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Human Rights and U.S. Foreign Policy: Realism Versus Stereotypes

Margaret E. Crahan

A major impediment to the use of human rights criteria to build a more effective U.S. foreign policy has been the prevalence of popular misconceptions in this area. Perhaps the most common of these is that a strong human rights posture is antithetical to the pursuit of national security interests. An alternative position is that these two concerns are mutually supportive, with the promotion of basic human rights being the key to long-term national and international stability. Recent developments in the Americas have highlighted the relationship between the observance or nonobservance of human rights and the security of the United States.

The United States' relationships with Mexico and Central America are illustrative. Since the 1920s Mexico has been one of the most politically stable countries in Latin America. This is in part because, although substantial economic inequalities exist in Mexico, there has been gradual improvement over time in meeting food, housing, sanitation, health care, and educational needs.¹ However, recent Mexican economic reverses produced escalating domestic social pressures and resulted in massive migration to the United States, which placed substantial burdens on the U.S. economy and legal system. This situation has been exacerbated by an increase in migration to the United States from Central America and the Caribbean resulting largely from warfare in the area and the denial of basic civil, political, social, and economic rights. Analysts of differing political orientations (such as those who participated in the National Bipartisan Commission on Central America, the Inter-American Dialogue, and Policy Alternatives for the Caribbean and Central America) have all concluded that it is imperative to promote improved rights observance in the Americas if U.S. security is to be preserved.²

Although the connection between human rights observance and political stability is often recognized, the use of human rights criteria in the both the Carter and Reagan administrations, U.S. policy toward El Salvador attached considerably more importance to U.S. security concerns than to human rights, although human rights issues were not totally ignored. The United States' fear of Marxist revolution in Central America led it to support several governments in El Salvador that were implicated in gross violations of human rights. The United States' identification with these governments has contributed to rising anti-U.S. sentiment in Central America and elsewhere. It has also encouraged criticism of the United States by its allies and undermined U.S. moral and political leadership in international fora. Until human rights goals and security objectives are regarded as integral parts of the same policy, it is unlikely that the United States will be able to respond adequately to the challenges posed by a world that is increasingly polarized ideologically, politically, and economically.

This essay argues that a U.S. foreign policy supportive of greater national and international human rights observance is likely to promote global political stability and, hence, U.S. interests. To accomplish this goal it is necessary to transcend popular stereotypes and incorporate human rights criteria in the formulation of U.S. foreign policy. This essay attempts to promote this process (which is already underway, albeit haltingly) by examining whether sufficient international consensus exists regarding the nature of basic human rights to support a strong U.S. foreign policy commitment to human rights. It also analyzes the consequences of rights violations for hemispheric stability, past U.S. foreign policy concerning human rights, the means developed (particularly in Latin America) to defend human rights, and whether the United States can assist in these efforts while respecting the principle of nonintervention. The essay concludes with some specific recommendations for U.S. human rights initiatives in the 1980s. These recommendations are based on past experience and offer no guarantee of utopian solutions to human rights problems. However, they may make U.S. foreign policy more effective and therefore more conducive to hemispheric stability and the national security of the United States.

Employing human rights as a foreign policy criterion is in no sense an assertion that the United States' own rights record is unblemished. However, it does reflect a belief that the observance and promotion of human rights are related to the legitimacy of the U.S. political and economic systems. The outcome of competition between world powers such as the United States and the Soviet Union will be determined in good measure by each country's success in demonstrating the superiority of its respective systems, not only in terms of material benefits, but also in terms of the values propounded. Human rights are expressions of values that have universal appeal despite obvious historical and cultural differences in the interpretation and prioritization of those rights.

Differences such as these have not impeded the growth of agreement regarding what basic human rights are. They include the right to life and the means to maintain it with dignity. The latter include respect for the physical integrity of the person, freedom from arbitrary arrest and im-

prisonment, the physical requirements for life (food, clothing, housing, health care), and the prerequisites for self-reliance (education and effective political and economic participation). Basic human rights are accepted by specialists in the field as priority claims on society and government that inhere in persons or groups of person. The idea that the validity of human rights depends on legal recognition or social practice is much less commonly held.

The Growth of Consensus on Human Rights

The progressive internationalization of human rights documents and organizations, particularly since the 1940s, demonstrates increasing consensus on core human rights and a growing realization that respect for civil/political rights is directly related to the fulfillment of economic, social, and cultural rights. This process was stimulated by the post-World War II desire to reach agreement on a normative basis for peace (without ignoring the real differences that exist among cultures and political and economic systems), which led in 1948 to the drafting of the Universal Declaration of Human Rights and the American Declaration of the Rights and Duties of Man. The subsequent approval of implementing covenants and conventions affirmed the principles expressed in these documents. In 1976 the United Nations' International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights came into force. As of January 1948, seventy-seven countries had ratified the former and seventy-eight had ratified the latter.³ The American Convention on Human Rights came into force in 1978, and by late 1948 eighteen western hemisphere countries had ratified it.⁴ The creation of the Inter-American Commission on Human Rights (1960), the Inter-American Court of Human Rights (1979), and the Inter-American Institute of Human Rights (1980) by the member states of the Organization of American States (OAS) further indicated the extent of consensus on human rights issues in the Western Hemisphere.⁵ Their activities help promote respect for human rights, which legal scholars have increasingly accepted as an international legal obligation of states.⁶

The charge that organizations such as these are concerned only with governments' human rights abuses and ignore general threats to society is not upheld by an examination of their work. As creations of the member states of the OAS, both the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights are legally bound to focus on the actions of governments. Nevertheless, the Commission has also addressed some generalized threats to society.⁷ However, it does not have the legal authority to investigate either terrorism or subversion.⁸ The Inter-American Institute of Human Rights (which dedicates itself to the promotion of human rights through research, education, and publishing) has examined the impact of terrorism on human rights, most notably at a September 1982 conference on this subject.

It has also been alleged that human rights organizations tend to condemn right-wing regimes for human rights violations while ignoring the abuses of left-wing governments. This charge was also leveled

against the Carter administration. Neither charge has a basis in fact. The Soviet Union has been the major focus of reports concerning human rights violations by organizations such as Amnesty International and the International Commission of Jurists, as well as a variety of church groups, U.S. governmental agencies, and international bodies. In Latin America, Cuba has been the most frequent object of attention by both nongovernmental and governmental human rights agencies. Since the Sandinista government took power in 1979, Nicaragua has also been the object of close scrutiny.⁹

Recognition of the existence of human rights bridges cultures and national boundaries by virtue of shared humanity, even though there are both sharp ideological differences and systemic variations throughout the world that affect the conceptualization and enjoyment of human rights. Scholars and human rights activists note some overlap between western liberal and socialist views, as well as between views of industrialized and developing countries, on this issue. This interpretation does not gloss over differences in this regard; rather, it suggests that treaties, international documents such as human rights covenants, and international law definitely reflect a degree of consensus on human rights.¹⁰

Although very little survey research has been done regarding the extent of this consensus, the results of one study are illuminating. In an examination of the attitudes of working class residents in the Brazilian municipality of Nova Iguaçu, researchers found that (contrary to their expectations) there was considerable unanimity regarding concepts of basic human rights. These were the right to life and the means to support it in a dignified fashion. Respondents gave higher priority to basic needs such as food, clothing, sanitation, and access to health care and education than to the right to property. They also shared a belief that all individuals should enjoy equality of opportunity and economic security and that they should be allowed to participate in political decisions in order to influence the direction of social change.¹¹

As evidence of this kind indicates, to suggest that there is a degree of consensus on human rights issues is not to assert that all countries will have the same level of human rights observance. Rather, there is agreement that a minimum level of human rights protection should be striven for. Nor do human rights specialists argue for a single measure of human rights observance for all societies, particularly given differing levels of development.¹² Nevertheless, a minimum standard of human rights would include the right to life and the means to sustain it with dignity, as well as freedom from torture, arbitrary arrest, and imprisonment. The fact that some regimes violate these rights does not prove that there is no consensus concerning the conceptualization of basic human rights; rather, it shows that rights violations occur.

Human rights violations themselves have contributed to the building of consensus in this area. An upsurge of human rights violations in the 1960s and 1970s produced a concomitant proliferation of efforts – local, national, and international – to combat them.¹³ In turn, the actions undertaken by human rights activists and organizations produced broader agreement concerning what basic human rights are, what relationships exist among them, and which rights should be given priority. Again, this

does not mean that there is perfect agreement on these issues; rather, it suggests that crises in countries such as Argentina, Bolivia, Brazil, Chile, El Salvador, Guatemala, Haiti, Nicaragua, Paraguay, and Uruguay – which together contain more than half of Latin America's population – forced both individuals and institutions to rethink the role of human rights in the maintenance of social concord and the promotion of political and economic development.¹⁴ One example of this increased attention to human rights issues is the fact that no other topic received more attention from the press and publishers throughout Latin America in the 1970s.¹⁵

To demonstrate the degree of international consensus on human rights issues, legal scholars point out that articles concerning human rights have been incorporated in the constitutions of over 150 countries. There is admittedly some variation in the rights included and the priorities given them. Nonetheless, virtually all of these constitutions focus on the right to life with dignity.¹⁶ Although variations in culture, values, and historical experience certainly affect interpretations of human rights, they do so primarily in terms of priorities and strategies for their fulfillment. To argue that variations of this kind, or disagreements in academic analysis or politics regarding what is just, democratic, moral, or conducive to public order and the common good, preclude the possibility of some consensus on human rights is to advocate a total cultural relativism unsupported by reality. For example, there is widespread agreement that genocide is immoral. The fact that it occurs does not mean that there is no consensus on this point; instead, it shows that basic human rights are violated. Furthermore, analyses of the concept of human rights in the world's major religions indicate that there is agreement on core rights.¹⁷

It is even less convincing to argue that variations in the texts of human rights documents prove there is no consensus in this area. This is using the narrow focus of textual analysis to deny that government officials representing a broad spectrum of peoples concurred sufficiently on principles to draft documents such as the Universal Declaration of Human Rights and the American Declaration of the Rights and Duties of Man. The drafters of these documents were generally pragmatic political leaders and diplomats deeply affected by severe human rights violations during World War II and intent upon devising means to prevent an even greater tragedy in the future.

A strong human rights posture in U.S. foreign policy encourages charges that the United States judges other countries from a position of unwarranted superiority. This problem has been recognized by U.S. policymakers, even if it has not always been addressed successfully.¹⁸ A related charge is that the U.S. government and U.S. human rights specialists fail to recognize that the United States is part of the problem. What this view does not recognize is that the recent U.S. interest in human rights largely flows from an agonizing reappraisal of the legitimacy of U.S. foreign policy and the morality of political leadership in the United States.¹⁹

The roots of this recent interest in human rights are in the contemporary crisis of confidence in the U.S. political system and leadership. In the aftermath of the Vietnam war and the Watergate political scandal,

there was a desire to reassert certain basic democratic values. These efforts have admittedly been flawed and occasionally counterproductive, partially because these democratic values and their relationship to governmental policies are ill defined. This has been particularly true of the role of human rights in informing U.S. foreign policy. Thus it has been relatively easy to stereotype these efforts and categorize them as utopian, arrogant, or cynical. For this reason there is a crucial need to rethink both the relationship between human rights and U.S. interests and the best means to promote these interests in a conflictual world. This essay does not pretend to be a full exploration of these topics, but rather a stimulus for such attempts.

