



HUMAN RIGHTS INTERVENTIONS

Human Rights,  
Imperialism, and  
Corruption in  
US Foreign Policy

ILIA XYPOLIA

palgrave  
macmillan

# Human Rights Interventions

## Series Editors

Chiseche Mibenge, Stanford University, Stanford, CA, USA  
Irene Hadiprayitno, Leiden University, Leiden, Zuid-Holland,  
The Netherlands

The traditional human rights frame creates a paradigm by which the duty bearer's (state) and rights holder's (civil society organizations) interests collide over the limits of enjoyment and enforcement. The series departs from the paradigm by centering peripheral yet powerful actors that agitate for intervention and influence in the (re)shaping of rights discourse in the midst of grave insecurities. The series privileges a call and response between theoretical inquiry and empirical investigation as contributors critically assess human rights interventions mediated by spatial, temporal, geopolitical and other dimensions. An interdisciplinary dialogue is key as the editors encourage multiple approaches such as law and society, political economy, historiography, legal ethnography, feminist security studies, and multi-media.

More information about this series at  
<https://link.springer.com/bookseries/15595>

Ilia Xypolia

Human Rights,  
Imperialism,  
and Corruption in US  
Foreign Policy

palgrave  
macmillan

Ilia Xypolia   
Aberdeen, UK

Human Rights Interventions

ISBN 978-3-030-99814-1

ISBN 978-3-030-99815-8 (eBook)

<https://doi.org/10.1007/978-3-030-99815-8>

© The Author(s), under exclusive license to Springer Nature Switzerland AG 2022

This work is subject to copyright. All rights are solely and exclusively licensed by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

The publisher, the authors and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, expressed or implied, with respect to the material contained herein or for any errors or omissions that may have been made. The publisher remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.

Cover illustration: [flovie/shutterstock.com](https://www.shutterstock.com)

This Palgrave Macmillan imprint is published by the registered company Springer Nature Switzerland AG

The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

*To Charalampos*

## ACKNOWLEDGEMENTS

This book has been in the making for several years and I owe several people gratitude. I will be forever indebted to Bulent Gokay, a mentor and friend who has ignited my intellectual interests and to Farzana Shain. Much appreciation goes to Marios Evriviades for his sage advice throughout the years. I would also like to thank, my editor Dr. Anca Pusca of Palgrave for her meticulous work during the production process of the book.

Many thanks are extended to my colleagues at the PIR Department at the University of Aberdeen. The critical sharpness of the Arab Transformations research team encouraged me to anchor my focus into such heterodox scholarship. I would like to express my gratitude to my “Human Rights in Global Politics” students whose fierce debates helped me refine the arguments presented here. Different friends and colleagues have engaged in countless hours of conversation and provided advice and support. Giulia Mengato’s and Dionysis Nikolopoulos’ prowess and input have been invaluable for the development of ideas contained in this book.

Finally, on a more personal note, I have been blessed with an amazing family. My sincere gratitude to my wonderful parents, Theodoros and Charalampia, for their sacrifices and eternal love, my marvellous siblings, Penelope, Dimitris, and Kyriaki, along with my in-laws for their steadfast support for this and other projects. The recent additions to the family Thodoris, George, and Charalampia have been a source of pure joy and light. My appreciation and love are also extended to the families

of Panagiotis Xypolias, Christoula Sidiropoulou, and Spyros Chinaris who have endlessly supported and encouraged me. Many thanks to my *allerliebeste* Peter Loovers for his love and patience, for all the hard work, and for being a constant source of inspiration. Each page has been profoundly enriched by years of conversations with him. So too has my life. Last but certainly not least, to my son Charalampos to whom I dedicate this book, with my deepest and heartfelt gratitude and love for always giving me a reason to be hopeful.

Aberdeen, Scotland  
October 2021

Ilia Xypolia



# CONTENTS

<b>1</b>	<b>Panopticon: The Architecture and the Theatre of Human Rights</b>	<b>1</b>
	<i>Book Outline</i>	5
<b>2</b>	<b>Knowledge Production and Cultural Imperialism</b>	<b>7</b>
	<i>Human Rights and Imperialism</i>	11
	<i>Cultural Hegemony and Neoliberalism</i>	13
<b>3</b>	<b>Human Rights and American Exceptionalism</b>	<b>19</b>
	<i>American Exceptionalism</i>	20
	<i>Historical Evolution of the Human Rights Discourse in US Foreign Policy</i>	22
	<i>Jimmy Carter</i>	25
	<i>Ronald Reagan</i>	29
	<i>George H. W. Bush</i>	31
	<i>Bill Clinton</i>	33
	<i>George W. Bush</i>	38
	<i>Barack Obama</i>	40
	<i>Donald Trump</i>	43
	<i>Joe Biden</i>	45
	<i>Conclusion</i>	45
<b>4</b>	<b>Annual Country Reports on Human Rights Practices</b>	<b>47</b>
	<i>Historical Development of the ACRs</i>	49
	<i>Expansion of Coverage Worldwide</i>	59

<i>Defeating Ernest Lefever's Nomination</i>	60
<i>Human Rights Bureau and Assistant Secretaries</i>	62
<i>Drafting Process</i>	69
<i>Evolving Structure of the Reports</i>	73
<i>Features of the Introductory Sections</i>	79
<i>Contentious Issues with Specific Countries</i>	83
<i>Israel</i>	84
<i>Iran</i>	91
<i>China</i>	92
<i>Taiwan</i>	94
<i>Brazil</i>	95
<i>Turkey and Others</i>	96
<i>Role of the ACRs</i>	97
<i>Criticisms of the ACRs</i>	102
<i>Conclusion</i>	106
<b>5 Corruption as a Human Rights Issue</b>	107
<i>Defining Corruption</i>	108
<i>Discourse on Corruption and Neoliberalism</i>	112
<i>Corruption and Human Rights</i>	114
<i>Corruption as a National Security Strategy</i>	118
<i>ACRs and Corruption</i>	121
<i>ACRs' Frequency of Coverage of Corruption</i>	121
<i>Which Countries Appear to Be More "Corrupted" in the ACRs?</i>	122
<i>Transparency, Accountability, and Integrity</i>	128
<i>Reflective Dimensions</i>	131
<i>Conclusion</i>	133
<b>6 Global Political Implications: Demonising the Public Sector</b>	135
<i>Corruption as a Human Rights Issue: Impact on Policymakers</i>	138
<i>Corruption in the Sustainable Development Goals</i>	139
<i>In Lieu of Conclusion</i>	142
<b>Bibliography</b>	145
<b>Index</b>	153

## ABBREVIATIONS

ACRs	Annual Country Reports
AI	Amnesty International
DOS	United States Department of State
DRL	Bureau of Democracy, Human Rights, and Labor Affairs
EU	European Union
FCPA	The US Foreign Corrupt Practices Act
FSO	Foreign Service Official
HRF	Human Rights First
HRW	Human Rights Watch
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
IMF	International Monetary Fund
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental Organisation
NSC	US National Security Council
NSS	National Security Strategy
OAS	Organization of American States
OECD	Organization for Economic Co-operation and Development
SDGs	UN Sustainable Development Goals
SecState	United States Secretary of State
TI	Transparency International
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations

UNCAC	United Nations Convention Against Corruption
UNCTAD	United Nations Conference on Trade and Development
UNGA	United Nations General Assembly
UNICORN	Unions Anti-Corruption Network
UNODC	United Nations Office on Drugs and Crime
US	United States
USAID	The United States Agency For International Development
USSR	Union of Soviet Socialist Republics
WB	World Bank

# LIST OF FIGURES

Fig. 3.1	Timeline of selected human rights policy developments in US foreign policy	25
Fig. 5.1	Number of times the word corruption appears in the ACRs, 2005–2020, by income groups ( <i>Source</i> Author’s own analysis based on data from ACRs)	123
Fig. 5.2	Number of times the word corruption appears in in the executive summary of the ACRs, 2005–2020, by income groups ( <i>Source</i> Author’s own analysis based on data from ACRs)	124
Fig. 5.3	Length (in number of words) of the corruption section, 2005–2020, by income groups ( <i>Source</i> Author’s own analysis based on data from ACRs)	124
Fig. 5.4	Number of times the word corruption appears in the ACRs, 2005–2020, by regional groups ( <i>Source</i> Author’s own analysis based on data from ACRs)	127
Fig. 5.5	Number of times the word corruption appears in the executive summary of the ACRs, 2005–2020, by regional groups ( <i>Source</i> Author’s own analysis based on data from ACRs)	128
Fig. 5.6	Length (in number of words) of the corruption section, 2005–2020, by regional groups ( <i>Source</i> Author’s own analysis based on data from ACRs)	128

# LIST OF TABLES

Table 4.1	List of assistant secretaries of state	64
Table 5.1	Most popular words in the corruption section of the ACRs	131



# Panopticon: The Architecture and the Theatre of Human Rights

**Abstract** The introduction lays out the key arguments and the outline of the book. The recent introduction of corruption into the US State Department's Annual Country Reports on Human Rights Practices serves the US-specific interpretation of human rights that diverge from international standards and embedded in US imperialism. The discourse on human rights promotion has been criticised as the moral fig leaf covering other US interests. Yet, the ACRs ultimately are a mechanism that serves the function of the Foucauldian Panopticon apparatus. In particular, ACRs are an essential part of the power apparatus that observes, examines, and normalises the discourse on countries' human rights practices. Through this metaphor the importance of knowledge production is underlined.

**Keywords** Human rights · Corruption · US foreign policy · Panopticon

*Corruption is a risk to our national security, and we must recognize it as such.* Joseph R. Biden Jr., 3 June 2021<sup>1</sup>

<sup>1</sup> White House (2021b) *Statement by President Joseph R. Biden, Jr. on the National Security Study Memorandum on the Fight Against Corruption*. <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/03/statement-by-president-joseph-r-biden-jr-on-the-national-security-study-memorandum-on-the-fight-against-corruption/>.

In June 2021, the 46th President of the United States Joseph “Joe” R. Biden Jr. issued a statement on the National Security Study Memorandum on the Fight Against Corruption. His administration had just issued the memorandum as “a core U.S. national security interest” and thus directed US government agencies to develop a Presidential strategy that would bolster US’ ability to combat corruption.<sup>2</sup> This initiative is neither surprising nor accidental for US foreign policy and is intimately woven with human rights. Efforts to establish corruption as an important human rights issue for the US foreign policy agenda have been years in the making. Although every US president has paid at least a lip service to international human rights ever since the 1970s, it was not until the 1990s that corruption gained momentum in global politics discourse and was portrayed as a human rights issue. However, ten more years passed, in the first decade of the twenty-first century, when the US State Department explicitly discussed corruption within its most important foreign policy tool, the Annual Country Reports on Human Rights Practices (ACRs). The ACRs, published since the 1970s, shape the US State Department’s ambitious foreign policy agenda on human rights and attempt to detail the situation of human rights in all countries across the world. From 2009 onwards, the ACRs have added an important issue in the human rights/democratisation agenda: corruption. The notion of corruption is highly contested. Due to its elusive nature, there is no agreed-upon definition of corruption as a phenomenon. The US foreign policy, by including corruption in the ACRs, has adopted a rather narrow understanding of corruption and has produced a convenient discourse on anti-corruption.<sup>3</sup>

The main argument put forward in this book is that this recent introduction of corruption into the US State Department’s ACRs serves the US-specific interpretation of human rights that diverge from international standards and embedded in US imperialism. Since the late nineteenth century, and especially after the end of the Second World War, US “open door” imperialism has been promoting free markets ostensibly coupled with the promotion of (neo)liberal ideology, values, and institutions.

<sup>2</sup> White House (2021a) *Memorandum on Establishing the Fight Against Corruption as a Core United States National Security Interest*. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/03/memorandum-on-establishing-the-fight-against-corruption-as-a-core-united-states-national-security-interest/>.

<sup>3</sup> Ibid.



By employing a mixed-methods analysis of the ACRs on human rights practices, in particular on one of the seven sections of the reports that is dedicated to corruption, the book illustrates that a narrow understanding of corruption as a public sector issue serves the US global neoliberal imperialist agenda and becomes the hegemonic discourse in international organisations. In order to examine the relatively recent framing of corruption as a human rights issue, this book uses quantitative content analysis of the ACRs with a specific focus on the section dedicated to corruption and discourse analysis to scrutinise US State Department officials.

A Foucauldian perspective is appropriate to be applied in the case of the ACRs. In line with Foucault's ideas, the practice of ACRs may be understood as laying the foundations for the production of governable subjects. Foucault borrowed Jeremy Bentham prison's design of panopticon in order to illustrate his argument on power. Bentham describes the panopticon in his work as a "new mode of obtaining power of mind over mind, in a quantity hitherto without example". Panopticon, as the foundation for highly effective tactics, could be used to control the prisoners. For Foucault, observing discipline is occurring through three "techniques": surveillance or hierarchical observation, normalisation, and examination. The first technique is based on the power-knowledge nexus. The second is the so-called normalising judgement that produced a minimal standard. That standard corresponds to an average that is set to be respected. Finally, there is the ritual of examination. That technique "combines" the other two techniques in order "to qualify, to classify, and to punish".<sup>4</sup> Through this examination both power positions and knowledge relations are clearly and visibly established. Ultimately, the examination produces knowledge about each individual/object that is documented. Each object of examination then has to be "normalised or excluded". The examination makes these individuals as "effect and object of power, as effect and object of knowledge".<sup>5</sup> The examination technique demonstrate not only the importance of knowledge production for power and control but also the inescapable bond between knowledge and power. Thus, the Panopticon can not only be an apt metaphor for power but can also be helpful to illustrate the ways the power of ACRs functions.

<sup>4</sup> Michel Foucault (1979) *Discipline and Punish: The Birth of the Prison*. New York: Vintage, page 184.

<sup>5</sup> *Ibid.*, page 192.

The discourse on human rights promotion has been criticised as the moral fig leaf covering other US interests. Yet, the ACRs ultimately are a mechanism that serves the function of the Panopticon. It begins with “hierarchical observation” of the human rights situation of countries worldwide. The United States assumes a superior subject position. Then the technique of normalisation occurs by setting the standards where countries should adhere to with the ACRs playing a key role to establish the norms. Finally, the technique of examination ultimately combines the previous two techniques. As long as it seems normal and natural with a consensus to reach the specified objective, narrow parameters can be set to classify a country that respects or does not respect “human rights”. The examined countries feel pressured to adhere to the normalised standard of behaviour all the time in fear of failure and consequently police their actions to keep to the set standards.

While the popular assumption is that human rights concerns in US foreign policy were incorporated by Jimmy Carter in 1977, which was not the case. Several legislative initiatives on the Hill culminated in tying US foreign assistance to human rights. In doing so, the Congress mandated the preparation by the State Department of annual human rights reports. In reality, ACRs have not had any significant impact on the US foreign assistance allocation either military or economic. That was mainly because of waivers attached to the very laws dictating a cut off of foreign assistance to countries where there is a pattern of human rights violations. With these waivers the US State department could sign a certification that the country in question was making progress on its human rights situation and then issue a waiver. As discussed below there are issues with the inclusion and emphasis only on the so-called first-generation rights. When workers’ rights were eventually included, they have been criticised as mocking the ILO standards.

These Reports, then, have been instrumentalised to serve US interests and ideology. But, perhaps paradoxically, because of their US imprint, the ACRs also have had ongoing positive unintended consequences on a global scale in the cause of human and political rights. Even if corrupted, these Reports better exist than not. Generally speaking, people can read between the lines. Yet, this book closely examines the recent but meaningful change in the Reports with the addition of corruption as a human

rights issue that has political implications of US foreign policy and imperial agenda.

## BOOK OUTLINE

The next chapter highlights the importance of knowledge production for the exercise of power in global politics. It begins by discussing cultural imperialism as a significant apparatus important for the US foreign policy.

The third chapter looks at the so-called American Exceptionalism and the use of human rights in the American foreign policy agenda. Then it explores the role that human rights have played in US foreign policy since the 1970s. In this context it focusses on ACRs which are arguably the most valuable tool for the US foreign policy human rights agenda.

The fourth chapter examines one of the most significant tools for advancing human rights in the American foreign policy agenda, the Annual Country Reports. It starts by tracing the origins of the Reports within the context of the 1970s. It then looks at the conflictual drafting process and the structure of the reports. Contentious issues with specific issues are also explored.

The fifth chapter focusses on the depiction of corruption as a human rights issue. In particular, it examines the recent addition of corruption to the ACRs. By looking at the emphasis on corruption within the neoliberal discourse, it delineates the narrow framing of corruption. It then explores the framing of corruption and highlights the prominence of that issue for the so-called countries in transition.

The last chapter 6, discusses the impact of this corruption-human rights nexus in the global political discourse. In particular, it looks at how the issue of corruption is featured within the human rights centred approach of the UN 2030 Agenda and the Sustainable Development Goals.



# Knowledge Production and Cultural Imperialism

**Abstract** This chapter highlights the importance of knowledge production for the exercise of power in global politics. It begins by discussing cultural imperialism as a significant apparatus important for the US foreign policy. In this context the importance of the discourse on human rights is stressed. The last part of the chapter looks at how the discourses on neoliberalism and human rights have evolved hand in hand since the 1970s.

**Keywords** Knowledge production · Legitimacy · US foreign policy · Imperialism · Neoliberalism

Every empire, however, tells itself and the world that it is unlike all other empires that its mission is not to plunder and control but to educate and liberate.<sup>1</sup>

Recently scholars have debated the relevance of the concept of imperialism for today's politics. Even Marxist scholars argue that the transformations in the global political economy have made the value of the concept

<sup>1</sup> Edward W. Said (2003) 'Blind Imperial Arrogance', *Los Angeles Times*. <https://www.latimes.com/archives/la-xpm-2003-jul-20-oe-said20-story.html>.

redundant.<sup>2</sup> However, I argue that this concept is not only still relevant but continues to be extremely helpful to fully grasp the internal workings of global politics. Generally speaking there are two forms of imperialism: formal and informal. The former implies a direct rule and the latter refers to various degrees of influence a control of state without having the official sovereignty. Although considered to be a long-time practice, it was only towards the end of the nineteenth century when the term imperialism appeared in the pages of major dictionaries.<sup>3</sup> Etymologically, imperialism is derived from the Latin word “imperium” which means command and domination. Imperialism was initially understood as the expansion of a state’s territories and very soon imperialism was equated with the notion of colonialism. At that time we have the first accounts on imperialism by John A. Hobson, Vladimir Lenin, and Rosa Luxemburg who tried to theorise the “new imperialism” of the late nineteenth century as distinct from earlier types of imperialism. The “new imperialism”, embedded in Marxist thought, underscored economic factors and was portrayed as an evil product of capitalism.<sup>4</sup>

Imperialism should not only be understood as an apparatus that includes the classic elements such as structures of economic exploitation or forms of military control but also as an apparatus that incorporates legitimising discourses that are correspondingly necessary.<sup>5</sup> Like Antonio Gramsci has highlighted, the importance of building cultural hegemony is equally, if not more, important with the material domination.<sup>6</sup> These discourses have evolved over the last couple of centuries from moralist and

<sup>2</sup> David Harvey (2016) ‘A Commentary on A Theory of Imperialism’, in U. Patnaik and P. Patnaik (eds) *A Theory of Imperialism*. New York: Columbia University Press.

<sup>3</sup> Iliia Xypolia (2017) *British Imperialism and Turkish Nationalism in Cyprus, 1923–1939: Divide, Define and Rule*. London: Routledge. Iliia Xypolia (2021) ‘Imperial Bending of Rules: The British Empire, the Treaty of Lausanne, and Cypriot Immigration to Turkey’, *Diplomacy & Statecraft*, 32(4), 674–691. <https://doi.org/10.1080/09592296.2021.1996711>.

<sup>4</sup> Iliia Xypolia (2016) ‘Divide et Impera: Vertical and Horizontal Dimensions of British Imperialism’, *Critique*, 44(3), 221–231. <http://doi.org/10.1080/03017605.2016.1199629>.

<sup>5</sup> Laleh Khalili (2018) ‘How Empire Operates: An Interview with Laleh Khalili’, *Viewpoint Magazine*. Available at: <https://viewpointmag.com/2018/02/01/empire-operates-interview-laleh-khalili/>.

<sup>6</sup> Antonio Gramsci (1971) *Selection from the Prison Notebooks*. London: Lawrence & Wishart.

racist arguments to human rights and corruption. That evolution illustrates the enduring character of imperialism that is adaptive to changing circumstances and particularly sensitive to resistance.<sup>7</sup>

In the classic Weberian conception of political authority, coercive *power* or material capability is tightly coupled with *legitimacy*.<sup>8</sup> The concept of political legitimacy is accepting the authority and the rightfulness of a ruler. Legitimacy is very close to what John Locke and others called “the consent of the governed”.<sup>9</sup> The exercise of current global governance requires production of “legitimate” knowledge, i.e. knowledge regarded as valid is *sine qua*.<sup>10</sup> Political legitimacy is intimately connected with language as it “is embedded in and constrained by the set of political vocabularies available at any given time”.<sup>11</sup>

International Relations (IR) theorists have not been very attentive to the concept of legitimacy until relatively recent.<sup>12</sup> The research focusses on legitimacy of global governance and institutions where they tend to evaluate institutions against normative standards.<sup>13</sup> Advancing the conversation on political legitimacy, Arthur Isak Applbaum argues that the “consent of the governed” is not sufficient.<sup>14</sup> He puts forward a moral argument holding that a ruler should protect basic rights and treat citizens as political equals in order to establish legitimacy. Thus, a legitimate

<sup>7</sup> Laleh Khalili (2018) ‘How Empire Operates: An Interview with Laleh Khalili’, *Viewpoint Magazine*. Available at: <https://viewpointmag.com/2018/02/01/empire-operates-interview-laleh-khalili/>.

<sup>8</sup> Max Weber identified three types of legitimate rule in society the rational-legal, the charismatic, and the traditional.

<sup>9</sup> Jeffrey Reiman (2013) ‘A Moral Equivalent of Consent of the Governed’, *Ratio Juris*, 26(3), 358–377.

<sup>10</sup> Emanuel Adler and Steven Bernstein (2005) ‘Knowledge in Power: The Epistemic Construction of Global Governance’, in *Power in Global Governance*. Cambridge University Press, pages 294–318.

<sup>11</sup> Duncan S. A. Bell (2002) ‘Language, Legitimacy, and the Project of Critique’, *Alternatives: Global, Local, Political*, 27(3), 327–350.

<sup>12</sup> Shane P. Mulligan (2006) ‘The Uses of Legitimacy in International Relations’, *Millennium*, 34(2), 349–375.

<sup>13</sup> Jennifer Gronau and Henning Schmidtke (2016) ‘The Quest for Legitimacy in World Politics—International Institutions’ Legitimation Strategies’, *Review of International Studies*, 42(3), 535–557.

