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## Human Rights and Foreign Policy

Much international action on behalf of human rights takes place in the multilateral forums discussed in the preceding chapter. Human rights have also become an increasingly important (although typically fairly modest) part of the bilateral foreign policies of many states. This chapter draws attention to both the reality and the limits of states' concern with international human rights.

### I. Human Rights and the National Interest

When I first began working on human rights, in the mid-1970s, discussion of human rights and foreign policy usually centered on whether states ought to have an international human rights policy. The answer given to that question was as often no as yes. I address arguments against pursuing human rights in foreign policy in an appendix to this chapter, because they are of largely historical interest. Today it has become completely normal for states to pursue human rights objectives in their bilateral and multilateral foreign policies. Especially in liberal democratic countries, the questions have become what should be included in a country's human rights foreign policy, where should it be pursued, and how aggressively. Such a change reflects a fundamental redefinition of the national interest.

Despite arguments of advocates of Realpolitik (political realism, power politics) that the national interest is or should be defined in terms of power—an argument that makes human rights a merely moral concern that must be rigorously subordinated to vital material national interests—the national interest in fact is whatever states and their citizens are interested in. If states feel that it is in their interest to expend some of their foreign policy resources and attention on the rights of foreigners, there is no compelling reason why they should not. Furthermore, the grounds for doing so need not be instrumental

(for example, the idea that rights-protective regimes are more peaceful or better trading partners). An intrinsic interest in living in a more just world fully justifies including international human rights in a country's definition of its national interest. In fact, many countries have done precisely that.

The United States was the first to adopt an assertive international human rights policy, beginning with President Jimmy Carter (who took office in 1977). In the preceding years, the United States had addressed particular human rights issues in its foreign policy, especially human rights violations in the Soviet bloc. Congress had mandated a limited linkage of foreign aid to the human rights practices of recipient states. Only with Carter, though, did international human rights in general become part of US foreign policy.

This decision was, at that time, highly controversial. Carter's successor, Ronald Reagan, campaigned against Carter's human rights policy (arguing that it harmed US interests by inappropriately prioritizing human rights over anticommunism in relations with several "friendly" countries, especially military and civilian dictatorships in Latin America). Pressure from the American public and Congress, however, eventually helped to convince even the Reagan administration to embrace a comprehensive international human rights policy in its second term. Since the late 1980s human rights has been a largely uncontroversial and bipartisan element of US foreign policy.

Although countries like the Netherlands and Canada had by the early 1980s made international human rights an explicit and increasingly emphasized part of their foreign policies, most Western countries did not have important international human rights policies until the later 1980s or early 1990s. In most of the rest of the world, human rights became a matter of bilateral foreign policy only after the end of the Cold War. Today, however, most democratic countries in all regions of the world have more or less ambitious international human rights objectives in their bilateral foreign policies. (Most nondemocratic regimes, by contrast, although they at least tolerate the multilateral mechanisms discussed in the preceding chapter, do not extend their international human rights policies to bilateral relations.)

The rise of human rights on the foreign policy agendas of democratic states has both internal and international dimensions. Democracies tend to identify themselves internally with the pursuit of human rights. Carrying this pursuit over into their foreign policies thus seems "natural." It also gives expression to a sort of universal solidarity based on a common humanity (without challenging the system of national implementation of international human rights).

Democratic regimes, though, long predate international human rights norms. Bilateral human rights policies arose only with the maturing of the global human rights regime. (It is not a coincidence that Carter was elected

in the same year that the International Human Rights Covenants came into force and took office in the same year that Amnesty International won the Nobel Peace Prize.) The expression of a “natural” internal inclination to pursue human rights in foreign policy was in fact greatly facilitated, and in some senses even created, by changes in international norms.

Foreign policy involves how a state sees itself, the world around it, and its place in that world. The global human rights regime has created a world in which a government’s commitment to human rights is seen as essential to full national and international legitimacy. That has not only enabled the expression of existing tendencies to address human rights in national foreign policies but also created additional support for such policies. The transformation of the national interest represented by the rise of bilateral human rights policies is thus both a cause and a consequence of both the domestic preferences of states and the global human rights regime, mutually interacting to push policy in a particular direction.