The Consequences of Human Rights Violations for Democracy and Hemispheric Stability in the 1980s

There are three commonly recognized contexts in which human rights violations occur in Latin America.²⁰ Countries that have experienced ongoing political violence resulting from official repression of substantial and persistent political opposition constitute one group. Political opposition in these countries was frequently strengthened in the 1960s and 1970s by economic development, increased social mobility, and political differentiation. Examples include El Salvador, Guatemala, and Colombia. A second group is composed of personalistic dictatorships facing a relatively weak political opposition that is usually kept in check by the constant use of repression. Given the generalized internalization of fear in these societies, broad-based opposition does not normally exist. Haiti and Paraguay are examples. Because there has been less generalized human rights activity in these countries, they are not particularly illustrative of means developed to defend human rights. In order to evaluate better those strategies that have proven most effective in this regard, this essay will focus on countries in which human rights activities are more highly developed.

Examples of this third context include (or have included) several countries in South America (Argentina, Brazil, Chile, Uruguay) that historically respected human rights to an important degree. These countries underwent a process of polarization in the 1960s that originated in growing disenchantment with traditional politics, parties, and reformist/developmentalist economic models. Influential sectors of the national elite (intellectuals, for example) increasingly accepted Marxist critiques of capitalism, while others (including the military) embraced conservative alternatives emphasizing the centralization of power in the executive branch of government and the imposition of monetarist economic models. Polarization led both groups to pursue radical solutions, and progressive elements (including some church people) frequently sanctioned armed revolution. This contributed to the legitimization of guerrilla movements. The threat of armed revolution, together with the inefficacy, incompetence, and corruption of some civilian governments, convinced the armed forces that they had to "save" their countries. The strongly anti-Marxist military viewed both violent

and nonviolent proponents of class conflict and revolutionary change as disloyal groups undeserving of civil/political rights. The spread of such military governments in the 1960s and 1970s thus resulted in human rights violations on an unprecedented scale.²¹ Human rights groups subsequently became very active in these countries.

Military coups and human rights violations in Latin America in the 1960s and 1970s resulted in part from the prevalence of authoritarian definitions of the state. Indeed, human rights activists in the region generally believe that the most serious long-term threat to human rights is the growth of national security ideology.²² Although elements of this ideology can be found throughout the Americas, it has reached its fullest expression in the Southern Cone. National security ideology has little to do with a country's internationally recognized right to protect itself from external or internal attack. Rather, it is a conceptualization of the state, nation, and war that gives absolute priority to national security. The state is held to be an organism with natural rights and its own needs, which take precedence over individual rights. The definition of citizens' rights is, therefore, a highly restricted one. In addition, the decisions of the ruling elite take precedence over the rule of law. Because the state, nation, and armed forces are identified as one, a challenge to one is regarded as a threat to all. Individuals who challenge the state through either violent or nonviolent dissent are labeled noncitizens with no claim to rights. Individuals whose racial or cultural identity or religious beliefs set them apart from the state's vision of a citizen are also liable to be denied rights. Criticism of the military is regarded as unpatriotic or treasonous. Loyalty to the nation is confused with support for a particular government. Moreover, the armed forces' control of the state is justified as the only means of realizing the country's economic and political destiny. The enormity of this task helps explain why the military, when it took control in Brazil (1964), Uruguay (1973), Chile (1973), and Argentina (1976), intended to retain power indefinitely (in contrast to its historical tendency to relinquish political power to civilians once order was thought to have been restored).²³

The consolidation of national security states in these Latin American countries resulted in the suspension of constitutional guarantees through declared states of emergency and/or siege and expanded operations by security forces and clandestine paramilitary groups. Paramilitary groups and the armed forces saw themselves engaged in a total war against subversion in which no quarter was to be given. Torture, assassination, and other violations of the physical integrity of the person were sanctioned. Violations of civil rights, censorship, the dissolution of existing means of political and economic participation (for example, political parties, labor unions, urban and rural popular movements), and the suspension, reconstitution, or abolition of legislatures were frequent. Military governments often justified actions such as these on the basis of real or alleged guerrilla threats or terrorist activities, economic stagnation or decline, and the inefficiency, incompetence, and corruption of previous civilian administrations. These regimes argue that it was necessary to restrict individual rights in order to realize national potential and promote the common good — as defined by a hegemonic elite and

the requirements of particular political and economic models.

These broad national development goals required a highly centralized state in which power was concentrated in the executive branch, with the elimination or subordination of the legislative and judicial branches. Traditional means of popular participation were sometimes replaced by corporatist mechanisms aimed at organizing and mobilizing the population in support of the government, rather than allowing the formation of groups representing competing interests. These actions contributed to violations of freedom of opinion and expression, the right to peaceful assembly and association, and the right to participate in government either directly or through elected representatives.²⁴ Furthermore, the rights of political prisoners were generally not recognized; indeed, political prisoners often were not regarded as citizens because their actions were deemed contrary to the rights of the state, which superseded those of the individual.

In sum, the concentration of political authority in the hands of a hegemonic elite redefined the rights of the state and the individual so that the former overrode the latter. The suspension of constitutional and legal guarantees permitted violations of the physical integrity of the person, creating a climate of fear that stifled dissent and discouraged the activities of established political organizations. Secrecy was used to maintain the level of fear necessary for almost total social control. This frequently was facilitated by the expansion and technological upgrading of the governmental intelligence apparatus. The inculcation of fear in the populace further contributed to the consolidation of power and the implantation of the machinery of repression. However, the exercise of the state's coercive powers in this fashion was contrary to the rule of law and thus undermined the basis for social order. As opposition to the illegal and arbitrary exercise of power mounted, it was frequently necessary to increase repression. The end result was distrust and disrespect for government authority.

This tendency was reinforced when state power was used to impose and sustain economic policies that, rather than stimulating long-term economic growth as promised, led to falling real wages, escalating unemployment, and increasing bankruptcies of businesses of all sizes. These developments markedly decreased the lower and middle classes' capacity to fulfill their basic needs. Furthermore, these policies frequently required government suppression of independent trade unions, the imprisonment or expulsion of labor leaders, and the prohibition of strikes and worker or expulsion of labor leaders, and the prohibition of strikes and worker coalitions. Rights violations of this kind became a significant part of the institutionalization of social control mechanisms. Thus even after torture, disappearances, and assassinations diminished in frequency, rights violations continued and further contributed to the maintenance of fear.

Few human rights organizations existed when national security states began to emerge. Those that did exist focused more on legal resources than on humanitarian aid. Invocation of legal protections such as habeas corpus and appeals to the courts were for the most part ineffective.²⁵ Nevertheless, the absence of instruments of defense or strate-

gies other than those provided by traditional jurisprudence focused human rights activities on the courts. This was the case in Brazil, Chile, Uruguay, and Argentina. In countries that did not have notably independent judiciaries (such as Paraguay, Haiti, El Salvador, Nicaragua, and Guatemala), the response of human rights activists and organizations to crises was publication and dissemination of data concerning rights violations in an effort to generate pressure (particularly at the international level) that would reduce governments' rights violations. Countries with a critical mass of lawyers and other individuals willing to use existing legal structures generally have had a better opportunity to galvanize and focus energies and activities in support of human rights. Over a period of time, the knowledge and experience gained through such activity can provide a basis for the development of mechanisms and strategies capable of reducing repression or ameliorating the consequences of any resurgence in human rights violations.

Authoritarian governments' attempts to use traditional values and beliefs to legitimate their actions and policies, together with actual human rights violations, frequently brought these governments into conflict with the Roman Catholic church and other religious organizations to such an extent that these groups became the most vocal critics of the state. This happened in Chile after 1975, in Brazil in the early 1970s, and in El Salvador and Nicaragua in the late 1970s.

A combination of international and national factors led religious groups to assume this role. Among the most important of these were theological and pastoral developments within the Catholic church stimulated largely by the Second Vatican Council (1962-1965) and the Medellin (Colombia) Conference of Latin American bishops in 1968. These two gatherings defined the mission of the church as the promotion of social justice, human rights, and peace. The "theology of liberation" provided the justification for this mission by emphasizing Christians' responsibility to struggle for the establishment of the Kingdom of God on earth. The church's principal responsibility was the defense of the poor and exploited. In addition, this interpretation emphasized the church as a community of believers rather than the church as an institution. These changes led the church to expand its activities among rural peasants and urban slum dwellers, which in turn helped to politicize church people. Similar trends were apparent among mainstream Protestant denominations in Latin America in the 1960s and 1970s.

Developments of this kind increased the receptivity of church people to political and economic change, including socialism. Although few subscribed to Marxist interpretations, a significant number lost their faith in capitalism. The vast majority of church people did not support violent revolution, but ideological and political polarization in Latin America caused the Catholic church to become increasingly identified with the left. As a result, it often became the object of government repression. This caused the church leadership (including conservatives) to unite in defense of church personnel and in opposition to the generalized violation of human rights. In countries in which established mechanisms of political and economic demand making were suppressed or inadequate, the church attracted many of those individuals seeking to ex-

press their opposition to authoritarian regimes. Thus alliances were formed between church people and secular activists that further involved the church in politics.

More recently, under the leadership of Pope John Paul II, progressivism within the Catholic church has been moderated, and the church hierarchy has reasserted doctrinal and political orthodoxy (including anti-Marxist interpretations). This has clearly been the case in Nicaragua, and recent leadership changes in the Archbishopric of Santiago de Chile and the Brazilian National Bishops' Conference suggest a reassertion of more traditional positions. However, this trend depends in part upon continuing improvement in these governments' human rights records. In the mid-1970s, progressive activities such as the *Cursillos de Capacitación Social* ("Courses in Social Promotion") in Guatemala and the Third World Priests Movement in Argentina were suppressed by the church hierarchy and government officials. Only recently has the Catholic church in these countries strongly criticized government human rights abuses.²⁶

Church involvement in human rights activities in Latin America made more resources available, particularly from international sources. It also provided important national and international networks for the dissemination of information and the documentation of rights violations. Moreover, church involvement legitimated efforts to defend human rights, and it offered some protection to human rights activists.

After the consolidation of authoritarian national security states, as guerrilla threats and generalized public protests subsided, government repression generally became less visible. Challenges to state authority became infrequent or remained within relatively restricted bounds. The reduction in open repression made the molding and control of public opinion increasingly important. Thus authoritarian governments generally devoted more attention to the media, education, securing international support, and expressions of national strength. This change increased the importance of human rights organizations' attempts to document and publicize less obvious rights violations as well as their continued efforts to use existing structures to reassert legal protections and increase their own legitimacy as representatives of alternative visions of society. This last goal was accomplished primarily through these organizations' publications and educational efforts.

