

Human Rights in US Domestic and Foreign Policies

Saleem Kidwai*

*[*Dr. M. Saleem Kidwai is Director(Hony.) International Centre for Peace Studies, New Delhi, and Visiting Faculty, Centre for American Studies, School of International Studies, Jawaharlal Nehru University, New Delhi, India].*

[The post 9/11 international politics has catapulted US into the centre-stage of international politics. This is not to deny its sole super-power status since the end of the cold war. What is most visible today is its willingness to accept its leadership as a 'benevolent hegemon'— as many advocates of American predominance in the world would put it— and carry American values to all corners of the world. This they believe should be the ideological agenda that should be woven into the all-out campaign against terrorism. Among those values Human Rights and Democracy assume prime of place. However, a counter-discourse in US has set in which says that America has perhaps started disowning at home the very values that it seeks to promote abroad. The present paper seeks to analyse this issue of American approach to Human Rights in the post 9/11 context both as an instrument of domestic and foreign policy and isolate the ambiguities that characterise the present American policy-making. Editorial Board]

In 1948, the US took the lead in drawing up the Universal Declaration of Human Rights. The thinking was that despite permissible differences in culture, certain human rights were basic, including proscriptions against cruel, inhuman, or degrading punishment, equality before the law; protection against arbitrary arrest, detention, or exile; the right to fair court trial and the right of free movement and asylum. The bottomline was the basic right to live.

After the Second World War, tackling domestic racism in US was as much a foreign policy decision as anything else. A Civil Rights Committee appointed by President Harry S. Truman concluded: "We cannot escape the fact that our civil rights record has been an issue in world politics. They have tried to prove our democracy an empty fraud and our nation a consistent oppressor of underprivileged people". However, in the decade following Universal Declaration of Human Rights, the US frustrated international efforts to create an enforceable standard on the basis that its own violations of the rights of minorities, particularly Native Americans and African-Americans might be called into question. During the early cold war years, human rights concerns in US foreign policy were generally thought to be worth sacrificing for the greater goal of containing communism. In fact, throughout history, balancing civil liberties with the national security has always been a delicate task. Civil liberties have been a target of government restrictions throughout history, especially in times of crises— foreign and domestic.

Post 9/11 and Human Rights

The post 9/11 era has been one of tumultuous change in US foreign and domestic policies. Ironically, the greatest source of negative effects (on civil liberties) has come from US

Administration's pursuit of war on terrorism at home against the backdrop of heightened terrorist threats. Civil Rights advocates in US have expressed outrage at the Justice Department's callous disregard of the Bill of Rights and at the refusal of the US to look at the root of the Bill of Rights and at the refusal of the US to look at the root causes of the nation's problems, preferring instead, what appears to be the pursuit of blind vengeance.

Civil Libertarian organizations such as American Civil Liberties Union (ACLU) described the government's penchant towards attaining new powers after 9/11 as an insatiable appetite, characterized by government secrecy, lack of transparency, rejection of equality under the law, and disdain for and outright removal of checks and balances. A full-page newspaper advertisement by the ACLU tells that the Patriot Act, the Administration's major security initiative goes 'far beyond fighting terrorism', and has allowed government agents to violate civil liberties tapping deep into the private lives of innocent Americans.

From the Libertarian Left Anthony Lewis in the *New York Times Magazine* charged President Bush with undermining safeguards for the accused in a way that Lewis did not believe "was possible in our country", while from the Libertarian, Right, William Safire protested the Administration's effort "to realize the super snoop's dream of spying on all Americans". Articles in popular press expressed similar sentiments. For instance writing in *American Prospect*, Wendy Kaminer expressed the apprehension that "Give the FBI unchecked domestic spying powers and instead of focusing on preventing terrorism, it will revert to doing what it does best—monitoring, harassing and intimidating political dissidents and thousands of harmless immigrants". In brief, it has been argued that in order to protect Americans from terrorists, democracy may be jeopardized, if not lost and America is well on the way to become a 'police state'.

Unlike many other countries, in the US, an independent judiciary and powerful Congress ensure that the appropriate balance between security and human rights is achieved. However, America has, in the past over-reacted to perceived security threats; the Palmer raids after first world war and the treatment of Japanese-Americans during second world war are the most glaring instances of such over-reaction from US establishment.

Civil libertarians now condemn the indignities of security checks at the airports, the tracking of Muslim visitors to the US, detention of suspects for indefinite periods without trial and when criminal charges are brought, the government's attempt to limit the access of the accused to important evidence. Still worse in their view is Administration's evident intention of using military tribunals to try suspected terrorists. Last but not the least and most frightening of all to critics, the government's proposed Terrorist Information Awareness (TIA) programme, which would employ computers to gather and assess unknowing American citizens.