<sup>14</sup> Arthur Isak Applbaum (2019) *Legitimacy: The Right to Rule in a Wanton World*. Cambridge: Harvard University Press.

government is only possible if it upholds or at least be perceived to respect the principles of liberty, equality, and agency.

Michel Foucault discussed legitimacy when analysing neoliberalism but he was not particularly interested in political legitimacy. He rather understood political rationalities to be self-legitimizing.<sup>15</sup> The liberal state, from his perspective needs to represent itself as universalist and this entails that knowledge becomes a field of power. Or in Foucault's words, "the exercise of power perpetually creates knowledge and, conversely, knowledge constantly induces effects of power".<sup>16</sup> Mechanisms of knowledge production are creating dominant discourses that are supporting the existing power structures.<sup>17</sup> These power structures subsequently become legitimised.

The United States is an empire in denial. While the standard scholarly accounts detail the historical development of US power from a colony to a global superpower, they omit that the United States has been also a colonial empire.<sup>18</sup> After becoming a continental empire through the westward expansion of the thirteen colonies and the de facto ethnic cleansing of Indigenous populations, the slave labour greatly contributed to the growth and industrialisation of the economy. The turn of the nineteenth century found the United States with a powerful economy that soon was translated to a more assertive projection of power abroad. The 1890s saw the United States applying the Monroe Doctrine in her "backyard" the South America. At the same time, it established the so-called Open Door Imperialism. In 1899 and 1900, Secretary of State John Hay issued what became known as the Open Door Notes to those countries like Japan, Germany, Britain, France, and Russia that had established spheres of influence or areas of special rights in China. The Open Door Policy protected and expanded US trading interests in China.

<sup>15</sup> Wendy Brown (2008) 'Power: After Foucault', in John S. Dryzek, Bonnie Honig, and Anne Phillips (eds) *The Oxford Handbook of Political Theory*. Oxford: Oxford University Press, page 78.

<sup>16</sup> Michel Foucault (1980) *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*. New York: Pantheon, page 52.

<sup>17</sup> For a fascinating discussion on Indigenous Peoples, knowledge and power, see Jan Peter Laurens Looers (2020) *Reading Life with Gwich'in: An Educational Approach*. London: Routledge.

<sup>18</sup> Daniel Immerwahr (2019) *How to Hide an Empire: A History of the Greater United States*. London: The Bodley Head.

Ray Kiely demonstrates how the free trade imperialism of the British Empire is reflected in the US post-war policies and strategy.<sup>19</sup> For Kiely since the end of the Second World War, and especially since the 1970s, the US global economic policies are a form of a liberal free trade imperialism. The dominance of neoliberal thought since the 1970s rise of US neoconservatives' zeal to spread liberal-democratic models worldwide has a historical continuation of a free trade empire within the context of the advanced capitalist economy. As Fouskas and Gokay highlight, US Open Door imperialism is "designed to transplant the American model of free market capitalism within the jurisdictions of all other states in the world".<sup>20</sup>

## HUMAN RIGHTS AND IMPERIALISM

While many scholars write about human rights and imperialism,<sup>21</sup> their focus usually lies on war and intervention that ostensibly have been conducted in the name of humanitarian purposes. Interventions labelled as humanitarian had truly little to do with the promotion and respect of human rights, but rather have been products of imperialism with a humanitarian mask.<sup>22</sup> Makau Mutua argues that the human rights project has a clear affinity with the imperial civilising crusades against non-Western societies.<sup>23</sup> In Mutua's words, "the historical pattern is undeniable. It forms a long queue of the colonial administrator, the Bible-wielding Christian missionary, the merchant of free enterprise, the exporter of political democracy and now the human rights zealot".<sup>24</sup> In particular, Mutua point out that "increasingly, the human rights movement has come to openly be identified with the United States, whose chief executive now invokes human rights virtually every time he addresses

<sup>19</sup> Ray Kiely (2010) *Rethinking Imperialism*. London: Palgrave.

<sup>20</sup> Vassilis K. Fouskas and Bulent Gokay (2019) *The Disintegration of Euro-Atlanticism and New Authoritarianism: Global Power-Shift*. Cham: Palgrave Macmillan, page 7.

<sup>21</sup> Costas Douzinas (2007) *Human Rights and Empire: The Political Philosophy of Cosmopolitanism*. Oxford and New York: Routledge-Cavendish.

<sup>22</sup> Jean Bricmont (2006) *Humanitarian Imperialism: Using Human Rights to Sell War*. New York: Monthly Review Press.

<sup>23</sup> Makau Mutua (2002) *Human Rights: A Political and Cultural Critique*. Philadelphia: University of Pennsylvania Press.

<sup>24</sup> *Ibid.*, page 20.



a non-European nation”.<sup>25</sup> Mutua concludes that “the human rights corpus, though well meaning, is fundamentally Eurocentric”.<sup>26</sup>

Fidèle Ingiyimbere, drawing on Mutua’s insights, maintains that “the rhetoric of human rights incarnates this imperialist ideology”.<sup>27</sup> For Ingiyimbere, human rights should be understood as an imperialist ideology that has a lot of similarities to the imperialist civilising mission because both “share the same goal of allowing the West to dominate the non-Western world”.<sup>28</sup> Bonny Ibhawoh likewise claims that “[human] rights discourses have served to insulate and legitimize power just as much they have facilitated transformative processes”.<sup>29</sup> Ibhawoh, through a historical analysis of colonial rule in Nigeria, examines “how diverse interest groups within Nigeria—including colonial officials, missionaries, African elites, women’s groups, and later, nationalist activists—employed the language of rights and liberty to serve varied social and political ends”.<sup>30</sup>

Other scholars emphasise the instrumentalisation of women’s rights in Muslim-majority countries. Anne Orford discusses the traps of “imperial feminism” that allow the reproduction of “unarticulated assumptions of imperialism”.<sup>31</sup> Ranjoo Herr’s work “highlights the danger that the Women’s Rights as Human Rights movement may replicate the imperialist stance of the colonial era and erode culturally diverse modes of gender justice in the Global South”.<sup>32</sup>

<sup>25</sup> Ibid., page 6.

<sup>26</sup> Ibid., page 11.

<sup>27</sup> Fidèle Ingiyimbere (2017) *Domesticating Human Rights: A Reappraisal of Their Cultural-Political Critiques and Their Imperialistic Use*. Cham: Springer, page 13.

<sup>28</sup> Ibid., page 49.

<sup>29</sup> Bonny Ibhawoh (2007) *Imperialism and Human Rights*. Albany, NY: State University of New York Press, page 3.

<sup>30</sup> Ibid.

<sup>31</sup> Anne Orford (2002) ‘Feminism, Imperialism and the Mission of International Law’, *Nordic Journal of International Law*, 71(2), 275–293.

<sup>32</sup> Ranjoo S. Herr (2019) ‘Women’s Rights as Human Rights and Cultural Imperialism’, *Feminist Formations*, 31(3), 118–142.

## CULTURAL HEGEMONY AND NEOLIBERALISM

Imperialism affects the conceptualisations of the human rights and corruption. What appears to be universalised meaning of these concepts is essentially ideological. Emanuel Adler and Steven Bernstein highlight the significance of knowledge production for global politics. Adopting a Foucauldian understanding of power as disposition, they highlight the power's dependency on knowledge. For Adler and Bernstein, power's productive capacity fixes meanings that are needed for global governance.<sup>33</sup> Their argument on the surface overlaps with Joe Nye's instrumental concept of soft power but in the latter soft power cannot be decoupled from hard power.<sup>34</sup>

In conventional international relations scholarship, hegemony is narrowly understood. Many scholars, following the dominant realist approach, use the term hegemony as a synonym for military and economic domination. This restrictive understanding of hegemony to material power is facile as its superficial assumptions completely neglect domestic factors. Instead, by adopting a Gramscian concept of hegemony, we can overcome these shortcomings.

Gramsci argued that power is manifested through ideology and knowledge which is mainly articulated through consent rather than force.<sup>35</sup> Gramsci highlighted the significance of "cultural hegemony" to understand how consent is being manufactured through norms of legitimacy. Applying a Gramscian concept of hegemony to international relations, Robert Cox argued that hegemony is being built upon a world order where not only most states "could find compatible with their interests" but also where a globally conceived civil society is regulated. Hegemony conceived by Gramsci as social, economic, and political structure is expressed "in universal norms, institutions and mechanisms which lay down general rules of behaviour for states and for those forces of civil society that act across national boundaries—rules which support

<sup>33</sup> Emanuel Adler and Steven Bernstein (2005) 'Knowledge in Power: The Epistemic Construction of Global Governance', in *Power in Global Governance*. Cambridge: Cambridge University Press, pages 294–318, 294.

<sup>34</sup> *Ibid.*, page 298.

<sup>35</sup> Antonio Gramsci (1971) *Selection from the Prison Notebooks*. London: Lawrence & Wishart.

the dominant mode of production”.<sup>36</sup> The ideological legitimacy of the norms of the hegemonic world order is of paramount importance. Moral leadership is for hegemony as important as military and economic power.<sup>37</sup>

The Enlightenment movement aspired to establish scientific knowledge based on objectivity and empiricism. One of the most influential opponents of this view was Friedrich Nietzsche who argued that science is “problematic” and “questionable”.<sup>38</sup> The postmodern critique of modern science, popularised by scholars such as Michel Foucault and Jacques Derrida, has its origins in Nietzschean critique of morals and truth.<sup>39</sup>

Aimé Césaire in his seminal *Discourse on Colonialism* highlighted the racial and imperial connotations of “legitimate scientific knowledge”. Césaire illustrates his points with a number of examples with scholars from different disciplines that produce knowledge serving colonialism.<sup>40</sup> These scholars would be classified by Antonio Gramsci as ruling intellectuals whose works serve the status quo.

Established scientific methods and truth should be understood within the spatial and temporal context. Thomas Kuhn with his ground-breaking work on the paradigm shift shows that every “scientific truth” should be understood within its historical context.<sup>41</sup> Michel Foucault, in contrast, argues that “in any given culture and at any given moment there is always only one episteme that defines the conditions of possibility of all knowledge, whether expressed in theory or silently invested in a practice”.<sup>42</sup> These epistemes, which constitute the ideas that shape the perception

<sup>36</sup> Robert W. Cox (1983) ‘Gramsci, Hegemony and International Relations: An Essay in Method’, *Millennium*, 12(2), 162–175, 171–172.

<sup>37</sup> Tony Evans (1996) *US Hegemony and the Project of Universal Human Rights*. New York: St. Martin’s Press.

<sup>38</sup> Lewis Call (1998) ‘Anti-Darwin, Anti-Spencer: Friedrich Nietzsche’s Critique of Darwin and “Darwinism”’, *History of Science*, 36(1), 1–22.

<sup>39</sup> Peter Busch (2000) ‘Nietzsche’s Political Critique of Modern Science’, *Perspectives on Political Science*, 29(4), 197–208.

<sup>40</sup> Aimé Césaire (2000) *Discourse on Colonialism*. New York: Monthly Review Press.

<sup>41</sup> Thomas S. Kuhn (2012) *The Structure of Scientific Revolutions*. Chicago and London: The University of Chicago Press.

<sup>42</sup> Michel Foucault (2001) *The Order of Things: An Archaeology of the Human Sciences*. London and New York: Routledge, page 183.

of knowledge, are dynamic and change over time. Presently, since the late 1960s, we are in the postmodern episteme. It is during this period that neoliberal discourse has gained prominence and it is not accidental that ACR reports have emerged in the late 1970s. For instance, when the dominance of quantitative metrics started in the late 1970s and early 1980s, the reports began including statistical tables with data retrieved from international organisations like the World Bank.<sup>43</sup> The analysis of the data was minimal, the data were considered to speak for themselves.

Neoliberalism has been overused in the past few decades as the menace of all ills in the society and politics and as pejorative term to describe the failings of capitalism. Neoliberalism has become a signifier to denote a hegemonic ideology associated with political economic programme. The liberalising of global markets has dictated the reduction of state power. The state interventions in the economy should be minimal from a neoliberal perspective, and privatisation is portrayed as the cure in the state's malfunctioning. The idea of freedom in this context has become a buzzword with an emphasis on free markets, free trade, and free enterprises. The term "neoliberalism" has gained popularity in the 1990s when academics used it to criticise the so-called "Washington Consensus" free-market orthodoxy. At that time scholars claimed that the neoliberal project had its origins in the late 1970s and early 1980s when both sides of the Atlantic saw the rise of the "new right" politics with the election of Margaret Thatcher and Ronald Reagan. Yet, as the concept of neoliberalism became a buzzword more attention was paid to its meaning and origins. Fresh insights highlight that its history is several decades earlier and originated in the works of the Mont Pèlerin Society of the 1940s. Friedrich von Hayek, who is considered to be the pioneer of neoliberal thought, introduced neoliberal ideas in his 1944 book *The Road to Serfdom*. In 1947, Hayek set up the Mont Pèlerin Society as a think

<sup>43</sup> De Neufville makes arguments about the importance of incorporating statistics in the ACRs. Statistics as a policy tool "The incorporation of statistics in the Reports has helped to alter the politics of human rights outside the Department by giving proponents opportunities to be heard and resources to be effective. The discussion of the statistics has helped to place human rights in the public eye and on the political agenda. Moreover, the numbers provide leverage to N.G.O.s and congressional supporters of human rights to question administration policies" (Judith Innes De Neufville [1986] 'Human Rights Reporting as a Policy Tool: An Examination of the State Department Country Reports', *Human Rights Quarterly*, 8[4], 681–699, page 696).

tank to generate and disseminate neoliberal ideas.<sup>44</sup> In the 1970s the Chicago School economics had a great impact on how neoliberal ideas were translated into policies. A generation of economists, most notably Milton Friedman, have been criticised as “economic imperialists” because of the application of economic reasoning to and beyond the markets.<sup>45</sup>

There are various and often contested approaches to neoliberalism. David Harvey defines neoliberalism as “the doctrine that market exchange is an ethic in itself, capable of acting as a guide for all human action ... [the reduction of] the obligations of the state to provide for the welfare of its citizens ... unfettered individual rights”.<sup>46</sup> For David Harvey neoliberalism gained legitimacy by becoming “common sense” through various influential channels such as corporations, media, and civil society institutions. For establishing the neoliberalism as the dominant way of thought, a conceptual apparatus was employed and ultimately became embedded in that common sense. The most powerful of all concepts, and embedded in US self-identity, is freedom. The concept of freedom has been employed to promote the rights of private property, entrepreneurialism, and individualism.

Neoliberalism can also be understood as a discourse.<sup>47</sup> Although the origins can go back to the 1930s and the 1940s with the Mont Pèlerin Society,<sup>48</sup> it was not until the 1970s that the idea of the “free market” emerged as a hegemonic discourse. For achieving this importance, knowledge produced by a number of “neoliberal” think tanks have been arguably influential.<sup>49</sup>

It is neither accidental that the conception of human rights gained prominence around the same time. In fact, the relationship

<sup>44</sup> Daniel Stedman-Jones (2012) *Masters of the Universe: Hayek, Friedman and the Birth of Neoliberal Politics*. Princeton: Princeton University Press.

<sup>45</sup> Edward Nik-Khah and Robert Van Horn (2012) ‘Inland Empire: Economics Imperialism as an Imperative of Chicago Neoliberalism’, *Journal of Economic Methodology*, 19(3), 259–282.

<sup>46</sup> David Harvey (2005) *A Brief History of Neoliberalism*. Oxford: Oxford University Press.

<sup>47</sup> Simon Springer (2016) *The Discourse of Neoliberalism: An Anatomy of a Powerful Idea*. London and New York: Rowman & Littlefield, page 1.

<sup>48</sup> Sean Phelan (2014) *Neoliberalism, Media and the Political*. London: Palgrave Macmillan, page 41.

<sup>49</sup> *Ibid.*, page 44.

between the parallel emergence of human rights and neoliberalism has recently attracted some scholar attention. Samuel Moyn illustrates the synchronous ascendance of human rights and neoliberalism but without arguing for a causal link between the two.<sup>50</sup> Jessica Whyte, however, illustrates that association. She argues that there are “historical and conceptual relations between human rights and neoliberalism”.<sup>51</sup> Whyte understands human rights language as being “notoriously slippery”,<sup>52</sup> and claims that “the neoliberals of Mont Pèlerin reinvented human rights as the moral language of the competitive market”.<sup>53</sup> In the neoliberal framing of freedom, market society is the essential prerequisite for achieving it. This is the context in which the emergence of human rights discourse should be seen. This discourse is embedded in power structures, and the widespread assumption that human rights are apolitical is disguising their role in global politics. As will be seen in the following chapter, since the 1970s, human rights and freedom have been prominently featured in the US foreign policy discourse.

<sup>50</sup> Samuel Moyn (2010) *The Last Utopia: Human Rights in History*. Cambridge, MA: Harvard University Press.

<sup>51</sup> Jessica Whyte (2019) *The Morals of the Market: Human Rights and the Rise of Neoliberalism*. London: Verso, page 4.

<sup>52</sup> *Ibid.*, page 10.

<sup>53</sup> *Ibid.*, page 30.



## Human Rights and American Exceptionalism

**Abstract** This chapter focusses on the importance of international human rights for the interests of American imperialism. The United States has a very unique relationship with human rights. While the United States always portrays itself as a human rights champion, upon a closer look we see that the role the United States has played in the development and promotion of the international human rights, at the minimum, is contradictory and controversial. It looks at the concept of American exceptionalism and how it can be used to explain the human rights agenda in US foreign policy. It then explores the historical evolution of the human rights discourse in US Foreign Policy in successive presidential administrations with a specific emphasis on the early decades.

**Keywords** Human rights · US foreign policy · US exceptionalism

Academic literature has long used different theoretical approaches to explain various facets of foreign policy agendas under different US presidents.<sup>1</sup> The IR literature uses two dominant approaches, liberalism and

<sup>1</sup> David P. Forsythe and Patrice C. McMahon (2017) *American Exceptionalism Reconsidered: U.S. Foreign Policy, Human Rights, and World Order*. New York: Routledge.

realism, to explain US policies. In order to fully grasp the place of human rights in US foreign policy, it is important to fully grasp that many in the elite and the public view the United States as the beacon for democracy and freedom to the world.<sup>2</sup> This has come to be known as American exceptionalism in the literature.

While the notion of American exceptionalism is well examined, its precise application in foreign policy can take different forms. American exceptionalism constitutes the core of American nationalism. American exceptionalism can lead both to either internationalist or isolationist orientations in foreign policy. American exceptionalism should not necessarily be equated with a human rights agenda in US foreign policy.

### AMERICAN EXCEPTIONALISM

Describing the United States as “the beacon for democracy”, the “shining city on a hill”, or the “leader of the free world” has long been a theme in American political discourse. There is a presumption that “America’s values, political system, and history are unique and worthy of universal admiration”.<sup>3</sup> The American exceptionalism discourse can be traced back to Alexis de Tocqueville when he wrote in *Democracy in America* that “the situation of the Americans is therefore entirely exceptional, and it is to be believed that no other democratic people will ever be placed in it”.<sup>4</sup> It is a mission that is religiously inspired to promote liberty abroad<sup>5</sup> as has been evident in various forms from the doctrine of “Manifest Destiny” and Wilsonian idealism to Reagan’s anticommunism and Bush’s unilateralism, and ultimately to American imperialism.<sup>6</sup> William Appleman Williams (1991) examined the US world view, the American *Weltanschauung*, and highlighted several key elements.<sup>7</sup> Among others,

<sup>2</sup> Ibid.

<sup>3</sup> Stephen M. Walt (2011) ‘The Myth of American Exceptionalism’, *Foreign Policy*, November. Available at: <https://foreignpolicy.com/2011/10/11/the-myth-of-american-exceptionalism/>.

<sup>4</sup> Alexis de Tocqueville (1976) *Democracy in America*. Vols. 1 and 2. New York: Knopf.

<sup>5</sup> James W. Ceaser (2012) ‘The Origins and Character of American Exceptionalism’, *American Political Thought*, 1(1), 3–28. <https://doi.org/10.1086/664595>.

<sup>6</sup> Ibid.

<sup>7</sup> Andrew J. Bacevich (2009) ‘The Tragedy Renewed: William Appleman Williams’, *World Affairs*, 171(3), 62–72, 67.



it is the insistence that American values are universal values, the reflexive predilection for demonising adversaries, and the unshakable confidence in American exceptionalism and American beneficence.

The idea that America is fundamentally distinct and morally superior from other nations builds upon the tripartite Eurocentric global hierarchy. Exceptionalism discourse can be traced back to the ideals of the European Enlightenment.<sup>8</sup> Reginald Horsman argues that the idea of American superiority articulated racial terms in the first half of the nineteenth century.<sup>9</sup> Horsman explains that it flows out of Anglo-Saxon claims of white supremacy. Domestic and foreign policy should be understood within this underlying racial Anglo-Saxonism. After all, American foreign policy has long been shaped by “a distinctive cultural logic or set of presuppositions and orientations, what Gramsci called ‘Americanism’”.<sup>10</sup> More specifically, the emphasis on economic and political freedoms has been a key element in American culture.<sup>11</sup>

For Michael Ignatieff, there are three different ways through which American exceptionalism is manifested in US human rights policy: (i) the support of treaties where the United States is exempted from its provisions, (ii) the double standards of criticising other countries for not adhering to international human rights norms while ignoring human rights bodies’ monitoring of US records, and (iii) the legal isolationism where US courts do not accept the legal precedents from abroad.<sup>12</sup> For Ignatieff, American exceptionalism is not unique in the sense that many countries and nations “believe that their own civil and political rights

<sup>8</sup> Henry Steele Commager (1978) *The Empire of Reason: How Europe Imagined and America Realized the Enlightenment*. New York: Anchor Books.

<sup>9</sup> Reginald Horsman (1981) *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism*. Cambridge, MA: Harvard University Press.

<sup>10</sup> De Grazia, 1984–1985 cited Gearoid Ó Tuathail and John Agnew (1992) ‘Geopolitics and Discourse: Practical Geopolitical Reasoning in American Foreign Policy’, *Political Geography*, 11(2), 190–204, 196.

<sup>11</sup> Gearoid Ó Tuathail and John Agnew (1992) ‘Geopolitics and Discourse: Practical Geopolitical Reasoning in American Foreign Policy’, *Political Geography*, 11(2), 190–204, 196.

<sup>12</sup> Michael Ignatieff (2005) *American Exceptionalism and Human Rights*. Princeton, NJ: Princeton University Press.

are both more legitimate and more valuable than the rights enshrined in international covenants”.<sup>13</sup>

Human rights have often been equated with personal freedom as found in the US Bill of Rights, and not with the International Bill of Rights. Subsequently, this leads to the neglect of socio-economic rights. When the United States thus refers to international human rights, they recognise only civil and political rights as actual rights. Therefore, economic social cultural rights have not been treated as equally important as political and civil rights in US policies.