Analysts have only recently begun to examine the consequences of the internalization of repression by the general populace. Human rights organizations have an important role to play in this regard by stressing the abnormality of authoritarian and totalitarian situations. The psychological toll of repression must be measured in terms of the context it creates — not only in terms of those who are detained, tortured, imprisoned, or killed, but also in terms of its impact on the general population and ultimately on the polity. Preliminary research suggests that attempts to build democratic structures in these societies will encounter serious difficulties in mobilizing citizens to participate politically and become less passive and fearful of government.²⁷

After more notorious human rights violations decline, international support for human rights organizations and activities has sometimes

decreased. This is regrettable because human rights organizations at this point generally have more capacity to take advantage of government weaknesses and promote political liberalization. In the case of Brazil, human rights organizations were joined by established political parties, unions, and business and professional groups in efforts to exploit the military government's policy of *abertura* ("political opening") in order to create more space for their own activities. Their primary objective was to ensure both a role in the transition process and participation in a new civilian government.²⁸ The liberalization or disintegration of an authoritarian or totalitarian regime may cause individuals, groups, and institutions that had not previously been active in the defense of human rights to become more actively involved (for example, the Catholic church in Argentina). Rights violations that had previously been unreported may also become known.

For these reasons, human rights organizations continue to have important tasks. They must struggle to ensure that their experience is drawn upon in the formulation of the new government's structures and policies, particularly the creation of an independent judiciary and of policies that promote the rule of law and its even-handed application. These organizations must also see that previously unreported violations are documented and that redress is sought for those affected. Similarly, human rights groups must promote civilian control of the military through their work with both civilian officials and members of the armed forces. Finally, they must devise more effective means of popular participation in government decision making. This last task is especially appropriate for human rights organizations because they often serve as exemplars of broad-based, multiclass coalitions potentially capable of transcending the limitations of partisan, narrow-based political parties that sometimes contributed to the instability of previously elected governments.

In order to accomplish these tasks and contribute to the creation of democratic governments and stable societies, human rights organizations must remain active. It is essential that they have the resources necessary to reach those in society who, through lack of knowledge or fear, were unable to seek the help of these organizations previously. The vast majority of Latin American human rights organizations are based in capital cities, and they are limited in their ability to assist the urban and rural poor. The research and analysis that human rights organizations have initiated and encouraged must be continued if serious rights violations are to be prevented in the future. Similarly, the legal and political basis for democratic control must be strengthened in order to protect broad human rights.

Nonpartisan cooperation within and among human rights organizations should be used as a model in building coalitions to influence government. This experience can also provide alternative associational models for the general public. These tasks require the development and expansion of human rights organizations' mass-educational role. The fact that human rights organizations have the potential to undertake such tasks is the direct result of the consensus on human rights issues that has emerged in Latin America in the last two decades.

It is important to note in this context that even a return to nonauthoritarian civilian government is no guarantee of long-term respect for human rights. Indeed, the Peruvian experience after Fernando Belaúnde Terry assumed the presidency in July 1980 suggests that human rights violations will continue until a number of conditions are fulfilled. The rule of law must be firmly implanted and the judiciary must be relatively independent of other branches of government. The country's constitution must be purged of articles granting the executive branch and the armed forces extraordinary powers in all but exceptional situations. Government response to terrorist activities must fall within legal boundaries. In addition, human rights violations are likely to occur unless a substantial proportion of the population has access to the legal redress of grievances. Lawyers and ordinary citizens must be able to pursue legal recourse without fear of the government or lack of confidence in public officials. Similarly, human rights problems will persist if the security apparatus that engages in rights violations remains in place and is not placed under effective legal controls. The armed forces' attitudes regarding human rights issues must be changed and civilian control of the military must be ensured. Civilian officials must be able to enforce legal penalties against the armed forces for illegal or unconstitutional actions. Moreover, governmental bureaucracies must be purged of corruption. As long as government officials believe that they can act arbitrarily and disregard public needs with impunity, rights violations will persist. This is especially likely if other countries remain silent in the face of all but the most egregious human rights violations.

Because these conditions are not easily fulfilled, promotion of human rights requires a permanent commitment to rights protection. The mechanisms available to protect human rights must be strengthened and expanded. The essence of a successful human rights policy is, therefore, an awareness of the dimensions of the problem, a careful evaluation of the effectiveness of different means developed to promote and safeguard human rights, and a commitment to employ these means on a permanent basis.

The Means Developed to Defend Human Rights

Two principal methods have been used to defend human rights: the documentation and publicizing of rights violations in order to mobilize influential national and international actors and the general public, and recourse to the judicial system. Most of the resources available to human rights organizations are devoted to these activities, and they are generally the actions taken first in crisis situations. However, in order to be effective, both the documentation and publicizing of violations and judicial recourse must be supported by analysis, education, and training. These tasks constitute the other main aspects of human rights activities.

The Documentation and Publicizing of Violations

Most human rights organizations (local, national, and international) de-

vote their principal efforts to the investigation and documentation of rights violations. This strategy has been used successfully by a wide variety of groups, including church-related justice and peace committees, national human rights commissions, and international organizations such as the OAS' Inter-American Commission on Human Rights, the International Commission of Jurists, and Amnesty International. Documentation has two main purposes: to provide the basis for eventual legal action and to generate public and private pressure for the cessation of rights violations. For documentation to have a substantial impact, it must meet the requirements of legal evidence and withstand the scrutiny of the public, the media, and critics.

Human rights organizations have emphasized publicizing individual cases of human rights violations, and this strategy has proven highly effective in molding public opinion. In Latin America, a significant number of churches have taken up this work. Given the churches' credibility and their position as moral arbiters in society, their involvement has had a very positive effect. The OAS' Inter-American Commission on Human Rights has also played an important role in documenting and publicizing violations, particularly after 1977 when the United States was instrumental in increasing the size of its budget and expanding other resources available to it.²⁹ Many human rights organizations have become quite sophisticated at focusing public and mass media attention on rights violations. They have also developed extensive networks on both national and international levels to disseminate information concerning such violations. Nevertheless, their resources for this work are limited.

Contrary to some allegations, there is no firm evidence that publicizing human rights violations results in a increase in their number, although action of this kind may precipitate reprisals against human rights organizations and individual activists. Instead, the documentation and publicizing of rights violations have been effective ways of pressuring violators to abandon such practices, especially when these pressures come from influential national actors, international organizations, and foreign countries.

Judicial Actions

Recourse to existing legal mechanisms and efforts to expand their effectiveness are also major strategies used to defend human rights. These activities focus primarily on judicial measures such as habeas corpus and providing lawyers to those accused of political crimes. Actions such as these are especially important in periods of crisis, but they continue to comprise a major portion of human rights work after repression has diminished. This has been the experience of the most effective human rights operations, including actions undertaken by the Comité de Paz and the Vicaria de la Solidaridad in Chile, the Centro de Estudios Legales y Sociales in Argentina, and the Archbishopric of São Paulo in Brazil. In countries in which the legal community is relatively homogeneous and closely identified with traditional elites (for example, El Salvador and Guatemala), it is much more difficult to involve lawyers in human rights

work. In Chile and Brazil, where lawyers traditionally have represented a broader spectrum of political opinion, it has been somewhat easier to incorporate them in human rights activities.

The recent experiences of Chile and Brazil suggest that judicial measures can be effective instruments to pressure governments to reduce human rights violations. In these countries, the combination of relatively sophisticated legal training and practice and significant numbers of legal professionals increased the effectiveness of legal defenses of human rights. The presence of a politically experienced legal community also helped reduce the fear of repression.

The legal defense of human rights in Latin America in the 1960s and 1970s also provided a focal point for support groups that assisted with research, investigation, identification, and referral of specific cases. In the early stages of repression, this work provided an outlet for the nonviolent opponents of governments that had suppressed previously existing means of political action. The proliferation of legal briefs and court cases pressured governments to either justify their actions legally or abandon them. However, this approach had both positive and negative consequences. On the one hand, it brought about a reduction in some of the more egregious violations. On the other hand, it also prompted repressive governments to revise national constitutions and legal codes in order to justify state actions.

Human rights activists' legal actions raised the consciousness of lawyers, judges, and other members of the judicial community regarding human rights. One of the most effective strategies used by human rights groups to raise consciousness within the judicial community was to limit the number of full-time lawyers on their staffs and employ a larger number of part-time lawyers. This had the advantages of sensitizing and training a significant number of lawyers as well as of indicating to governments that an influential sector of society was committed to human rights.

Analysis of Human Rights Violations

Second-line means of defending human rights include the creation or expansion of institutions that analyze the causes and consequences of rights violations in order to devise more effective strategies to combat them. The impulse for these activities stems largely from the requirements of documentation and judicial defense. These efforts also contribute to the development of practices and procedures that will better protect human rights in the future. A common complaint of human rights activists is that they are unable to disengage themselves from everyday pressures in order to evaluate past experiences, identify trends, and develop and refine strategies. Activists also have little opportunity for long-term planning that is responsive to the situations in which they work. Comparing their experiences with those of other activists (particularly those who are geographically isolated) is also difficult. Thus the opportunities to take advantage of past lessons or others' experiences are often limited. In order to remedy this situation, documentation and judicial

action groups with the necessary resources have developed research branches. The most active of these are the Academia de Humanismo Cristiano (Academy of Christian Humanism) in Santiago, Chile, the Archbishopric of São Paulo in Brazil, and the OAS's recently created Inter-American Institute of Human Rights in San José, Costa Rica.

All of these institutions have focused primarily on the ideological and structural causes of human rights violations. Special attention has also been devoted to understanding the mechanisms of repression in order either to use existing defenses more effectively or to devise new ones. This work requires the dissemination of results, such as the publication of monographs for human rights specialists; periodic evaluations of national political, economic, and social conditions in order to establish the current level of rights violations and future trends; and popular educational materials. General educational materials are aimed at helping individuals and groups claim their rights. Seminars, courses, scholarly conferences, and press briefings to explain and disseminate research results have also been effective.

Much of this analysis has been supported by the Catholic church and European public and private foundations.³⁰ Although a substantial literature has been produced, it suffers from two limitations: a lack of analytical rigor (many of the studies have been written by nonspecialists, because of a shortage of human rights scholars) and the absence of a comparative perspective (largely because of the limited resources available for research of this kind). However, a sufficient number of studies is now available to permit more sophisticated analysis in the 1980s. Comparative studies will also be possible if the necessary financial resources become available. Furthermore, the studies produced thus far make possible a considerable expansion of educational activities on human rights questions.

Educational Efforts on Human Rights Issues

Human rights educational activities range from the training of lawyers to mass popular education. Educational work of this kind has been promoted chiefly by the Catholic church, international organizations such as the United Nations Educational, Scientific, and Cultural Organization (UNESCO), private foundations, and local human rights organizations. Popular education in defense of human rights had already made some progress in Brazil and Chile prior to the upsurge of repression in those countries. Human rights groups' most immediate response to this crisis was to focus on specialized training for legal personnel. Courses were subsequently developed for other human rights activists and, more recently, for grass roots groups. These latter courses range from basic literacy training that incorporates some human rights content (such as the efforts by the Integral Corporation for Cultural and Social Development [CODECAL] in Colombia and the Peace and Justice Service [SERPAJ] in Chile) to education for factory workers in basic economics and business practices in Ecuador, Chile, and Brazil. Although educational efforts such as these are widely considered to be essential to the long-term de-

fense of human rights, limited financial resources and the lack of trained teachers have hampered progress in this area. The UNESCO recommendation that human rights education become a part of regular school curricula could be beneficial. However, national governments must have the will to initiate educational programs of this kind.

