and procedural initiatives in various international forums.

Taking into consideration the issues analysed in PRM 28 and other discussions, in February 1978, Carter issued the Presidential Directive on Human Rights (hereafter PD 30) stating that «[i]t shall be a major objective of US foreign policy to promote the observance of human rights throughout the world» (Carter, 1978: 1). Nevertheless, in accordance with the previously mentioned public statements and documents, the directive did observe the need for «due consideration to the cultural, political, and historical characteristics of each nation, and to other fundamental US interests with respect to the nation in question» (Carter, 1978: 1). In this sense, PD 30 called for a comprehensive approach to human rights, while maintaining a pragmatic perspective in conducting US foreign policy.

The record of the Carter Administration's performance on human rights confirms this elaborate perspective. Domestically, the Administration surpassed some important institutional hurdles and was able to press the Senate to ratify several international human rights conventions, i.e., the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the American Convention on Human

Rights, and the International Genocide Convention. Although unsuccessful in obtaining their endorsement in the Senate,<sup>8</sup> the Administration kept pushing key-politicians behind the scenes to adopt the conventions throughout its tenure (Glad, 2009).

Internationally, the Carter Administration was able to link aid to human rights issues, but as Apodaca and Stohl's (1999) research demonstrates, economic aid was also subject to other considerations such as economic requirements, past assistance record, and traditional national interests. Moreover, in relation to military aid, the same study reveals that while assistance was cut to Argentina, Bolivia, El Salvador, Guatemala, Haiti, Nicaragua, Paraguay, and Uruguay other countries with similar negative human rights records continued to receive aid (e.g., Indonesia, and El Salvador and Guatemala in the final year of the presidency). Other policies revealed similar dynamics. For instance, while the Administration was quite vocal on Soviet abuses on human rights, it concurrently normalised relations with China without pressing any such concerns. Regarding the peace process in the Middle East, after the initial demands for the recognition of the autonomy of the Palestinian people, the Administration gradually conformed to the reality on the ground and acquiesced to Israeli policies.

In the end, Carter's human rights policy had its consequences. While it certainly was a source of pride and achievement for many of the top decision-makers, it was also a cause for frustration in particular circumstances. Brzezinski confirms this paradox in his memoir. He states that, in general, the Administration's policy «can be counted a success» (Brzezinski, 1983: 129) and proudly lists the number of political prisoners released due to its global endeavours<sup>9</sup>. This sense of fulfilment however was lacking when assessing the Shah's fall from power. While maintaining that «Carter's efforts to make the Shah more responsive to human rights was a step in the right direction», Brzezinski (1983: 397) acknowledged that «it came at a time when the basic problems of Iran were beginning to get out of hand and the structure of authority was beginning to crack». Similar dilemmas were also to be faced by every proceeding Administration.

#### 4. US Human Rights Policy after the Carter Administration

Throughout its tenure and afterwards, the Carter Administration's foreign policy was fiercely assailed by political opponents. Its human rights policy was particularly beleaguered. Jeane Kirkpatrick epitomised the feeling in conservative circles. In her renowned essay *Dictatorships and Double Standards*, Kirkpatrick (1979: 42) condemned Carter for being «*par excellence*, the kind of liberal most likely to confound revolution with idealism, change with progress, optimism with virtue». Her most disparaging critique focused on the Carter Administration's inability to discriminate between different types of authoritarian

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8. During Carter's term in office, none of these treaties were ratified by the Senate. In the following years only the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination, and the International Genocide Convention were approved by the Senate.

9. Brzezinski presents the following number of political prisoners releases between 1977 and 1980 due to US pressure: 300 in Peru; 35000 in Indonesia; reduction of thousands of «disappearances» in Argentina, Chile, and Brazil.

regimes in its human rights policy. Fixing specifically on Iran and Nicaragua, Kirkpatrick accused Carter of weakening the already fragile regimes (allies of the US) in favour of revolutionary forces antagonistic to US interests:

The foreign policy of the Carter administration fails not for lack of good intentions but for lack of realism about the nature of traditional versus revolutionary autocracies and the relation of each to the American national interest. Only intellectual fashion and the tyranny of Right/Left thinking prevent intelligent men of good will from perceiving the *facts* that traditional authoritarian governments are less repressive than revolutionary autocracies, that they are more susceptible of liberalization, and that they are more compatible with US interests (Kirkpatrick, 1979: 44).