## 2. International Human Rights and National Identity

States choose to pursue human rights in their foreign policy for a variety of reasons. Often, though, a significant reason is that human rights are important to national identity. This is particularly clear in the case of the United States, where a combination of moral, historical, political, and national interest concerns have led to a relatively strong and assertive international human rights policy. Historian Arthur Schlesinger Jr. writes, “The United States was founded on the proclamation of ‘unalienable’ rights, and human rights ever since have had a peculiar resonance in the American tradition. Nor was the application of this idea to foreign policy an innovation of the Carter Administration. Americans have agreed since 1776 that the United States must be a beacon of human rights to an unregenerate world. The question has always been how America is to execute this mission” (1979: 505).

William F. Buckley Jr. is, typically, more acerbic in noting America’s “cyclical romances with the notion of responsibility for the rights of extranationals” (1980: 776). This responsibility has been expressed in two principal forms, implying very different international human rights strategies. On the one hand, America has been seen as a beacon, the proverbial city on the hill, whose human rights mission was to set an example for a corrupt world. This strand of the American tradition can be traced back at least to Washington’s Farewell Address (Gilbert 1961). In its extreme forms this leads to neutralism and isolationism. On the other hand, the American mission has been seen to require positive action abroad. The United States must teach not simply by its

domestic example but by active international involvement on behalf of human rights. This equally venerable strand of the American tradition has been predominant in the contemporary revival of concern for human rights.

The United States is hardly unique, however, in its identification with human rights. Human rights were also part of the founding self-image of the states of Central and South America, when they threw off Spanish and Portuguese colonial rule. The tortured fate of human rights in most of Latin America since independence, however, makes India a much more interesting case. Indian independence in 1947 gave considerable additional impetus to the post-World War II surge of decolonization, and India's identification with the human rights values of self-determination and racial equality was (along with its relatively great power) central to its leadership efforts in the Third World during the Cold War era.

Countries without human rights in their founding myths have in recent decades increasingly incorporated human rights into their national self-conceptions. In South Africa, for example, human rights became a central part of the national self-image through a revolutionary (although not especially violent) political transformation that brought the end of apartheid. The United Kingdom and the Netherlands illustrate the path of evolutionary transformation. By the end of World War II, both countries had come to identify themselves with the cause of universal human rights—at home. Once they had dismantled their colonial empires, in part through the influence of human rights ideas (in both metropolitan and colonized political communities), human rights emerged as an increasingly prominent part of both national identity and foreign policy.

Immediately after World War II, the Netherlands fought to maintain colonial rule over Indonesia. In the 1960s, massive Indonesian human rights violations were met by little more than muted verbal condemnation. By the early 1990s, however, the Netherlands was willing to accept modest but real economic and political costs, and face the stinging charge of neocolonialism, to press concerns over Indonesian human rights violations (Baehr 2000: 71–72).

In these cases, and many others, national and international ideas and values interacted dynamically. The international dimension has been perhaps most striking in cases of revolutionary transformation, going back at least to Tom Paine's pamphleteering on behalf of the American and French revolutions. In India, Gandhi learned from his earlier South African experiences and, like many later nationalist leaders in Asia and Africa, effectively used the "Western" language of self-determination and equal rights against colonialism. The struggle against apartheid in South Africa had an important international dimension that ultimately changed the foreign policies of most Western countries. In the Soviet bloc, the Helsinki Final Act and the follow-up

meetings of the Commission on Security and Cooperation in Europe (CSCE) provided important support for human rights activists, especially in Russia and Czechoslovakia, and contributed subtly but significantly to the delegitimation of totalitarian rule (Thomas 2001).

In most of western Europe, participation in the Council of Europe's regional human rights regime has placed national rights in a broader international perspective that has facilitated their incorporation into foreign policy. Britain's decision in 1997 to incorporate the European Convention directly into British law is a striking example of the interpenetration of national and international rights conceptions. A very different kind of international impetus was provided by Jimmy Carter's 1977 decision to make human rights an explicit priority in US foreign policy. It is no coincidence, for example, that the seminal 1979 Dutch White Paper followed closely on the US example.