Technical Assistance to Human Rights Organizations

In recent years human rights organizations have also provided diverse kinds of technical assistance to help individuals secure their rights. This assistance includes providing information about how to obtain additional basic services from local governments, how to form production and consumer cooperatives, and how to benefit from other workers' experiences in negotiations with management. The efforts of the Brazilian Institute of Social and Economic Analysis (IBASE) to arrange for labor negotiators from Fiat in Italy to advise their counterparts in Brazil is a particularly imaginative example of this last form of technical assistance.

Technical assistance programs operated by a number of national and international agencies have also made some progress in meeting basic needs for food, health care, and housing. These organizations include the United States Agency for International Development, the United Nations Development Program, the Inter-American Development Bank, the World Bank, and some private voluntary organizations. Voluntary organizations have had more success than the others in tailoring their efforts to local needs and in ensuring that these programs survive after the withdrawal of foreign technicians. The success of efforts in this area is dependent upon improved evaluation of past programs and the availability of more trained specialists from the target population. Although it has not been given high priority to date, technical assistance is crucial for major improvements in social and economic rights.

Appropriate Realms for U.S. Foreign Policy Concerning Human Rights

The expansion and activation of mechanisms to defend human rights in Latin America are not antithetical to U.S. interests. United States human rights policy can and should make a direct contribution to these activities. Those who charge that the United States "lost" Iran and Nicaragua as a result of efforts to promote human rights misread history. Furthermore, the contention that Carter administration officials singled out for criticism friendly authoritarian regimes such as those in Iran or Nicaragua has no foundation. So evident was the concentration of U.S. official attention on the Soviet bloc in 1977 that Soviet dissident Valery Chalidze reminded the Carter administration in print that human rights violations were not confined to communist countries.³¹

In both Iran and Nicaragua, the government's abuse of authority and

its failure to respond to popular pressures brought an end to the Pahlavi and Somoza dynasties, respectively. Traditional U.S. identification with and support for these regimes contributed to the anti-U.S. character of the new governments. However, there are also reasons internal to the Khomeini and Sandinista regimes that help explain U.S. foreign policy difficulties with them.

These two cases strongly suggest a need for the United States to project an image of principled support for human rights as the basis for a foreign policy that is tailored to the specific conditions of each country. In large measure, problems tend to arise from the United States' inclination to categorize countries as friends or foes. Instead, the United States should regard other countries as sovereign states with which it should maintain mutually supportive relations whenever possible, without becoming identified with all of another government's actions. United States foreign policy should be pragmatic and diplomatic (in the original sense of the term) so that it can avoid becoming identified with the abuses of other governments. This requires maintaining some distance from dictators and authoritarian regimes that engage in human rights violations.

The United States should be willing to grant or withhold foreign assistance to promote its interests abroad. This is accepted international practice. Debate on this question has focused on how and when to use leverage of this kind, not whether it is permissible to do so. Confusing support for democracy with support for anticommunist governments, and confusing capitalism as a system with support for a particular government or an economic model that may be damaging an economy, have limited the effectiveness of U.S. efforts to promote hemispheric stability. Opinion polls suggest that the U.S. public expects the government to act in accordance with basic humanitarian values. When it does not, the government's domestic support declines.³² A foreign policy that is not responsive to U.S. domestic opinion is not long sustainable.

It was, in fact, the breakdown of domestic consensus regarding U.S. policy toward Vietnam that served as the stimulus for renewed interest in human rights as a principal criterion in the formulation of U.S. foreign policy. Not since the end of World War II and U.S. involvement in the drafting and promulgation of the United Nations' Universal Declaration of Human Rights (1948) had human rights issues stimulated so much public and congressional debate. The first wave of U.S. human rights legislation adopted in the late 1960s focused specifically on U.S. involvement in Vietnam. The upsurge of human rights abuses in Latin America beginning in 1968, revelations regarding U.S. involvement in the overthrow of the Allende government in Chile in 1973, and subsequent gross violations of human rights in that country turned public and congressional attention to Latin America. This interest has not diminished, because as human rights violations declined in the Southern Cone, the situation worsened in Central America. Thus when President Carter declared in 1977 that human rights were to be the soul of U.S. foreign policy, this issue was already a major public concern in the United States. Moreover, much of the relevant legislation was already in place.

In a recent study, international lawyers, U.S. policymakers, and scholars affirmed that the principal factor explaining the widespread

U.S. interest in human rights issues was "public disillusionment with the Nixon-Watergate revelations and, to a lesser extent, Kissinger's ultra-realistic foreign policy." In addition, "United States world leadership has been damaged by the defeat in Vietnam. Through the human rights policy the Carter administration was able to draw on a domestically acceptable source for reviving American stature in international affairs: the American tradition reflected in the Declaration of Independence and the Bill of Rights."³³ The Carter administration and the general U.S. public were also affected by increased activism on the part of national and international human rights organizations.

Thus the stimulus for increased emphasis on human rights as a criterion for U.S. foreign policy came principally from domestic factors in the context of certain international challenges.³⁴ There is no evidence that the United States sought to establish itself as judge of other countries in order to demonstrate its moral superiority as a nation. Indeed, the goal was substantially different: to demonstrate the moral superiority of western liberal democracy and capitalism in the face of Soviet competition.

This goal heightened tensions between those who wished to use U.S. human rights policy to undercut Marxist governments and those who felt that human rights policy should also be used to criticize anticommunist authoritarian regimes that violated human rights. The Carter administration did not succeed in resolving these differences. Nor did it succeed in defining its human rights policy in a way that resolved the apparent conflict between human rights concerns and traditional definitions of national security interests, especially those interpretations that emphasized pragmatic support for anticommunist governments despite the fact that lack of popular support due to human rights abuses made them inherently unstable over the long term. By 1979 the Carter administration's human rights policy left both the U.S. public and the U.S. Congress with the impression that human rights and national security interests were, if not antithetical, at least frequently in conflict.

This situation resulted from problems common to all recent presidential administrations that impeded the development of a U.S. foreign policy responsive to long-term needs rather than immediate demands and partisan pressures. In addition, ongoing debates concerning the relative merits of "quiet" versus "aggressive" diplomacy and whether to use bilateral economic assistance or multilateral aid to promote social and economic rights combined to make the Carter administration's human rights policy appear contradictory at times. Thus there was no true test of the proposition that a U.S. foreign policy firmly supporting humanitarian values would over the long term help the United States in competition with communism.

Instead, the United States' commitment to human rights was interpreted by Carter's critics as a sign of weakening U.S. power abroad. Pressures for change and sociopolitical conflict in Latin America were viewed as reflections of Soviet adventurism that required U.S. support for anti-communist governments—even those governments that engaged in gross violations of human rights. In pursuit of its conservative definition of U.S. security interests in Latin America, the Reagan administration rejected

strong support for human rights and stressed more traditional diplomatic and foreign aid efforts to bolster anticommunist governments.³⁵ However, attempts to present the United States as a champion of democracy have been undercut by its identification with governments that employ state terror. This policy has contributed to further ideological polarization in Latin America, thereby decreasing the possibilities of moderate political and economic solutions.³⁶

Support for repressive governments served to delegitimize the Nixon administration's foreign policy and, to a lesser extent, that of the Ford administration. The Carter administration's partial disassociation from repressive governments increased both domestic and international support for U.S. foreign policy, despite what some critics alleged. Although there is no firm evidence that Carter's human rights policy caused some military regimes to initiate liberalization processes, U.S. efforts to promote human rights reinforced tendencies in that direction, particularly in Latin America.³⁷ The principal benefit to the United States was that it was less identified with fundamentally illegitimate governments. In contrast, the Reagan administration's foreign policy increased U.S. identification with such governments.

The United States' foreign policy should promote international stability by supporting governments that respond to their citizens' needs, as citizens determine them. Although the United States may not (and probably should not) have much influence over this process, the legitimacy of U.S. diplomacy and foreign assistance must first be measured in terms of the well-being of the people involved rather than by whether such actions are beneficial to specific governments. In situations in which a conflict of interest develops, decisions should be made in terms of human rights priorities, with those rights related to physical survival taking precedence. This position does not deny the need on occasion for very pragmatic decisions (for example, military cooperation with governments that violate human rights if a substantial security threat to the United States exists). Instead, it underlines the need to make the overall U.S. commitment to human rights clear and to conduct diplomatic relations in such a way as to allow for bilateral cooperation without legitimizing the government in question.

Furthermore, the concepts of human rights and national security need to be understood better by both the U.S. public and government officials. "National security" is defined by some as anticommunism and support for U.S. economic interests. Ironically, the growth of U.S. power in the post-World War II period has led not to a greater sense of security, but to an increased tendency to defend and advocate a particular ideology and way of life in response to a heightened perception of external threats.³⁸ Although the Soviet Union's ideological, political, and economic opposition to the United States should not be discounted, there is no convincing evidence that support for anticommunist, capitalist governments that violate human rights is a useful strategy to counteract Soviet expansion. Studies of U.S. military assistance to such governments do not show that U.S. security has been improved as a result.³⁹

Nor is there evidence that U.S. security assistance to Latin American armed forces has made them more respectful of democracy, more recep-

tive to civilian control, less likely to stage coups d'état, or more supportive of human rights. On the contrary, U.S. assistance has made them more confident of their managerial and technological capabilities. As a result, since the early 1960s Latin American armed forces have increasingly intervened in politics, not simply to curtail instability, but also to restructure their societies along authoritarian lines.⁴⁰ This has been a major blow to democratization in Latin America.

A similar pattern holds regarding U.S. economic aid to Latin America. There is no real indication that withholding aid directly produces reductions in rights violations. Rather, the principal consequence of this action is to reduce official U.S. identification with governments that violate the rights of their citizens. Moreover, at present levels of bilateral economic assistance to South America, there is little likelihood that U.S. leverage will increase. In Central America, the constraints on each country's economy and damages caused by war have limited the economic impact of congressional appropriations for efforts such as the Caribbean Basin Initiative.⁴¹

During the 1960s and 1970s there was some progress in linking U.S. bilateral and multilateral economic assistance to the fulfillment of human rights. This effort resulted from a growing conviction within the U.S. and international development communities that long-term progress required that aid strategies focus on the promotion of basic social and economic rights. This view took hold initially in the International Labor Organization and subsequently in the World Bank, the United Nations Development Program, the Inter-American Development Bank, and the U.S. Agency for International Development. The goal was to identify the most effective strategies to meet basic needs, especially the needs of the poorest segments of the population. Debates centered on whether to emphasize growth or redistribution. Most of the major development institutions were inclined toward the latter orientation. But with the vast numbers of poor and major structural problems in developing countries, the resources available in the form of bilateral and multilateral aid had limited impact beyond raising recipients' expectations. In addition, unless assistance programs were strongly supported by the recipient country's government, they had little chance of success.⁴²

The level of U.S. bilateral assistance in recent years frequently has been too low to influence significantly developing country resource allocation. Nor have U.S. basic-needs programs been coordinated with other U.S. activities, such as trade policy. Thus these policies sometimes work at cross-purposes. In addition, declining levels of U.S. foreign aid appropriations not only constrained existing programs, but they also hindered program evaluation and the elaboration of more sophisticated strategies.⁴³

When, as during the Carter administration, the U.S. Congress passed legislation, over the opposition of the president, to tie financial assistance from multilateral institutions such as the World Bank and the Inter-American Development Bank to human rights goals, the executive branch made little effort to implement it. This occurred with Public Law 95-118 (1977), which required the U.S. government to oppose loans by multilateral development banks to governments that violate human

rights. Institutions such as the World Bank were themselves opposed to this legislation on the grounds that only economic criteria should be considered in making loans. This position continues to be endorsed by the World Bank, and it is a defensible one. This has also been the position of the International Monetary Fund (IMF) although in the late 1970s the IMF began to reconsider some of its policies in order to decrease the negative impact of economic stabilization programs on the basic needs of the poor.⁴⁴ Given the severity of the current debt crisis in a number of Latin American countries, the IMF's capacity to redefine further its stabilization policies is circumscribed without major concessions by lender governments.