The Reagan Administration came to office expecting to amend the Carter Administration's emphasis on human rights. More precisely, the Reagan Administration sought to return US foreign policy to more geopolitical and geostrategically oriented policies (Forsythe, 1990). However, the Administration quickly encountered difficulties in trying to abandon the active promotion of the human rights agenda. One of the first challenges came from the Senate Foreign Relations Committee which rejected the nomination of Ernest Lefever as head of the Bureau of Human Rights<sup>10</sup> (Jacoby, 1986).

The opposition to the planned policy led to a change in the Reagan Administration's discourse on human rights. Accordingly, once staunch critics of the previous Administrations human rights policy, Reagan and his cabinet began indulging in a more moralistic rhetoric and argumentation. For instance, the once outspoken detractor on human rights policy, Secretary of State Alexander Haig, found himself having to assert that «human rights were 'the major focus' of the administration's foreign policy» (cited in Mertus, 2004: 29). Likewise, Kirkpatrick (1981), now US Ambassador to the UN, argued in a symposium in late 1981 that «not only should human rights play a central role in U.S. foreign policy», but also that «no US foreign policy can possibly succeed that does not accord them a central role».

However, despite the newly acquired rhetoric on human rights promotion, and some progress, particularly in bilateral relations, the Reagan Administration continued to support and aid regimes with weak human rights records. One reason for this was that the definition of human rights used by the Reagan Administration differed notably from its predecessor. Rather than the previous three broad groups of human rights, the Reagan Administration «harmonized the definition [of human rights] to be consistent with overall foreign policy by eliminating the economic rights category» (Drezner, 2000: 745). Human rights policy narrowed its focus entirely to civil and political rights. Coupled with a renewed prominence placed on the national interest, this allowed for the Administration to continue and even augment aid to friendly (i.e., rightist) authoritarian regimes such as

10. Lefever was a declared opponent of human rights legislation and publicly supported abandoning the practice of developing annual country reports on human rights practices (Mertus, 2004).

El Salvador, Liberia, South Korea, and Zaire. Human rights served an essentiality ideological rationale, namely as a tool for promoting anticommunist policies throughout the Third World. Accordingly, human rights considerations were frequently invoked to justify aid to opposition groups such as the Contras in Nicaragua, Mujahedeen in Afghanistan, and UNITA in Angola (Mertus, 2004). Although it is true that the Administration did espouse a harder line with some friendly regimes (e.g., Chile, Philippines, and Paraguay), especially in its second term, this resulted more from a shift in strategic thinking rather than a genuine concern for human rights issues (Forsythe, 1995).

It is a fact that, unlike Carter, Reagan never wanted to transform international relations, namely through the encouragement of greater global governance. Yet, as Forsythe (1995) has appropriately pointed out, by the end of his term, Reagan's human rights policy revealed many resemblances with Carter's.

Each sought to advance human rights inconsistently, where major security and economic interests did not interfere. Each largely ignored some major human rights problems. Congress had forced Carter's hand on Idi Amin's Uganda, and Reagan's hand on South Africa, both via economic sanctions. Congress pushed Carter further than he wanted to go regarding introducing human rights considerations into World Bank proceedings, and it pushed Reagan further than he wanted to go regarding human rights violations by friendly forces in Central America (Forsythe, 1995: 123).

George H W Bush came to power confident the US could hail in a «new world order» in which US values could multiply throughout the globe. Addressing a joint session of Congress, Bush proposed a new world where

[...] the rule of law supplants the rule of the jungle. A world in which nations recognize the shared responsibility for freedom and justice. A world where the strong respect the rights of the weak (Bush, 1990).