### 3. Means and Mechanisms of Bilateral Action

Having considered briefly why states pursue human rights in their foreign policies, we can now turn to how they do this. Like other foreign policy objectives, human rights may in principle be legitimately pursued with all the means of foreign policy short of the threat or use of force, which contemporary international law reserves for self-defense and action against genocide.

Evan Luard provides a fairly broad list of means that have been used in the pursuit of human rights objectives: confidential representations, joint representations with other governments, public statements, support for calls for international investigation, initiation of calls for investigation, cancellation or postponement of ministerial visits, restrictions on cultural and sporting contacts, embargoes on arms sales, reductions in aid, withdrawal of ambassadors, cessation of aid, breaking diplomatic relations, and trade sanctions (Luard 1981: 26–27). To this list we should add support for civil society groups, aiding legal opposition groups, aiding illegal nonviolent opposition movements, aiding armed opposition movements, and invasion. Only when faced with genocide or severe humanitarian emergencies, though, have states used force to pursue international human rights objectives.

We can divide these varied means into two broad groups: diplomacy, understood as the use of discursive means of action, and sanctions, understood as the use of material means. We can also divide the mechanisms of foreign policy into persuasive and coercive means, conceptualized as a continuum. (These two distinctions overlap only partially. Although diplomatic measures tend to be persuasive they sometimes have a coercive dimension. Sanctions tend to be relatively coercive. When they involve carrots rather than sticks, though, they are fundamentally persuasive.)

## A. Diplomacy

Human rights diplomacy tends to have three principal targets: the treatment of particular individuals (usually dissidents and political prisoners), particular policies, and the character of the regime (with a focus on patterns of gross and systematic violations of internationally recognized human rights). These objectives are pursued through both public and private means.

Although most attention is rightly focused on public human rights diplomacy, private diplomatic initiatives—“quiet diplomacy”—can be important, especially when dealing with individual victims or attempting to change particular laws, policies, or practices. For example, privacy can facilitate negotiation. It may also allow the target to save some face. Nonetheless, private action alone, without at least the plausible threat of public action, rarely helps even in the most limited cases. When gross and systematic violations are at issue, quiet diplomacy is almost certainly an inadequate response.

Public human rights diplomacy has at least three important dimensions: gathering and disseminating information, communicating opposing views, and mobilizing pressure. Although mobilizing pressure certainly is of central importance, we should not underestimate the importance of information gathering and the diplomatic exchange of views.

The international politics of human rights is largely a matter of mobilizing shame. Reliable information about national human rights practices thus is essential to human rights advocacy of any sort. Professional diplomats are well positioned to develop and disseminate such information, both through their own direct inquiries and through contacts with human rights advocates.

The United States in particular has made a major contribution through its annual Country Reports on Human Rights Practices.<sup>1</sup> These have, especially since the end of the Cold War, become a major source of information about national human rights practices and are used not only by foreign policy decision makers in numerous countries but also by national and transnational human rights advocates across the globe.

The private and public exchange of views, especially among friendly countries, is often overlooked as a means of exerting influence. This may be a particularly effective means of influence in countries that have fair to good human rights records and where foreign policy initiatives support the work of local activists. Knowing that one’s international allies—especially powerful friends—are watching and will raise an issue sometimes influences a government’s actions. This is rarely the case when addressing gross and systematic violations, but when dealing with particular individuals or particular

1. See “Human Rights Reports,” U.S. Department of State, <http://www.state.gov/g/drl/rls/hrrprt/>.

practices it can be of considerable help. Especially when undertaken in concert with other national, international, and transnational action, persuasive diplomacy not only often can make a difference, it occasionally may even prove the decisive, final element that tips the balance.

Discursive policy, however, can be, and often needs to be, coercive, not merely persuasive. Rarely will the privately expressed views of other countries, or even polite public disagreements among friends, be sufficient to improve even very specific human rights practices. Diplomatic discretion often leads states to rely on other actors, both national and transnational, to bear the burden of vocal public criticism. Such criticism, however,—or at least its threat—is almost always necessary to win even incremental improvements in human rights practices. And when confronting severe and systematic violations, anything less than public criticism may appear to be complicity.

## B. Sanctions

Although words are the principal tool of bilateral human rights policy, states typically have more material means at their disposal that can be utilized on behalf of internationally recognized human rights than most multilateral human rights actors (and transnational human rights NGOs).