The Reagan administration's emphasis on self-help and free enterprise as means for diminishing these tensions has not proved efficacious. The U.S. private sector frequently does not appreciate the relationship between the fulfillment of basic human needs and the development of markets and stable investment climates. However, the debt crisis of the early 1980s and decreased U.S. exports have stimulated some U.S. businesses to rethink their overseas strategies. As corporations engage in more sophisticated risk analysis, the connection between stability and human rights fulfillment has become more apparent to them. United States-based corporations have generally been relatively adaptable in their overseas behavior. Thus there is some possibility that transnational corporations will respond over time to the threat to hemispheric stability posed by widespread denial of social and economic rights.

The record of human rights initiatives in Latin America in the 1960s and 1970s suggests that U.S. efforts to promote human rights through diplomacy and foreign assistance policy had positive benefits for the United States' prestige and influence. There is no conclusive evidence that the Carter administration's foreign assistance notably improved the enjoyment of basic human rights, particularly social and economic rights.⁴⁵ These efforts were hampered by the shortage of financial and technical resources and the frequent lack of political will on the part of recipient governments. Large private capital flows to Latin America diminished the relative impact of bilateral and multilateral aid,⁴⁶ and there was no strong consensus within the U.S. government in favor of this strategy. The decline in egregious human rights violations in Southern Cone countries in the late 1970s resulted largely from the elimination of the threat of armed revolution, the development of more sophisticated methods of social control by authoritarian regimes, and increasing domestic and international pressures to protect human rights. There could well be an upsurge in human rights violations in some countries as domestic political opposition to military regimes increases in the 1980s.

Although U.S. pressures in the form of diplomatic initiatives and withholding military or economic aid cannot be shown to have been the direct cause of a reduction in human rights violations, these measures nevertheless dissociated the United States from governments of questionable legitimacy. In addition, as one U.S. official noted, "Promoting fulfillment of basic economic and social rights is not a simple matter of charity. It serves long-term U.S. self-interest by defusing tensions be-

tween rich and poor and expanding access to markets and resources."⁴⁷

United States policies in the 1970s improved human rights situations in Latin America by legitimating the work of human rights advocates and supporting initiatives by international actors such as the Inter-American Commission on Human Rights, Amnesty International, the United Nations, the International Commission of Jurists, and the Washington Office on Latin America. None of these groups could exercise major influence by itself. Together, however, they were highly effective in collecting and disseminating information in order to mobilize sufficient international pressure to make gross violations of human rights too costly for many governments.

Are benefits of this kind sufficient to override charges that a strong U.S. human rights posture is interventionist? Specifically, do diplomatic representations and the withholding of military and economic aid constitute "intervention" as defined by U.S. treaty obligations and international law? Article 15 of the Charter of the Organization of American States holds: "No state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal affair of any other state. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the state or against its political, economic and cultural elements." Thus two questions arise: Have any modifications of this prohibition been accepted in inter-American practice, and have actions undertaken by the U.S. government in support of human rights violated this prohibition?

In the context of the inter-American system, most governments and legal scholars agree that interference by one government in the internal affairs of another is not intervention when it is collective, or when action of kind this undertaken in the name of inter-American declarations, resolutions, and treaties concerning democracy, human rights, social justice, and hemispheric security.⁴⁸ The dangers involved in making the prohibition against intervention absolute were raised as early as 1928 at the Sixth International Conference of American States. The Cuban delegate to the conference held that to condemn intervention totally would result in "sanctioning all the inhuman acts committed within determined frontiers."⁴⁹ Furthermore, the United Nations Charter provides that a member state that "in any way violates the dictates of humanity and shocks the conscience of mankind to such an extent that the breach of human rights constitutes a threat to international peace" cannot claim immunity from collective intervention by the organization.

International law clearly justifies intervention in some circumstances. The classic study *Non-Intervention: The Law and Its Import in the Americas* argues that intervention in the defense of human rights is not, as sometimes alleged, a threat to peace.

Historical hindsight proves that in the long run. . . peace is in more danger from tyrannical contempt for human rights than from attempts to assert, through intervention, the sanctity of human personality. It has been suggested that intervention, far from improving the position of the victims of persecution, may by drawing upon them the wrath of their government, attain a contrary result. Contrariwise, the fury of persecution may receive an impetus not only from foreign acquiescences, but also from the hesitation and reserve of foreign

intercession coupled with courteous admission that there is no right of intercession.⁵¹

The 1947 Inter-American Treaty of Reciprocal Assistance (the Rio Treaty) specifically noted the negative consequences of human rights violations for international peace. It argued that peace is rooted in justice and moral order, including the recognition and protection of human rights and freedom. Hence the prohibition against intervention in Article 15 of the OAS Charter was modified by Article 19, which stated that "measures adopted for the maintenance of peace and security do not constitute a violation of the principles set forth in Article 15."⁵² The subsequent creation of the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, and the Inter-American Institute of Human Rights was a logical extension of the conviction that the promotion and defense of human rights are essential to the maintenance of hemispheric peace and security. Although the clear preference of OAS member states is that intervention be collective when it is necessary, unilateral intervention is considered legitimate in some cases.

There has been considerable discussion among international legal scholars concerning the criteria employed to determine legitimate intervention on behalf of human rights. A recent summary included the fol-

That there must be an immediate and extensive threat to fundamental human rights.

That all other remedies for the protection of those rights have been exhausted to the extent possible within the time constraints posed by the threat.

That an attempt has been made to secure the approval of appropriate authorities in the target state.

That there is a minimal effect on the extant structure of authority (e.g., that the intervention not be used to impose or preserve a preferred regime).

That the minimal requisite force be employed and/or that the intervention is not likely to cause greater injury to innocent persons and their property than would result if the threatened violation actually occurred.

That the intervention be of limited duration.

That a report of the intervention be filed immediately with the United Nations Security Council and, when relevant, regional organizations.⁵³

These criteria obviously refer to far more dramatic actions than those undertaken by the U.S. government in the 1970s in support of human rights.

In international law, actions such as diplomatic protests and withholding foreign assistance do not constitute intervention. Commonly cited forms of intervention are the "manipulation of tariffs, the imposition of an embargo, and the imposition of a boycott."⁵⁴ Diplomatic representations and withholding or granting aid are considered in international law to be humanitarian intercession, not intervention.

Although both intervention and intercession are forms of interference in the internal affairs of other states, the important distinction between the two concepts is that intervention is dictatorial and often forceful, while intercession includes a wide range of nominally friendly acts ranging from expressions of sympathy for oppressed persons in another state to economic or political sanctions, stopping short only of the actual use of force.⁵⁵ Examples of humanitarian intercession include "correct" rather than "warm" diplomatic relations, formal diplomatic in-

quiries concerning the status of political prisoners, support for investigations by agencies such as the Inter-American Commission on Human Rights, sending observers to trials involving human rights questions, formal and informal protests over situations concerning human rights violations, supporting the work of the Inter-American Court of Human Rights, and granting or withholding aid. past U.S. actions in support of international human rights have not exceeded the parameters established by these examples. Diplomatic protests and withholding aid do not threaten another nation's sovereignty, although they may cause some difficulties for a particular government.

The fact that both international law and the OAS Charter give priority to respect for human rights and the maintenance of peace over nonintervention is too often ignored. Nonintervention is certainly a vital principle in the international order. But to use nonintervention as justification for failing to protest violations of basic human rights in another state has been sharply challenged historically on the grounds that every government has a dual responsibility: not to violate the rights of its own citizens *and* not to contribute to another government's human rights violations. This second responsibility includes avoiding actions that strengthen or legitimate governments that violate human rights. Moreover, "uncertainties about when, if ever, to intervene are no excuse for failure to refrain from collaboration with deprivation, especially when an alternative to the violating government is available and the deprivations are essential, that is, inherent in an economic strategy that the incumbent government refuses to change."⁵⁶ In other words, governments have a responsibility not to collaborate in the violation of both civil/political rights and social and economic rights.

Furthermore, the assertion of an absolute principle of nonintervention raises important moral issues.

Historical hindsight proves that in the long run. . . peace is in more danger from tyrannical contempt for human rights than from attempts to assert, through intervention, the sanctity of human personality. It has been suggested that intervention, far from improving the position of the victims of persecution, may, by drawing upon them the wrath of their government, attain a contrary result. Contrariwise, the fury of persecution may receive an impetus not only from foreign acquiescences, but also from the hesitation and reserve of foreign intercession coupled with courteous admission that there is no right of intercession.⁵¹

Thus there is no basis in international law, the inter-American system, or morality for asserting a principle of absolute nonintervention. Nor can claims that Latin American countries never intervene in other states' internal affairs be supported.⁵⁸ Nevertheless, the principle of non-intervention should be respected whenever possible, and humanitarian intercession is far preferable to intervention. Intervention should be undertaken only in extreme cases of gross violations of human rights, and whenever possible intervention to protect human rights should be undertaken collectively rather than unilaterally. The importance of collective action in defense of human rights also implies

that the United States should cooperate with initiatives undertaken by multilateral human rights agencies.

Opportunities for Multilateral Cooperation Concerning Human Rights

Several factors will affect future U.S.—Latin American cooperation on human rights issues. These include the current debt crisis, differing levels of economic development in the Western Hemisphere, divergent perspectives regarding hemispheric security, and the United States' response to a rising tide of immigration. Economic problems in both the United States and Latin America make the satisfaction of basic human needs more difficult, resulting in increased societal tensions. Difficult though it may be, social and economic rights must be duly considered in efforts to resolve the debt crisis if increased social and political conflict is to be avoided.

Given existing economic conditions and regional warfare, there is likely to be much heavier Latin American migration to the United States in the 1980s. The credibility of the United States' response will affect the U.S. government's legitimacy and its effectiveness as a world leader. If legislation affecting immigrants and the treatment they receive does not promote the rule of law, then the domestic stability of the United States will be adversely affected. Greater U.S.—Latin American cooperation in the promotion of human rights observance in Latin America is one of the most effective means of avoiding an even more serious U.S. immigration crisis in the years ahead.