However, despite the appearance of a noble purpose, Bush held fast to his predecessors' legacy of pursuing a human rights policy that was repeatedly subject to matters of tangible national interest. In reality, the Administration did secure the ratification of the 1966 Covenant on Civil and Political Rights (1992) and used international institutions such as the United Nations Organization and Organization of American States<sup>11</sup> to promote human rights issues abroad. In addition, while revealing a less moralistic tone than Carter and Reagan, the Bush Administration took a tough stance on several human rights issues, namely protesting against the discrimination of Turkish minorities in Bulgaria and pressuring the government of El Salvador to put an end to death squads and other humanitarian violations (Pastor, 2001). Moreover, the US committed itself to safeguarding

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11. Namely by supporting the Santiago Declaration which states that an attack on a democratic government in the hemisphere is an international issue and, accordingly, requires a regional response.

the rights of people in harsh predicaments by sending troops to Somalia in late 1992 and assuring the creation of a Kurdish zone of autonomy in Iraq in 1991 (Mertus, 2004).

However, it is difficult to identify a consistent pattern of human rights promotion for the Bush Administration. Albeit the merit of the initiatives mentioned above, the Administration revealed that human rights concerns were lessened when there was a conflict of interests. More precisely, after Desert Storm there was no pressure for democratic reforms in Saudi Arabia or Kuwait and assistance to Shiite and Kurdish minorities only commenced after intense media coverage (Mertus, 2004). Cutbacks in assistance to friendly dictators (e.g., Daniel arap Moi of Kenya, Siad Barre of Somalia, and Mobutu Sese Seko of Zaire) were opposed by the Administration and situations of extreme humanitarian despair were ignored (e.g., Mozambique). Regardless of public condemnation of Chinese actions in Tiananmen Square, the Bush Administration also renewed China's most favoured nation status shortly afterwards. Furthermore, the Administration accompanied the approval of international treaties with a host of RUDs (Reservations, Understandings, and Declarations) which certified that the US would «abide by only those provisions compatible with the American constitution and that are in conformity with existing American law» (Mertus, 2004: 32).

Accordingly, The Bush Administration would promote human rights only when they did not conflict with American geopolitical and geostrategic considerations. But this did not make the Administration exceptional in any way. As Forsythe (1995: 126) reminds us «His [Bush] record on international human rights was similar to his predecessors in terms of its inconsistency... but different in terms of lack of lofty rhetoric». In fact, the lack of a more vocal stance of human rights opened the way for attacks from the Clinton campaign. In accusing Bush of contriving with human rights violators, Clinton stated he would do more to aid Russia's transition to democracy and take a tougher attitude towards China's human rights violations (Chollet and Goldgeier, 2008). He also assailed Bush for turning his back on Haitian refugees and ignoring the atrocities in Bosnia (Apo-daca, 2005). In contrast, Clinton vowed to be unwavering in upholding human rights values even when facing competing interests (Mertus, 2004). This outlook was consistent with the renewed optimism in the improvement of human rights that followed the demise of the Cold War (Mammadov, 2011).

Under the banner of «democratic enlargement», the Clinton Administration committed itself to promoting free market-style democracy. More precisely, the Administration's new strategy focused on strengthening the community of market economies, promoting new market democracies, countering aggression to liberal democracies, and assisting the implementation of market democracies in the regions of greatest humanitarian concern (Brinkley, 1997). The fundamental rationale was that economic liberalisation would contribute to greater political freedom and, concurrently, that the implementation of the rule of law and the safeguard of basic freedoms would sustain a robust economy. As a result of this vision «human rights issues were brought into discussions of trade and economic relations as never before» (Mertus, 2004: 37).

In order to carry out the new strategy several bureaucratic innovations were implemented. The Center for Democracy and Governance was created, the National Security Council received a special assistant for democracy, and the Human Rights and Humanitarian Affairs bureau was renamed the Bureau of Democracy, Human Rights, and Labor (Mertus, 2004).

However, Clinton's democratic enlargement was constrained by geoeconomic considerations. As the Administration's National Security Strategy (The White House, 1995) pointed out, promotion of democracy and increasing respect for fundamental human rights would be sought where it was possible. Therefore, according to Brinkley, certain regions were privileged targets of the new policy:

[...] as a politically viable concept, enlargement had to be aimed at primary US strategic and economic interests. For example, Asians in general took a vastly different view of what constituted democracy, preferring to emphasize social order over individual rights. Under enlargement, America's chief concern in Asia would therefore be free market access - the rest, for the most part, would be left to sort itself out (Brinkley, 1997: 116).