American exceptionalism should be understood within the context of what historians of empires have described as the ideal sense of a World Mission.<sup>14</sup> For the Roman Empire, this entailed order and justice; for the Spanish Empire, it was to bring the Word of God; the British Empire instead wanted to export civilisation; and finally the French Empire had their own *la mission civilisatrice*. In that sense, the American imperial Mission is to bring freedom to the world.<sup>15</sup>

## HISTORICAL EVOLUTION OF THE HUMAN RIGHTS DISCOURSE IN US FOREIGN POLICY

Since the 1970s, human rights have been the lingua franca of American Diplomacy.<sup>16</sup> Overall, the use of Human Rights agenda in the US Foreign Policy has long been contradictory. Every US President since Jimmy Carter has rhetorically supported the concept of universal human rights but at the same time has elevated domestic law over international law. This neglect of socio-economic rights, the so-called second-generation rights, is dominant in the ACRs. For example, the United States has signed, but not ratified, the International Covenant on Economic, Social, and Cultural Rights. This has been criticised either as an outright hypocrisy or as a “manifestation of cultural relativism”.

<sup>13</sup> Michael Ignatieff (2001) *Human Rights as Politics and Idolatry*. Princeton: Princeton University Press, page 14.

<sup>14</sup> Michael Mann (2008) ‘American Empires: Past and Present’, *Canadian Review of Sociology/Revue canadienne de sociologie*, 45, 7–50. <https://doi.org/10.1111/j.1755-618X.2008.00002.x>.

<sup>15</sup> Ibid.

<sup>16</sup> Julie A. Mertus (2008) *Bait and Switch: Human Rights and U.S. Foreign Policy* (2nd ed.). Routledge, page 25.

While the Universal Declaration of Human Rights (UDHR) was signed in the immediate aftermath of the World War II, human rights did not receive any significant political traction in the United States up until the 1970s. Certainly, Franklin D. and Eleanor Roosevelt both played an important role in shaping the human rights project in the 1940s. FDR's four freedoms speech, for example, was the catalyst for the creation of the international human rights regime in 1941, but human rights remained a marginal discourse for both domestic and foreign policy of the United States. If we look at the 1940s, and especially the 1950s and 1960s, we notice that human rights were not an element in the US foreign policy.<sup>17</sup> Instead, the doctrine of state sovereignty was dominant with the human rights language being marginalised.

It was not until the 1970s that human rights started to gain prominence in the US political discourse through the ACRs. As being discussed thoroughly in the following chapter, the ACRs on Human Rights Practices were mandated by the US Congress in the 1970s and this is not accidental. The United States in the 1970s, experienced the rise of neo-conservatism and neoliberalism. At the same time, at the height of the Cold War, the 1975 Helsinki Process in Europe demonstrated how human rights issues could be valuable for US efforts to contain USSR. The rising and vocal demands for freedoms in Eastern Europe (dissidents, political prisoners) and in the Soviet Union, like Aleksandr Solzhenitsyn and Andrei Sakharov, and especially well-organised demands in the United States for the migration of Soviet Jews to Israel, were strategically amplified. Ethnic groups in the US, especially from Eastern Europe, placed tremendous pressure through Congress on the administration to act (the latter was already vulnerable due to civil rights and Vietnam).

The role of the growing human rights movement has also been underscored. Sarah Snyder argues that by the 1970s human rights activism “achieved congressional legislation that curbed military and economic assistance to repressive governments, established institutions to monitor human rights around the world, and shifted patterns of US foreign-policy making for years to come”.<sup>18</sup>

<sup>17</sup> Samuel Moyn (2010) *The Last Utopia: Human Rights in History*. Cambridge, MA: Harvard University Press.

<sup>18</sup> Sarah B. Snyder (2018) *From Selma to Moscow: How Human Rights Activists Transformed U.S. Foreign Policy*. New York: Columbia University Press, page 171.

The 1970s are considered to be the golden decade of human rights. The 1975 Helsinki accords were considered a major diplomatic achievement for the United States in its efforts to contain Soviet influence over Eastern Europe. Following a two-year negotiation under the auspices of the Conference on Security and Cooperation in Europe, the document included an explicit reference to the respect for human rights and fundamental freedoms. The negotiations were led by the Republican administrations of Richard Nixon and Gerald Ford. Since the late 1970s, human rights have gained a permanent but ambivalent status in US foreign policy.

Richard Schifter, who was appointed by Ronald Reagan as the Assistant Secretary for Democracy, Human Rights and Labor in 1985, claims that the post-war development of the concepts of international human rights law drastically changed the longstanding US diplomatic tradition that was founded upon the principle of state sovereignty as dictated by the Treaty of Westphalia of 1648.<sup>19</sup> According to Schifter, the new approach to human rights was tested in the case of the apartheid regime of South Africa. In 1952, the Secretary of State Dean Acheson decided that the United States “would vote for the resolution but would not speak in support of it”.<sup>20</sup> So, “it was only in the 1970s that the United States became fully engaged in a program to support the human rights cause worldwide” and “it resulted from a series of Congressional initiatives”.<sup>21</sup> These initiatives had the support “of rather disparate political groupings”, that included right-wing congressmen “who were troubled by the repression of democracy in the Soviet bloc” and left-wing congressmen who were “concerned with human rights violations by Latin American dictatorships”.<sup>22</sup> Those initiatives resulted in “a series of laws passed in the ’70s by wall-to-wall agreement in the Congress dealing with human rights, including the one that required the writing by the State Department of annual human rights reports”.<sup>23</sup>

<sup>19</sup> Richard Schifter (2021/2003) *Interview with Richard Schifter*. Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2007/2007sch02/2007sch02.pdf>.

<sup>20</sup> Ibid.

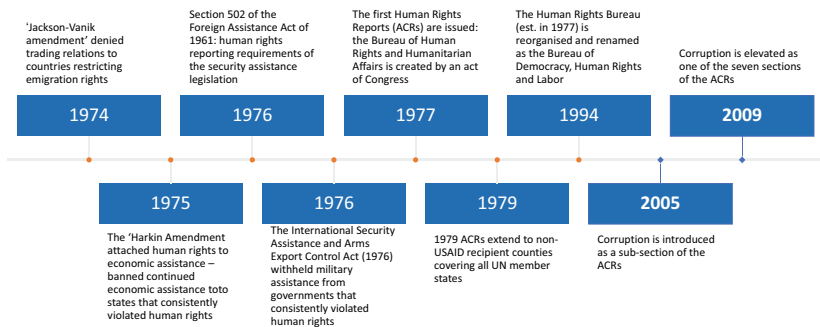
<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

### *Jimmy Carter*

Popular perception dictates that the US President Jimmy Carter put human rights as a central foreign policy issue. In truth, there already existed policy developments that institutionalised human rights issues in US foreign policy agenda (see Fig. 3.1) a few years before President Carter took office. But Jimmy Carter can indeed be credited as the first US President who made an explicit reference to an “absolute commitment” to human rights in his 1977 inaugural address.<sup>24</sup> It is worth noting that only one other US president has made an explicit reference to human rights, President George W. Bush in his second inaugural address, in 2005, linking human rights to liberty as “there can be no human rights without human liberty”.<sup>25</sup> Going back to Carter, many remember that Carter’s emphasis on human rights came rather late into his presidential campaign and fortuitous when it happened. Ambassador Kenneth Hill recalls “that human rights was not initially among the things that Jimmy Carter was advocating in his election campaign in the spring and summer of 1976” but since he mentioned it in a speech in September 1976 “it



**Fig. 3.1** Timeline of selected human rights policy developments in US foreign policy

<sup>24</sup> Jimmy Carter (1977) *Inaugural Address of Jimmy Carter*, January 20, 1977. Available at: [https://avalon.law.yale.edu/20th\\_century/carter.asp](https://avalon.law.yale.edu/20th_century/carter.asp).

<sup>25</sup> George W. Bush (2005) *Second Inaugural Address of George W. Bush*, January 20, 2005. Available at: [https://avalon.law.yale.edu/21st\\_century/gbush2.asp](https://avalon.law.yale.edu/21st_century/gbush2.asp).

took off like wildfire”.<sup>26</sup> Stuart Eizenstat, a key advisor and later assistant to the President for Domestic Affairs and Policy, lobbied Carter to incorporate human rights in his campaign. By that time the issue of human rights had gained a growing pool of support by a certain section of the public and several liberal and conservative politicians.<sup>27</sup>

Shortly after assuming office, Jimmy Carter entered into a series of talks with USSR on nuclear non-proliferation as part of the second round of the Strategic Arms Limitation Talks (SALT-II). The negotiations eventually resulted in the signing of the SALT-II agreement. Carter’s public criticism of the USSR human rights situation and his support of Soviet dissidents were met with criticism by the USSR leadership that viewed these issues as domestic affairs and any US interference could jeopardise the negotiations. Carter officials remember that he attempted to include human rights on the negotiations table, but the negotiations were “thrown in doubt by linking that first proposal with human rights, which caused such a furor in Moscow”.<sup>28</sup> Zbigniew Brzezinski, Carter’s high-profile National Security Advisor, in a televised interview in 1977, said that there was no connection between human rights and SALT but also admitted that Carter would not give up the public campaign for human rights to reach an agreement on SALT.<sup>29</sup> Yet, that is exactly what happened when Carter downplayed USSR’s human rights abuses to facilitate the completion of SALT-II.<sup>30</sup>

Carter’s human rights policy focussed on human rights abuses by authoritarian pro-western regimes. Under Carter, human rights became an “issue-area” that set up norms and priorities that gradually became

<sup>26</sup> H. Kenneth Hill (2018) *Interview with Ambassador H. Kenneth Hill*, The Association for Diplomatic Studies and Training, Foreign Affairs Oral History Project. Available at: <https://adst.org/wp-content/uploads/2018/08/Hill-Kenneth.pdf>.

<sup>27</sup> Barbara Keys (2014) *Reclaiming American Virtue: The Human Rights Revolution of the 1970s*. Cambridge: Harvard University Press, page 214.

<sup>28</sup> Jack H. Watson, Jr. (2021/1981) ‘Jack H. Watson, Jr. Oral History’, Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/jack-h-watson-jr-oral-history>.

<sup>29</sup> Jody Powell (2021/1981) ‘Jody Powell Oral History’, Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/jody-powell-oral-history>.

<sup>30</sup> Christian Philip Peterson (2014) ‘The Carter Administration and the Promotion of Human Rights in the Soviet Union, 1977–1981’, *Diplomatic History*, 38(3), 628–656. <https://doi.org/10.1093/dh/dht102>.

more popular and established.<sup>31</sup> Just four months into his presidency Jimmy Carter delivered a speech at the University of Notre Dame affirming that his foreign policy will be structured around five “cardinal principles”.<sup>32</sup> First and foremost, it was “America’s commitment to human rights as a fundamental tenet of our foreign policy”. Second, reinforcing cooperation with other democracies; third, engaging with the Soviet Union “in a joint effort to halt the strategic arms race”; fourth, to seek a “lasting peace in the Middle East”; and fifth, to address the threat of nuclear proliferation. Carter believed that he brought “a different way of governing” with his human rights policy being its epitome.<sup>33</sup> As an example to illustrate this point, Carter rhetorically attempted to elevate advocacy for human rights above other foreign policy interests when he announced military spending cuts.

Jimmy Carter embraced the belief in American exceptionalism.<sup>34</sup> “It was not only at the level of public rhetoric but also privately that traditional American principles were recognized as being the primary reason for pursuing a human rights policy”.<sup>35</sup> Alonzo McDonald, Director of the White House Staff, claims that Carter “believed that [US] had to be a beacon for a whole world in which” the United States was “the only hope” not only for bringing them “instantaneous relief” but also that “the world had to have some aspiration and its peoples had to know that somebody, somewhere, understood their situation”.<sup>36</sup> Carter, according to McDonald, emphasised the need for the world “to know there was a receptive people at some powerful point in the world”.<sup>37</sup>

<sup>31</sup> Scott (2018), page 5.

<sup>32</sup> Jimmy Carter (1977) ‘President’s Commencement Address at the University of Notre Dame’, *Notre Dame Law Review*, 53, 9. Available at: <https://scholarship.law.nd.edu/ndlr/vol53/iss1/2>.

<sup>33</sup> Jimmy Carter (2021/1982) ‘Jimmy Carter Oral History’, Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/jimmy-carter-oral-history>.

<sup>34</sup> Trevor B. McCrisken (2003) *American Exceptionalism and the Legacy of Vietnam: US Foreign Policy Since 1974*. New York: Palgrave Macmillan, page 68.

<sup>35</sup> *Ibid.*, page 62.

<sup>36</sup> Alonzo McDonald (2021/1981) ‘Alonzo McDonald Oral History’, Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/alonzo-mcdonald-oral-history>.

<sup>37</sup> *Ibid.*

Carter, McDonald remembers, believed that “world human rights was directly related to our own concept of social justice and equity within the United States”.<sup>38</sup> Carter’s religiosity, too, had “an impact on his foreign policy views” and on human rights in particular.<sup>39</sup>

Carter administration’s view on economic and social rights was ambivalent.<sup>40</sup> The Presidential Review Memoranda (PRM) on Human Rights (PRM28)<sup>41</sup> included a discussion on the definition of human rights. Leslie G. Denend, NSC Staff Member at that time, claims that human rights concerns were essentially subordinated to other policy objectives.<sup>42</sup> Denend remembers that all policies were articulated through PRM and aimed to be personally “consumed” by Carter. The numbering of the PRM largely corresponds with their chronological sequence. So, the human rights PRM was number 28 and written on 20 May 1977, “although it’s important to note that the policy was being implemented before the PD was signed”.<sup>43</sup> PRM 28 details three groups of human rights; the first is the integrity of the person, the second some economic and social rights, and third, some civil and political liberties. It goes on to state that the second and third groups are more controversial and “although that there has been considerable discussion about their inclusion, the President and Secretary of State have expressly included them within the general purview of the administration’s human rights initiative”. Then, while the memorandum recognizes that all three groups are covered with the Carter’s policy, the issue is whether there should be a priority among them. PRM28 presents arguments in favour and against each option, to “either, accord priority attention to governmental violations of the integrity of the person, or: accord equal importance to all

<sup>38</sup> Ibid.

<sup>39</sup> Stuart Eizenstat (2021/1982) ‘Stuart Eizenstat Oral History’, Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/stuart-eizenstat-oral-history>.

<sup>40</sup> Barbara Keys (2014) *Reclaiming American Virtue: The Human Rights Revolution of the 1970s*. Cambridge: Harvard University Press, page 237.

<sup>41</sup> Presidential Review Memoranda (PRM) 28, May 20, 1977. <https://www.jimmycarterlibrary.gov/assets/documents/memorandums/prm28.pdf>.

<sup>42</sup> Zbigniew Brzezinski (2021/1982) ‘Zbigniew Brzezinski Oral History’, Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/zbigniew-brzezinski-oral-history>.

<sup>43</sup> Ibid.



three groups of rights”. According to the points in favour of the latter option, it makes clear that “accepting equal importance of the three groups does not mean that, as a practical matter, they will be pursued in the same way or over the same time span”. In essence, it holds that the “promotion of economic rights is, for the US, primarily a matter of cooperation with the contribution to bilateral and multilateral foreign assistance efforts”.

Carter’s 1978 Presidential Directive affirmed that “it shall be a major objective of US foreign policy to promote the observance of human rights throughout the world”.<sup>44</sup> Interestingly, the first point of his Directive discusses the objective of the US human rights policy (a) to reduce governmental violations of the integrity of the person; (b) to enhance civil and political liberties; and (c) also to promote basic economic and social rights (e.g. adequate food, education, shelter, and health). The second point of the Directive dictates that “in promoting human rights, the US shall use the full range of its diplomatic tools”, which included, inter alia, “cooperation with non-governmental organisations”. The fourth point dictates that the allocation of US foreign assistance will be reviewed according to the record of human rights. However, point six makes a reference to “exceptional circumstances” that essentially give leeway to selective execution of the Directive.

### *Ronald Reagan*

Ronald Reagan attempted to “shift away from Jimmy Carter’s “failed” approach to human rights” and moved “towards a renewed emphasis on democracy promotion”.<sup>45</sup> The Reagan administration “developed a body of policy rationale which did target the Soviet Union, target the Communist countries”.<sup>46</sup> When Alexander Haig was the nominee for the

<sup>44</sup> Presidential Directive/NSC-30: Human Rights, February 17, 1978 [declassified]. <https://irp.fas.org/offdocs/pd/pd30.pdf>.

<sup>45</sup> Rasmus Sinding Søndergaard (2019) “A Positive Track of Human Rights Policy”: Elliott Abrams, the Human Rights Bureau, and the Conceptualization of Democracy Promotion, 1981–1984”, in Robert Pee and William Michael Schmidli (eds) *The Reagan Administration, the Cold War, and the Transition to Democracy Promotion*. Palgrave, pages 31–50.

<sup>46</sup> Ward Thompson (1999) *Interview with Ward Thompson*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2007/2007tho04/2007tho04.pdf>.

Secretary of State, he told Senate “something to the effect that the human rights of the Reagan administration would have to do with the Soviet Union”.<sup>47</sup>

At the very early start of the Reagan presidency it was made clear that human rights would be de-emphasised in the rhetoric of the US foreign policy. Now Secretary of State, Alexander Haig, in a news conference on 28 January 1981, revealed that Reagan intended to shift Carter’s human rights policy. Haig answering a question held that “international terrorism will take place of human rights, our concern, because it is the ultimate of abuse of human rights”.<sup>48</sup> Elliot Abrams recalls that “Bill Clark, President Reagan’s close friend and then Deputy Secretary of State” confessed to him that Alexander Haig wanted “to eliminate the Bureau of Human Rights” and the White House thought that such a decision was “politically a bad idea, too controversial”.<sup>49</sup>

Frank Carlucci, Assistant to the President for National Security Affairs, Secretary of Defence in the Reagan administration, remembers that the President was fascinated with “human rights, religion, and social developments in the Soviet Union”.<sup>50</sup> Edward Rowny, Special Representative for Arms Control and Disarmament Negotiations, remembers that Reagan in his second term began putting more emphasis to human rights, even prioritising them over arms control.<sup>51</sup> This prioritisation did not go unnoticed. Rowny recalls that the Soviets were discontent with Reagan’s talk on human rights. When Reagan visited Moscow, in 1988, First Lady Nancy Reagan met Gorbachev’s wife Raisa who complained that the United States was lecturing the Soviets on human rights issues

<sup>47</sup> Ibid.

<sup>48</sup> Alexander Meigs Haig (1981) *News Conference: January 28, 1981*, Bureau of Public Affairs. US Department of State, Washington, DC, page 5.

<sup>49</sup> Elliot Abrams (2021/2012) ‘Elliot Abrams Oral History’, Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/elliott-abrams-oral-history>.

<sup>50</sup> Frank Carlucci (2021/2001) ‘Frank Carlucci Oral History’, Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/frank-carlucci-oral-history>.

<sup>51</sup> Edward Rowny (2021/2006) ‘Edward Rowny Oral History’, Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/edward-rowny-oral-history>.

ignoring US' past with slavery and treatment of the Indigenous American nations.<sup>52</sup>

In 1986, at the Reykjavik Summit, Reagan already omitted to link the issue of nuclear weapons with human rights. Kenneth Adelman, Director of the Arms Control and Disarmament Agency, recalls that Reagan made sure to never policy-wise link human rights issues with arms control talks.<sup>53</sup>

### *George H. W. Bush*

George H. W. Bush administration treated human rights along similar lines with Reagan and used the rhetoric on promoting human rights largely within the context of the containment of communism. James Baker III, the Secretary of State in Bush's administration, claims that foreign policy in essence was finding "the right mix between our principles and values, which are a foundation of our foreign policy, support for democracy and human rights, and our national interest".<sup>54</sup> Bush's cautious approach resulted to a "reactive rather than a proactive response to human rights and international crises".<sup>55</sup> US foreign policy towards USSR kept the commitment to human rights as evident in the successful emigration of Soviet Jews but at the same time they managed to "still keep a geopolitical relationship with our number one opponent out there".<sup>56</sup> Barker disliked the term "linkage" when talking about human rights issues and US foreign policy. He advocated for what he called "the case for pragmatic idealism" where foreign policy cannot be conducted "according to the principles of Mother Teresa". He claimed that if such was the case then the United States should be intervening all the time all over the world. He admitted that idealism can only be carried out when there

<sup>52</sup> Ibid.

<sup>53</sup> Kenneth Adelman (2021/2003) 'Kenneth Adelman Oral History', Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/kenneth-adelman-oral-history>.

<sup>54</sup> James A. Baker, III (2021/2011) 'James A. Baker, III Oral History (2011)', Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/james-baker-iii-oral-history-2011>.

<sup>55</sup> Claire Apodaca (2006) *Understanding U.S. Human Rights Policy: A Paradoxical Legacy* (1st ed.). Routledge.

<sup>56</sup> James A. Baker, III (2021/2011) 'Oral History', *ibid*.

is support from the American people who “are the final arbiters of our foreign policy”.<sup>57</sup>

There is a continuity between Carter, Reagan, and Bush’s foreign policy agenda with triumphant American exceptionalism that applied human rights norms “in a selective and self-serving manner”.<sup>58</sup> Bush, for example, did not reduce foreign aid to countries with deteriorating human rights records. While he criticised China and the Tiananmen Square escalations early June 1989, he renewed China’s status as Most-Favored Nation (MFN) for trade at the same time. After the Tiananmen Square events the Congress enacted sanctions to China criticising Bush’s indifference in what they saw was a human rights massacre. Barbara Hackman, Secretary of Commerce and Assistant Secretary of State Clark, explains that the administration tried to find a way to remove the sanctions because of the ramifications for business without sending the signal that “human rights don’t count anymore”.<sup>59</sup> Carla Hills, United States Trade Representative, remembers the contradictions of applying the Jackson-Vanik Amendment to the Trade Act, for granting the MFN status to China.<sup>60</sup> The MFN status meant that China would be enjoying the most favourable trade terms. Hills recalls that the Jackson-Vanik Amendment was made for allowing the emigration of Soviet Jews. She further remembers an ironic story of Henry Kissinger jokingly being asked by Mao Zedong how many Chinese emigrants the United States needs for the waiver clause in the Jackson-Vanik Act to be applied to China. Frederick McClure, during his tenure as Assistant for Legislative Affairs during the George H. W. Bush administration, recounts that in order to give the MFN status to China in the midst of the Tiananmen Square events and to undermine criticism for disregard of human rights in China, they got two past Republican Presidents, Richard Nixon and Gerald Ford, involved

<sup>57</sup> Ibid.

<sup>58</sup> Mertus (2008), page 49.

<sup>59</sup> Barbara Hackman Franklin (2021/2001) ‘Barbara Hackman Franklin Oral History’, Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/barbara-hackman-franklin-oral-history>.