Foreign aid has often been linked to the human rights practices of recipients. Many countries have reduced aid in response to human rights violations (and, to a somewhat lesser extent, increased aid to reward improved human rights performance). Some countries, however, including Canada, the Netherlands, and Norway, have gone further, choosing aid recipients in significant measure on the basis of good or improving human rights records.

States also have a variety of other relations that they can manipulate in order to support their bilateral human rights policies. At the lowest level, which shades into diplomacy, states may engage in symbolic gestures, such as recalling an ambassador for consultations or delaying the nomination of a new appointee to a vacant ambassadorial post. Cultural contacts can be expanded or curtailed, as can joint military or political actions. Trade relations have occasionally been curtailed. Very rarely, diplomatic relations may be broken.

The use of material means of persuasion and coercion, however, are often problematic. As a result, there has been a general move away from most sanctions over the past two decades.

Cutting development assistance, assuming that that assistance had previously been effectively employed, perversely punishes people for being oppressed by their government. Major economic sanctions, although relatively rare, have also had such perverse results, perhaps most dramatically

in Iraq in the 1990s where at least tens of thousands of children died because of the impact of sanctions on health care and sanitation. (South Africa under apartheid is the one clear exception, in part because there was considerable support from the majority of the South African population for the sanctions but also because they proved, in the end, not to be particularly punishing.)

There has thus been a move to “targeted sanctions.” For example, rather than block investment in a country, the overseas bank accounts of rights-abusive foreign leaders and officials are targeted. In rare cases, though, such as Myanmar and North Korea, where a brutal government has insinuated itself in all areas of the economy and society, suspending all but the most narrowly defined humanitarian aid may prove the right course, all things considered.

The coercive power of sanctions, however, is limited, especially in cases of severe violations (which are, ironically, typically the only cases where sufficient support for sanctions can be mobilized to implement them). Where human rights violations are so severe and systematic that comprehensive material sanctions seem appropriate, perhaps even demanded, they are unlikely to have much effect. Rulers in North Korea and, until recently, Myanmar, need little from the outside world—because they are willing to make their people suffer the consequences of being denied access to external resources. Comprehensive sanctions thus are likely to have little direct or immediate impact.

Nonetheless, to most human rights advocates sanctions still seem appropriate even when they have little prospect of altering the behavior of the target government. This raises the question of what we expect international human rights policies to achieve.

#### 4. The Aims of Human Rights Policy

The most obvious aim of international human rights policies and initiatives is to improve the human rights practices of the targeted government. This is indeed an important objective, but it is not the only aim. Sometimes it is not even the principal purpose.

International human rights policies that do not eliminate or even reduce the violations being immediately addressed may nonetheless reduce or prevent further deterioration. They may also deter future violations of a comparable type. States may be reluctant to appear to be bowing to external pressure. That pressure, though, may be factored into calculations in the future, especially if there is a reasonable prospect that it will be repeated. The deterrent effect may also operate on countries other than the direct target of action.

International human rights policies may have punitive effects even where they have no remedial effect. Making the lives of human rights violators less

pleasant is a good thing, even if it does not improve the lives of their present or future victims.

Even where there is no discernible direct impact—immediately or in the future, remedial or punitive, in the direct target or in other countries engaging in similar violations—there may be a diffuse impact. International human rights policies reinforce and help to further disseminate international human rights norms. Over time this may subtly but significantly change the context of national or international action. In the most optimistic scenario, new generations of leaders and citizens may, as a result of regular and aggressive international human rights policies, internalize human rights norms to a much greater extent than their predecessors.

Finally, even if we have reason to believe that our policies will have no discernible impact on the world, they may nonetheless be appropriately undertaken simply because they are right. Our values demand that we act on them simply because they are our values. Taking a stand is something that we owe ourselves, and those who share our values.

## 5. Foreign Policy and Human Rights Policy

Issues of tradeoffs and (in)consistency are regularly raised in discussions of international human rights policies. Some human rights advocates are uncomfortable with—even critical of—balancing human rights against competing foreign policy objectives. Human rights advocates also are often critical of “inconsistent” policies that treat comparable human rights violations in different countries differently.