If anything, Clinton contributed to keeping human rights at the head of the international agenda (Walt, 2000). In the United Nations Organisation (UN) the Administration led the way for a broader interpretation of Chapter VII of the UN Charter, narrowing the concept of state sovereignty, and also enlarged the concept of UN peace-keeping interventions under Chapter VI of the UN Charter, reigning-in a second generation of international missions (Mertus, 2004). Furthermore, the Clinton Administration catalysed the institutionalization of international criminal courts for dealing with the crimes committed in former Yugoslavia and Rwanda.<sup>12</sup>

Strong rhetoric also helped to persuade the ruling junta in Haiti to step down and restore Jean-Bertrand Aristide to power in Haiti in 1994. It also blocked an International Monetary Fund loan to Croatia on the grounds of its failure to protect minority rights and prosecute war criminals (Mertus, 2004). More noticeably, the Clinton Administration was credited with leading in a new era of humanitarian interventions – i.e., the promotion, namely by military force, of human rights and other humanitarian concerns in situations void of any tangible US interest (a.k.a., Clinton Doctrine) (Walt, 2000). US interventions in Bosnia, Haiti, Kosovo, and Somalia seem to confirm that the Administration was «willing to use force to change the internal governance and conditions within other countries even when security interests were minimal» (Dietrich, 2006: 276).

However, as former Assistant Secretary of State for Democracy, Human Rights, and Labour of the Clinton Administration, Harold Koh (2002: 330), has clarified, the promotion of democracy and human rights were a means to achieving goals of national interest; more precisely «the goal of American foreign policy is thus to fuse power and

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12. However, the Clinton Administration contested the creation of the International Criminal Court.

principle, by promoting the globalization of freedom as the antidote to other global problems, resorting to force in those rare circumstances where all else fails».

The same pretence holds true for foreign assistance. While official rhetoric on democracy and human rights was soaring, government expenditures significantly lagged behind other foreign policy issues. An illustrative case in point is the contrast in 1999 between the Department of Defences' appropriation of over \$276 billion and the \$21.6 billion attributed to International Affairs (Mertus, 2004). In addition, the foreign aid provided by the Clinton Administration did not contribute significantly to improvements in human rights in the beneficiary countries. In their study on the impact of US foreign assistance, Apodaca and Stohl (1999) found that, contrary to the three previous Administrations, human rights issues did not influence a country's odds of receiving economic assistance from the Clinton Administration. In the end, the research revealed that «Clinton is more concerned with shoring up US economic interests by maintaining and expanding overseas markets than with human rights issues» (Apodaca and Stohl, 1999: 194).

The renewal of Chinas' most favoured nation status clearly attests to this fact. Although the US maintained a strong rhetoric towards issues such as the forced labour of prisoners, the denial of religious freedom, and the occupation of Tibet, it also proceeded to delink these issues from economic considerations. Looking to bring China into the liberal institutional order, the Clinton Administration repeatedly overlooked human rights violations and augmented bilateral economic relations and supported Chinas integration in various international organizations (Apodaca, 2005; The White House, 1995). Also, in light of the Asian economic crisis, the US pressed international financial institutions to augment funding significantly to Asian countries regardless of considerations regarding human rights, labour rights, or environmental protection (Mertus, 2004). In sum, the Clinton Administration was more vocal on human rights than the preceding Republican administrations, but this rhetoric was generally not backed by its foreign policy decisions. According to Mertus (2004: 47), three policy areas were particularly prone to this discrepancy: «in bilateral strategies against countries that are human rights abusers, in the indiscriminate proliferation of US arms sales abroad, and in the erratic positions taken toward multilateralism and the ICC».

The George W. Bush Administration fared no better than its predecessor when it came to reconciling human rights and other issues of national interest. Bush (2000) came to office on the promise of a more «humble» foreign policy and criticised Clinton's humanitarian missions, specifically claiming that «I don't think our troops ought to be used for what's called nation-building». In fact, Bush avoided referring to human rights before the events of September 11th 2001. Unwarranted pressure on human rights promotion was initially seen as unproductive in certain circumstances. For instance, when considering relations with China, Condoleezza Rice (2000: 55) cautioned that «[a]lthough some argue that the way to support human rights is to refuse trade with China, this punishes precisely those who are most likely to change the system».