A number of mechanisms are already in place to facilitate U.S.—Latin American cooperation on human rights issues. The principal inter-American actor in this area is the Organization of American States' Inter-American Commission on Human Rights. Since 1977 the Commission has played an increasingly important role in documenting human rights violations and analyzing their causes. The Commission's heightened involvement in these activities was made possible in large part by increased U.S. financial support for its operation. The Commission's expanded involvement also resulted from the support it received from a majority of OAS member states, a substantial number of which fear the destabilizing effect of repressive governments. Because the United States is a major financial supporter of the OAS, a high level of Commission activity is contingent on continued U.S. support. Given the fact that most OAS members support the Commission's work, continued U.S. backing would demonstrate the United States' willingness to respect the will of the majority on a key issue.

The Inter-American Court of Human Rights and the Inter-American Institute of Human Rights were founded in part because of the worsening human rights situation in much of Latin America in the 1970s. Both organizations are based in Costa Rica. The Court is patterned after its West European counterpart, and although it has heard only a handful of cases, it is intended to provide individuals with an opportunity to redress grievances if national judiciaries are unable to do so. The Court's functi-

oning is hampered because most victims of human rights violations do not have the knowledge or resources to take advantage of it and because a few countries do not accept the Court's jurisdiction.

The Inter-American Institute of Human Rights is devoted primarily to education, analysis, and promotion of human rights. Its goal is to fund activities in these areas that already exist at the national level, as well as to assist in the coordination of international human rights activities. The Institute has initiated a series of seminars and publications concerning those factors that affect the observance or nonobservance of human rights. One of its most innovative efforts is the organization of courses for government officials, human rights activists, scholars, and politicians, among others, concerning strategies for defending human rights. The Institute's priorities reflect needs that human rights specialists have long perceived but did not have the resources to address.

The upsurge in severe human rights violations in the 1960s and 1970s produced both a sharp increase in the activities of international human rights organizations and a proliferation of new human rights groups. The United Nations Commission on Human Rights, the United Nations Economic and Social Council, UNESCO, and the United Nations Conference on Trade and Development (UNCTAD) were all involved in attempts to discourage gross violations of human rights. During the Nixon and Ford administrations, the United States generally voted against resolutions by United Nations agencies criticizing countries such as Chile, Argentina, and Brazil. This policy changed under the Carter administration. However, the United States has rarely accorded much importance to United Nations resolutions; this has been particularly true under the Reagan administration. In addition, the U.N. Commission on Human Rights has for some time played a limited role in the international defense of human rights because of its internal political divisions.

Nongovernmental groups such as Amnesty International, the International Commission of Jurists, the International League for Human Rights, and the Washington Office on Latin America, among others, have had more impact on international public opinion and U.S. policies and legislation regarding human rights than other organizations mentioned above. Working closely with members of the U.S. Congress and (during the Ford and Carter administrations) with the U.S. Department of State, these organizations played a vital role in providing data, devising strategies, and even drafting legislation. They also helped channel resources to Latin America-based human rights groups. These groups facilitated the formation of human rights networks, and they arranged contacts for Latin American human rights activists with U.S. government officials and opinion molders. They also worked closely with churches, whose resources and membership networks greatly expanded their capabilities. The international character of many religious denominations and their grass roots presence were perhaps the principal reasons that human rights became a major issue in the United States in the 1970s. The international human rights network continued to expand in the early 1980s. The international human rights network continued to expand in the early 1980s, as did support facilities such as

the Washington-based Human Rights Internet (a clearinghouse for information from all over the world concerning human rights issues).

Attacks on the credibility of some human rights organizations by the U.S. Department of State's Office of Human Rights and Humanitarian Affairs under the direction of Assistant Secretary of State Elliott Abrams are an important recent development.⁵⁹ In addition, U.S. embassy personnel in some Latin American countries have often questioned statistics on rights violations gathered by human rights organizations. This was the case in El Salvador, where the number of civilian deaths and disappearances reported by Judicial Assistance (Socorro Jurídico) has frequently been challenged by U.S. officials. Yet in his memorable luncheon address to the San Salvador Chamber of Commerce in late 1982, then-Ambassador Dean Hinton referred to a total as high as that cited by Judicial Assistance (thirty thousand). Moreover, Hinton agreed that most of these deaths could be attributed to the army and security forces. Human rights organizations are not infallible. However, attacks on these groups by U.S. government officials and agencies are inappropriate. These attacks raise questions concerning both the critics' motives and the U.S. government's commitment to the promotion of human rights. If "quiet diplomacy" is to be the U.S. government's strategy for responding to governments that violate human rights, then it is appropriate to employ the same approach in contacts with those groups that promote human rights.

Conclusion

The 1960s and 1970s witnessed increasing polarization in Latin America, primarily between groups whose basic needs were more than adequately met and strata whose basic needs went unfulfilled. Economic models that emphasized growth at high social cost required the repression of civil and political rights. Government repression further polarized many Latin American societies, and it increased the potential for internal conflict and instability. In the 1970s U.S. congressional and administrative initiatives that opposed the worst of these rights abuses (especially violations of the physical integrity of the person) through diplomatic representations and withholding military and economic aid did not destabilize governments. The principal effects of these actions were to disassociate the United States from repressive regimes and hearten Latin Americans working for a return to more democratic political arrangements.

Over the long term, conditions in Latin America require a stronger U.S. commitment to human rights if there is to be stability in the region. The U.S. government, regardless of changes in administration, should make clear that the promotion of human rights is an essential element of its foreign policy. If the United States is to be true to the democratic principles that it propounds, it must recognize that legitimate governments are those that respond to citizens' needs. Diplomacy is the instrument that allows the United States to maintain relations with governments of varying degrees of legitimacy. It should be employed as part of a foreign policy that has as its overall objective the encouragement of

governments whose stability rests on the will of the people, rather than on force. Governments whose rule is based on force are frequently tenable only in the short term, as recent events in Argentina and Uruguay have amply shown. In the 1980s the United States should focus on assisting democratic forces in the arduous task of constructing societies in which human rights are more fully enjoyed. As access to rights is expanded, hemispheric stability will be increased.

To accomplish this goal, U.S. policymakers should abandon the notion that support for human rights and the pursuit of security interests are antithetical. The cases adduced (primarily Iran and Nicaragua) do not demonstrate that the Carter administration's human rights policies brought anti-U.S. regimes to power, for there is no firm evidence that either the shah or Somoza could have been saved except by direct U.S. military intervention. As one analyst noted, "Any government which has to resort to torture or assassination to maintain itself in power is already terminally ill."⁶⁰

A reconceptualization of the roles of human rights and national security in U.S. foreign policy is necessary in order to clarify their relationship. The denial of basic civil and political rights — as well as of social, economic, and cultural rights — has had a destabilizing effect on developing countries. Because many of these countries are capitalist, Marxists have been able to exploit the alienation of substantial sectors of the population. If it is the intention of the United States to counter "Marxist inroads" in developing countries, then strategies must be devised to identify capitalism with the greater observance of human rights. Support for repressive capitalist regimes identifies the United States with governments whose long-term survival is questionable. Thus a conception of U.S. national security that is relatively inflexible toward sociopolitical and economic change in Latin America (including socialist change) will not reinforce hemispheric security. An analysis of U.S. foreign policy in the twentieth century shows that diplomacy and negotiations are more cost effective and stabilizing than military strategies.

The longer basic human rights are denied on a broad scale, the more likely it is that the eventual eruption of discontent will be violent and will lead to a radical rejection of established governments and political and economic systems. If the United States wishes to defend capitalism, then it must demonstrate that capitalism is an economic system capable of providing benefits to the majority of Latin America's population. If the United States wishes to preserve its political system, then it must promote the humanitarian values it claims to defend.

In addition, diplomatic relations should transcend categories such as "friends" and "enemies". This would permit the maintenance of diplomatic ties without associating the United States with the noxious actions of some governments. West European countries are more successful at maintaining useful relations with other states without becoming identified with a particular government. This approach is possible in part because West European states accept the idea that pressures for sociopolitical change are frequently rooted in domestic socioeconomic conditions rather than international subversion. European diplomats also receive training that prepares them to respond to diverse national realities.

The United States should use all means at its command — diplomatic, economic, and the denial of military aid — to promote human rights in proportion to the severity of the situation, without violating another country's sovereignty. In order to respond proportionately, the United States should improve its capacity to analyze Latin American realities, and it should focus more intensively on long-term consequences and planning. Greater coordination within the U.S. government and improved training for U.S. diplomatic personnel are important means for accomplishing these goals.

A number of specific changes should be adopted in this regard. First, a U.S. government interagency committee should be charged with both the resolution of disputes concerning the implementation of human rights legislation (as was the case with the Christopher Committee) and the coordination of human rights policy with other U.S. policies (for example, trade, military affairs, and immigration).⁶¹ The Foreign Service Institute should provide longer and more advanced training for U.S. diplomatic personnel in order to promote more sophisticated analysis of local conditions. Ongoing seminars devoted to long-range projections for U.S. foreign policy should be organized. Training of this kind might impart greater coherence to U.S. human rights policy from one administration to the next, and it could increase the possibility of successful implementation the next, and it could increase the possibility of successful implementation of human rights policy. In addition, more efforts should be made to familiarize embassy staff personnel with the dominant modes of political, economic, and social analysis in their host country.

Greater coordination between the Department of State's Office of Human Rights and Humanitarian Affairs and the Office for the American Republics Area could also help clarify the role of human rights in U.S. foreign policy toward Latin America. These offices should undertake a careful analysis of the efficacy of past initiatives, actions, and strategies regarding human rights, and they should examine closely the impact of these policies on U.S. security interests. Studies already completed on this question suggest that an analysis of this kind could very well discredit some stereotypes and indicate new directions for U.S. foreign policy.

In addition, the U.S. Congress should support the study and drafting of international conventions concerning states of siege, states of emergency, and other such grants of extraordinary powers to government authorities, in order to help reduce abuses in this area. Similarly, the U.S. government should promote the drafting of international codes of conduct for those authorities dealing with prisoners, detainees, and demonstrators (for example, police, security forces, soldiers, jailers, judges, doctors, and other medical personnel). Both the executive and legislative branches of the U.S. government should redouble their efforts to secure international guarantees for the protection of individuals and organizations engaged in human rights work. Because greater public understanding of human rights issues is a necessary basis for the success of these recommendations, the United States should support UNESCO and the Inter-American Institute of Human Rights in their educational and research work.

Both bilateral and multilateral economic assistance programs should be reviewed in an effort to make them more effective in satisfying basic human needs. Market and nonmarket mechanisms should be incorporated in the production and distribution of goods and services that are deemed essential to fulfill basic needs. Specifically, U.S. bilateral economic aid to improve the fulfillment of basic needs should be increased, together with appropriations to evaluate the efficacy of past programs and strategies. Both bilateral and multilateral aid must also be coordinated with other aspects of U.S. economic policy (for example, trade policy) in order to ensure the realization of aid objectives. Initiatives such as these could be strengthened if the U.S. government encouraged the private sector to increase exports of basic commodities on terms favorable to Latin America.