Such criticisms, however, typically fail to distinguish international human rights policy from national foreign policy; that is, they fail to take seriously the idea that human rights are but one of many interests pursued in foreign policy. Human rights interests *should* be balanced against other national interests—which sometimes appropriately take priority—and states in their foreign policy should aim for *foreign policy* consistency, even if that means treating similar human rights violations differently.

Moralists may see the demands of human rights as categorical. Foreign policy decision makers, though, are not independent moral actors. Their job is not to realize personal, national, or global moral values but to pursue the national interest of their country. They are office holders, with professional and ethical responsibilities to discharge the particular duties of their office. There certainly are moral and legal constraints on the pursuit of the national interest, but the principal aim of national foreign policy is the national interest, which includes many objectives, and those varied interests regularly conflict and thus must be balanced against one another.

As we saw above, many countries today include fostering the international realization of human rights in their definition of the national interest,

but the national interest—and thus the goals of foreign policy—are not reducible to human rights. The issue then is not whether human rights are appropriately balanced against other objectives of foreign policy—if they are national interests there is no reasonable alternative to such balancing—but what weights should be assigned to the values being balanced.

The foreign policies of most states can, in a highly stylized fashion, be said to include security, economic, and other goals. Most states tend to rank these classes of goals in roughly this order, but there are also gradations within each category. High-order security interests usually take priority over all other objectives of foreign policy, including human rights, and there is nothing wrong with that *as a matter of national foreign policy*. Low-level security interests, however, often are appropriately sacrificed to major economic or other concerns, including human rights, and this too is entirely appropriate.

Setting priorities among various national interests is an essential part of the process of defining the national interest. International human rights law does not oblige states to include human rights among their foreign policy objectives, but states are free to use the full range of foreign policy instruments short of force on behalf of international human rights. For those states that have included international human rights in their foreign policies we can reasonably demand that human rights actually enter into calculations balancing competing interests, with a weight that roughly matches their stated place in the hierarchy of national interests.

Two tests are particularly revealing. Are human rights objectives pursued with “friends” as well as “enemies”? Do human rights policies sometimes cause problems in other areas? If so, there is at least *prima facie* evidence that human rights really are being taken seriously in a country’s foreign policy.

People may reasonably disagree over whether a state has appropriately ranked its international human rights objectives or is doing enough on their behalf. At minimum, though, we should insist that pursuing human rights objectives should sometimes be inconvenient, even costly—as the pursuit of security and economic objectives regularly are. Otherwise, human rights are not really a part of foreign policy, but a moral add-on after the “real” foreign policy decisions have been made—which was the typical situation before the transformation of foreign policies noted above that took place in the 1970s, 1980s, and 1990s.

There *is* something morally disquieting about subordinating international human rights objectives to national security objectives—let alone economic objectives. Often, though, this is the right thing to do, all things considered, *as a matter of national foreign policy*. Critics may reasonably argue for moving international human rights objectives up on the list of national foreign policy priorities. In the foreseeable future, though, there is no prospect that they will

reach the pinnacle, let alone occupy that pinnacle alone. The national interest and the “human interest” represented by universal human rights cannot be expected to coincide—although we can reasonably work to bring them closer together.

We should thus not bemoan tradeoffs of human rights to other foreign policy interests—any more than we bemoan the sacrifice of economic interests to human rights interests—so long as these tradeoffs properly reflect reasonable assessments of the value of the interests at stake. We should also not criticize as inconsistent treating comparable human rights violations differently—any more than we bemoan pursuing comparable international economic interests more aggressively in some countries than in others—so long as the differences reflect a reasonable balancing of the full range of national interests at stake in the particular cases.

Hypocrisy, however, is a completely different matter. When there is not a reasoned justification for the subordination of international human rights objectives, in terms of previously established foreign policy priorities, we have not a defensible foreign policy tradeoff but an unjustifiable sacrifice of human rights interests. If human rights almost always lose out in a contest with almost any other foreign policy objective, we have concrete evidence that a country’s international human rights objectives have been assigned a very low priority. In such a case, though, the problem is not inconsistency but the inadequate weight or attention given to international human rights objectives.