According to Ibrahim Hofer, a spokesperson for the Council on American-Islamic Relations, American Muslims have already lost many of their civil rights. The most salient outward sign of this is said to be ethnic profiling that occurs routinely in America— a form of discrimination widely considered to be self-evidently evil. Ethnic profiling, it is alleged, is also

responsible for the unjustified harassment and occasional detention of Arab and Muslim visitors to the US. This is said to be an egregious violation not only of the rights of such persons but of America's traditional hospitality toward foreign visitors.

According to civil libertarians, the constitutional safeguards that normally protect individuals suspected of criminal activity have been destroyed in case of persons suspected of links with terrorism. Undoubtedly since 9/11, civil liberties have been curtailed in the US and its officials have been accused of resorting to violence during interrogation of captured Al-Qaeda operatives.

The Justice Department's harsh approach has thus sent a painful negative signal around the world emboldening governments as diverse as those of Belarus, Cuba and India to crush democratic liberties, supposedly in aid of their own struggle against terrorism. In brief, recent information about detainees, racial profiling and infringements on academic freedom caused many people to question the future of personal freedoms in the US.

US Foreign Policy and Human Rights

The US has been a leading, if inconsistent, proponent of the idea that foreign policy should involve attention to the Human Rights record of other countries. From the early 1990's the idea that 'security' and 'protection of human rights' are complementary rather than mutually exclusive has taken hold. The events of 9/11 served as a catalyst for a new era of democracy promotion in the world. Significantly, two months after the attacks, Under Secretary for Global Affairs, Paula Dabriasky declared: "The advancement of human rights and democracy is.. the bedrock of our war on terrorism". The 2002 National Security strategy reiterated the importance of democracy to US foreign policy objectives. The document proclaimed that "the national security strategy of US must look outward for possibilities to expand liberty" and stated that the United States will use its foreign aid to promote freedom and support those who struggle nonviolently for it, ensuring that nations moving towards democracy are rewarded for the steps they take.

The Administration has since taken a number of significant measures. For instance the Millennium Challenge Account (MCA) announced in March 2002 initiative, will provide up to 5 billion dollars annually to countries that "rule justly, invest their own people and encourage economic freedom". The Departments of State's Bureau for Democracy, Human Rights and Labour (DRL) set aside an enhanced part of its worldwide units for promising democracy-building projects in West Asia. Moreover, DRL has collaborated with the Bureau of Near Eastern Affairs to undertake a comprehensive review of assistance efforts in Egypt—strategically an important US partner in the ongoing war against terrorism. The Middle East Partnership Initiative (MEPI) announced by Secretary of State, Colin Powell, in December 2002, was designed to address the political, economic, and educational underdevelopment of the Middle East. The programme provided 29 million dollars in the fiscal year 2003 to promote civil society, educational reform, equal status for women, economic reform and promote sector development. The Administration also launched initiatives beyond the Middle East, including new and comprehensive assistance programmes in Afghanistan and Pakistan.

Democracy programmes in several Central Asian countries have been significantly increased in recent years as well.

American Sincerity in Doubt

However, an emphasis on democracy and human rights is in question in US policy, with regard to a host of countries including Pakistan, Afghanistan, Egypt, Saudi Arabia, Indonesia, Russia, China and many others. Skeptics doubt whether policies aimed at democratization can even be pursued fully, given the reliance in the war on terrorism on non-democratic partners. US policies and assistance in Pakistan and Afghanistan have raised doubts about how much the Bush Administration may be willing to back democratization as part of an anti-terrorist strategy.

The US resumed a large-scale assistance programme in Pakistan after 9/11 but the programme doesn't have democracy-building as centerpiece of its agenda, despite the evident need for political reform. The US government has also been remarkably quiet on the face of a number of decidedly undemocratic actions taken by President Musharraf. Despite its promising new rhetoric on the importance of democratization, the Administration has largely ignored the promotion of democracy and has given General Musharraf blanket support in exchange for his cooperation with US objectives. It is on and around the frontlines of the campaign against Al-Qaida that the tensions between America's prevailing security concerns and its democracy interests are clearly visible. Afghanistan is a living example of this dilemma. The initial post 9/11 action by the US certainly reflected its concerns for democracy. But the conduct of US military operations undermined the Administration's promises of a durable, deep commitment to democratic reconstruction.

The tensions posed by the war on terrorism for US support of democracy abroad have spread out beyond the immediate frontlines. South East Asia is one such affected region. In this region, Indonesia has become an important theatre in the US anti-terrorist campaign. As a setback to human rights policy, the Administration has resumed aid to the Indonesian military in recent months. The willingness of the US government to enter into a partnership with a security force that just a few years ago was involved in a horrendous campaign of slaughter and destruction against civilians has sent a powerful negative signal throughout region and beyond. In the case of Malaysia, Washington's earlier critical stance has been reversed in response to Malaysian Prime Minister Mahathir Mahmmad's useful cooperation.

