

U.S. Human Rights Policy:

An Overview

By

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The advancement of human rights and the promotion of democracy have been a key tenet of the Reagan Administration's foreign policy. We define human rights as the respect for the integrity of the individual and the observance of political/civil rights. The President has stated "that human rights are the property of every man, woman, and child on this planet and that a violation of human rights anywhere is the business of free people everywhere." Our policy is a measured and visible approach to the preservation of human rights and fundamental freedoms which seeks to alleviate the repression, pain, and suffering of millions of people from fear and violence.

Indeed, one of the primary objectives of U.S. human rights policy is highly moral in nature--that is, to improve the quality of life of people in other countries. This policy reflects an underlying American optimism about the human condition and an innate sense of idealism in dealing with complex international problems.

Our pursuit of these human rights causes is also predicated on a somber appraisal of U.S. national interests. In our view, a government that seeks to deny its people fundamental civil and political rights is usually prone to aggression and habitually exhibits ruthless and unpredictable behavior internationally.

While, in the long term, the United States is desirous of fostering a better world order, our present human rights policy stems from a pragmatic and realistic assessment of the existing international system. As noted by Secretary Shultz, "It is a tough-minded policy, which faces the world as it is, not as Americans might wish or imagine it to be. At the same time, it is an idealistic policy, which expresses the continuing commitment of the United States to the cause of liberty and the alleviation of suffering."

HUMAN RIGHTS AND THE AMERICAN TRADITION

While human rights have been an integral component of the Reagan Administration's foreign policy, American concern about human rights developments in other countries is not a new phenomenon. Indeed, American history and political tradition clearly evidence a preoccupation with protecting the rights of individuals against the abuses of state power.

Upon reflection, this is not surprising. The United States was born of a crucible of revolutionary struggle. Having witnessed firsthand the ravages of tyranny, the American Founding Fathers were determined to create a society in which violations of individual rights by

the state would not occur. Having studied such philosophers as Locke, Montesquieu, and Rousseau, the Founding Fathers also felt that relying solely on the goodness of man's nature or enlightened policies espoused by individual rulers was foolhardy. Accordingly, in their view, the only way to ensure that tyranny would not arise again was to create a full-fledged democracy with a system of "checks and balances" and with safeguards to protect the civil and political rights of citizens.

Additionally, one important aspect of the American experience was an abiding conviction felt by our Founding Fathers and their successors that the lofty ideals of freedom, democracy, and human rights were not just for Americans--that in this area, Americans had something unique to offer to the world. This belief in the universal nature of the American experience arose not out of arrogance or from a desire to impose our views on the rest of the world. Rather, it reflected a conviction, felt by many early Americans, that as a young society, far removed from acute power struggles then raging in Europe, America was in a unique position to offer moral and spiritual leadership.

The belief in the universal nature of the American experience is reflected in key documents associated with early American history. For example, the Declaration of Independence, known by heart by all Americans and numerous people throughout the world, adopted broad language which states:

We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its power in such form, as to them shall seem most likely to affect their Safety and Happiness.

The concept of the protection of civil and political rights of individuals also permeates numerous state constitutions and the Bill of Rights of the U.S. Constitution. These documents offer perhaps one of the most vigorous and spirited defenses of the concepts of human dignity, democracy, and freedom.

OUR MULTILATERAL AGENDA

In addition to serving as the repository of rich political and historical human rights tradition, the United States has also made an invaluable contribution to the development of international human rights law. The United States played a key role in the establishment of the U.N. system and the drafting of the U.N. Charter. In fact, one of the earliest and most important international documents dealing with human rights matters--the Universal Declaration of Human Rights, adopted by the General Assembly on December 10, 1948--was prepared under the guidance of Eleanor Roosevelt, then the U.S. Representative in the U.N. Human Rights Commission. We adhere to the principles of the U.N. Charter and the Universal Declaration of Human Rights and have continued to play a constructive role in the development of new international human rights documents and norms.

Through the U.N. Human Rights Commission (UNHRC), we have sought to bring to the attention of the international community violations of human rights and fundamental freedoms. Over the years, our delegations have introduced resolutions calling upon commission members to acknowledge and deal with human rights violators and have made strong representations on the need to defend and uphold human rights everywhere. Our concern has been expressed about

Nicaragua, South Africa, Vietnam, Iran, Chile, the Soviet Union, and Ethiopia, among many others.

In addition to focusing on human rights violations within specific countries, we have urged consideration of thematic issues. For example, in 1983, the United States, along with the Netherlands and Ireland, proposed that the UNHRC focus on a new agenda item entitled "Implementation of the Declaration of Elimination of All Forms of Intolerance and of Discrimination, Based on Religion or Belief." Later, in 1986, we were the lead sponsor of a resolution creating a Special Rapporteur on Religious Intolerance with the specific mandate of investigating incidents of religious intolerance globally, reporting on them to the commission, and suggesting remedial measures.