However, September 11th placed human rights once again at the forefront of political considerations. As Assistant Secretary for Democracy, Human Rights, and Labor, Lor-

ne Craner (2001), remarked shortly after the attacks, rather than abandon its focus on human rights issues September 11th confirmed that «maintaining the focus on human rights and democracy worldwide is an integral part of our response to the attack and is even more essential today than before September 11th». However, Craner also alerted to a change in human rights policy brought on by the event:

Our policy in this Administration, and it is certainly true after September 11, is to focus on US national interests. [...] Our focus on national interests will come by concentration on advancing human rights and democracy in countries important to the United States. [...] A third characteristic of our democracy policy will be a willingness to take on tough jobs, long term projects in countries and regions that today appear inhospitable to human rights and democracy (Craner, 2001).

In the same vein, the 2002 National Security Strategy materialised this conviction into official policy. Committing itself to «champion aspirations for human dignity»,<sup>13</sup> the new strategy stated that «America must stand firmly for the nonnegotiable demands of human dignity: the rule of law; limits on the absolute power of the state; free speech; freedom of worship; equal justice; respect for women; religious and ethnic tolerance; and respect for private property» (The White House, 2002: 3). While the National Security Strategy did refer to the promotion of human rights in several passages, there was no effort to define them (as opposed to «dignity»). In this sense, as Mertus (2004) has pointed out, the National Security Strategy neglects mostly every non-derogable human right consecrated by international treaties, such as the right to life, the right to be free from torture and other inhumane or degrading treatment or punishment, the right to be free from slavery or servitude, and the right to be free from retroactive application of penal laws.

Just as for the previous government, the Bush Administration also considered economic liberalisation as a vital instrument for improving human rights. According to the National Security Advisor, Condoleezza Rice (2000: 50), «the growth of entrepreneurial classes throughout the world is an asset in the promotion of human rights and individual liberty». As the prior Administration, Bush and his colleagues boasted «faith in the power of markets and economic freedom to drive political change» (Rice, 2000: 57). This economic certainty was combined with a fervour for democracy promotion abroad.

The high ideals put forwarded by Bush clashed however with the Administration's actions. In fact, as Koh (2005) has observed, the «Bush Doctrine places the United States in the position of promoting genuine double standards, one for itself and another for the rest of the world». Throughout its term in office the Administration's unilateralist conduct has given way to an extensive redefinition of human rights issues, particularly on the domestic front – e.g., homeland security, law enforcement, immigration control, detention, governmental secrecy, and information access. More precisely, US policy under Bush has

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13. In fact, Bush used the expression «dignity» on many occasions, allowing him to move away from the use of the term «human rights» (Mertus, 2004).



led some critics to caution to the «imbalance of powers» which has on many occasions put the Government «at odds with core American and international human rights principles» (Lawyers Committee for Human Rights, 2003: 3).

On the international front the Bush Administration also revealed large contradictions. The rhetoric on democracy and human rights has not coincided with policy. For instance, Congress with strong presidential support, approved the American Service-Members' Protection Act in 2001 which prohibited the US from collaborating with the International Criminal Court and created a presidential right to protect US citizens and service members from being prosecuted by the court (Forsythe, 2006).

Especially alarming was the abuse of prisoner at US-run prisons, such as Abu Ghraib, Bagram, and Guantanamo. After the invasion of Iraq it became public that high US officials had allowed cruel interrogation procedures to be carried out in several detainee centres. Moreover, the Administration tried to justify that the terrorists captured were exempt from the legal protections for prisoners established in several international treaties (e.g., Geneva Conventions, UN Convention against torture and degrading treatment). In effect, in 2006, President Bush signed the Military Commissions Act<sup>14</sup> which sanctioned the use of coerced testimony and evidence on US citizens and non-citizens obtained through cruel, inhuman, and demeaning treatment if found reliable by military judges (i.e., if they were designated «unlawful enemy combatants»). What's more, while maintaining a strong rhetoric on human rights abroad, the Bush Administration maintained and consolidated US relations with illiberal regimes such as China, Kuwait, Pakistan, Saudi Arabia, and Uzbekistan, further deteriorating the US's international legitimacy and reputation for competence (Power, 2008).