<sup>60</sup> Carla Hills (2004) ‘Carla Hills Oral History’, Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/carla-hills-oral-history>.

to help lobby Congress.<sup>61</sup> Particularly Nixon's phone calls helped in the lobbying process of US Senators not least because Nixon "could not be questioned on China very authoritatively".<sup>62</sup>

When George H. W. Bush visited Beijing in February 1989 few months before the start of the Tiananmen Square protests, he omitted to mention human rights. His realpolitik-advocate National Security Advisor Brent Scowcroft made at least two secret trips to China in the immediate aftermath of the protests at a time when Bush had suspended all high-level contacts with Beijing.

In 1992 Bush successfully sought to ratify the International Covenant on Civil and Political Rights (ICCPR) but with several "reservations" and "understandings" attached.<sup>63</sup> In doing so, President Bush urged the US Senate to consent the ratification of the ICCPR assuring that the Covenant would not be enforceable in US courts. That assurance was also inscribed in the US reservations, declarations, and understandings that the ICCPR is not "self-executing". The ICCPR together with the UDHR and the International Covenant on Economic, Social and Cultural Rights (ICESCR) that the United States has not yet ratified, are considered the "International Bill of Human Rights". George H. W. Bush already had signed the Torture Convention in 1988.

### *Bill Clinton*

In the 1990s, during the Clinton administrations (1993–2001), there were wide range of discussions on reforming the UN system and mainstreaming human rights in all institutions and activities of the organisation. There was a heated debate on a proposal to create a new position of a UN human rights coordinator.<sup>64</sup> Although the United States initially

<sup>61</sup> Frederick McClure (2021/2001) 'Frederick McClure Oral History', Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/frederick-mcclure-oral-history>.

<sup>62</sup> Ibid.

<sup>63</sup> UN (2021) 'International Covenant on Civil and Political Rights', [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en).

<sup>64</sup> The idea of an overall coordinator of the United Nations human rights programme can be traced back to the year 1947 and the drafting of the Universal Declaration of Human Rights, when the French representative to the United Nations, René Cassin, first proposed the establishment of an Attorney General responsible for the defence of human rights.

opposed the establishment of a powerful new body, it was under the leadership of Warren Christopher, who was Secretary of State under Clinton's first administration (1993–1997), that a shift took place on some international human rights issues albeit Republican earlier resistance.<sup>65</sup> This shift included coming to “favor the creation of a High Commissioner for Human Rights in the UN system” and to ratify some human rights treaties that “had been gathering dust for many years”.<sup>66</sup> In all fairness, the previous administration had been prepared to ratify them as well.<sup>67</sup> The United States also placed themselves “fairly well for the Second World conference on human rights which took place in Vienna in June of 1993” and took a mainstream position siding with the majority of the countries there.<sup>68</sup>

The Clinton administration pursued the development of market economies as a top foreign policy priority.<sup>69</sup> His “democratic enlargement” doctrine was used as a politically viable concept to promote mainly US strategic and economic interests.<sup>70</sup> His neoliberal doctrine was based on the assumption that the spread of democratic ideas together with the expansion of market economies could be beneficial both for the economic and security interests of the United States.

When Clinton accepted his presidential nomination in 1992, he promised “an America that will not coddle dictators from Beijing to Baghdad”. In many occasions during his presidential campaign, candidate Clinton made clear that he would not continue granting the MFN status to China because of the dire human rights situation. Indeed, Clinton signed the 1993 executive order that linked the MFN status with progress on certain areas of human rights.<sup>71</sup> In particular, issues regarding freedom of emigration, prison labour, adhering to the Universal Declaration of Human Rights, the release of political prisoners and prisoners of

<sup>65</sup> James K. Bishop, Jr. (1995) *Interview with James K. Bishop Jr.*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004bis01/2004bis01.pdf>.

<sup>66</sup> *Ibid.*, page 157.

<sup>67</sup> *Ibid.*

<sup>68</sup> *Ibid.*

<sup>69</sup> Julie Mertus (2008) *Bait and Switch: Human Rights and U.S. Foreign Policy* (2nd ed.). Routledge, page 42.

<sup>70</sup> *Ibid.*, page 43.

<sup>71</sup> Exec. Order No. 12,850, 58 Fed. Reg. 31,327 (1993).

participants of the Democracy Wall and Tiananmen Square movements, treatment of prisoners, protection of Tibet's heritage, and permission of international broadcasting into China. However, very soon this policy would be reversed. Throughout his presidency, the Clinton administration had annually renewed China's MFN status despite admitting that there had not been a substantial change in her human rights situation. In the last months of his presidency, US Senate gave China permanent Most-Favored nation status. That vote paved the way for China's entry into the World Trade Organisation.

Warren Christopher, Clinton's Secretary of State, visited China in spring of 1994. He remembers that the Chinese gave him a "very hard time, very tough reception".<sup>72</sup> During the trip, Christopher felt that he "had effectively carried the American flag and especially the human rights flag in very difficult discussions, especially with [China's Premier] Li Peng, who was a hard interlocutor".<sup>73</sup> The White House did not support "his presentations" and said that the trip was a "disappointment" but without further elaboration. Christopher felt that he "had been caught in the midst of a policy change". Upon his return, Christopher admitted that the "policy of conditioning MFN on human rights improvement no longer had any support" mainly because the "business community had convinced the President that trade for America was a higher value".<sup>74</sup> John Shattuck, the assistant secretary of state and self-described "human rights hawk" who was a former board member of the US section of Amnesty International, remembers that the US government was divided between the advocates for human rights and those who prioritised business interests.<sup>75</sup>

James Steinberg, Director of Policy Planning (State Department) and later Deputy National Security Advisor, remembers how after Christopher's "disastrous trip" to China he led the policy planning's "effort

<sup>72</sup> Warren Christopher and Strobe Talbott (2021/2002) 'Warren Christopher and Strobe Talbott Oral History', Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/warren-christopher-and-strobe-talbott-oral-history>.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> John Shattuck (2003) *Freedom on Fire: Human Rights Wars and America's Response*. Cambridge, MA: Harvard University Press, pages 85–86.

to re-examine the question of the MFN linkage” with human rights.<sup>76</sup> His staff wrote a paper on how to “resolve this train wreck” that the administration was facing, “given the commitment in ’93 that China had to meet certain human rights benchmarks” or the MFN status would not be renewed.<sup>77</sup> The strategy was to “basically delink” MFN status with human rights progress. That caused some tension not only with the human rights bureau but also unexpectedly with the Assistant Secretary for East Asia. Winston Lord had “strong convictions” and did not support the new approach to focus on “the strategic relationship with China”.

Nancy Soderberg, Deputy Assistant to the President for National Security Affairs, admits that there was a 180-degree turn in the Clinton administration. The administration “tried only MFN for the first year, and then basically realized that the relationship was bigger than human rights, and we should broaden it and essentially endorse the Bush position”.<sup>78</sup> Human rights issues were again delinked from the MFN status. Clinton’s change of policy was met with criticism from the Democratic Caucus and the Human Rights Bureau.<sup>79</sup>

This shift from placing human rights at the core of the MFN to putting on the side-line for economic purposes is also reflected in Madeleine Albright’s first conference as Secretary of State during Clinton’s second term. Albright being asked about her approach regarding China, replied that she would “tell it like it is on the human rights issues and on Hong Kong to the Chinese when [she] meet with them” but she added that the Sino-American relationship “cannot be held hostage to any one issue”.<sup>80</sup>

While eventually, in 1994, Bill Clinton officially decided to delink human rights with trade, his administration continued to pay lip service

<sup>76</sup> James Steinberg (2021/2008) ‘James Steinberg Oral History’, Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/james-steinberg-oral-history>.

<sup>77</sup> Ibid.

<sup>78</sup> Nancy Soderberg (2021/2007) ‘Nancy Soderberg Oral History’, Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/nancy-soderberg-oral-history>.

<sup>79</sup> Charlene Barshefsky (2021/2005) ‘Charlene Barshefsky Oral History’, Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/charlene-barshefsky-oral-history>.

<sup>80</sup> Madeleine K. Albright (2021/1997) Secretary of State Madeleine K. Albright Press conference at the Department of State, Washington, DC, January 24, 1997. <https://1997-2001.state.gov/statements/970124.html>.



to the promotion of human rights. The First Lady Hillary Clinton had an important role to play in this. James Rubin, US Assistant Secretary of State for Public Affairs, remembers that Clinton represented the United States at the Women's Conference in Beijing in September 1995 in an attempt to elevate the issue of women's rights as human rights. Samuel R. Berger, National Security Advisor, remembers that there "had been a fairly strenuous debate" about whether Hillary should go and represent the United States at the conference with officials from the State Department thinking that this was not appropriate.<sup>81</sup> The White House, after all, did not want to further complicate the MFN status with China over human rights. Yet, at the same time, the Clinton administration neither wanted to dismiss human rights issues elsewhere. Melanne Verveer, Assistant to President Clinton and Chief of Staff for the First Lady, recalls that Hillary's "office became the adjunct human rights office in the White House".<sup>82</sup> National Security Council officials, who Verveer admits were monitoring and setting the agenda, were bringing in various people "whether it was Algerian mothers whose children and families were being killed in Algeria or it was Argentinean grandmothers who'd lost their family members or it was Kosovar activists or it was Northern Irish women politicians". Hillary Clinton's legacy, according to her Chief of Staff, was that she stood for human rights and became a "picture of America that is the human side, not the military power, the great economic power, but the fact that America does care".

This element of care was reflected in the ratification and signing of important conventions. In 1994, the United States ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and, in 1995, Clinton signed the Convention on the Rights of the Child. Yet, crucially, Clinton continued to be reluctant to commit the United States to the international human rights law. For instance, while the United States participated in the negotiations that led to the creation of the International Criminal Court (ICC) in The Hague, the United States voted against the ICC's founding treaty, the

<sup>81</sup> Samuel R. Berger (2021/2005) 'Samuel R. Berger Oral History', Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/samuel-r-berger-oral-history>.

<sup>82</sup> Melanne Verveer (2021/2004) 'Melanne Verveer Oral History', Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/melanne-verveer-oral-history>.

Rome Statute, along with Israel, China, Iraq, Libya, Qatar, and Yemen in 1998. Two years later Clinton did sign the Rome Statute but never brought it in front of the US Senate in order to be ratified.

### *George W. Bush*

George W. Bush administration (2001–2009) has received vociferous criticism for human rights violations conducted in the name of the War on Terror, with allegations spanning from institutionalised torture to the operation of extraordinary rendition to extensive domestic surveillance. At the same time, his administration launched an utterly controversial and failed policy, the so-called “Freedom Agenda”, that was meant to spread democracy predominantly to Middle Eastern countries.

According to Elliot Abrams, Senior Director of the NSC’s Office for Democracy, Human Rights and International Operations, George W. Bush was not a cultural relativist.<sup>83</sup> Bush closely associated human rights with religion. For Bush, human rights “come from God”, not “from the state, and they were not culture-bond”.<sup>84</sup> He considered the absence of human rights as “a failing of that culture”. Subsequently, akin to social evolutionary thought, the respective country or culture needed to work to reach that point.<sup>85</sup> Abrams recalls that Bush made these views also clear in public speeches where he mocked cultural relativism. Bush’s 2003 speech at the National Endowment for Democracy, for example, did not use the term “human rights” but explicitly referred to several rights.<sup>86</sup> He called for the “advancement of freedom” in the Middle East and mocked the “cultural condescension” that certain cultures were not compatible or ready for democracy. Abrams remembers that his team used the term

<sup>83</sup> Elliot Abrams (2021/2012) ‘Elliot Abrams Oral History’, Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/elliott-abrams-oral-history>.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

<sup>86</sup> George W. Bush (2021/2003) *Remarks by the President at the 20th Anniversary of the National Endowment for Democracy, United States Chamber of Commerce*. Washington, DC: The White House. <https://georgewbush-whitehouse.archives.gov/news/releases/2003/11/20031106-2.html>.

human rights instead of universal rights that subsequently Obama was using.<sup>87</sup>

During the presidential campaign of George W. Bush, Elliot Abrams, who had previously been Reagan's Assistant Secretary for Human Rights, advised Condoleezza Rice for "injecting some human rights into the campaign".<sup>88</sup> Abrams did not want George W. Bush to "be seen either like his father or in the kind of [Henry] Kissinger, [Brent] Scowcroft realpolitik school and somewhat uninterested in human rights".<sup>89</sup> Abrams explained to Rice that they did not have to "fall into the trap" but just mentioned a "couple of things" that would be "useful" but "controversial".<sup>90</sup>

President Bush largely avoided using the term human rights and would only do so reluctantly and scarcely throughout his presidency.<sup>91</sup> Instead, he preferred using the terms "freedom", "liberty", and "American values". That was not surprising given that his foreign policy was shaped by unilateralism and military driven within the context of War on Terror. Bush's disrespect of multilateralism was reflected in the undermining of UN human rights system. When the Human Rights Council was created in 2006, replacing the dysfunctional Human Rights Commission, the United States voted against its establishment<sup>92</sup> and refused to stand for election. The Bush administration objections were based on politicisation, bias, and membership eligibility that ultimately centred on allegations of biases of the institution against Israel. Another illustration of Bush's contempt of the international human rights system is his administration stance on the ICC. Bush sent a note to the UN Secretary General notifying him that the United States no longer intended to ratify the Rome Statute.

<sup>87</sup> Elliot Abrams (2021/2012) 'Elliot Abrams Oral History', Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/elliott-abrams-oral-history>.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Julie A. Mertus (2008) *Bait and Switch: Human Rights and U.S. Foreign Policy* (2nd ed.). Routledge, page 84.

<sup>92</sup> UNGA (2006) General Assembly establishes new Human Rights Council by vote of 170 in favour to 4 against, with 3 abstentions, UN. <https://www.un.org/press/en/2006/ga10449.doc.htm>.

Bush administration developed several partnerships with a number of governments that held problematic human rights records but were important for the War on Terror. Evan Feignbaum, the Deputy Assistant Secretary of State for South Asia and later Central Asia, remembers that the United States put emphasis on the geopolitical importance of Kazakhstan for the Central Asia region during the 2nd Bush administration. Subsequently, the United States supported Kazakhstan's nomination to be Chair of the OSCE. Feignbaum admits that were many that disliked the nomination, including "the human rights and democracy people". However, because Donald Rumsfeld and Dick Cheney, "among others, took the view that Kazakhstan was a strategically important country to the United States, so, what the hell, let's just do this deal".<sup>93</sup> Dick Cheney bluntly stated that "there's got to be a way to work this out".<sup>94</sup> Similar objections were put forward by "the human rights and democracy team" on the US relationship with Turkmenistan. Again speaking about the US foreign policy on Central Asia, Feignbaum admits that there is not such a thing as "a one- or two-dimensional policy, like a 'defense' policy or a 'human rights' policy", because US foreign policy has to include all elements but "doesn't have to weight every element equally" in order not "to lose sight of some American interests".<sup>95</sup>

### *Barack Obama*

In 2009 Barack Obama's victory and the Democratic-controlled Congress brought optimism to human rights advocates. They expected that the United States would be re-engaging with the international human rights regime in an effort to reposition herself as the global leader on human

<sup>93</sup> Evan A. Feigenbaum (2021/2020) 'Evan A. Feigenbaum Oral History Part I', Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/evan-feigenbaum-oral-history-part-i>.

<sup>94</sup> Evan A. Feigenbaum (2021/2020) 'Evan A. Feigenbaum Oral History Part II', Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/evan-feigenbaum-oral-history-part-ii>.

<sup>95</sup> Ibid.

rights.<sup>96</sup> From the very start, Obama shifted Bush's rhetoric on democracy promotion.<sup>97</sup> In his Nobel Peace Prize speech, Obama repeated the importance of building a "just and lasting peace" where human rights were central. Obama claimed that a just peace should be based on "inherent rights" like the drafters of the UDHR had envisaged. He continued with emphasising that rights do not only include civil and political rights but also "economic security and opportunity". Echoing FDR's four freedoms, Obama stated that "for true peace is not just freedom from fear, but freedom from want".<sup>98</sup> Yet, like Bush, Obama was driven by religious conviction and not by human rights per se. Obama's personal rhetoric was influenced by Reinhold Niebuhr's articulation of Christian Realism, which was characterised as "religious" not for the explicit references but for the invocation of "religious experience".<sup>99</sup> Telling is that Obama did not mention democracy promotion or human rights in his Inaugural Addresses, but, as his predecessors had consistently done before him, mentioned God several times.

Scholars assessing Obama's foreign policy and grand strategy, hold that there is continuity with his predecessor's Freedom Agenda.<sup>100</sup> Obama's first foreign trip to Egypt, highlighted the need to establish democratic system across the region reminding them that certain things like, freedom of speech, rule of law, and transparent government are not "just American ideas; they are human rights" and the United States will support them everywhere.<sup>101</sup>

<sup>96</sup> Iliia Xypolia (2022) 'From the White Man's Burden to the Responsible Saviour: Justifying Humanitarian Intervention in Libya', *Middle East Critique*, 31(1), 1–19, <https://doi.org/10.1080/19436149.2022.2030981>.

<sup>97</sup> Thomas Carothers (2013) 'Barack Obama', in Michael Cox, Timothy J. Lynch, and Nicolas Bouchet (eds) *US Foreign Policy and Democracy Promotion: From Theodore Roosevelt to Barack Obama*, page 198.

<sup>98</sup> Barack Obama (2009) *Remarks by the President at the Acceptance of the Nobel Peace Prize*. The White House. Available at: <https://obamawhitehouse.archives.gov/the-press-office/remarks-president-acceptance-nobel-peace-prize>.

<sup>99</sup> Joseph Rhodes and Mark Hlavacik (2015) 'Imagining Moral Presidential Speech: Barack Obama's Niebuhrian Nobel', *Rhetoric & Public Affairs*, 18(3), 471–503.

<sup>100</sup> Gerson cited in Jacob Shively (2016) *Hope, Change, Pragmatism: Analyzing Obama's Grand Strategy*. New York: Palgrave Macmillan, page 8.

<sup>101</sup> Barack Obama (2009) *Remarks by the President at Cairo University*. The White House. Available at: <https://obamawhitehouse.archives.gov/the-press-office/remarks-president-cairo-university-6-04-09>.

There is a widely accepted typology that classifies a US President's foreign policy regarding human rights as following either a liberalist or realist approach. Yet, such binary perspective obstructs to analyse the similarities and continuities among US administrations rather than reveals them. David Forsythe, a prolific scholar on US foreign policy, criticises this overly simplistic dichotomy but then proposes a rather similar typology.<sup>102</sup> In Forsythe's approach there is a third type that stands between the two ends, the enlightenment cosmopolitanism and the providential nationalism, which he labels as "muddling through". Yet, Forsythe, and other scholars who adopt this approach, tend to ignore the persistence of American nationalism and exceptionalism throughout the spectrum.

Forsythe argues that the Obama foreign policy concerns regarding human rights were inconsistent and it was only slightly different compared to his predecessor George W. Bush.<sup>103</sup> Despite his fierce rhetoric regarding counterterrorism policies, Obama did not achieve the radical reform that the human rights advocates might have envisioned when he came to power. At least in one aspect, there was a noticeable break from the Bush's policy; the United States stance on UN. Under Obama's administration the United States joined the newly established UN Human Rights Council. This move was indicative of the newly proclaimed principle of multilateralism in US foreign policy.

Obama's grand strategy that aspired to "pivot to Asia" by engaging with China meant that the criticisms on human rights issues in China would be softened. When Secretary of State Hilary Clinton visited Beijing, in 2009, she argued that while the United States should continue pressing China on human rights issues, the "pressing on those issues can't interfere with the global economic crisis, the global climate change crisis, and the security crisis". Like his predecessor Bush, while at times mildly criticised China's human rights situation, Obama did not employ or even threaten to employ sanctions on China to press China to shift her human rights policies.

<sup>102</sup> David P. Forsythe (2011) 'US Foreign Policy and Human Rights: Situating Obama', *Human Rights Quarterly*, 33(3), 767–789.

<sup>103</sup> Ibid.

### *Donald Trump*

Donald J. Trump's "America First" agenda made it crystal clear that human rights were not an issue in his foreign policy from the very start of the administration. The Trump administration broke up with the tradition of balancing strategic interests with moral principles that had guided his Republican and Democrat predecessors.<sup>104</sup> On top of his constant praising of authoritarian leaders, and his declaration of intent to torture terror suspects and kill their families, Trump administration set up the Commission on Unalienable Rights intended to impose a uniquely American stamp on what ideas constitute human rights.<sup>105</sup> The Commission's stated purpose is to provide "fresh thinking about human rights discourse where such discourse has departed from our nation's founding principles of natural law and natural rights".<sup>106</sup> In an op-ed, published in *Wall Street Journal*, Pompeo complained that "human rights advocacy has lost its bearings and it has become more like an industry than a moral compass".<sup>107</sup> He hoped that the Commission would reorient the United Nations back to its original mission. The establishment of the commission attracted some criticism from activists and scholars not only for its composition of controversial neoconservative figures holding in the past openly anti-LGBTQ and anti-abortion views but also for potentially damaging US human rights foreign policy by redirecting in self-defeating ways and harming international cooperation for the protection of human rights.

The Draft Report of the Commission on Unalienable Rights was released in July 2020.<sup>108</sup> In the accompanying speech, Secretary of State

<sup>104</sup> Clair Apodaca (2019) 'Emerging Contradictions in US Human Rights Policy: The Trump Agenda', in *Contesting Human Rights*. Cheltenham, UK: Edward Elgar Publishing.

<sup>105</sup> Kurt Mills and Rodger A. Payne (2020) 'America First and the Human Rights Regime', *Journal of Human Rights*, 19(4), 399–424.

<sup>106</sup> US Department of State (2019) 'Public Notice: 10777, Department of State Commission on Unalienable Rights', *Federal Register*, 84(104), 25109. <https://www.federalregister.gov/documents/2019/05/30/2019-11300/departement-of-state-commission-on-unalienable-rights>.

<sup>107</sup> Michael R. Pompeo (2019) 'Unalienable Rights and U.S. Foreign Policy', *The Wall Street Journal*. <https://www.wsj.com/articles/unalienable-rights-and-u-s-foreign-policy-11562526448>.

<sup>108</sup> US Department of State Commission on Unalienable Rights (2020) 'Draft Report of the Commission on Unalienable Rights', US Department of

Pompeo questioned the proliferation of rights and the role of international courts and pointed to “the distinctive American rights tradition” that humans are “imbued with dignity [...] because each is being made in the image of God”.<sup>109</sup> The report called for rights’ hierarchies. The final report, published in August 2020,<sup>110</sup> put forward a narrow and selective understanding of human rights with a particular emphasis on private property and religious freedom. It called for establishing a hierarchy of rights where “US foreign policy can and should, consistent with the UDHR, determine which rights most accord with national principles, priorities, and interests at any given time”.<sup>111</sup> It also opposed the coded “new rights” term, like LGBTQ rights. The report further critiqued the “prodigious expansion of human rights” warning that “transforming every worthy political preference into a claim of human rights inevitably dilutes the authority of human rights”.<sup>112</sup> These deviate from the international standards and consensus on human rights.