Central Asia also presents a mosaic of dilemmas relating to the tradeoff between democracy and security in US foreign policy. The US need for military bases and other forms of security cooperation in the region has moved Washington much closer to the autocratic leaders of Uzbekistan, Kazakhstan and Kyrgyztan. The tensions between America's pressing new security concerns and its democracy interests are evident in US policy toward Russia and China as well. President Bush regards Russian President Putin very favourably and has not pressed the Russian leader about his shortcomings on democracy and human rights (such as in the case of Chechnya) or with regard to monitoring a free press.

So far as China is concerned the current relatively positive state of relations— with mild US pressures on human rights, greatly outweighed by an ample mutually beneficial economic relationship— is not especially different from the overall pattern of the past decade.

So far as Middle East is concerned, during the initial period after 9/11, the US turned to its traditional autocratic allies in the Arab world, especially Egypt and Saudi Arabia. However, a growing chorus of voices within and around the Administration has started questioning the value of America's friendly tyrants in the region. These individuals, invoking what they believe to be the true spirit of President Reagan's foreign policy, call for a change toward promoting freedom in US Middle East policy.

Attracted by this idea, President Bush's last summer declarations on the Middle East shifted noticeably in tone and content, setting out a vision of democratic change there. According to this vision, the US will first provide democracy in Palestinian territories by linking American support for a Palestinian state with the achievement of new, more democratic Palestinian leadership.

But the expansive vision of a sudden, US led democratization of the Middle East rests on questionable assumptions. It is worth noting that Middle East happens to be the least democratic region in the world. The region has been dominated by a range of authoritarian, political systems, including military regimes, monarchies, theocracies and one-party statist regimes. In his new book *The Failure of Freedom*, noted columnist Fareed Zakaria describes the situation as “an almost unthinkable reversal of a global pattern in which almost every Arab country is less free than it was forty years ago. There are few places in the world about which one can say that”. Throughout Middle East, the secular opposition lacks dynamism and broad-based political support. Civil society is weak as a result of severe legal restrictions and coercive methods that the region's regimes adopt to stifle political expression. Independent media are largely non-existent.

Promoting democratization in lands without a tradition of democracy, of course, carries certain risks. Democratization assistance is not something that could solve the region's problems. That is why people like Fareed Zakaria argue that the US should not support democracy— by which they mean elections— in the Middle East but should instead gradually encourage reform of authoritarian regimes by working towards constitutional liberalism, rather than try to establish systems which make the state electorally accountable to its own people. In short, supporting democratization carries risks that must be taken into account while designing US strategies for the Middle East.

The current political situation in the Middle East is primarily driven by internal realities, but it also is a reflection of past US policy choices not to support democratic reforms within the region. Although the war on terrorism has greatly raised the profile of democracy as a policy matter, it has hardly clarified the issue. On the one hand, the fight against Al-Qaeda tempts Washington to put aside its democratic scruples and seek closer ties with autocracies throughout the Middle East and Asia. On the other hand, US policymakers have increasingly come to realize that it is precisely the tide of democracy in many of these countries that helps breed Islamic extremism.

Conclusion

To conclude, the events of 9/11 proved to be both a catalyst and watershed in US history. There is no doubt that the law enforcement agencies are keen to ensure that terrorist acts like 9/11 are not repeated. They are looking at potential terrorist within Muslim community as all 19 hijackers reportedly were Muslims.

To Muslims, it sounds like religious and ethnic profiling and to law officials, it is simply part of their job. How can the two reconcile their position in a manner that can secure the security of the nation as well as civil rights of people? It is a delicate issue, which warrants serious thought. Muslim Americans are an integral part of American citizenry. They are as committed to the security of the country as the FBI and other law enforcement agencies are. They are as much keen to root out terrorism from their ranks as is the case with law enforcement agencies. A partnership is possible between the two. The law enforcement agencies have to create the impression through their actions that they are not after the 'Muslim Community' and that the Justice Department is not promoting a secret agenda against Islam. This is possible only when more and more Muslims are involved in open debate and policy discussions in the Justice Department.

It is a tribute to the US democratic traditions and freedom of expression that even after 9/11 the general public is not losing sight of larger cause of US foreign policy and human rights. Having witnessed and faced the brutality of 9/11, the US public opinion remains steadfast to its commitments, which is widely indicated by an outcry on the treatment of Al-Qaeda and Taliban prisoners as reflected in American press. The American media has been impressing upon the US Administration that it should respect Geneva Convention on Human Rights in its handling of all its detainees.

By and large the US public opinion wants the US Administration to make it clear that it upholds the individual human rights laws. The Wilsonian stress on democracy and human rights can definitely make US policies attractive to others when these values appear genuine and are pursued in a fair-minded manner. America is the most powerful nation on the face of the planet because it has combined raw power with American ideals such as freedom, justice and dignity. These ideals are admired around the world and are more important to its position of global strength than its ability to shoot a missile down a chimney. The creation of a world based on fair play and justice and in which America takes its global responsibilities more seriously reflects the US's deepest values. The globalization of the economy must be paralleled by the globalization of American morality and reflected in domestic and foreign policies of the US in days to come to endear them to the rest of the world.