The election of Barak Obama did not break the trend in US human rights policy initiated with the Carter Administration despite the clamour for change. While initially more restrained in declaring the promotion of democracy and human rights, the Obama Administration has also revealed incongruence between its rhetoric and policy (Carothers, 2012; Mammadov, 2011). Trying to distance himself from Bush, in his initial address to the UN General Assembly, Obama (2009a) admitted «that America has too often been selective in its promotion of democracy» and that it «cannot be imposed on any nation from the outside». Nevertheless, in the same address Obama did acknowledge universal principles and self-evident truths. In accepting the Nobel Peace Prize he once again reiterated that the US would always lend its voice to universal aspirations (Obama, 2009b). But as Nau has pointed out, the Obama Administration's pragmatic pursuit for security has led him to overlook several regimes' infringement of human rights policies:

[Obama] did not pledge specific help for dissidents in Burma, Zimbabwe, Iran, and elsewhere. And in none of these speeches did he mention, let alone confront, the oppressive policies of a new wave of authoritarian powers stalking the world –Russia in Europe, China in Asia, Iran in the Middle East, and Venezuela in Latin America. Instead he turned

14. The Act was eventually amended by the Military Commissions Act of 2009.

to many of these new autocrats as principal partners to pursue shared global interests of disarmament, economic recovery, climate change, and non-proliferation (Nau, 2010: 31).

In fact, the Administration has come under heavy fire for its lack of commitment to human rights (Carothers, 2012; Mammadov, 2011; Myers, 2012). In a devastating op-ed in the *New York Times*, Jimmy Carter assailed the Obama Administration (as well as the Bush Administration) for abandoning the US's role of global champion of human rights. According to Carter (2012) «our country can no longer speak with moral authority on these critical issues».

The Obama Administration has tackled a number of human rights concerns. It closed many of the CIA black sites known for forced disappearances and mistreatment, invalidated several of the predecessor administrations' legal memos on enemy prisoners, banned the majority of the enhanced interrogation techniques previously in effect, rejoined the UN Human Rights Council, and re-established a working relationship with the International Criminal Court (Carothers, 2012; Forsythe, 2012).

Some of the issues that have raised contention have been: the Administration's unwillingness to press China on Human Rights; refusal to meet with the Dalai Lama; cutbacks in funding of the Agency for International Development; accommodation to Central Asian regimes (e.g., Tajikistan); failure to close the prison in Guantanamo; targeted drone killings; continued administrative detention without legal charge or trial; maintenance of military commissions; opposing prosecutions of past tortures and creation of truth commissions on past detainee abuse; boycott of the Durban II meetings; belittling of the Goldstone Report<sup>15</sup> (Forsythe, 2012; Lewis, 2012; Nossel, 2012; Roth, 2010).

Accordingly, the Obama Administration's human rights policy does not drastically depart from previous Administrations, «[s]elf interest in security and economic advantage loomed large, as expected by powerful domestic constituents» (Forsythe, 2012: 785). The second term most likely will not prefigure any significant reconsideration of the Administration's earlier policies. The need to steer US foreign policy in a period in which global power in the international system is in flux will certainly constrain US human rights policy in the coming years.

## 5. Final Thoughts and Considerations

The Carter Administration placed human rights at the forefront of US foreign policy. As Mertus (2004: 27) has recognised «never before had an American presidency endorsed such a broad list of rights». Confronted with the deteriorating international standing of the US, Carter sought to imbue American policy with a new élan by promoting human rights as a central pillar of his foreign policy. More than just allude to its support for a collection of vague ideals, the Administration developed an elaborate and far reaching conceptualisation of human rights.

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15. The name commonly attributed to the United Nations Fact Finding Mission on the Gaza Conflict.