I have admittedly drawn the distinction between morality and foreign policy overly sharply. In countries with international human rights policies, human rights are matters of both moral and national interest. Moral inconsistency thus does pose problems for foreign policy. Although the inconsistent pursuit of material interests does not damage those interests, the inconsistent pursuit of moral interests may. Being inconsistently self-interested is not a problem. Being inconsistently moral often is.

Again, though, hypocrisy seems to get at the problem better than “inconsistency.” Professions of commitment to human rights values that are not backed up by actions that regularly have at least modest foreign policy costs suggest the sort of hypocrisy that undermines human rights as both a moral interest and a national interest. These must be avoided. A policy that carefully balances human rights against other national interests, however, is unlikely to undermine either the moral character or instrumental value of human rights.

Many states have made substantial progress toward a serious and substantial incorporation of human rights into their foreign policy. Most if not all, though, have more that they can do. We cannot be satisfied with the fact that compared to thirty years ago most democratic states today have more aggressive and more effective international human rights policies. The moral

demands of human rights continue to push for a deeper penetration of human rights into national foreign policy and a greater willingness to take full advantage of the space available for the pursuit of international human rights objectives.

## 6. The Limits of International Action

Part 4 of this book has focused on multilateral and bilateral human rights action. Human rights, however, are ultimately a profoundly *national*, not international, issue. In an international system where government is national rather than global, human rights are by definition principally a national matter. States are the principal violators of human rights and the principal actors governed by international norms. They are also the principal protectors of human rights. Thus the probable impact of international action is limited.

The likelihood of international implementation and enforcement is also reduced because international action on behalf of human rights rests on perceived moral (rather than material) interdependence. Other states are not directly harmed by a government's failure to respect human rights; the immediate victims are that government's own citizens. Therefore, the self-interested incentives of other states to retaliate are low, or at least intangible.

In addition, "retaliation" is difficult. The only leverage available, beyond moral suasion, must be imported from other issue areas, such as trade or aid. This makes retaliation relatively costly and increases the risk of escalation. In addition, because the means of retaliation are not clearly and directly tied to the violations, its legitimacy is likely to be seen as more questionable.

Even in the best of circumstances, respecting human rights is extremely inconvenient for a government—and the less pure the motives of those in power, the more irksome human rights appear. Who is to prevent a government from succumbing to the temptations and arrogance of position and power? Who can force a government to respect human rights? The only plausible candidate is the people whose rights are at stake.

Foreign pressure may help to remove a repressive government. With luck and skill, foreign actors may even be able to place good people in charge of finely crafted institutions based on the best of principles. They may provide tutelage, supervision, and monitoring; moral and material support; and protection against enemies. All this is extremely unlikely. Even if we do attribute such unrealistically pure motives and unbelievable skill and dedication to external powers, though, a regime's ultimate success—its persistence in respecting, implementing, and enforcing human rights—will depend principally on *internal* political factors.

A government that respects human rights is almost always the legacy of persistent national political struggles against human rights violations. Most

governments that respect human rights have been created not from the top down but from the bottom up. Paternalism, whether national or international, is unlikely to produce respect for human rights.

The struggle for international human rights is, in the end, a series of national struggles. International action can support these struggles, or it can frustrate and sometimes even prevent them. International action is thus an important factor in the fate of human rights. Although it is almost never the most important factor, this does not suggest giving up on international action. Quite the contrary, few states press at the limits of the possibilities of international action in either their bilateral relations or their activities in international organizations.

Furthermore, there is a paradox at the heart of international action: precisely where it is most needed it is least likely to be effective. When human rights violations are gross, systematic, and severe the target regime usually must put itself out of business in order to remedy the human rights abuses. Survival, in other words, is at stake. The resources of international actors, however, although hardly trivial, are almost never anywhere close to adequate to either compel or induce regime change. Cases of genocide may be an exception, discussed in chapter 15. (The other notable exception is providing safe haven for a dictator who sees the writing on the wall and chooses to flee rather than continue to fight. Examples include the shah of Iran, Idi Amin, and Ferdinand and Imelda Marcos.) The most likely targets for immediate success in altering the practices of targeted governments thus involve small or modest changes, especially in countries with fair to relatively good general human rights records. In such cases—which involve convenience rather than survival—the inconveniences of international pressure (or positive inducements) may be enough to induce the regime to alter particular human rights practices.