We have also striven to encourage the observance of a standard of fairness and balance in the commission's treatment of human rights--a difficult task at best. While some countries have been charged with violations of human rights by the commission, other countries, which are more serious offenders, have not even been considered. For example, in 1987, our delegation tabled a resolution addressing the egregious human rights abuses in Cuba--a resolution which was ultimately turned down by one vote. Finally, in this past year's UNHRC, though no resolution on Cuba was acted on, it was unanimously determined that a six-member investigative team would visit Cuba to assess human rights conditions.

Another multilateral forum in which we have advanced the cause of human rights has been the CSCE [Conference on Security and Cooperation in Europe]. The United States was instrumental in ensuring the inclusion of Basket III in the 1975 Helsinki accords. This section of the accords spelled out a range of human rights obligations assumed by the signatories.

Having developed these new international legal obligations, the United States has played a key role in monitoring compliance and holding violators accountable for their actions. Thus, during the 1977 Belgrade CSCE follow-up meeting and the 1980 Madrid meeting, the U.S. delegation not only initiated extensive discussions on the pattern of Soviet noncompliance with Basket III provisions, but also proposed additional measures and steps to improve the human rights situation.

OUR BILATERAL AGENDA

Negotiations in multilateral and international forums have not been the only means by which the United States has striven to further human rights. Human rights considerations have also played a major role in shaping U.S. bilateral relations with numerous countries. Beginning in the mid-1970's, Congress amended a number of foreign policy-related statutes--the Foreign Assistance Act, the Mutual Assistance Act, the Trade Reform Act of 1974--to specify that human rights considerations play an integral role in determining how U.S. military and economic assistance is to be dispensed.

Through bilateral channels we have raised specific human rights cases and concerns. This type of "quiet diplomacy" has often been key to the resolution of various problems. However, when such diplomatic overtures failed, we have resorted to such actions as the issuance of strong public statements of condemnation and the denial of economic or military assistance and licenses for the export of crime control equipment. These punitive approaches have the two-tiered effect of visibly singling out countries engaged in a pattern of human rights abuses and providing inducements for them to improve their record.

MYTHS AND REALITIES

Myth #1: "Economic and social rights" constitute human rights.

While the pursuit of human rights is a generally popular undertaking, considerable confusion still permeates discussions of this subject. Let's consider the very definition of human rights. There have been efforts to obfuscate traditional civil and political rights with "economic and social rights." We believe that traditional political rights provide a vital foundation for any democratic society. As noted in our human rights bureau's annual *Country Reports on Human Rights Practices*:

. . . the right of self-government is a basic political right, that government is legitimate only when grounded on the consent of the governed, and that government thus grounded should not be used to deny life, liberty, and the pursuit of happiness. Individuals in a society have the inalienable right to be free from governmental violations of the integrity of the person; to enjoy civil liberties such as freedom of expression, assembly, religion, and movement, without discrimination based on race, ancestry, or sex; and to change their government by peaceful means.

We believe that under present conditions "economic and social rights" are really more in the nature of aspirations and goals than "rights". This semantic distinction is highly important. It does not make sense to claim that a particular level of economic and social entitlements are rights if most governments are not able to provide them. In contrast, any government can guarantee political and civil rights to its citizens. Obfuscating a goal with fundamental rights promotes not only conceptual confusion but often is used to justify actual human rights violations. Not surprisingly, we have usually found that political rights are often denigrated by repressive governments claiming that, in order to promote "economic and social rights," they must deny their citizens political and civil rights.

In fact, there exists a symbiotic relationship between human rights and economic development. Experience demonstrates that it is individual freedom that fosters economic and social development; it is repression that stifles it. Those who try to justify subordinating political and civil rights on the grounds that they are concentrating on economic aspirations invariably deliver on neither.

Myth #2: Economic deprivation is a valid rationale for denial of civil/political rights.

This does not mean that we seek to disparage the sincere desire of those well-meaning people who genuinely promote improved economic and social standards. It is true that poverty and deprivation plague many parts of the world. And, even in developed Western countries, poverty still has not been eradicated. This is a very real problem which merits a sustained effort to resolve it. We believe that democracy and free enterprise offer the best solution to improving the economic well-being of people.

Unfortunately, this point seems to be often overlooked or ignored by those who seek to justify their own egregious violations of political and civil rights by asserting that, after all, even in the United States, poverty has not been fully conquered, and a number of Americans have been unable to secure shelter or stable income. This, of course, is a flawed argument. The fact that economic deprivation has not yet been fully eradicated provides absolutely no justification for denying people their political rights or torturing one's political opponents. Sadly, the whole subject has become so heavily laden with hypocrisy that dictators who often torture and maim their subjects see fit to lecture the United States on human rights.

Myth #3: The linkage and application of human rights and U.S. foreign policy is inconsistent.

Another often misunderstood area is the proper relationship between human rights and other factors shaping U.S. foreign policy. The critics of our human rights policy often highlight a U.S. decision to provide military or economic aid to a country with a less than perfect human rights record. In their view, this indicates that the United States is not serious about seeking to promote human rights. This, of course, is a highly simplistic notion.