Trump’s rebuke of the international human rights regime took many forms with as zenith Trump’s withdrawal of the United States from the UN Human Rights Council in June 2018. In a similar vein, the Trump administration imposed sanctions on ICC top prosecutor Fatou Bensouda over the ICC’s investigation’s into alleged war crimes by the US in Afghanistan and by Israel in the Palestinian territories.

Yet, ironically, Trump occasionally used the human rights rhetoric. For instance, towards the end of his term, in 2020, Trump started employing the terminology of human rights in order to attack China. Overall, the failure of the United States under the Trump administration to participate in the international human rights regime has arguably led to a wide perception of limiting US’ credibility and stature as a global champion of human rights. Arguably, Donald Trump’s administration ultimately

State. <https://www.state.gov/wp-content/uploads/2020/07/Draft-Report-of-the-Commission-on-Unalienable-Rights.pdf>.

<sup>109</sup> Ibid., page 8.

<sup>110</sup> US Department of State Commission on Unalienable Rights (2020) ‘Report of the Commission on Unalienable Rights’, US Department of State. <https://www.state.gov/wp-content/uploads/2020/08/Report-of-the-Commission-on-Unalienable-Rights.pdf>.

<sup>111</sup> Ibid., page 38.

<sup>112</sup> Ibid., page 39.



contributed to the erosion of the legitimacy of US power in global politics.<sup>113</sup>

### *Joe Biden*

After his predecessor's hostility towards human rights, the election of Joe Biden was seen as an opportunity to shift the US foreign policy towards human rights and a return to the de facto mode of US foreign policy operation. During the early months into the office, Biden pledged to put human right at the centre of US foreign policy. Biden administration announced that the United States would return as a member of the UN Human Rights Council (HRC), which the Trump administration left in 2018. For Biden administration, however, the HRC is still a flawed organ that needs reform but only "through robust and principled U.S. leadership".

The promise of a major departure from Trump was also evident in the words of the new Secretary of State. Antony Blinken, speaking during the release of the 2020 Country Reports on Human Rights Practices, referred specifically to Pompeo's Commission on Unalienable Rights, saying its findings will be ignored going forward. Or, in his words, "past unbalanced statements that suggest such a hierarchy, including those offered by a recently disbanded State Department advisory committee, do not represent a guiding document for this administration".<sup>114</sup>

## CONCLUSION

US presidents play an important role in articulating the American foreign policy discourse and subsequently global politics. As Gearóid Ó Tuathail and John Agnew aptly suggest, the US president is "the chief bricoleur of

<sup>113</sup> Salvador Santino F. Regilme, Jr. (2019) 'The Decline of American Power and Donald Trump: Reflections on Human Rights, Neoliberalism, and the World Order', *Geoforum*, 102, 157–166.

<sup>114</sup> Antony J. Blinken (2021) 'Secretary Antony J. Blinken on Release of the 2020 Country Reports on Human Rights Practices', US Department of State. <https://www.state.gov/secretary-antony-j-blinken-on-release-of-the-2020-country-reports-on-human-rights-practices/>.

American political life, a combination of storyteller and tribal shaman”.<sup>115</sup> As the President has “the power to describe, represent, interpret and appropriate”,<sup>116</sup> it is worth paying closer attention to the ways human rights have been featured in their discourses. It is evident that there is a clear occurrence of Judeo-Christian ideology in the US Presidents’ human rights discourses. While it might be more discernible in Trump’s administration discourse with an emphasis on religious freedom, it is clear that the US presidential human rights discourses have had a clear and strong religious connotation. It is worth noting also the shift from focussing predominantly on USSR during the Cold War to China as the next communist bulwark after the collapse of the Soviet Union.

<sup>115</sup> Gearóid Ó Tuathail and John Agnew (1992) ‘Geopolitics and Discourse: Practical Geopolitical Reasoning in American Foreign Policy’, *Political Geography*, 11(2), 195.

<sup>116</sup> *Ibid.*, pages 195–196.



## CHAPTER 4

---

# Annual Country Reports on Human Rights Practices

**Abstract** This chapter examines one of the key tools of US foreign policy in promoting its human rights agenda, the Annual Country Reports on human rights practices. It shows how they were born out as a result of the 1970s conflict between the executive and legislative branches of the US government that led the US Congress to require the executive to ostensibly link US foreign Security Assistance and later economic assistance to the respect of “internationally recognized” human rights.

**Keywords** Human Rights Bureau · US foreign policy · Harkin amendment · Section 502

The 1970s emergence of human rights discourse and politics has attracted wide scholarly attention.<sup>1</sup> To explain this emergence of human rights politics, scholars highlight the role of activists, NGOs,<sup>2</sup> and the transnational movement.<sup>3</sup> Yet, there are more explanatory factors: the aftermath of the moral injuries' in US foreign policy from her conduct in Vietnam, the civil rights movement, the congressional efforts to control Kissinger's foreign policy, and the failure of other ideologies that made human rights the most recent, or "last Utopia".<sup>4</sup>

In 1977, under congressional instructions, the Department of State established the Bureau of Human Rights and Humanitarian Affairs, later renamed as Bureau of Democracy, Human Rights, and Labor. The most important task of this Bureau has been to compile Annual Country Reports on the human rights situation in all countries of the world. It then submits these reports to the US Congress that will take them into account when allocating USAID funds to respective countries. The first report, in 1977, only covered a selective few countries that received US aid. Since 1980, however, all UN member states have been reviewed. The reports are prepared by the State Department that uses information from US embassies and other stakeholders. So, in essence, US diplomats have become knowledge producers of what constitutes human rights.

The reports have attracted fierce criticism, mainly accusing them of biases in reporting human rights situations across the world. US allies tend to receive more favourable treatment than countries that oppose

<sup>1</sup> Samuel Moyn (2010) *The Last Utopia: Human Rights in History*. Cambridge, MA: Harvard University Press. Sarah Snyder (2011) *Human Rights Activism and the End of the Cold War: A Transnational History of the Helsinki Network*. New York, NY: Cambridge University Press. William M. Schmidli (2013) *The Fate of Freedom Elsewhere: Human Rights and U.S. Cold War Policy Toward Argentina*. Ithaca, NY: Cornell University Press. Umberto Tulli (2021) 'Wielding the Human Rights Weapon Against the American Empire: The Second Russell Tribunal and Human Rights in Transatlantic Relations', *Journal of Transatlantic Studies*, 19, 215–237. Barbara Keys (2014) *Reclaiming American Virtue: The Human Rights Revolution of the 1970s*. Cambridge: Harvard University Press.

<sup>2</sup> For the role of the NGOs see William Korey (1998) "A Call for U.S. Leadership": Congress, the Struggle for Human Rights, and the NGO Factor', in *NGOs and the Universal Declaration of Human Rights*. New York: Palgrave Macmillan.

<sup>3</sup> Kenneth Cmiel (1999) 'The Emergence of Human Rights Politics in the United States', *The Journal of American History*, 86(3), 1231–1250. <https://doi.org/10.2307/2568613>.

<sup>4</sup> Samuel Moyn (2010) *The Last Utopia: Human Rights in History*. Cambridge, MA: Harvard University Press.

the United States. Moreover, these reports do not include a review of a comprehensive set of rights but only report on the so-called first-generation of rights—that is, the civil and political rights.

## HISTORICAL DEVELOPMENT OF THE ACRS

As discussed earlier, the 1970s were a crucial period for the US foreign policy. Human rights discourse started gaining political traction in the United States. There are plenty of different interpretations on that emergence ranging from a reaction to the civil rights movement and the Vietnam War to the gradual development of an international movement on human rights activism and the congressional attempt to halt Henry Kissinger's cynical realpolitik foreign policy for saving America's moral image internationally. Exploring Congressional initiatives for institutionalising human rights concerns in the US foreign policy making process, we need to highlight three key moments. First, Congressman Donald Fraser and his Call for US Leadership Report, the so-called Harkin Amendments, and finally the Jackson-Vanik Amendment.

Congressman Donald M. Fraser (D-Minnesota) was a key figure in linking human rights concerns with areas of foreign policy. Scholars exploring the personal motives behind Fraser's interest emphasise the fact that he was a liberal internationalist who was disillusioned with the Vietnam War and among others was involved with the Greek democratic struggle in the 1970s.<sup>5</sup> Since the late 1960s, Fraser developed a belief in the American mission to promote democracy. The opposition to the Greek junta arguably played a role in the development of a human rights movement in the United States.<sup>6</sup> Liberals had been opposing US support for authoritarian regimes across the globe.<sup>7</sup> Another great influence for Congressman Fraser was John P. Salzberg. Fraser hired the young Ph.D. graduate with experience working in the United Nations to work with his

<sup>5</sup> Barbara Keys (2014) *Reclaiming American Virtue: The Human Rights Revolution of the 1970s*. Cambridge: Harvard University Press, page 77.

<sup>6</sup> *Ibid.*, page 88.

<sup>7</sup> *Ibid.*, page 101.

staff.<sup>8</sup> Salzberg's intellectual and professional work on human rights was crucial in shaping Fraser's initiatives.

Fraser chaired the House Subcommittee on International Organizations and Movements that between August and December 1973 "conducted 15 public hearings on U.S. foreign policy and human rights with more than 40 witnesses, including U.S. government officials, lawyers, scholars, and representatives of non-governmental organizations".<sup>9</sup> The hearings were primarily on the protection of human rights at the United Nations and only secondarily about the role the US could play.<sup>10</sup> The original goal of the subcommittee was to make the United Nations more effective, but eventually, Fraser redirected the focus on US relations with countries alleged of human rights abuses.<sup>11</sup> The hearings did not attract the public attention and were not covered extensively in the press.<sup>12</sup> The outcome of these hearings was the publication of the report "Human Rights in the World Community: A Call for US Leadership" with "policy recommendations, on international protection of human rights by the majority of members of the Subcommittee".<sup>13</sup> The subcommittee also included Dante B. Fascell (D-Florida), Lawrence H. Fountain (D-North Carolina), Benjamin S. Rosenthal (D-New York), Jonathan B. Bingham (D-New York), Ogden R. Reid (D-New York), Harold R. Gross (R-Iowa), Edward J. Derwinski (R-Illinois), Paul Findley (R-Illinois), Robert B. (Bob) Mathias (R-California), and Larry Winn, Jr. (R-Kansas). Two of the five Republican members put a disclaimer on the report. Harold R. Gross put a disclaimer that he did not participate in the preparation of contents of this report and Edward

<sup>8</sup> Salzberg is acknowledged in the preface of the "A Call for U.S. Leadership" Report: "The diligent assistance of Mr. John Salzberg has been indispensable to the subcommittee's work on human rights. Having served previously as the United Nations representative for the International Commission of Jurists, he brought to this project the special expertise that comes only through a combination of careful study and practical experience in the field. The subcommittee is deeply grateful for his help".

<sup>9</sup> [https://law.utexas.edu/humanrights/lister/bureau/bureau\\_desc.php](https://law.utexas.edu/humanrights/lister/bureau/bureau_desc.php).

<sup>10</sup> Keys (2014), page 145.

<sup>11</sup> Ibid., page 148.

<sup>12</sup> Ibid., page 146.

<sup>13</sup> United States. Congress. House. Committee on Foreign Affairs. Subcommittee on International Organizations and Movements (1974) *Human Rights in the World Community: A Call for U.S. Leadership*; Report, US Printing Office Washington, DC.

J. Derwinski put a disclaimer that he did not participate in drafting the report. The latter stated that while he agreed in general with many of the conclusions of the report, “there are other conclusions with which” he was in “strong disagreement”. Also the Report includes the opposing views of Lawrence H. Fountain (D-North Carolina).

The “Call for US leadership” report summarised the often contradictory relationship between Human Rights and US Foreign Policy as concerns for human rights “compete with various other considerations during the formulation of US foreign policy” and the pursue of US national interest.<sup>14</sup> Policymakers, the report described, are concerned that any form of intervention in the domestic affairs of other states should be designed according to the advance of US national interests. Not only other states do not welcome US “intervention of any form” but there is also the possibility that others states “will in turn charge the United States with human rights violations”. The report also acknowledged the difficulties of the United States undertaking “the task of moral policeman for the world, especially when United States and Western concepts of human rights are in some respects significantly different from the human rights priorities of other nations and cultures”. The report suggested that the US policy should be adaptive to different contexts and varying degrees of priorities for US national interests and use one of the main six tools at its disposal: (i) quiet diplomacy; (ii) public denunciation (statements to press; speeches); (iii) requests that an international organisation take action; (iv) application of economic sanctions or arms embargo; (v) cut off or reduction of economic and/or military assistance; and (vi) action limiting or affecting US diplomatic representation”.<sup>15</sup>

The first recommendation on US Foreign policy of the report “Human Rights in the World Community: A Call for US Leadership” was that the State Department “should treat human rights factors as a regular part of US foreign policy decision-making. It should prepare human rights impact statements for all policies which have significant human rights implications”. It also recommended to withdraw financial assistance to governments that are “committing serious violations of human

<sup>14</sup> Subcommittee on International Organizations of the Committee on International Relations, House of Representatives (1977) *Human Rights in the International Community and in U.S. Foreign Policy, 1945-76*. Washington, DC: US Government Printing Office.

<sup>15</sup> *Ibid.*, page 3.

rights”. It further recommended the reorganisation of the State Department and the creation of an Office for Human Rights.<sup>16</sup> The idea was to publish annual reports on human rights for countries that received US aid. Donald Fraser, admitted that he believed that their recommendation on the annual reports “was perhaps the best thing we have done”. Fraser confessed that still in 1979:

The State Department sees it as very awkward. But because so much of our human rights effort is at the private, diplomatic level, the report is one of the few ways to get a window on what’s going on. Everything else is done by cables marked “confidential,” and we rarely have a full picture of what is happening. But if the State Department has to say what they really think about these human rights conditions, it helps Congress in its task of reviewing assistance programs. Two series of reports have come out. The second ones were better than the first, but they still leave something to be desired in terms of frankness and completeness.<sup>17</sup>

The second significant congressional initiative was taken in 1975 when a newly elected Congressman Tom Harkin (D-Iowa) took the lead for an impressive legislative accomplishment. Tom Harkin successfully suggested to amend the Foreign Assistance act with the so-called Harkin Amendment that extended the restrictions to economic assistance. It was actually a series of amendments between 1974 and 1976 that instructed the US Executive Director on the World Bank and other International Financial Institutions to vote against loans or financial or other technical assistance to any country which “engages in a consistent pattern of gross violation of internationally recognized human rights” unless such assistance will directly benefit the human needs of its citizens.<sup>18</sup> The Harkin amendment seems to be the first that was greatly influenced by NGOs

<sup>16</sup> United States Congress House Committee on Foreign Affairs, Subcommittee on International Organizations and Movements (1974) *Human Rights in the World Community: A Call for U.S. Leadership*; Report. Washington, DC: US Printing Office.

<sup>17</sup> Donald M. Fraser (1979). ‘Human Rights and U.S. Foreign Policy: Some Basic Questions Regarding Principles and Practice’, *International Studies Quarterly*, 23(2), 174–185, 180.

<sup>18</sup> Office of the Historian (2021/1976) ‘Telegram 227379 from the Department of State to the Embassy in Argentina’, US Department of State. <https://history.state.gov/historicaldocuments/frus1969-76ve11p2/d53>. U.S. Code, vol. 22, sec. 2151n (c) (1977), amended, Statutes at Large 91: 533, 537 (bilateral economic aid; known as section 116 of the Foreign Assistance Act, or the Harkin Amendment).



lobbying.<sup>19</sup> Barbara Keys writes that the bill was essentially drafted by the “Washington Office on Latin America” and the “American Friends Service Committee”. It was passed because of the support of strange bedfellows in the US Congress, on the one hand, the liberals advocating human rights and on the other, the conservatives opposing foreign aid.

The extensive endorsement of the Harkin amendment makes evident how the widespread assumption that only liberal Congressmen and activists alone played an important role in developing the human rights policy in the 1970s is false. Some conservative congressmen were also supportive of incorporating human rights rhetoric in US foreign policy as they considered this a Cold War tool to promote a more aggressive US strategy towards the USSR.<sup>20</sup> According to Donald Fraser, there are several motives behind developing and supporting a human rights policy that range from genuine concerns about human rights to the understanding that this is a valuable way to promote US national interests.<sup>21</sup> Accordingly, there are different reasons why advocates of a human rights policy embrace it.

Human rights policy was embraced by both ends of the political spectrum for different reasons. Initiatives not only by Donald Fraser but also by Senators Hubert Humphrey (D-MN), Jacob Javits (R-NY), Henry M. “Scoop” Jackson (R-WA), and Alan Cranston (D-CA).<sup>22</sup> The liberals supported the human rights policy as a way to put a moral element in US foreign policy in the aftermath of the Vietnam War. They also wanted to end the support of the United States to many right-wing regimes

<sup>19</sup> Keys (2014), page 172.

<sup>20</sup> B. Keys (2014) *Reclaiming American Virtue: The Human Rights Revolution of the 1970s*. Cambridge: Harvard University Press.

<sup>21</sup> Fraser lists seven: (a) compassion for the suffering of people; (b) anger at the oppressor; (c) concerns about human rights are doing “good for the United States image abroad”, (d) effecting changes in other nations will advance the interests of the United States; (e) “see violations as part of an ideology which we abhor” (f) “human rights issue will give us ammunition in the ideological struggle”; and (g) desire to have a moral component in the foreign policy. Donald M. Fraser (1979) ‘Human Rights and U.S. Foreign Policy: Some Basic Questions Regarding Principles and Practice’, *International Studies Quarterly*, 23(2), 174–185.

<sup>22</sup> James M. Wilson, Jr. (2021/1999) Wilson’s interview for a Foreign Service oral history project, The Association for Diplomatic Studies and Training Foreign Affairs Oral History Project, Library of Congress. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004will4/2004will4.pdf>, page 78.

across the globe. On the other hand, support for a human rights policy could also be found in conservatives. Their support was based on their understanding that human rights could give them more ammunition for their anti-communist fight. They tended to view the Cold War as a clash of communism with liberal democracy. Headed by conservative Senator Henry “Scoop” Jackson, Cold Warriors “took the rhetoric of human rights newly popularized internationally by Soviet dissidents and fashioned a straightforwardly anti-communist policy around the Universalist language”.<sup>23</sup> The most famous Soviet dissident Aleksandr Solzhenitsyn was advocating that emigration rights would be solved by establishing more freedoms in USSR.<sup>24</sup> Conservative support of human rights rhetoric in the 1970s is arguably equally impactful for the so-called human rights history.<sup>25</sup> Though it has been largely overlooked by the relevant historiography because of its selectivity and political motivation, Keys reminds us that what conservatives like “Scoop” Jackson is consistent with what is doomed to be an inherent feature with any human rights campaign whether liberal or conservative, the use of “universalist claims to focus attention on some rights for some people”.<sup>26</sup> Douglas J. Feith describes Scoop Jackson as “very anti-communist, philosophically” and “strongly pro-Israel”.<sup>27</sup> Feith argues that Scoop Jackson saw the Soviet “vulnerability on human rights issues, and in particular the Soviet Jewry issue, as a way of both undermining the Soviet leadership’s standing within their own country and around the world and in America”.<sup>28</sup>

The Jackson-Vanik Amendment to the Trade Act of 1974 was the third congressional initiative that connected trade and human rights and especially the right of emigration.<sup>29</sup> In particular, the amendment

<sup>23</sup> Keys (2014), page 104.

<sup>24</sup> Ibid., page 105.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Douglas J. Feith (2021/2012) ‘Douglas J. Feith Oral History’, Presidential Oral Histories, Miller Center, UVA. <https://millercenter.org/the-presidency/presidential-oral-histories/douglas-j-feith-oral-history>.

<sup>28</sup> Ibid.

<sup>29</sup> Barbara Martin (2021) ‘The Sakharov-Medvedev Debate on Détente and Human Rights: From the Jackson-Vanik Amendment to the Helsinki Accords’, *Journal of Cold War Studies*, 23(3), 138–174. [https://doi.org/10.1162/jcws\\_a\\_01009](https://doi.org/10.1162/jcws_a_01009).

prohibited any country with a non-market economy to achieve a most-favoured status with the United States if they did not provide for the right to emigration. The amendment drew strength from the support of high-profile Soviet dissidents like Aleksandr Solzhenitsyn and Andrei Sakharov.<sup>30</sup> Henry Kissinger opposed the amendment and argued instead to negotiate with USSR to allow a Soviet Jewish emigration.

The role of Henry Kissinger is also an interesting one. His efforts and hostility towards any effort to institutionalise human rights concerns in US foreign policy had arguably the opposite effect. Congress was certain that it could not rely on the goodwill of the executive to apply and enforce the law, which let them put all effort in introducing amendments that left little room for interpretation. So, Ford's 1976 veto of the bill on amending the Foreign Assistance Act resulted in introducing a more elaborated version of the bill with more explicit link of foreign assistance to human rights concerns. Also, it was important that every amendment introduced provided that it will be the US Congress that ultimately will decide upon which cases consist of "gross violations of human rights".<sup>31</sup> Kissinger's decision to withhold from Congress the first country reports<sup>32</sup> that were arguably very generic and dry led Congress to enforce that they will be made publicly available. Carl Maw, Under Secretary of State for Arms Control and International Security Affairs in the Ford administration, justified this by telling to Congress that "it was difficult and perhaps wrong for any country to accuse another of 'gross violations' of human rights".<sup>33</sup>

In September 1973, at his confirmation hearings, Kissinger stated in response to a question by Senator Edward M. Kennedy. "The United States stands emphatically for such basic principles as human liberty, individual rights, freedom of movement, and freedom of the person. On the other hand, the protection of basic human rights is a very sensitive aspect of the domestic jurisdiction of the governments with whom the United States has to conduct foreign policy. [...] I believe it is dangerous to make

<sup>30</sup> Keys (2014), page 154.

<sup>31</sup> Ibid., page 175.

<sup>32</sup> Ibid., page 174.

<sup>33</sup> Ibid.

the domestic policy of countries around the world a direct objective of American foreign policy for the reasons I have stated in my testimony”.<sup>34</sup>

The initial resistance to have annual reports was at large extent orchestrated by Henry Kissinger. President Ford, in 1976, vetoed the requirement for human rights reports. The justification of the veto was that: “by requiring compliance by recipient countries with visa practices or human rights standards set by our Congress as a condition for continued US assistance, the bill ignores the many other complex factors which should govern our relationships with those countries; and it impairs our ability to deal by more appropriate means with objectionable practices of other nations”.<sup>35</sup> Ford continued to explain his opposition because “by making any single factor the effective determinant of relationships which must take into account other considerations, such provisions would add a new element of uncertainty to our security assistance programs and would cast doubt up on the reliability of the United States in its dealings with other countries”.<sup>36</sup> The veto was recommended by his Secretary of State, Henry Kissinger, who regarded the issue of human rights as “a moral issue that shouldn’t be part of US foreign policy”.<sup>37</sup> The veto was eventually overturned because of the bipartisan opposition to the veto in the Congress.