Given the current heavy involvement of the United States and the IMF in the Latin American debt crisis, amendments to the U.S. foreign appropriations bill should require the IMF to weigh the effects of its loan conditions on employment, investment, income distribution, and basic human needs. In addition, the IMF and the World Bank should be encouraged to cooperate more closely if the IMF is not to undermine World Bank basic-needs strategies. This would require the IMF to give greater emphasis to human capital formation and to accept a more active public sector role in satisfying basic needs.

The U.S. government should not use military assistance (particularly renewed security assistance) to reward Latin American military governments merely for less frequent use of torture or a decline in the number of disappearances of political dissidents. More significant structural changes must first occur in the state's repressive apparatus and in the economy before U.S. military assistance is warranted. These changes would include setting a definite timetable for a full return to civilian government, reestablishing civilian control over the military, restoring guarantees for the exercise of civil liberties and the jurisdiction of the civilian courts, eliminating illegal paramilitary forces, and protecting the rights of labor (including the right to organize and engage in effective collective bargaining). Loopholes in current U.S. legislation that permit the sale to Latin American security forces of equipment that can be used for repression should be closed. Licensing limits on export sales are necessary to prevent U.S. companies from selling items such as "shock batons", thumbscrews, and leg irons to Latin American governments. Explicit limitations on the International Narcotics Control Program are also necessary in order to prevent the police and security force personnel they train from being used against civilian dissidents.

There should also be stricter congressional monitoring of U.S. security assistance programs to ensure that the provisions of the Foreign Assistance Act are fully observed. Article 502B denies military assistance governments that engage in gross human rights violations unless extraordinary circumstances dictate that this assistance is in the U.S. national interest. The current situation in El Salvador has focused attention on both the difficulties of applying this legislation and the need to do so.

These specific recommendations are neither easily accomplished

nor exhaustively inclusive. Instead, they are pragmatic steps in the continuing process of integrating human rights concerns more firmly into U.S. foreign policymaking. As arduous and conflictual as this process may be, it is the most realistic means to achieve hemispheric stability. The validity of the belief expressed by governmental representatives meeting in 1948 to draft the Universal Declaration of Human Rights—that long-term peace could only be achieved through a firm commitment to human rights—has been amply demonstrated in the years since then. Peace in the 1980s might not be so elusive if the commitment expressed in the Universal Declaration informed U.S. foreign policy more directly.

NOTES

1. A comparative analysis of the fulfillment of basic needs in six Latin American countries (Brazil, Chile, Mexico, Nicaragua, Peru, and Venezuela) indicated that Mexico had achieved greater overall progress with slower growth rates than Brazil and lower per capita income than Venezuela. This situation reflects the greater attention that governing elites in Mexico devote to basic needs, and it suggests a positive relationship between fulfilling basic needs and political stability. Elizabeth W. Dore and John F. Weeks, "Economic Performance and Basic Needs: The Examples of Brazil, Chile, Mexico, Nicaragua, Peru, and Venezuela," in Margaret E. Crahan, ed., *Human Rights and Basic Needs in the Americas* (Washington, D.C.: Georgetown University Press, 1982), pp. 150-87.

2. The term "Americas" is used consciously in this essay to indicate that the problem of human rights observance is a hemispheric concern and to suggest that the United States shares responsibility in this area.

3. Natalie Kaufman Hevener, ed., *The Dynamics of Human Rights in U.S. Foreign Policy* (New Brunswick, N.J.: Transaction Books, 1981), pp. 356-58, and personal communication with the United Nations, 8 November 1984.

4. These include Argentina, Barbados, Bolivia, Chile, Costa Rica, Colombia, Dominican Republic, Ecuador, Grenada, Haiti, Honduras, Jamaica, Mexico, Panama, Peru, United States, Uruguay, and Venezuela. Although some countries (particularly the newer island nations of the Caribbean) have not yet affirmed the Convention it should be noted that they have indicated their interest in doing so. Other countries (such as Brazil) have delayed affirming the Convention because of concern regarding the impact of accession to the Convention on their domestic judicial systems. Nevertheless, all these countries' constitutions include guarantees of rights akin to those in the Convention. Personal communication with the staff of the Inter-American Commission on Human Rights, Organization of American States, Washington, D.C., 8 November 1984.

5. On the purposes of the Commission and Court, see Comisión Interamericana de Derechos Humanos, *Diez Años de Actividades, 1971-1981* (Washington, D.C.: Organization of American States, 1981), pp. 5-7, 12-14. For the Inter-American Institute of Human Rights, see *El Instituto Interamericano de Derechos Humanos* (San José, Costa Rica: IIDH, 1981).

6. Hugo E. Fröhling, "Derechos humanos: Naturaleza, vigencia y futuro," paper presented to the Seminario Sobre Ciencia Política y Derechos Humanos, UNESCO and the Instituto Interamericano de Derechos Humanos, San José, Costa Rica, 1982, p. 1, and Louis Henkin, "International Human Rights as 'Rights'" in J. Roland Pennock and John W. Chapman, eds., *Human Rights* (New York: New York University Press, 1981), p. 259.

7. Comisión Interamericana de Derechos Humanos, *Diez Años*, pp. 313-39.

8. Ibid., pp. 335-36.

9. For example, the Inter-American Commission on Human Rights recently published its seventh report on Cuba since the early 1960s. The Commission has conducted a half dozen on-site investigations in Nicaragua since 1980, and its resulting reports have included extensive discussions of the rights situation of the Miskito Indian population in Nicaragua. See Comisión Interamericana de Derechos Humanos, *La situación de los derechos humanos en Cuba: séptimo informe* (Washington, D.C.: Organization of American States, 1983); Inter-American Commission on Human Rights, *Report on the Situation of Human Rights of a Segment of the Nicaraguan Population of Miskito Origin* (Washington, D.C.: Organization of American States, 1984).

10. George W. Shepherd, Jr., "Transnational Development of Human Rights: The Third World Crucible," in Ved P. Nanda, James R. Scarritt, George W. Shepherd, Jr., eds., *Global Human Rights: Public Policies, Comparative Measures, and NGO Strategies* (Boulder, Colo.: Westview, 1981), pp. 214-15. Studies that focus on differences in perceptions regarding human rights issues include Abdul Aziz Said, *Human Rights and World Order* (New Brunswick, N.J.: Transaction Books, 1978); Adamantia Pollis and Peter Schwab, eds., *Human Rights: Cultural and Ideological Perspectives* (New York: Praeger, 1979). For an analysis of the impact of the western liberal, Marxist, and Judeo-Christian heritages on the concept of human rights in the Americas, see Alfred T. Hennelly, S.J., and John Langan, S.J., *Human Rights in the Americas: The Struggle for Consensus* (Washington, D.C.: Georgetown University Press, 1982).

11. Yves do Amaral Lesbaupin, "Direitos Humanos e Classes Populares do Município do Nova Iguaçu," MA thesis, Instituto Universitário do Pesquisas do Rio de Janeiro, Rio de Janeiro, 1982, pp. 11, 203-08. Fifty-seven persons were interviewed in this study, almost all of whom were married. The majority were between thirty and fifty years of age. Sixty-seven percent of the respondents received between one and three times the official minimum wage, while twenty-two percent received three to four times the minimum wage.

12. the difficulty of devising such a measure of human rights observance is clearly evident in the attempt made by Jorge I. Domínguez, "Assessing Human Rights Conditions," in Jorge I. Domínguez et al., *Enhancing Global Human Rights* (New York: McGraw-Hill, 1979), pp. 21-104.

13. The private, Washington-based Human Rights Internet lists several thousand such groups in its *North American Human Rights Directory* (Washington, D.C.: Human Rights Internet, 1980), *Human Rights Directory: Latin America, Africa, Asia* (Washington, D.C.: Human Rights Internet, 1981), and *Human Rights Directory: Western Europe* (Washington, D.C.: Human Rights Internet, 1982).

14. For the nature and extent of human rights violations in Latin America, see the U.S. Department of State's *Country Reports on Human Rights Practices* from 1977 to 1985, and the OAS Inter-American Commission on Human Rights' *Annual Reports* and *Informes* on the situation in particular countries. The latter are summarized in Comisión Interamericana de Derechos Humanos, *Diez Años*, pp. 249-309. See also the reports of Amnesty International, International Commission of Jurists, and International League for Human Rights, among others.

15. A bibliography on human rights in Latin America prepared by the Hispanic Division of the Library of Congress contains over 4,000 items. See Library of Congress, *Human Rights in Latin America, 1964-1980: A Selective Annotated Bibliography Compiled and Edited by the Hispanic Division* (Washington, D.C.: Library of Congress, 1983). Also see Center for the Study of Human Rights, Columbia University, *Human Rights: A Topical Bibliography* (Boulder, Colo.: Westview, 1983).

16. Louis Henkin, *The Rights of Man Today* (Boulder, Colo.: Westview, 1978), pp. 31-88. Henkin divides his survey of constitutions into three categories: democratic-libertarian, socialist-communist, and Third World. He concludes that "all systems and all societies now recognize some individual rights" (p. 86). He fully admits, however, that the actual enjoyment of rights is dependent on a wide variety of societal conditions and attitudes. Henkin's position is a common one among international law specialists. For other examples, see Richard B. Lillich and Frank C. Newman, *International Human Rights: Problems of Law and Policy* (Boston:

Little, Brown, 1979); Louis B. Sohn and Thomas Buergenthal, *International Protection of Human Rights* (Indianapolis: Bobbs-Merrill, 1973); H. Gros Espiell, "The Evolving Concept of Human Rights: Western, Socialist and Third World Approaches," in B.G. Ramcharan, ed., *Human Rights: Thirty Years After the Universal Declaration* (The Hague: Martinus Nijhoff, 1979), pp. 41-65.

17. Arlene Swidler, ed., *Human Rights in Religious Traditions* (New York: The Pilgrim Press, 1982). This was also a conclusion of the conference "Religion and Human Rights: Historical and Comparative Perspectives," sponsored by the Committee on General Education of Columbia University and the Jacob Blaustein Institute for the Advancement of Human Rights, 14-17 October 1982, Seven Springs Center, Mount Kisco, New York.

18. As Cyrus Vance stated in his University of Georgia Law School address on 30 April 1977, "In pursuing a human rights policy, we must always keep in mind the limits of our power and of our wisdom. A sure formula for defeat of our goals would be a rigid, hubristic attempt to impose our values on others. A doctrinaire plan of action would be as damaging as indifference." Cyrus R. Vance, "Law Day Address on Human Rights Policy," in Donald P. Kommers and Gilbert D. Loescher, eds., *Human Rights and American Foreign Policy* (Notre Dame, Ind.: University of Notre Dame Press, 1979), p. 311. Additional evidence will be offered later in this essay to show that the increased U.S. interest in human rights in the 1960s and 1970s was largely due to U.S. domestic developments rather than to any U.S. intention to judge other countries.

19. A recent national opinion survey indicated that the "moral dimension" was the main criterion in public evaluation of U.S. political leadership. In addition, 76 percent of the general public felt that government runs best when it listens to public opinion on major issues. Only 15 percent disagreed. Research and Forecasts, Inc., *The Connecticut Mutual Life Report on American Values in the '80s: The Impact of Belief* (Hartford: Connecticut Mutual Life Insurance Company, 1981), pp. 193, 238.