I also emphasize the limits of international action because the academic study of human rights has been, and still remains, dominated by students of international law and politics. In addition, policy-oriented discussions of human rights in North America, and to a lesser extent in Europe, have focused predominantly on human rights practices abroad and on the ability of Western governments to influence them. If my arguments above are correct, such scholarly efforts have been misdirected, at least in part.

I do not suggest that the international dimensions of human rights have been studied too much. It is clear, however, that the national dimensions have been woefully insufficiently studied. We should not stop studying the international dimensions of human rights, let alone give up pursuing human rights goals in national foreign policies and through international and regional regimes. We must not forget, though, that international mechanisms are, at best, supplemental to national endeavors. Furthermore, even specialists in international relations cannot successfully carry out studies of human rights

independent of the work of students of national or comparative politics. We must also pay greater attention to the interaction of national and international factors in the success or failure of international initiatives.

The principal target of international action on behalf of human rights, no less than national action, is national governments. International factors are a significant but subsidiary part of the picture of implementing and enforcing international human rights.

Part 4 thus ends, appropriately, by once more emphasizing the interaction between the universality and the particularity of human rights. The moral universality of human rights, which has been codified in a strong set of authoritative international norms, must be in the end realized through the particularities of national action.

## Appendix: Arguments against International Human Rights Policies

As R. J. Vincent put it at the outset of *Foreign Policy and Human Rights*, “there is no obvious connection between human rights and foreign policy” (1986: 1). In fact, there are at least three standard arguments against making the connection. The realist rejects a concern for international human rights because foreign policy ought to be about the national interest defined in terms of power. The statist (or legalist) considers an active concern for the human rights practices of other states inconsistent with the fundamental principle of state sovereignty. The relativist (or pluralist) views international human rights policies as moral imperialism.

These arguments point to problems in overemphasizing human rights in foreign policy. They do not, however, establish that the human rights practices of other states are or ought to be an illegitimate concern of foreign policy. The practice of contemporary states clearly demonstrates that it is possible to pursue substantial, strong, and at least sometimes effective international human rights policies.

### A. The Realist Argument

Realists see international politics as a struggle between self-aggrandizing states in an environment of anarchy. Faced with a world of potential or real enemies and no government to turn to for protection, a concern for power must override just about everything else. To act in any other way—for example, to pursue justice or act out of compassion—would leave oneself open to, even invite, attack. Foreign policy, to use Hans Morgenthau’s famous formulation, is (must be) about the “[national] interest defined in terms of power” (1954: 5). An intrinsic concern for human rights in foreign policy, as opposed

to using human rights instrumentally to further the national interest, would be a dangerous mistake.

Realists argue that state leaders, because of the nature of their office and the realities of international politics, cannot afford to act on the basis of moral considerations. Morality is appropriate to individual relations but not to the relations of states.<sup>2</sup> Thus Reinhold Niebuhr's *Moral Man and Immoral Society* (1932) emphasizes the disjunction between the individual world of moral relations and the world of collective action, which is dominated by power. The tragic necessity of amorality, even immorality, is for the realist an enduring, almost a defining, fact of international relations.

Power, however, is at most only the cardinal, not the exclusive, concern of foreign policy. Furthermore, it is an empirical question whether the pursuit of other concerns is in fact compatible with the pursuit of power. Realism, if true, reveals the danger of overemphasizing human rights, but that is quite a different matter from excluding them altogether on principle.

Morgenthau argues that "the principle of the defense of human rights cannot be consistently applied in foreign policy because it can and must come in conflict with other interests that may be more important than the defense of human rights in a particular circumstance" (1979: 7). Although this is true of most objectives of foreign policy, realists (rightly) do not rail against pursuing economic interests, friendly diplomatic relations, cultural contacts, or the principle of *pacta sunt servanda* (agreements must be kept) because they sometimes conflict with the pursuit of power. We should not accept such arguments with respect to human rights.

In certain contingent circumstances it may be unwise to pursue human rights. That, however, must be determined empirically, case by case. Realists simply are not entitled to categorically exclude human rights (or any other concern) as a legitimate goal of foreign policy.