When the first reports were under preparation, James Wilson, at that time the Coordinator for Human Rights and Humanitarian Affairs, “set up a list of about eight countries” that “were going to be real problems in the submission of the FY [fiscal year] 1976 security assistance legislation”.<sup>38</sup> When Henry Kissinger was asked what should be done with

<sup>34</sup> United States. Congress. Senate. Committee on Foreign Relations (1973) Hearings Before the Committee on Foreign Relations, United States Senate, Ninety-third Congress, First Session, on Nomination of Henry A. Kissinger to be Secretary of State. Parts 1–2, U.S. Government Printing Office, page 241.

<sup>35</sup> “Message from the President of the US returning without approval the Bill (S.2662) entitled an act to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes”. May 7, 1976. <https://www.senate.gov/legislative/vetoes/messages/FordG/S2662-Sdoc-94-185.pdf>.

<sup>36</sup> Ibid.

<sup>37</sup> H. K. Hill (2018) *Interview with Ambassador H. Kenneth Hill*, The Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. <https://adst.org/wp-content/uploads/2018/08/Hill-Kenneth.pdf>.

<sup>38</sup> James M. Wilson, Jr. (2021/1999) *Wilson’s Interview for a Foreign Service Oral History Project*, The Association for Diplomatic Studies and Training Foreign Affairs Oral

the preparation of the reports, Wilson recollects Kissinger replying something like “Why do we have to do all of this? Can’t we just tell Congress in an executive session what the story is?”<sup>39</sup> However, at the same time, Wilson and his team were meeting with Carl Maw and those in the Senate and the House who were actively advocating for the human rights policy, Jacob Javits (R- NY), Alan Cranston (D- CA), Henry M. “Scoop” Jackson (D-WA), and Donald M. Fraser (D-MN). Wilson recalls that “they all expected to have reports of one sort or another made available to the Congress in the very near future”.<sup>40</sup> Kissinger was “most vehement”.<sup>41</sup> Schifter recalls hearing Kissinger express himself that “he didn’t like the human rights policy at all and he was certainly fighting it”.<sup>42</sup>

In a 1978 interview for the *Trialogue* journal, Kissinger affirmed his view that “making (human rights) an objective of our foreign policy involves great dangers: You run the risk of either showing your impotence or producing revolutions in friendly countries, or both ...”. Kissinger admitted there is a “selectivity” and leniency of US foreign policy towards right-wing authoritarian regimes. For Kissinger, there was an “enormous difference between regimes which do not observe all democratic practices, and totalitarian regimes with universal ideological claims”.<sup>43</sup> In the same issue of the *Trialogue*, Andrei Sakharov, the Soviet nuclear scientist, Nobel laureate and human rights activist, was also interviewed and his endorsement of Carter’s policy features on the cover of the magazine next to Kissinger’s opposition. Sakharov is quoted saying that “The Carter policy responds to the demands of our time, and it is very important that it receives even broader support ... At the same time, lessening the danger of nuclear war carries an absolute priority ... and the limitation of strategic arms must be considered separately ...”.

History Project, Library of Congress. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004will4/2004will4.pdf>.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Richard Schifter (2021/2003) *Interview with Richard Schifter*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2007/2007sch02/2007sch02.pdf>.

<sup>42</sup> Ibid.

<sup>43</sup> *Trialogue: A Bulletin of North American, European, Japanese Affairs*. Fall 1978, no.19. [https://findit.library.yale.edu/images\\_layout/view?parentoid=11781192&increment=2](https://findit.library.yale.edu/images_layout/view?parentoid=11781192&increment=2).

The requirement to draft and publish the ACRs was also heavily opposed by chiefs of mission with security assistance programme.<sup>44</sup> Carl Maw, the Under Secretary of State for Arms Control and International Security Affairs, took the initiative to send a “circular instruction out to all chiefs of mission with security assistance programs in their country”, informing them about the new legislative requirements, and asked them to send their thoughts how that “would affect them and what the human rights violations might be in their particular countries”.<sup>45</sup> All of them were against it and anticipated that it “would cause major problems” as it would “mess up programs”.<sup>46</sup> They believed that “if the U.S. government had to broadcast publicly what was going on, it would be considered a slap in the face by the government concerned and, in terms of human rights, it would be self-defeating”. They understood that “public flagellation” will not assist their cause.

The first reports were “real mishmashes”.<sup>47</sup> Stephen E. Palmer, Jr. remembers that while “there were some good reports, there were some extremely biased reports”.<sup>48</sup> The fact that the Secretary of State was very critical of the reports allowed embassies to think that “they had a licence to present biased, incomplete reports” so that they would not affect their clients.<sup>49</sup> The drafting and review process was also very improper, as “there wasn’t any bureaucratic mechanism to review all of the reports”.<sup>50</sup> The desks submitted the reports and one director of the then Refugee Office had to “pull them together” while being “bureaucratically naked” as he did not have any support.<sup>51</sup> Other issues with the first reports were

<sup>44</sup> James M. Wilson, Jr. (2021/1999) *Wilson’s Interview for a Foreign Service Oral History Project*, The Association for Diplomatic Studies and Training Foreign Affairs Oral History Project, Library of Congress. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004will4/2004will4.pdf>, page 81.

<sup>45</sup> *Ibid.*, page 81.

<sup>46</sup> *Ibid.*

<sup>47</sup> Stephen E. Palmer, Jr. (2021/1995) *Palmer’s Interview for a Foreign Service Oral History Project*, The Association for Diplomatic Studies and Training Foreign Affairs Oral History Project, Library of Congress. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004pal04/2004pal04.pdf>.

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

<sup>51</sup> *Ibid.*

flagged in a confidential letter written by George Lister from the legal office of the Human Rights Bureau identifying problems with the ACRs especially regarding Latin American countries that the upcoming Carter administration would probably highlight.<sup>52</sup> Lister made four points. The first two points concerned the one-sided critical treatment of left-wing violence that appeared to justify the right-wing violence. The third point was that guerrillas were portrayed only as conducting terrorist attacks. Lastly, Lister underlined that there was sometimes “a glaring contrast” between the ACRs and the Amnesty International and others. These to a large extent evolved throughout the ACRs published during the Carter’s administration.

### *Expansion of Coverage Worldwide*

The unforeseen consequences of the human rights report requirement were that the United States was effectively monitoring the situation only for her allies and partners that were receiving US foreign assistance. At the same time, hostile countries and socialist rivals were not examined. In the words of Brigadier General Clarke McCurdy Brintnall, “the major abusers the Soviets, the Chinese, the Albanians, the Cubans got off free”. Brintnall took the initiative to draft the legislation that extended the coverage of the ACRs to all UN member states.<sup>53</sup> He discussed the draft with Senators S. I. Hayakawa (R-CA) and Jesse Helms (R-NC). The consensus among Senators was so widespread that the extension needed for legislation did not require an administration sponsorship and no one questioned it as it seemed necessary to transform a “bad law actually” to “a pretty good law”.<sup>54</sup>

Patt Derian was one of the first American officials in favour of expanding the coverage of the reports beyond US allies. In her own

<sup>52</sup> Correspondence from Lister to Harry Shlaudeman, December 10, 1976, on “Human Rights Reports” (1 page). <https://law.utexas.edu/humanrights/lister/assets/pdf/Human%20Rights%20Bureau/bureau%20declassified/shlaudemandec101976.pdf?id=txu-blac-glp-310>.

<sup>53</sup> Clarke McCurdy Brintnall (1996) *Interview with Clarke McCurdy Brintnall*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004bri02/2004bri02.pdf>.

<sup>54</sup> *Ibid.*

words: “That first one only covered places that we gave foreign aid to. Someone was not thinking. It was just a real blunder. Obviously, those are our allies, people we care about”.<sup>55</sup> Very soon, it was expanded to include all countries members of the United Nations “which made it more interesting”.<sup>56</sup>

### *Defeating Ernest Lefever’s Nomination*

The requirement for publication of the ACRs, however, would also be met with resistance when Reagan took office after Carter. Reagan challenged Human Rights as a foreign policy priority and his administration rather would have seen the Human Rights policy simply being abolished.<sup>57</sup> Reagan’s contempt for the Human Rights policy was epitomised by his unsuccessful nomination of Ernest Lefever to be the new Assistant Secretary for Human Rights. Lefever’s nomination, in 1981, was eventually defeated by the Republican-controlled Senate Foreign Relations Committee.<sup>58</sup> Peter W. Galbraith, who was working at the Senate Foreign Relation Committee, remembers that this was only the third time in the nearly two-hundred-year history of the United States that the Foreign Relations Committee had rejected a nominee. The rejection did not completely come out of the blue. As Elliot Abrams recalls, Lefever had made “really dumb, foolish, right-wing” remarks about human rights.<sup>59</sup> The rejection was based on two grounds, first and foremost on his views on human rights but also on his think tank’s financial relationship with a manufacturer that had controversial business. Lefever, during

<sup>55</sup> Patricia Derian (1996) *Interview with Patricia Derian*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://adst.org/wp-content/uploads/2013/12/Derian-Patricia.19961.pdf>.

<sup>56</sup> Ibid.

<sup>57</sup> Theresa A. Tull (1996) *Interview with Ambassador Theresa A. Tull*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2007/2007tul01/2007tul01.pdf>.

<sup>58</sup> Peter W. Galbraith (1999) *Interview with Ambassador Peter W. Galbraith*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://adst.org/wp-content/uploads/2012/09/Galbraith-Peter-W.pdf>, page 85.

<sup>59</sup> Elliot Abrams (2012) *Elliot Abrams Oral History*, Presidential Oral Histories, Miller Center, UVA. Available at: <https://millercenter.org/the-presidency/presidential-oral-histories/elliott-abrams-oral-history>.



the confirmation hearings, was asked about his past remarks on human rights.<sup>60</sup> Examples of those remarks were that he essentially excused the use of torture by the Pinochet's regime in Chile as "a residual practice of the Iberian tradition" or his "residual friendliness to racist regimes in Rhodesia and South Africa". Lefever ultimately claimed that "in a formal and legal sense, the US Government has no responsibility -and certainly no authority—to promote human rights in other sovereign states". Lefever wanted to withdraw from the obligation of producing ACRs. Even before the confirmation hearings, Lefever asked Palmer to send "a very restricted cable to all ambassadors, for ambassadors only, and just ask them to give their straight views on the pros and cons of these human rights reports".<sup>61</sup> Palmer drafted the cable but contrary to Lefever's beliefs the response was "overwhelmingly in favor of the reports". Except for one career ambassador, everybody confirmed that they thought ACRs were "a good thing" that could be "use[d] ... as a handle". Palmer was "surprised" and he found it a "very moving" and "gratifying response".<sup>62</sup> What is interesting with the ambassadors' response was that they understood the value of the reports.

Staff in Ronald Reagan's administration, like Richard M. Fairbanks, very soon realised the significance of the ACRs. "And he became convinced that the new administration could usefully use human rights in a constructive way, could stay with the country reports, and emphasize more quiet diplomacy".<sup>63</sup> However important, quiet diplomacy could only be effective if it would be coupled with openly public criticism for situations involving human rights violations.

<sup>60</sup> United States. Congress. Senate. Committee on Foreign Relations (1981) States Senate, Ninety-seventh Congress, first session, on nomination of Ernest W. Lefever, to be assistant secretary of state for human rights and humanitarian affairs, May 18, 19, June 4, and 5, 1981. U.S. Government Printing Office.

<sup>61</sup> Stephen E. Palmer, Jr. (2021/1995) *Palmer's Interview for a Foreign Service Oral History Project*, The Association for Diplomatic Studies and Training Foreign Affairs Oral History Project, Library of Congress. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004pal04/2004pal04.pdf>.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

## HUMAN RIGHTS BUREAU AND ASSISTANT SECRETARIES

The Bureau of Human Rights and Humanitarian Affairs was established, in 1977, by an act of Congress.<sup>64</sup> In 1994, during the Clinton administration, the State Department reorganised the Bureau to add also labour issues under its purview and was renamed as the Bureau of Democracy, Human Rights, and Labor. The merger with the democracy promotion brought some tension among the staff. Staff on the “democracy promotion” were keener to enthusiastically take action for promoting democracy giving a diminishing weight on human rights.<sup>65</sup> On the contrary the staff of the old Bureau were more “analytical drafters” and keen to edit reports.<sup>66</sup> At the same time the renaming of the Bureau meant that the “humanitarian” task was also dropped. That meant that the mandate was altered. Some staff felt that this was a mistake given the “humanitarian tragedies” of the 1990s.<sup>67</sup>

In 1977 the same act that created the Bureau also promoted the position of the “Coordinator for Human Rights and Humanitarian Affairs” to the level of the Assistant Secretary of State. The position of the Assistant Secretary has been filled by Presidential appointees with Senate confirmation. In general, Assistant Secretaries have been considered realists. They understood their role within the hierarchical structure of the State Department. Being subordinates to the Secretary of State meant that they needed to compromise a lot.<sup>68</sup> James R. Schlesinger argues that essentially the office of the Assistant Secretary of State “had a “highly specialized function, to be a [...] gadfly on the question of human rights” and others just disregard that.”<sup>69</sup> Schlesinger recalls that in the late 1970s, in the case

<sup>64</sup> Pub. L. No. 95-105—Public Law 95-105 95th Congress an Act. <https://www.congress.gov/95/statute/STATUTE-91/STATUTE-91-Pg844.pdf>.

<sup>65</sup> Nadia Tongour (2007) *Interview with Nadia Tongour*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010ton01/2010ton01.pdf>.

<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*

<sup>68</sup> James K. Bishop, Jr. (1995) *Interview with James K. Bishop Jr.*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004bis01/2004bis01.pdf>.

<sup>69</sup> James Schlesinger (1984) *James Schlesinger Oral History*, Presidential Oral Histories, Miller Center, UVA. Available at: <https://millercenter.org/the-presidency/presidential-oral-histories/james-schlesinger-oral-history>.

of Iran, it was only the US President's "subliminal message" that was "very influential".<sup>70</sup>

The choice for nominating the Assistant Secretary of State has over the years attracted more importance. Democratic Presidents usually prefer to nominate individuals who have experience in human rights think tanks while Republicans they tend to choose foreign policy officials (see Table 4.1). Their appointment aimed to signal the prominence of either working closely with NGOs or with foreign policy officials that usually are more willing to compromise human rights goals for other strategic interests.

The closing sentences in the statements of the nominees for the position of the Assistant Secretary for Democracy, Human Rights, and Labor before the Senate Foreign Relations Committee are important in demonstrating the priorities that were put by the Bureau. All were referring to the American exceptionalism and how important their work would be for the interests of the American people.

James M. Wilson, Jr., a career diplomat in the State Department and the coordinator for human rights, had launched the ACRs. He became the first holder of the office of the Assistant Secretary for Human Rights and Humanitarian Affairs when the position was elevated in 1977. In those early days, the Bureau had just a "handful of personnel".<sup>71</sup> There was Patricia "Patt" Derian, a civil rights activist who worked as a Deputy Director on Jimmy Carter 1976 presidential campaign. She was appointed, in 1977, as the Assistant Secretary who put pressure to recruit more personnel for the Bureau. The State Department did "not warmly welcome" Derian but she would eventually be commemorated by Barack Obama for her role in reporting human rights abuses in 2016.<sup>72</sup> Patt Derian immediately focussed on "Argentina and the southern cone".<sup>73</sup>

<sup>70</sup> Ibid.

<sup>71</sup> George Lister (2000) 'The History of HA/DRL', December 28. Available at: <https://law.utexas.edu/humanrights/lister/assets/pdf/Human%20Rights%20Bureau/HistoryofHA-DRL.pdf?id=txu-blac-glp-301>.

<sup>72</sup> Barack Obama (2016) *Remarks by President Obama and President Macri of Argentina at Parque de la Memoria*, The White House. Available at: <https://obamawhitehouse.archives.gov/the-press-office/2016/03/24/remarks-president-obama-and-president-macri-argentina-parque-de-la>.

<sup>73</sup> Yvonne Thayer (2007) *Interview with Yvonne Thayer*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://www.adst.org/OH%20TOCs/Thayer.Yvonne.pdf>, page 36.

**Table 4.1** List of assistant secretaries of state

<i>Assistant secretary of state for human rights and humanitarian affairs</i>	<i>Prior career</i>	<i>Tenure (Entry on duty—termination of appointment)</i>	<i>President served under</i>
James M. Wilson, Jr.	Career diplomat	November 29, 1976–April 28, 1977	Gerald Ford
Patricia M. Derian	Civil rights and human rights activist	August 17, 1977–January 19, 1981	Jimmy Carter
Ernest W. Lefever	Think tanker	(Not commissioned; nomination withdrawn before the Senate acted upon it)	
Elliott Abrams	Attorney, special counsel to Senator	December 12, 1981–July 17, 1985	Ronald Reagan
Richard Schiffer	Attorney, US representative to UNSC and UN Commission on Human Rights	October 31, 1985–April 3, 1992	Ronald Reagan and George H. W. Bush
Patricia Diaz Dennis	Attorney, commissioner of the Federal Communications Commission	August 24, 1992–January 20, 1993	George H. W. Bush
Assistant Secretary of State for Democracy, Human Rights, and Labor			
John H. F. Shattuck	International legal scholar, academic, and former Executive Director, American Civil Liberties Union, Washington Office	June 2, 1993–November 13, 1998	Bill Clinton
Harold Hongju Koh	Professor of International Law at Yale	November 13, 1998–January 20, 2001	Bill Clinton

<i>Assistant secretary of state for human rights and humanitarian affairs</i>	<i>Prior career</i>	<i>Tenure (Entry on duty—termination of appointment)</i>	<i>President served under</i>
Lorne Craner	Foreign policy advisor and 1993–2001 Vice President, then President of the International Republican Institute (IRI) a democracy assistance NGO Positions in the Intelligence Community Think tanker After: President of Freedom House from October 2010 to November 2014	June 4, 2001–July 31, 2004	George W. Bush
Barry F. Lowenkron		October 14, 2005–August 28, 2007	George W. Bush
David J. Kramer		March 21, 2008–January 20, 2009	George W. Bush
Michael H. Posner	Executive Director for Human Rights First (Lawyers Committee for Human Rights) Foreign service officer	September 23, 2009–March 8, 2013	Barack Obama
Uzra Zeya (acting) Tom Malinowski	Washington Director for Human Rights Watch Senior foreign service officer	March 8, 2013–April 3, 2014 April 3, 2014–January 20, 2017	Barack Obama Barack Obama
Virginia Bennett (acting)		January 20, 2017–November 30, 2017	Donald Trump
Robert Destro	Civil rights attorney	September 23, 2019–January 20, 2021	Donald Trump
Lisa J. Peterson (acting)	Career diplomat	January 21, 2021–today	Joe Biden

(continued)

**Table 4.1** (continued)

<i>Assistant secretary of state for human rights and humanitarian affairs</i>	<i>Prior career</i>	<i>Tenure (Entry on duty—termination of appointment)</i>	<i>President served under</i>
Sarah Margon	Director of foreign policy advocacy, Open Society Foundations, former Washington director Human Rights Watch	tbc	Joe Biden

In March 1977, within a month from her appointment, Derian visited Argentina to “see for herself” what the human rights situation was.<sup>74</sup>

After the spectacular failure of Ernest W. Lefever nomination, Reagan administration nominated Elliot Abrams who was serving as the Assistant Secretary of State for International Organization. Abrams successfully managed to apply Reagan’s administration policy emphasis on democracy promotion with the work of the Human Rights Bureau. The ACRs played an important role in the new conceptualisation of human rights merged with the policy of democracy promotion.<sup>75</sup> Abrams wrote a memo outlining what a neoconservative human rights policy would be. The introductory section of the 1982 ACR, “actually written by Charles Fairbanks and Elliot Abrams”, elaborated on the view that the United States “should be serious about a human rights policy” because it is not a country “organized around a tradition of blood but rather around ideas”.<sup>76</sup> These ideas, Abrams claimed, needed to be “central to the extent possible in a foreign policy”. On top of that “idealistic” view, there was also a “realpolitik argument” that human rights policy could serve for Cold War purposes as it was “one of our great weapons against the Soviet Union”.<sup>77</sup>

Elliott Abrams appointment proved to be a major turning point according to George Lister.<sup>78</sup> Though he was considered an ultraconservative, Abrams “established the human rights policy”.<sup>79</sup> Elliot Abrams “had some very definite views on human rights”.<sup>80</sup> He received criticism “for protecting certain countries, particularly in Central America, Latin America, who were egregious human rights violators; at the same time, the Reagan administration developed a body of policy rationale which did

<sup>74</sup> Ibid., page 39.

<sup>75</sup> Søndergaard (2019), page 49.

<sup>76</sup> <https://millercenter.org/the-presidency/presidential-oral-histories/elliott-abrams-oral-history>.

<sup>77</sup> Ibid.

<sup>78</sup> George Lister, ‘The History of HA/DRL’, December 28, 2000 Draft (9 pages). <https://law.utexas.edu/humanrights/lister/assets/pdf/Human%20Rights%20Bureau/HistoryofHA-DRL.pdf?pid=txu-blac-qlp-301>.

<sup>79</sup> Ibid.

<sup>80</sup> Ward Thompson (1999) *Interview with Ward Thompson*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2007/2007tho04/2007tho04.pdf>.

target the Soviet Union, target the Communist countries”.<sup>81</sup> However, Ward Thomson insists that this policy was not reflected in the ACRs where there was “an even-handed approach”.<sup>82</sup>

In Reagan’s second term, Richard Schifter, an attorney who previously served as the US representative to the UN Commission on Human Rights and a Holocaust survivor, was appointed as Assistant Secretary of State for Human Rights and Humanitarian Affairs to replace Elliot Abrams. During his tenure, Schifter was mainly concerned with the human rights in USSR and Russia, Colombia, and Israel. He had no interest in the Far East or Africa.<sup>83</sup> Chase Untermeyer, Assistant to the President George H. W. Bush, remembers that Secretary of State Jim Baker, acted on “recommendations probably of Republican Jewish leaders”, who recommended to keep Richard Schifter as Assistant Secretary also during George H. W. Bush administration.<sup>84</sup> Schifter, Assistant Secretary in two Republican administrations from 1985 to 1992, eventually endorsed Bill Clinton in the 1991 presidential elections. Clinton then kept him in his administration as a National Security Council special assistant. Patricia Diaz Dennis was the last to serve the office for Assistant Secretary of State for Human Rights and Humanitarian Affairs before its reorganisation by Bill Clinton. Dennis served the Human Rights Bureau only for a few months.