20. This categorization follows that of John Samuel Fitch in "A Human Rights Policy for Latin America in the 1980s," Discussion paper No. 3, Center for Public Policy Research, University of Colorado at Boulder, 15 June 1982, p. 5.

21. The armed forces seized power in Brazil in 1964, in Chile and Uruguay in 1973, and in Argentina in 1976 and indicated their intention to retain control over the long term. In late 1983 the military in Argentina was replaced by a civilian government headed by Raúl Alfonsín, a human rights advocate. The Brazilian military government allowed elections to choose a civilian president in early 1985 and Uruguay inaugurated a civilian president on 1 March 1985. There has been less change in Chile, despite mounting opposition to the military government headed by General Augusto Pinochet.

22. This is an opinion shared by the Roman Catholic hierarchy in Latin America; see *Latin American Bishops Discuss Human Rights*, LADOC "Keyhole" Series 15 (Washington, D.C.: United States Catholic Conference, nd).

23. The political, economic, and ideological origins of national security ideology are analyzed in Margaret E. Crahan, "National Security Ideology and Human Rights," in Crahan, ed., *Human Rights and Basic Needs in the Americas*, pp. 100-19. See also David Collier, ed., *The New Authoritarianism in Latin America* (Princeton, N.J.: Princeton University Press, 1979), and Genaro Arriagada et al., *Las fuerzas armadas en la sociedad civil: Alemania, USA, URSS y América Latina* (Santiago de Chile: Centro de Investigaciones Socioeconómicas, 1978).

24. For example, Article 24 of the 1980 Chilean constitution permits the imprisonment or internal or external exile of individuals accused of ignoring government authority "to the point of open dissent." Margaret E. Crahan, "the Evolution of the Military in Brazil, Chile, Peru, Venezuela, and Mexico: Implications for Human Rights," in Crahan, ed., *Human Rights and Basic Needs in the Americas*, pp. 54-55.

25. Only two of several thousand writs of habeas corpus were granted by the Argentine courts between 1976 and 1982, and these were not granted until 1982—after the military government had been discredited by the Falkland/Malvinas Islands debacle and economic

mismanagement. This development reflected the slow reassertion of some independence by the Argentine judiciary, which was increasingly preoccupied with disassociating itself from the excesses of an executive branch of government controlled by the armed forces.

26. The literature on this topic is vast. For succinct summaries, see Margaret E. Crahan, "International Aspects of the Role of the Catholic Church in Central America," in Richard E. Feinberg, ed., *Central America: International Dimensions of the Crisis* (New York: Holmes & Meier, 1982), pp. 213-35, and Brian H. Smith, "Churches and Human Rights in Latin America: Recent Trends on the Subcontinent," in Daniel H. Levine, ed., *Churches and Politics in Latin America* (Beverly Hills, Ca.: Sage Publications, 1980), pp. 155-93.

27. Some research concerning this issue has been undertaken by the Social Science Research Council's Seminar on the Culture of Fear, directed by Juan Corradi and Patricia Weiss Fagen. Other work on this topic is being conducted by the Fundación de Ayuda Social de las Iglesias Cristianas (FASIC), located in Santiago, Chile.

28. Maria Helena Moreira Alves, *Estado e oposição no Brasil (1964-1984)* (Petropolis, Brazil: Vozes, 1984).

29. Bryce Wood, "Human Rights Issues in Latin America," in Jorge I. Domínguez et al., *Enhancing Global Human Rights*, pp. 178-79, 191.

30. Information concerning the size of foreign financial flows is not readily available. Some information can be found in Smith, "Churches and Human Rights," pp. 159-60.

31. Alan Tonelson, "Human Rights: The Bias We need," *Foreign policy* 49 (Winter 1982-1983): 54.

32. Research and Forecasts, Inc., *Report on American Values*, pp. 186, 193, 238. Some data indicate that the U.S. public generally opposes favorable treatment for prowestern authoritarian governments; Tonelson, "Human Rights," pp. 54, 70. A former U.S. policymaker has concluded that "indifference to expressed American values (i.e., human rights) does violence to Americans' view of themselves and saps domestic support for U.S. foreign policy." Sandy Vogelgesang, *American Dream, Global Nightmare: The Dilemma of U.S. Human Rights Policy* (New York: W.W. Norton, 1980), p. 253.

33. Hevener, *The Dynamics of Human Rights in U.S. Foreign Policy*, pp. 1-2.

34. This conclusion is supported by Kommers and Loescher, *Human Rights and American Foreign Policy*; Lars Schoultz, *Human Rights and United States policy Toward Latin America* (Princeton, N.J.: Princeton University Press, 1981); Vogelgesang, *American Dream, Global Nightmare*.

35. Susan Kaufman Purcell, "War and Debt in South America," *Foreign Affairs* 61, No. 3 (1983): 660.

36. Fitch, "Human Rights Policy," pp. 26-27.

37. Schoultz, *Human Rights*, pp. 355-56.

38. Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (Princeton, N.J.: Princeton University Press, 1980), pp. 168-69.

39. John Samuel Fitch, "Human Rights and U.S. Military Training Programs: Alternatives for Latin America," *Human Rights Quarterly* (Winter 1981): 65-80; Schoultz, *Human Rights*, pp. 211-66; Brian H. Smith, "U.S.-Latin American Military Relations Since World War II: Implications for Human Rights," in Crahan, ed., *Human Rights and basic Needs in the Americas*, pp. 260-300.

40. David Scott Palmer, *Peru: The Authoritarian Tradition* (New York: Praeger, 1980).

41. Constantine Michalopoulos, "Basic Needs Strategy: Some policy Implementation Issues of

the U.S. Bilateral Assistance Program," in Crahan, ed., *Human Rights and Basic Needs in the Americas*, pp. 256-58. On the Caribbean Basin Initiative, see Otto Reich, "Aid to Our Southern Neighbors," *Washington Post*, 25 June 1983, p. A18; Joanne Omang, "As Economy Improves, Congress Hears New Distress Signals," *Washington Post*, 11 July 1983, pp. A1, A8; Jonathan Fuerbringer, "House Votes Trade Part of Caribbean Basin Plan," *New York Times*, 15 July 1983, p. 41; Paul Houston, "Caribbean Basin Plan Wins House Approval," *Los Angeles Times*, 15 July 1983, pp. 1-1, 24; Douglas H. Graham, "The Economic Dimensions of Instability and Decline in Central America and the Caribbean," in *Revolution and Counterrevolution in Central America and the Caribbean*, ed. D.E. Schulz and D.H. Graham (Boulder, Colo.: Westview, 1984), pp. 181-82.

42. John F. weeks and Elizabeth W. Dore, "Basic Needs: Journey of a Concept," in Crahan, ed., *Human Rights and Basic Needs in the Americas*, pp. 131-49.

43. Michalopoulos, "Basic Needs Strategy," pp. 256-58.

44. Richard E. Feinberg, "The International Monetary Fund and Basic Needs: The Impact of Stand-by Arrangements," in Crahan, ed., *Human Rights and Basic Needs in the Americas*, pp. 228-31.

45. Lars Schoultz, "The Carter Administration and Human Rights in Latin America," in Crahan, ed., *Human Rights and Basic Needs in the Americas*, pp. 326-27.

46. John A. Willoughby, "International Capital Flows, Economic Growth and Basic Needs," in Crahan, ed., *Human Rights and Basic Needs in the Americas*, pp. 188-214.

47. Vogelgesang, *American Dream, Global Nightmare*, p. 248.

48. C. Neale Ronning, ed., *Intervention in Latin America* (New York: Knopf, 1970), p. 23.

49. Ibid, p. 13.

50. Ann Van Wynen Thomas and A. J. Thomas, Jr., *Non-Intervention: The Law and Its Import in the Americas* (Dallas: Southern Methodist University Press, 1956), pp. 376-77.

51. Ibid, p. 374. In law, a distinction is made between intervention and intercession. The latter is defined as "interference consisting in friendly advice given or friendly offers made with regard to the domestic affairs of another state." L. Oppenheim, *International Law*, vol. 1 (New York: Longmans Green, 1905), p. 181.

52. Thomas and Thomas, *Non-Intervention*, pp. 386-87.

53. Richard B. Lillich, "A United States Policy of Humanitarian Intervention and Intercession," in Kommers and Loescher, eds., *Human Rights and American Foreign Policy*, p. 290. these criteria incorporate elements from Ved Nanda, "The United States' Action in the 1965 Dominican Crisis: Impact on World Order, Part I," *Denver Law Journal* 43 (Fall 1966): 439, 474-79; Richard B. Lillich, "Forcible Self-Help by States to Protect Human Rights," *Iowa Law Review* 53 (1967): 325; Richard B. Lillich, ed., *Humanitarian Intervention and the United Nations* (Charlottesville: University Press of Virginia, 1973); J. Moore, "The Control of Foreign Intervention in Internal Conflict," *Virginia Journal of International Law* 9 (May 1969): 205, 261-64; Louis Henkin, "Human Rights and Domestic Jurisdiction," in Thomas Buergenthal, ed., *Human Rights, International Law, and the Helsinki Accord* (Montclair, N.J.: Allanheld, Osmun, 1977), pp. 21-40; Thomas Buergenthal, "Domestic Jurisdiction, Intervention and Human Rights: The International Law Perspective," in Peter G. Brown and Douglas MacLean, eds., *Human Rights and U.S. Foreign Policy: Principles and Applications* (Lexington, Mass.: Lexington Books, 1979), pp. 111-20. For a critique of these criteria, see Thomas Farer, "The Regulation of Foreign Intervention in Civil Armed Conflict," *Recueil des Cours* 2 (1974): 394.

54. Thomas and Thomas, *Non-Intervention*, pp. 402, 410.

55. Lillich, "A United States Policy," p. 279.

56. Shue, *Basic Rights*, p. 165.

58. This is clearly established in Gregory Treverton's discussion of interstate relations in "Interstate Conflict in Latin America" 344.

58. This is clearly established in Gregory Treverton's discussion of interstate relations in "Interstate Conflict in Latin America" in this volume.

59. In mid-1982 the U.S. Department of State prepared a critique of reports of human rights violations by Amnesty International, the Washington Office on Latin America, the Guatemalan Human Rights Commission, and the Network in Solidarity with Guatemala, which it stated was intended for internal use only. (U.S. Department of State, "Guatemala: Human Rights Analysis," mimeograph, nd, 4 pp.). It was, however, released to Guatemalan government officials, who saw that it was published. This was one of a series of efforts aimed at discrediting human rights organizations.

80. Fitch, "A Human Rights Policy for Latin America in the 1980s," p. 36.

61. The Christopher Committee (named after its chair, Assistant Secretary of State Warren Christopher, and officially entitled the Interagency Committee on Human Rights and Foreign Assistance) was responsible for evaluating foreign economic assistance policy to ensure that it was consonant with executive branch objectives and existing human rights legislation. It served to mediate policy disagreements on this issue within the U.S. Department of State, particularly between the Office of Human Rights and Humanitarian Affairs and the offices concerned with specific geographic regions.

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