Nevertheless, the interagency debate highlighted the limits to applying an unrestricted policy of human rights promotion. In particular, the Carter Administration was aware of the complexity involved in balancing the multiple factors conditioning the national interest. Savvy to the complexities involved in implementing and maintaining a coherent human rights policy, Vance (1983: 436) recognised that «no mechanistic formula will produce an automatic answer». As a result, Carter's Presidential Directive on Human Rights required that human rights issues be analysed within the particular national contexts and in relation to other US interests. Accordingly, PD 30 sought to pursue a comprehensive outlook to human rights, while maintaining a pragmatic approach to conducting US foreign policy. As a result, the Administration's human rights policy ultimately failed to live up to its initial promise. Rhetorical appeals for safeguarding and promoting human rights would intermingle with the endorsement and support of despotic regimes.

Similar challenges would confront ensuing Administrations. While the Reagan Administration sought to amend the Carter's emphasis on human rights, it eventually embraced human rights as part of its roll-back strategy. In fact, Reagan employed human rights as an ideological rationale for promoting anticommunist policies in the Third World and concurrently increasing aid to friendly authoritarian regimes and local opposition groups. Subjecting human rights considerations to other more tangible matters of the national interest was continued by George H W Bush. While proclaiming the emergence of a new world order in which human rights would be a central tenet, the Bush Administration placed greater effort in trying to manage the demise of the Cold War international order. In following a realist conception of international relations, Bush promoted human rights only when they were not in conflict with American geopolitical and geostrategic considerations.

The Clinton Administration associated human rights promotion with the dissemination of free market-style democracies. Whereas Clinton contributed to keeping human rights at the forefront of the international agenda, foreign policy was essentially determined by geoeconomic considerations. Accordingly, certain countries and regions of interest to the US were exempted from human rights considerations in their dealings with America, particularly regarding financial and military aid, while others in which gross violation of human rights were committed were eschewed due to their political and economic irrelevance. The George W Bush Administration continued the pattern of inconsistency in promoting human rights. The attacks of September 11th placed human rights once again at the forefront of political rhetoric, but the Administration's actions at home and abroad raised serious reservations. In particular, the Bush Administration used the war on terror to justify a redefinition of human rights issues on the domestic front. Issues pertaining to homeland security, law enforcement, immigration control, detention, governmental secrecy, and information access put into question many of the American citizens' basic rights. Internationally the Bush Administration further tarnished the US human rights record by sanctioning cruel interrogation procedures and strengthening American relations with several illiberal regimes. While making change a fundamental issue on his road to the Presidency, President Obama has avoided any effective commitment to human

rights. Rhetoric apart, Obama has revealed himself a pragmatist and therefore avoided any excessive emphasis on promoting the liberal agenda on human rights.

Several different approaches to human rights in US foreign policy have been idealised in the multiple Administrations – e.g., realism, enlightenment cosmopolitanism, providential nationalism. However, as Forsythe (2012: 767) has so clearly pointed out, «all administrations wind up exercising inconsistent policy choices regarding human rights in foreign policy». All the American Administrations since Carter have revealed a similar pattern of «muddling through» on human rights and foreign policy because they have been unable to strike a successful balance between security and economic interests and human rights. This difficulty derives from the fact that material interests continue to score high on the political agenda. Also, the plethora of international and domestic actors which Administrations much engage with further complicates political considerations.

The Carter Administration was well aware of these contradictions. Despite the fact that many sources are today still classified, available research indicates that few Administrations have reflected as thoroughly and critically on the development of human rights in US foreign policy as the Carter Administration did. Moreover, seldom has any other US Administration publically expressed its policy so clearly and categorically. The Carter Administration never failed to highlight that there would be times in which other elements of the national interest would triumph over human rights considerations. More importantly, Carter (1977) was explicit in his misgivings regarding American exceptionalism in international human rights policy: «We have our own shortcomings and faults, and we should strive constantly and with courage to make sure that we are legitimately proud of what we have».

An equally clear and balanced reflection is even more crucial for the US in facing future international challenges. The trends which have consolidated since the demise of the Cold War will certainly continue – i.e., rhetorical support for human rights, proactive policies, targeted legislation, International Treaties, and legal authority (Dietrich, 2006). Other trends, such as using economic liberalisation and democratisation as means of promoting human rights, will also persist. Inconsistencies and contradictions will never be eradicated from US foreign policy-making. However, a more balanced approach between human rights and other aspects of the national interest can be attempted. Upholding national security and economic progress does not necessarily have to alienate the promotion of fundamental human rights or sanction their violation abroad or at home.

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