In 2008, George W. Bush last nominee, David J. Kramer, who served in various roles in the Bush administrations but only covered the position of the Assistant Secretary for Human Rights for less than a year, stressed freedom over human rights stating that the “freedom cause transcends politics” and it is “part of what it means to be American”.<sup>85</sup>

In 2009, Michael H. Posner, Obama’s first term nominee for Assistant Secretary emphasised the significance of human rights agenda in US

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> James K. Bishop, Jr. (1995) *Interview with James K. Bishop Jr.*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004bis01/2004bis01.pdf>.

<sup>84</sup> Chase Untermeyer (2000) *Chase Untermeyer Oral History*, Presidential Oral Histories, Miller Center, UVA. Available at: <https://millercenter.org/the-presidency/presidential-oral-histories/chase-untermeyer-oral-history>.

<sup>85</sup> David J. Kramer (2008) *David J. Kramer Testimony*, January 30, The Senate Foreign Relations Committee. Available at: <https://www.foreign.senate.gov/imo/media/doc/KramerTestimony0801301.pdf>.



foreign policy that ultimately is part of the US national identity. Or in his words, “The promotion of democracy and human rights here, and around the world, helps define us—and who we are as a people”.<sup>86</sup> In 2013, Barack Obama’s second term nominee, Tom Malinowski, highlighted the importance of a reciprocal relationship between human rights activists and human rights agenda in US foreign policy.<sup>87</sup> Conversely, Trump’s nominee, in 2016, Robert A. Destro wanted to make sure to underscore that the Human Rights Bureau is also advancing not only American values but also “strategic foreign policy interests.”<sup>88</sup>

## DRAFTING PROCESS

The drafting process has evolved over the years. As the ACRs grew in importance, more time was dedicated in the drafting and reviewing process of the reports. For instance, in the early 1990s James K. Bishop Jr., as the Principal Deputy Assistant Secretary of State for Human Rights and Humanitarian Affairs, 1991–1993, remembers that the ACRs were drafted between September and January.<sup>89</sup> John Shattuck, Assistant Secretary for Human Rights, recalls that after his recommendation to Secretary of State Warren Christopher, in August 1993, Christopher sent a cable to all US embassies with detailed instructions about the ACRs drafting process. All ambassadors were instructed to designate human rights officers in their respective embassy. The Human Rights Bureau was explicitly authorised to “conduct editorial reviews” of the reports prepared by the embassies.<sup>90</sup> The cable also instructed the US embassies

<sup>86</sup> Michael H. Posner (2009) *Michael H. Posner Testimony*, July 28, The Senate Foreign Relations Committee. Available at: <https://www.foreign.senate.gov/imo/media/doc/PosnerTestimony090728a.pdf>.

<sup>87</sup> Tom Malinowski (2013) *Tom Malinowski Testimony*, September 24, The Senate Foreign Relations Committee. Available at: <https://www.foreign.senate.gov/imo/media/doc/Malinowski.pdf>.

<sup>88</sup> Robert A. Destro (2019) *Robert A. Destro Testimony*, March 27, The Senate Foreign Relations Committee. Available at: [https://www.foreign.senate.gov/imo/media/doc/032719\\_Destro\\_Testimony.pdf](https://www.foreign.senate.gov/imo/media/doc/032719_Destro_Testimony.pdf).

<sup>89</sup> James K. Bishop, Jr. (1995) *Interview with James K. Bishop Jr.*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004bis01/2004bis01.pdf>.

<sup>90</sup> John Shattuck (2003) *Freedom on Fire: Human Rights Wars and America’s Response*. Cambridge, MA, Harvard University Press, pages 85–86.

that unless there was “substantially new information”, the embassies could not re-write the reports.

Yet, over the years the drafting process has been standardised to a large extent. Nowadays, there are five key phases<sup>91</sup> in the creating ACRs. The first phase, where the State Department sends instructions on how to draft the reports, begins around May and lasts until July. The Human Rights Bureau revises the instructions and sends guidelines and a questionnaire to the Embassies. The instructions include a questionnaire that human rights officers have to respond to in order to compile the draft. This was a pretty straightforward task. As Leon Weintraub, a diplomat in US embassies in the 1980s, explains “I had written some human rights reports when I was abroad in Nigeria and Ecuador, but for the most part you were following what the department sent to you: here’s what you had to respond to in the report”.<sup>92</sup>

When the workers’ rights began to be added to the ACRs, in 1984, Antony G. Freeman, who was a Special Assistant to Secretaries of State Shultz, Baker and Eagleburger and Coordinator of International Labor Affairs after the Human Rights Bureau integrated Labor, remembers that the Bureau “got to draft ourselves the labor part of the questionnaire that was sent out to the field each year kicking off the Human Rights Report drafting season”.<sup>93</sup>

During the second phase, somewhere between August and October, officers from American embassies across the globe prepare drafts of the ACRs. One of the most tangible effects of the ACRs is that there are now human rights officers in the vast majority of US embassies worldwide. The Human Rights Bureau often accuses these officials in the embassies that they suffer from a diplomatic disease of “clientism” or the so-called “clientitis” in the Bureau’s terminology. For instance, Eicher remembers that the US embassy’s draft report on China was “explaining why [the human

<sup>91</sup> GAO-12-561R Human Rights Report. <https://www.gao.gov/assets/gao-12-561r.pdf>.

<sup>92</sup> Leon Weintraub (2005) *Interview with Leon Weintraub*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010wei02/2010wei02.pdf>, page 151.

<sup>93</sup> Antony G. Freeman (2004) *Interview with Antony G. Freeman*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://www.adst.org/OH%20TOCs/Freeman,%20Anthony%20G.toc.pdf>.

rights situation] really wasn't so bad" and it was stressing the importance of the context.<sup>94</sup> Nadia Tongour recalls that in states with which the United States was "not terribly involved" clientitis was minimal.<sup>95</sup>

At the third phase, between November and December, the reviewing process of the first drafts of the ACRs starts. The Human Rights Bureau reviews and edits the draft reports. The draft is prepared by DRL and reviewed by internal reviewers in the State Department and the Department of Labor. As the ACRs gradually grew in length and importance, the officers in the Bureau asked the assistance of retired officers. In the 1990s, when Yvonne Thayer was the director of bilateral affairs at the Bureau, her "office drafted the reports in-house. A few years later a large team of contract staff, mostly retired FSOs, was hired to compile it".<sup>96</sup> This was a relief for the officers in the Bureau, who numbered 80 involved individuals by 2010. Tongour felt that they were "quite fortunate in that we still could rely on the so-called 'WAEs', retirees who had handled a substantial amount of the editing load in the old office and joined us in the new".<sup>97</sup>

The third phase included fierce bureaucratic battles. The Human Rights Bureau would also accuse the desks that they suffered from clientitis.<sup>98</sup> Those working at the Bureau, and especially those in the team that were preparing the reports, had "often a sense of being on the side

<sup>94</sup> Peter D. Eicher (2007) *Interview with Peter D. Eicher*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010eic01/2010eic01.pdf>.

<sup>95</sup> Nadia Tongour (2007) *Interview with Nadia Tongour*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010ton01/2010ton01.pdf>.

<sup>96</sup> Yvonne Thayer (2007) *Interview with Yvonne Thayer*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://www.adst.org/OH%20TOCs/Thayer.Yvonne.pdf>, page 94.

<sup>97</sup> Nadia Tongour (2007) *Interview with Nadia Tongour*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010ton01/2010ton01.pdf>.

<sup>98</sup> Gilbert D. Kulick (1993) *Interview with Gilbert D. Kulick*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004kul01/2004kul01.pdf>.

of the angels”.<sup>99</sup> When at times the “reports were substantially ‘edited’ at a higher level”, the desk staff felt that they were losing the battle.<sup>100</sup>

The team that prepared the reports were located in “SA-1”, otherwise known as Columbia Plaza, and were physically separated from the rest of the bureau.<sup>101</sup> Sometimes there was a feeling of being the “orphan children of the bureau, which was ironic in that every year, or rather once a year, our assistant secretary would proclaim to Congress and the media just how important were the annual human rights reports”.<sup>102</sup>

The fourth phase, between December and February, involved the Human Rights Bureau’s collaborating with officials in embassies and regional bureau staff to produce ACRs. Selected ACRs are submitted to the office of the Secretary of State and the National Security Council Staff for review. The fourth phase includes a heavy editing of the reports. As Palmer recalls, “a great deal of massaging” had to be done to the ACRs, and “the negotiating process was sometimes rocky and escalated up to levels which were sort of silly”.<sup>103</sup>

Finally, during the last phase in March and April, the DRL makes the final changes after which the State Department releases country reports on its website and holds a press conference for launching the ACRs. A public performance is taking place every March in the Press Briefing Room of the State Department in Washington, DC. This now well-publicised ceremony with the State Department releasing the ACRs has become an annual ritual that symbolises and enhances the political message of the ACRs.<sup>104</sup> The “ACR-ritual” ultimately serves as a consolidation of the US to be viewed nationally and internationally as the

<sup>99</sup> Nadia Tongour (2007) *Interview with Nadia Tongour*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010ton01/2010ton01.pdf>.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Stephen E. Palmer, Jr. (2021/1995) *Palmer’s Interview for a Foreign Service Oral History Project*, The Association for Diplomatic Studies and Training Foreign Affairs Oral History Project, Library of Congress. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004pal04/2004pal04.pdf>.

<sup>104</sup> For the power of rituals see the work of David I. Kertzer (1988) *Ritual, Politics, and Power*. Yale University Press.

legitimate hegemon. This final phase exemplifies best how the Panopticon mechanism of power operates. The constant observation of the human rights situation in countries around the world aims to normalise and accept that surveillance. Correct performance is ultimately achieved by inducing others to conform by internalising the discipline.

## EVOLVING STRUCTURE OF THE REPORTS

During the 45 years since the first ACRs were published, the length and the depth of the ACRs have gradually and consistently expanded from just over a hundred pages in 1976 to over 7000 pages in 2021. Initially the ACRs were following a system of “holding sentences” that subsequently was abolished.<sup>105</sup> This system dictated to “succinctly describe the overall human rights performance of a given country”.<sup>106</sup> Nadia Tongour recalls that “the introductory paragraphs of all the reports followed a set format or structure, and in the fourth paragraph, let us say, we would include one of five generic statements”.<sup>107</sup> For describing the situation there were “five basic options to choose from and ‘generally respects’ [the human rights of its people] was the highest accolade we could give” for a country’s human rights situation. In the subsequent years, the structure and the content of the reports evolved with omissions and additions.

The format of the report is “pretty set” but over the years new categories have been added.<sup>108</sup> The original format from the early years is supposed to be “very much drawn from the universal declaration of human rights”.<sup>109</sup> Ifshin claims that the lay out of the ACRs follows the lay out of the Universal Declaration of Human Rights.<sup>110</sup>

The 1976 reports were entitled “Human Rights Practices in Countries Receiving United States Security Assistance” and dedicated only one

<sup>105</sup> Nadia Tongour (2007) *Interview with Nadia Tongour*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010ton01/2010ton01.pdf>.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> Stan Ifshin (2001) *Interview with Stan Ifshin*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004ifs01/2004ifs01.pdf>.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

or a few pages to each country. In total, they covered 82 countries that received some form of US security assistance in 137 pages. The introduction reiterated that the report was “not a worldwide survey” and there were “numerous countries not covered in these reports rigorously suppress dissent and seriously violate the internationally recognized rights of their citizens”.<sup>111</sup>

The 1976 reports included four categories: I. Political Situation; II. Legal Situation; III. Observance of International Recognized Human Rights; and IV. Other Human Rights Reporting. In the third category, they included two subsections, on the “Integrity of the Person” where they discuss when relevant, the 3, 5, 8, 9, 10, and 11 articles of the UDHR, and on “other Important Freedoms”. The last category discussed reports by “non-US government organisation on the human rights situation” such as Amnesty International’s reports, ICRC visits, and present Freedom House’s listing of countries as “free”, partly free”, and “not free”.

The 1977 report not only doubled in its size but standardised the four categories. The four categories were: (1) Respect for the Integrity of the Person, Including Freedom from: (a) Torture, (b) Cruel, Inhuman, or Degrading Treatment or Punishment, (c) Arbitrary Arrest or Imprisonment, (d) Denial of Fair Public Trial, and (e) Invasion of the Home; (2) Governmental Policies Relating to the Fulfilment of Such Vital Needs as Food, Shelter, Health Care, and Education; (3) Respect for Civil and Political Liberties, including: (a) Freedom of Thought, Speech, Press, Religion, and Assembly, (b) Freedom of Movement Within the Country, Foreign Travel, and Emigration, (c) Freedom to Participate in the Political Process; and finally (4) Government Attitude and Record Regarding International and Non-Governmental Investigation of Alleged Violations of Human Rights. The most important addition was the second category that included some socio-economic rights. Particularly, the second section on “Governmental Policies Relating to the Fulfilment of Such Vital Needs as Food, Shelter, Health Care and Education”, though thin in thoroughly covering socio-economic rights, was really significant. This additional category featured in five consecutive reports but notably disappeared in the 1981 report with the advent of the Reagan administration.

<sup>111</sup> US Department of State (1977) 1976 Annual Human Rights Reports. U.S. Government Printing Office, page 1.

The 1981 report, the first under Reagan, reorganised the structure of the reports. While deleting the section on the socio-economic rights, the report added a section discussing “general economic and social conditions in the country” in the second category. The stated objective was “to provide, to the extent possible, comparable statistical data covering such matters as the population growth rate, life expectancy at birth, infant mortality, per capita annual gross national product (in US dollars), the adult literacy rate, the ration of students enrolled in primary schools, the percentage of persons having access to safe water, and the percentage of the population considered to live below the absolute poverty level”.<sup>112</sup> The data source for this section was from the World Bank figures. What is really interesting in this section is that it tried to shift the discourse from rights to underdevelopment.

One of the most important additions during the Reagan administration is the workers’ rights. In 1982 the “freedom of peaceful assembly and association” is introduced in the second section “Respect for Civil and Political Liberties”. There is a brief discussion on trade unions and the right to strike. The section on worker rights “tended to be very slim and superficial” in the first years with some “vague standard constructions” that made them undistinguishable across countries.<sup>113</sup> The Human Rights Bureau was reluctant to add more detailed coverage on what is perceived as more “extraneous industrial relations material”.<sup>114</sup> ILO was admittedly not very happy about this addition as it was kind of “pre-empting the ILO’s role in the worker rights area”. Freeman acknowledged that even though the ILO did not have an official position on the section, staffers in ILO “see a certain degree of wry irony in the fact that the United States, a country which doesn’t ratify ILO conventions, is passing judgment on everybody else!”<sup>115</sup>

In the 1986 report, a short paragraph on “Conditions of labor” followed section 5. In 1988 report, a sixth section on “Worker Rights” was introduced that included the rights of association, to organise and

<sup>112</sup> US Department of State (1982) ‘1981 Country Reports on Human Rights Practices’, U.S. Government Printing Office, page 2.

<sup>113</sup> Antony G. Freeman (2004) *Interview with Antony G. Freeman*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://www.adst.org/OH%20TOCs/Freeman,%20Anthony%20G.toc.pdf>.

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

bargain collectively, the prohibition of forced and compulsory labor, and the minimum age for employment for children. In 1993, “the rights of women, and worker rights” appear in the introduction of the ACRs.

The introduction of the workers’ rights section should also be seen in the context of Congressional legislation and the amendments to the Generalised System of Preferences (GSP) law. In 1984 the GSP Renewal Act modified the eligibility criteria adding consideration of labour conditions and requiring annual reporting on the status of internationally recognised worker rights in GSP beneficiary countries. Ward Thomson remembers that the law was sponsored by Congressman Donald J. Pease of Ohio’s 13th District, “and he did it because he had a very strong labor presence in his district”.<sup>116</sup> Thomson argues that the labour unions were alarmed with “AFL-CIO” being “concerned about the number of jobs that were being lost because we were using foreign manufacturers” where low wages and poor working conditions were matched with very limited if any workers’ rights. The motivation, according to Thomson, was “quite frankly to stop the drain of jobs to these countries”.<sup>117</sup>

The requirement for adding workers’ rights in the ACRs brought some clash over who would be tasked with both the Labor Department and the Human Rights Bureau wanting to write the section. Donald J. Pease, who was the Congressman (D-OH) leading the legislative initiative to mandate reports on workers’ rights, argued for “the State Department and the Labor Department to separately report on the same issues”.<sup>118</sup> In the late 1980s the Human Rights Bureau wanted “to cut down the number of lines spent on labor rights issues”. Freeman remembers that “one year the editors almost agreed that we would do worker rights as a separate volume, because the overall text had expanded so greatly it was in danger of exceeding the 1600 page or so limit that could be fit in one printed volume”.<sup>119</sup>

<sup>116</sup> Ward Thompson (1999) *Interview with Ward Thompson*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2007/2007tho04/2007tho04.pdf>.

<sup>117</sup> Ibid.

<sup>118</sup> Antony G. Freeman (2004) *Interview with Antony G. Freeman*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://www.adst.org/OH%20TOCs/Freeman,%20Anthony%20G.toc.pdf>.

<sup>119</sup> Ibid.



While the general tendency has been to cover more and more human rights issues, there are two issues that are worth noting for being the exception to that rule.

Reporting on torture during the dawn of the “War on Terror” era was quite controversial. While the use of torture as a counterterrorism strategy by the Bush administration received public attention, it has become damaging for US foreign policy. The dismantling of legal prohibitions against torture and the systematic implementation of policies of torture generated a lot of global media attention and international condemnation. This caused an issue of how to cover torture in ACRs. The lawyers of the State Department were aware of the consequences of using the term torture in ACRs in a different way than the rest of the State Department at that time. The Human Rights Bureau, after sharing drafts with the lawyers, “were told not to use the word ‘torture’ except in a very rare case” but only describe actions.<sup>120</sup> The situation became, in Nadia Tongour’s words, “quite ‘convoluted’ and not very pretty”.<sup>121</sup> Tongour admits that eventually this added to the criticism that the United States faced from other countries who questioned, one with which the United States already was “grappling with”, about “how did the [US] dare to judge others when [US] was guilty of certain misdeeds of her own”. The raised criticism was potentially detrimental to the constructed legitimacy and therefore existence of the ACRs. The standard US response was “that we did not pretend to be perfect but we tried to correct our mistakes; moreover, we were not writing a report on ourselves”.<sup>122</sup> Additionally, there were two other key arguments raised by ambassadors, lawyers, and heads of regional bureaus. First, there was the issue of “how could we judge country X with regard to a particular action when country X claimed it was doing it either at our behest or for our benefit”.<sup>123</sup> Secondly, “we often got the message that not every abuse needed to be

<sup>120</sup> Nadia Tongour (2007) *Interview with Nadia Tongour*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010ton01/2010ton01.pdf>.

<sup>121</sup> Ibid.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

spelled out”.<sup>124</sup> As the “Lawyers Committee for Human Rights” demonstrated through their analysis there was an explicit guideline not to cover abuses committed in the name of War on Terror by its partners.

Only for one year, in 2013, the section on corruption covered the issue of whistle-blowers that probably reflects the instruction sent to embassies preparing the ACRs. There were four issues covered: corruption, Whistle-blower protection, financial disclosure, and public access to information. Since 2014 up until today, the “Whistleblower protection” has disappeared with the section only covering the other three issues. We can only speculate that this became a controversial issue in the State Department in an era when high-profile whistle-blowers like Chelsea Manning and Edward Snowden have sparked public debate in the US.

All four ACRs issued under Trump administration, for 2017, 2018, 2019, and 2020 eliminated the reporting on sexual and reproductive rights. Yet, as promised by the Biden administration, in 2021, Reproductive Rights were re-introduced to the ACRs through a bicameral legislation that would permanently require them to be included in the ACRS.<sup>125</sup>

Trump’s contempt for human rights concerns in US foreign policy and narrow understanding of human rights was evident in many occasions. Secretary Pompeo remarks on the release of the 2018 ACRs made sure to illustrate American exceptionalism and narrowly defined rights as freedom.<sup>126</sup> Pompeo held that the United States “plays a leading role in championing human rights across the globe, honoring the vision of our founders and expressing our time-honored American aspiration for all people to be free”.<sup>127</sup>

<sup>124</sup> Ibid.

<sup>125</sup> Bob Menendez (2021) ‘Senator Menendez, Congresswoman Clark Lead Colleagues in Bicameral Reintroduction of Reproductive Rights Are Human Rights Act’, May 26. The United States Senate Committee on Foreign Relations. Available at: <https://www.foreign.senate.gov/press/chair/release/senator-menendez-congresswoman-clark-lead-colleagues-in-bicameral-reintroduction-of-reproductive-rights-are-human-rights-act>.

<sup>126</sup> Michael R. Pompeo (2019) ‘Secretary Pompeo Remarks on the Release of the 2018 Country Reports on Human Rights Practices’, March 13, US Mission to the Organization to American States. Available at: <https://usoas.usmission.gov/remarks-on-the-release-of-the-2018-country-reports-on-human-rights-practices/>.

<sup>127</sup> Ibid.

### *Features of the Introductory Sections*

One important component of the reports is the introductory section that accompanies the ACRs every year. In the early years, the section was short, but since 2000, as the ACRs grew in length and in importance, the longer introduction is accompanied by a preface written by the Secretary of State. The first two sections of the ACRs, introduction and the preface, summarise and detail trends in human rights. Something which the individual ACRs reports are unable to do. The two sections further underscore eight significant elements of how the ASCs advances US foreign policy issues. First, and crucially, they increasingly emphasise the US support of human rights movement. This is important in order to show that the US State Department is supporting the Human Rights movement and is standing on their side. In doing so, they tend to emphasise that the ACRs reports have a significant input from the local human rights activists, civil society, and NGOs that work closely with US State Department. The 2004 report, for example, highlighted that “our embassies and Washington staff work closely with local citizens, human rights and other organisations, and community leaders to identify, investigate, and verify information”.<sup>128</sup> The following year, it underlined that “we must always stand in solidarity with the courageous men and women across the globe who live in fear yet dream of freedom”.<sup>129</sup> Secretary of State Condoleezza Rice’s 2016 preface underscored that ACRs are all about civil society, citizens, and NGOs who are struggling for Human Rights. The United States could only support such “noble” fights. Or, in Rice’s words, “[d]espite personal risk and against great odds, courageous individuals and non-governmental groups expose human rights abuses”.<sup>130</sup> Rice clarified that the “noble work” of these “impatient patriots” includes a very particular set of rights as “they seek to protect the rights of ethnic and religious minorities, workers, and women, and to stop the trafficking in human beings”. For Rice, these activists “work to build vibrant civil societies, ensure free and fair

<sup>128</sup> US Department of State (2005) ‘2004 Country Reports on Human Rights Practices’, U.S. Government Printing Office.