Human rights is an important but not the only consideration in determining the course of U.S. relations with foreign countries. Other factors have to be taken into account. This view is not peculiar to this Administration. Indeed, an identical position was taken by the Carter Administration. Lincoln Bloomfield, a Carter Administration NSC [National Security Council] staff member responsible for human rights, stated:

When it came to specifics, whether the aid was military or nonmilitary, complex interests had to be balanced in reaching decisions on individual cases. Inescapably, there were numerous cases in which the Administration was exposed to the charge of inconsistency. Human rights performance became a dominant factor in conventional arms transfers to Latin America; but such considerations were clearly subordinate in weighing military aid to Egypt, Israel, North Yemen, and Saudi Arabia.

An identical view has also been advanced by former Secretary of State Cyrus Vance, who, in justifying his decision not to cut aid to such U.S. allies as South Korea, Iran, and Zaire, which had been found to commit human rights violations, indicated that "in each case, we must balance a political concern for human rights against economic and security goals."

Moreover, even as far as human rights themselves are concerned, we have been acting with a sense of realism. This means that, while we have been striving to improve human rights situations in various countries, we usually do not expect immediate results overnight. In our view, a pattern of improvement, however modest, deserves encouragement. We have also been attentive to the circumstances facing each specific country. Clearly, a country plunged in the turmoil of civil war, or which has been battling rightwing or leftwing terrorists seeking to overthrow a fledgling democracy, cannot be expected to improve human rights as promptly as a country enjoying political and economic tranquility.

Our sense of realism has also resulted in a human rights stance which seeks to weigh carefully the consequences of our policies--for example, whether the imposition of sanctions in a particular situation would lead to an improvement in human rights. Failure to consider both the limits of our influence and the consequences of our action can result in a human rights policy rich in moral posturing and poor in positive, concrete results. Yet, when we witness a country committing an egregious pattern of human rights violations, we must respond by condemning the perpetrator, even if there is no immediate prospect for success in sight. Expressing moral outrage contributes to public education and heightens international cognizance of human rights problems.

Myth #4: Quiet diplomacy is essentially useless in improving human rights conditions.

In fostering human rights improvements, it has been claimed by many that public representations and overt pressure is the only sound approach to attaining human rights objectives. Yet, our experience has shown that both approaches have to be utilized, with specific circumstances determining the extent to which one or the other is used.

PROMOTION OF HUMAN RIGHTS

It is also useful to broaden our conception of how human rights are to be promoted. On one level we have been seeking to eradicate specific human rights problems. Fundamentally, however, we believe that the best way to promote human rights in the long term is to spread and bolster democracy throughout the world. As noted in our *Country Reports on Human Rights Practices*:

It is in our national interest to promote democratic processes in order to help build a world environment more favorable to respect for human rights and hence, more conducive to stability and peace. We have developed, therefore, a dual policy, reactive in the sense that we continue to oppose specific human rights violations wherever they occur, but at the same time active in working over the long term to strengthen democracy.

With regard to human rights policy, this Administration can boast of a significant and broad record of accomplishments. We have made much use of the National Endowment for Democracy in fostering democratic institutions in other countries. Through Section 116(e) of the Foreign Assistance Act, we have allocated funds for programs which will specifically enhance civil and political rights abroad. We have also contributed to the democratic transformations in a number of countries, including the Philippines, El Salvador, and South Korea. These achievements have made an enormous contribution to the cause of human rights.

HUMAN RIGHTS POLICY CRITERIA

What about the practical aspects of human rights? Our human rights policy is a sustained process, shaped by a number of actors. On one level, of course, it is the American people represented by the President and Congress who ultimately determine the content of our human rights policy. More specifically, however, it is the human rights bureau of the Department of State which has the primary responsibility for the development and implementation of U.S. human rights policy. The criteria, or rather, broad standards we use in assessing any country's human rights performance are as follows:

Integrity of the individual--involving political killings, disappearances, torture, arbitrary arrest/detention;

Civil rights--meaning freedom of speech/press, peaceful assembly/association, religion, movement/travel, right to a fair public trial and to privacy, family, home, and free correspondence; and

Political rights--meaning the ability to change one's government.

Additionally, in evaluating human rights conditions, we take into account such factors as a government's attitude to international and nongovernmental investigation of alleged violations; evidence of discrimination based on race, sex, religion, language, and social status; and conditions of labor (the right to organize and bargain collectively, acceptable work conditions--minimum wages, occupational safety and health, etc.). The bureau draws upon information provided to it by human rights officers posted in our embassies abroad. We analyze this information and produce a number of documents and reports for the benefit of the executive branch, the American public, and Congress. The single most important report issued by the Bureau of Human Rights is its annual *Country Reports on Human Rights Practices*, which documents human rights in approximately 167 countries.

We also draw upon reports of UN country/thematic rapporteurs (e.g., rapporteurs on torture, religious intolerance, Iran, etc.), domestic and international nongovernmental human rights groups, as well as the Universal Declaration of Human Rights, for standards, information, and analysis of country implementation/performance.

We have come a long way in our human rights efforts. It can be said that the pursuit of human rights has become an institutionalized and fundamental aspect of our foreign policy. It is also an issue that has attracted tremendous public support and a high degree of bipartisanship. As a result, our achievements in this area have been truly impressive. We are committed to continue working for the noble goal of the promotion of human rights worldwide.