## B. The Statist (Legalist) Argument

The practice of international relations is structured around the principle of sovereignty, which grants a state exclusive jurisdiction over its own territory and resources, including its population. Sovereignty in turn implies nonintervention in the internal affairs of other states. The statist or legalist argues that human rights must be excluded from foreign policy because what a state does with respect to its own nationals on its own territory—which is what we usually are concerned with when we discuss human rights violations—is

2. "I stick to the fundamental principle that lying is immoral. But I realize that when you are dealing in the context of foreign policy, lying is inevitable. In private affairs, however, you do not deceive others, especially friends" (Morgenthau 1979: 10–11).

on its face an archetypal matter of sovereign national jurisdiction and thus of no legitimate concern to other states.

Where the realist is concerned with the realities of power in an environment of anarchy, the statist stresses the most important and most widely accepted limits on the pursuit of power, namely, sovereignty and the traditional body of international law that flows from it. Where the realist argues that it is unwise to pursue human rights in foreign policy, the statist argues that it contravenes the fundamental structural and normative principles of international politics.

Statists, like realists, begin from an important insight. For all the talk of globalization, states remain the primary actors in contemporary international relations. However much we may talk of world public order, international law is at its core a law of sovereignty, and virtually all states in every region regularly insist on the primacy of sovereignty, especially when their own sovereign rights are at stake.

Sovereignty, however, is the starting point of international law, not its end point. In fact, international law can be seen as the body of restrictions on sovereignty that have been accepted by states through the mechanisms of custom and treaty. Over the past half-century an extensive body of international human rights law has been developed. Human rights thus have become a legitimate subject in international relations even from a strict legalist position—because sovereign states have chosen to make them so.

The weakness of existing international implementation and enforcement mechanisms might allow the statist to argue that incorporating human rights into foreign policy still contravenes the fundamental principle of nonintervention. In practice, many states whose human rights practices are called into question make precisely such an argument, even when they are willing to raise human rights issues elsewhere. But most instrumentalities of foreign policy—for example, diplomatic representations and granting (or withdrawing) preferential trade agreements—do not involve intervention. Such means may be used on behalf of human rights as legitimately as they may be used on behalf of other goals of foreign policy. Illegitimate intervention occurs only when influence is exercised through strongly coercive, essentially dictatorial means, usually involving the use or threat of force. So long as such means are avoided, statism provides no ground for excluding human rights concerns from foreign policy.

### C. The Relativist (Pluralist) Argument

Viewed as a way to protect one's own state from outside interference, statism fits nicely with realism. Many proponents of a strong principle of nonintervention, however, advance a relativist argument that emphasizes the

principle of self-determination or a commitment to international pluralism. A country's social and political order, it is argued, should be, on its face, entirely a matter of domestic jurisdiction. In human rights terms, it reflects (or at least ought to reflect) the exercise of basic human rights such as the right to political participation.

Pluralists argue that each society, acting collectively and independent of external coercion, ought to be allowed to choose its own form of government. Within a certain range of freedom, the autonomous choices of a free people should be respected. A similar conclusion can be reached by stressing the positive value of cultural diversity or respect for the values of other peoples and cultures.

Realists often make similar relativist arguments. For example, Morgenthau speaks of “the issue of what is now called human rights—that is, to what extent is a nation entitled and obliged to impose its moral principles upon other nations?” (1979: 4). Kennan argues that “there are no internationally accepted standards of morality to which the U.S. government could appeal if it wished to act in the name of moral principles” (1985/86: 207). But this simply is not true in the case of human rights.

Virtually all states regularly and explicitly proclaim their commitment to the human rights enumerated in the Universal Declaration and the International Human Rights Covenants. To act on behalf of internationally recognized human rights is not to impose one's own values on other countries. It involves an effort to bring the practice of other governments more into line with their own professed values (which we share).

There *are* authoritative international human rights norms. So long as human rights policy is based on these norms, it does not reflect moral imperialism. In fact, failure to insist on compliance with internationally recognized human rights norms perversely risks reverse racism or elitism. The standards of internationally recognized human rights are minimal standards of decency, not luxuries of the West. Given their extensive formal and informal endorsement, as expressed in international legal and overlapping consensus universality (see section 6.2), pursuing international human rights objectives in foreign policy is completely appropriate.