<sup>129</sup> US Department of State (2006) ‘2005 Country Reports on Human Rights Practices’, U.S. Government Printing Office. Preface.

<sup>130</sup> US Department of State (2007) ‘2006 Country Reports on Human Rights Practices’, U.S. Government Printing Office. Preface, page xi.

elections, and establish accountable, law-based democracies”.<sup>131</sup> In the same breadth, Hillary Clinton’s 2008 preface highlighted that US global effort includes working “together with non-governmental organizations, businesses, religious leaders, schools and universities, and individual citizens—all of whom play a vital role in creating a world where human rights are accepted, respected, and protected”.<sup>132</sup>

The second element is the stress on alleging the consensus of the international community for the just cause in promoting human rights. The emphasis here is that the United States is not acting alone. Colin L. Powell at his 2001 preface, emphasized that “It is now commonplace that all countries, having agreed to universal standards of human rights, accept international scrutiny of their accomplishments and further needs in the field”.<sup>133</sup> The third element is to highlight that the human rights discussed in the ACRs are internationally recognised human rights and ultimately universal human rights. The use frequent use of both “internationally recognized” and “universal” terminology throughout the decades is making this evident.

The fourth element is to stress the leadership of the United States. For instance, at his 2002 preface Colin L. Powell underlined that “in a world marching toward democracy and respect for human rights; the United States is a leader, a partner and a contributor”.<sup>134</sup> The fifth element is the American exceptionalism discourse that shapes the ACRs. For instance, at the 2019 report preface Michael R. Pompeo, echoing the above remarks upon publication of the ACR’s a year earlier, writes that “From the time we declared our independence as a free nation, the United States has committed itself to the ideals of democracy, individual freedom, equal protection under the rule of law, and the protection of human rights. Our nation was founded on the premise that all human beings are created

<sup>131</sup> Ibid.

<sup>132</sup> US Department of State (2009) ‘2008 Country Reports on Human Rights Practices’, U.S. Government Printing Office. Preface by Hillary Clinton.

<sup>133</sup> US Department of State (2002) ‘2001 Country Reports on Human Rights Practices’, U.S. Government Printing Office. “Preface” by Colin L. Powell, Secretary of State, page xi.

<sup>134</sup> US Department of State (2003) ‘2002 Country Reports on Human Rights Practices’, U.S. Government Printing Office. “Preface” by Colin L. Powell, Secretary of State, page xi.

equal in rights and in dignity. We are proud, 244 years later, to remain a leader in the effort to champion human rights and democratic ideals”.<sup>135</sup>

The sixth element is to highlight the impact of the ACRs. Hillary Clinton, in her 2010 preface, emphasised that they have been used by “other governments, individuals, and organizations” as “essential sources of information” for the human rights situation across the world.<sup>136</sup> For activists these ACRs “also provide evidence that the world is being made aware of their struggle”.<sup>137</sup> The following year, Clinton elaborated further on the users of ACRs that include “governments, inter-governmental organizations, scholars, journalists, activists, and others around the world” who access the ACRs for “an essential update” on the human rights situation.<sup>138</sup> For John Kerry, in his 2012 preface, the value of the ACRs go beyond the State Department and US foreign policy decision-makers and extends to “members of Congress, the academic community, activists, students, journalists, lawyers, judges, foreign governments, and concerned citizens everywhere”.<sup>139</sup> In a similar vein, the following year Kerry stated that he has “seen first-hand” how ACRs are being used not only by the US government but also by “U.S. citizens, international nongovernmental organizations, foreign governments, human rights defenders, lawyers, journalists, scholars, and others who are committed to advancing human dignity”.<sup>140</sup> As Kerry writes in the 2014 preface, “the ACRs also signal to the human rights defenders and activists under siege that the U.S. government recognizes their struggle and stands with civil society in its unending effort to preserve human rights”.<sup>141</sup> For Rex Tillerson, in his 2016 preface, the ACRs are

<sup>135</sup> US Department of State (2020) ‘2019 Country Reports on Human Rights Practices’, U.S. Government Printing Office. Preface by Michael R. Pompeo.

<sup>136</sup> US Department of State (2011) ‘2010 Country Reports on Human Rights Practices’, U.S. Government Printing Office. Preface by Hillary Clinton.

<sup>137</sup> Ibid.

<sup>138</sup> US Department of State (2012) ‘2011 Country Reports on Human Rights Practices’, U.S. Government Printing Office. Preface by Hillary Clinton.

<sup>139</sup> US Department of State (2013) 2012 Country Reports on Human Rights Practices. U.S. Government Printing Office. Preface by John Kerry.

<sup>140</sup> US Department of State (2014) 2013 Country Reports on Human Rights Practices. U.S. Government Printing Office. Preface by John Kerry.

<sup>141</sup> US Department of State (2015) 2014 Country Reports on Human Rights Practices. U.S. Government Printing Office. Preface by John Kerry.

also used worldwide to “inform the work of human rights advocates, lawmakers, academics, businesses, multilateral institutions, and NGOs”. It also holds that “[t]he Department of State hopes that these reports will help other governments, civil society leaders, activists, and individuals reflect on the situation of human rights in their respective countries and work to promote accountability for violations and abuses”.<sup>142</sup> The 2017 preface by John J. Sullivan, Acting Secretary of State, however, was a departure of stressing the influence of the ACRs. He essentially downplayed their importance beyond the United States, stating that “[t]hese reports are required by US law and are used by a variety of actors, including the US Congress, the Executive branch, and the Judicial branch as a factual resource for decision making in matters ranging from assistance to asylum”.<sup>143</sup> In a similar vein, and in accordance with Trump’s rejection of Human Rights in US foreign policy, Michael R. Pompeo, downplayed the ACR importance for US Foreign Policy the succeeding year. For Pompeo, the emphasis was on the fact that human rights have been largely considered a domestic affairs issue in a world of sovereign states, and the pursue of a human rights policy will only be done if it is compatible with other US interests. In the words of Mike Pompeo, “The policy of this Administration is to engage with other governments, regardless of their record, if doing so will further US interests”.<sup>144</sup> Pompeo sent a clear message that “individuals seeking reforms to end the wrongful interference in the exercise of unalienable rights—whether those individuals are in or out of government—will find a sympathetic friend and strong supporter in the United States of America”.<sup>145</sup> In the same realm, Blinken stated in his 2020 ACRs preface that ACRs provide “objective and comprehensive information to Congress, civil society, academics, activists, and people everywhere—all of whom

<sup>142</sup> US Department of State (2017) 2016 Country Reports on Human Rights Practices. U.S. Government Printing Office. Preface by Rex Tillerson.

<sup>143</sup> US Department of State (2018) 2017 Country Reports on Human Rights Practices. U.S. Government Printing Office. Preface by John J. Sullivan, Acting Secretary of State.

<sup>144</sup> US Department of State (2019) 2018 Country Reports on Human Rights Practices. U.S. Government Printing Office. Preface by Michael R. Pompeo, Secretary of State.

<sup>145</sup> *Ibid.*

have roles to play in promoting human rights and accountability for rights abuses and violations”.<sup>146</sup>

The seventh element is that ACRs are important tools for the Human Rights policy. In her 2009 preface Hillary Clinton argued she views “these reports not as ends in themselves, but as an important tool in the development of practical and effective human rights strategy by the United States Government”.<sup>147</sup> Similarly, the following year, Clinton highlighted that “these reports were initially envisioned as a tool to help guide the United States in its foreign policy, but they have grown to be something much greater”.<sup>148</sup>

The eighth and last element is that these two sections lay down a conceptualisation of human rights that is compatible with the administration’s priorities. For instance, in the introductory section of the ACRs during the Reagan era democracy was emphasised as sine qua non condition for the respect of human rights. Similarly, human rights were discussed within the discourse of national security during the George W. Bush administration reflecting his War on Terror framework with the 2002 report stating that “their protection worldwide serves a core U.S. national interest”.<sup>149</sup>

## CONTENTIOUS ISSUES WITH SPECIFIC COUNTRIES

The irony with the reports is that for certain states that are considered as major violators of human rights like “pariah states, Sudan, Afghanistan, others, North Korea” essentially no one is “interested in defending and nobody cares what you say about them and it’s kind of the job of us as the human rights gurus to write down the report.”<sup>150</sup> Yet, there are a few

<sup>146</sup> US Department of State (2021) 2020 Country Reports on Human Rights Practices. U.S. Government Printing Office. Preface by Antony J. Blinken.

<sup>147</sup> US Department of State (2010) 2009 Country Reports on Human Rights Practices. U.S. Government Printing Office. Preface by Hillary Clinton.

<sup>148</sup> US Department of State (2011) 2010 Country Reports on Human Rights Practices. U.S. Government Printing Office. Preface by Hillary Clinton.

<sup>149</sup> US Department of State (2003) 2002 Country Reports on Human Rights Practices. U.S. Government Printing Office.

<sup>150</sup> Stan Ifshin (2001) *Interview with Stan Ifshin*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/sto-ange-services/service/mss/mfdip/2004/2004ifs01/2004ifs01.pdf>.

countries whose reports are much more contentious. Every year there are some difficult reports, usually Israel, China, Turkey, and Iran (especially in the 1970s).<sup>151</sup>

### *Israel*

The ACR for Israel is arguably the most vetted, reviewed, edited, and “politicized”. According to numerous accounts of former State Department officials, the report for Israel was one of such complexity and sensitivity that it was elevated from the low-level drafters of the reports to the Assistant Secretary level or even higher up to the Secretary of State. Yvonne Thayer gives a more detailed account of writing the ACR on Israel.

Israel was always a difficult topic. [...] Determining the final language on Israel was above my pay grade. My office was charged with checking facts, seeking additional sources to corroborate information, ensure objectivity, and fine tune accurate language. [...] We worked hard to ensure the reports were thorough, verified, and honest. Some had classified annexes but the overall report was unclassified and released to the public. No one thought U.S. assistance to Israel for example or Egypt would be reduced under any circumstances. The process had waivers to get around levels of aid, military aid, and votes subject to human rights performance. Those decisions were tough and implementation was hardly consistent. My job was to provide an accurate picture. We might work through dozens of edits and disputes over how something was handled in a report. I would try to resolve issues with the relevant regional desk or office and we would turn over remaining issues for John [Shattuck] to address directly with his counterpart at the assistant secretary and sometimes the Secretary level.<sup>152</sup>

“Each year there were two or three issues that had to go to the leadership of the department to be resolved, and Israel was one of those issues

<sup>151</sup> Ibid.

<sup>152</sup> Yvonne Thayer (2007) *Interview with Yvonne Thayer*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://www.adst.org/OH%20TOCs/Thayer.Yvonne.pdf>.



each year” Bishop remembers.<sup>153</sup> Stephen E. Palmer Jr. recalls that the Israel report ended up with “titanic struggles sometimes in the White House, or at least in the National Security Councils (NSC)”.<sup>154</sup> Gilbert D. Kulick remembers that “every word was parsed and every comma was examined”.<sup>155</sup> The language and the length of the report were part of the issue. The NSC was concerned of including too many cases.<sup>156</sup> Members of the NSC were occasionally the ones who were drawing the lines of what could be included or not in the ACR for Israel, or even “slashing” the report’s length, “by as much as a third”.<sup>157</sup> After there was kind of agreement for the report with the Department on “language for any one of a number of disputed issues within the reports [there are separate reports for Israel and the Occupied Territories]”, then “they would be sent to the NSC where they would effectively be gutted or at least substantially rewritten, which virtually never occurred with other reports”.<sup>158</sup> So essentially in the case of disagreement, it was the NSC that had “the final word”.<sup>159</sup> Internal US agencies were involved in the editing of the ACR on Israel. Through a “mistake” made in the embassy,<sup>160</sup> the Israelis were able to see drafts of the section on human rights in the ACR on Israel. Israel was actually very attentive to the ACRs. The Israeli embassy

<sup>153</sup> James K. Bishop, Jr. (1995) *Interview with James K. Bishop Jr.*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004bis01/2004bis01.pdf>.

<sup>154</sup> Stephen E. Palmer, Jr. (2021/1995) *Palmer’s Interview for a Foreign Service Oral History Project*, The Association for Diplomatic Studies and Training Foreign Affairs Oral History Project, Library of Congress. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004pal04/2004pal04.pdf>.

<sup>155</sup> Gilbert D. Kulick (1993) *Interview with Gilbert D. Kulick*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004kul01/2004kul01.pdf>.

<sup>156</sup> Nadia Tongour (2007) *Interview with Nadia Tongour*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010ton01/2010ton01.pdf>.

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

<sup>159</sup> Ibid.

<sup>160</sup> Patricia Derian (1996) *Interview with Patricia Derian*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://adst.org/wp-content/uploads/2013/12/Derian-Patricia.19961.pdf>.

in Washington, DC “had a Human Rights bureau watcher who would come and try to pre-emptively explain to us why something nasty had happened in an attempt to justify it”.<sup>161</sup> Bishop recalls that the efforts to influence the process would also include assisting the Assistant Secretary Richard Schifter organising “his trips to Israel when he would go out and talk with the generals and talk with the human rights groups”.<sup>162</sup> Patt Derian recently confirmed that it is probably still true that “anything that goes to the State Department concerning Israel probably appears on an Israeli foreign minister’s desk before it appears on Foreign Service”.<sup>163</sup> To the contrary, there was little interactions with the Palestinians. This lack of communication could be explained in different ways. On the one hand, Bishop remembers that while there are “obviously Arab groups in the United States and Palestinians groups in the United States, they rarely made their way to us”.<sup>164</sup> On the other hand, there were also certain issues with designating groups as “terrorist” that would mean that no official contact with them could be made. As Bishop remembers, “there was certainly a prohibition at that time about talking with some groups, the PLO and people who were affiliated with the PLO. No American official could speak with them”.<sup>165</sup> Richard Schifter confirms that “There is no doubt that there is a great deal of unfairness in how Palestinians are being dealt with in Israel”.<sup>166</sup>

<sup>161</sup> James K. Bishop, Jr. (1995) *Interview with James K. Bishop Jr.*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004bis01/2004bis01.pdf>.

<sup>162</sup> Ibid.

<sup>163</sup> Patricia Derian (1996) *Interview with Patricia Derian*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://adst.org/wp-content/uploads/2013/12/Derian-Patricia.19961.pdf>.

<sup>164</sup> James K. Bishop, Jr. (1995) *Interview with James K. Bishop Jr.*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004bis01/2004bis01.pdf>.

<sup>165</sup> Ibid.

<sup>166</sup> Richard Schifter (2021/2003) *Interview with Richard Schifter*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2007/2007sch02/2007sch02.pdf>.

All objectivity is off in Israel ACR reports. The justification for overlooking certain issues was justified by the fact that Israel was a democratic political system with “a good legal system and courts that sometimes overruled nasty practices” and therefore the final report’s did not have to be so negative.<sup>167</sup> Eicher admits that the language used in the ACR for Israel was different. One key element of the ACRs for Israel is to distinguish between Israel and the Occupied Territories. The first paragraph of the report clarifies this distinction. While Israel is a democracy, the Occupied Territories are under military occupation where there would “inevitably” be different human rights practices.<sup>168</sup> Nadia Tongour describes this as “[p]ainful, because everything else was more or less negotiable”.<sup>169</sup>

The ACR report on Israel was also known as the “Schifter report” during Schifter’s tenure in the Human Rights Bureau from 1985 to 1992.<sup>170</sup> Schifter remembers that he was privately pressing the Israelis to comply with Human Rights standards. He recalls that he was critical of many Israeli practices remembering “telling Yitzhak Rabin how to run the army during what came to be known as the first Intifada” and he later found out that Rabin viewed him as an “American cop”.<sup>171</sup> As Schifter explains, from the initial interview he had with the Secretary of State George Shultz they decided on a strategy to follow regarding the ACRs. They agreed what they “needed to do is cure the problems” that they “encountered rather than wringing” their “hands or shouting from the rooftops as to what” they “found wrong”.<sup>172</sup> For Schifter, there is value to publicly “denounce human rights violators only when it is clear

<sup>167</sup> Peter D. Eicher (2007) *Interview with Peter D. Eicher*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010eic01/2010eic01.pdf>.

<sup>168</sup> Gilbert D. Kulick (1993) *Interview with Gilbert D. Kulick*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004kul01/2004kul01.pdf>.

<sup>169</sup> Nadia Tongour (2007) *Interview with Nadia Tongour*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010ton01/2010ton01.pdf>.

<sup>170</sup> Richard Schifter (2021/2003) *Interview with Richard Schifter*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2007/2007sch02/2007sch02.pdf>.

<sup>171</sup> Ibid.

<sup>172</sup> Ibid.

that they are not listening to reason”.<sup>173</sup> Schifter justifies the lack of public denouncement of Israel during the first Intifada, on the basis that Israelis were following his guidance to “end the practices of which they [US] disapproved”. So for Schifter, while he “had no doubt that there were human rights problems in Israel and the Occupied Territories”, he “believed that [US] should seek to address them in direct discussions with Israeli officials, and if [they] failed to get a prompt correction, should list them in our human rights reports”.<sup>174</sup> For Schifter, human rights violations in the case of Israel should be understood within the context of being the “only democracy in the region” and especially when it is “under attack”.<sup>175</sup> Yet, Schifter, argued that he was responsible to “adhere to a consistent standard in the final texts of all the reports, rather than judging Israel by standards that were significantly different from the standards applied to other countries”.<sup>176</sup>

The question of having any ACR for Israel that could have a detrimental impact on any kind of US foreign assistance has been off the table. “As far as taking any punitive action against Israel because of its human rights practices, that was out of the question as far as U.S. policy went”.<sup>177</sup> That, Eicher explains, has been due to “other policy consideration taking precedence over human rights”.<sup>178</sup>

We need to be careful, however, to consider a uniform front by US officials in Israel when it came to submitting the ACR reports. The process of drafting the ACR for Israel included two often conflicting feeds from the US Consulate in Jerusalem and the US Embassy in Tel Aviv. The case of Alexandra Uteev Johnson is indicative of that conflict. Officers admitted that the staff in the American Consulate in Jerusalem “would

<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

<sup>175</sup> Ibid.

<sup>176</sup> Ibid.

<sup>177</sup> Peter D. Eicher (2007) *Interview with Peter D. Eicher*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010eic01/2010eic01.pdf>.

<sup>178</sup> Ibid.

not always agree with Embassy personnel in Tel Aviv on certain aspects of the report”.<sup>179</sup>

Alexandra Uteev Johnson was the vice-consul and post visa officer in the Consulate and wrote two reports in 1978 alleging that Israeli authorities systematically used torture techniques to interrogate Palestinian prisoners. The cable was leaked to the press. There are allegations that she arranged that text to get to the press.<sup>180</sup> She was also accused of being so “emotionally embroiled” in that case that she “had clearly become very partisan”.<sup>181</sup> As the visa officer in the Consulate, Johnson interviewed 29 Palestinians while processing their visa applications. She argued that “all 29 individuals described to [her], in varying degree of detail, interrogation sessions in which they were beaten or otherwise tortured by their interrogators”.<sup>182</sup> She saw a “pattern or a system” of physical abusive practices. Johnson was briefly engaged to one of the 29 Palestinians. In February 1978 at the request of Donald Kruse, the deputy principal office of the consulate, Johnson prepared a summary of the cases. In May 1978, Johnson sent a cable, later designated “Jerusalem 1500”, to the Secretary of State in Washington, DC with the subject “Torture of Arab Prisoners in Jerusalem and the West Bank”. Few months later, in November 1978, Johnson sent a second cable later designated “Jerusalem 3239” with the subject “Treatment of Security Suspects on West Bank”. At the cable, Johnson’s report was introduced with a disclaimer that although the consulate “does not necessarily agree with all the deductions and conclusion” of Johnson’s report, “the weight of evidence points to the validity of her general conclusion that physical mistreatment is systematically used on many Arab Security suspects interrogated in the West Bank”. The introduction then goes on to state that the stories “cannot be corroborated

<sup>179</sup> Nadia Tongour (2007) *Interview with Nadia Tongour*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010ton01/2010ton01.pdf>.

<sup>180</sup> Gilbert D. Kulick (1993) *Interview with Gilbert D. Kulick*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004kul01/2004kul01.pdf>.

<sup>181</sup> Ibid.

<sup>182</sup> Bernard Gwertzman (1979) ‘Ex-U.S. Aide Repeats Charges on Israel’, February 9, *New York Times*. Available at: <https://www.nytimes.com/1979/02/09/archives/ex-us-aide-repeats-charges-on-israel-contentends-her-reports-of-torture.html>.

firsthand” and that this is “a problem general in human rights reporting”.<sup>183</sup> The introduction concludes that “contents of this cable along with references should be taken into account in preparing for Congress the required Annual Human Rights Section on Israel”.<sup>184</sup>

Soon the cables were leaked to the press and the story appeared in the front cover of “The Washington Post” on 7 February 1979 just few days before the public release of the ACRs.<sup>185</sup> As the Washington Post wrote the previous year, the ACR for Israel held that “we know of no evidence... that Israel follows a consistent practice or policy of using torture”. Yet, the upcoming report was about to state that “The accumulation of reports, some from credible sources, makes it appear that instances of mistreatment have occurred”.<sup>186</sup> Few days later the Post clarified that the quotes from the ACRs were somehow handled inaccurately because in both years there was an acknowledgement of “instances” of mistreatment.<sup>187</sup> Alexandra Uteev Johnson essentially was fired as she did not get tenured.<sup>188</sup> State Department officially denied that “her reporting was the reason for her failure to receive tenure” but Johnson believed that she “was fired because of her human rights reporting”.<sup>189</sup> As *New York Times* reported after an extensive inquiry, “Johnson’s harsh conclusions about Israeli police methods were not substantiated”.<sup>190</sup> Yet, the ACR for Israel stated that “as a result of an accumulation of evidence, there seemed

<sup>183</sup> US Consulate Jerusalem (1978) ‘Jerusalem 3239, Unclassified’. Available at: [https://upload.wikimedia.org/wikipedia/commons/5/58/Jerusalem\\_3239.pdf](https://upload.wikimedia.org/wikipedia/commons/5/58/Jerusalem_3239.pdf).

<sup>184</sup> Ibid.

<sup>185</sup> T. R. Reid and Edward Cody (1979) ‘U.S. Reports Indicate Israeli Abuse of Palestinians’, February 7, *The Washington Post*. Available at: <https://www.washingtonpost.com/archive/politics/1979/02/07/us-reports-indicate-israeli-abuse-of-palestinians-reports-indicate-israeli-abuse-of-palestinians/981a6fb7-e33c-4566-8c5d-1cbe74f5fa90/>.

<sup>186</sup> Ibid.

<sup>187</sup> Charles B. Seib (1979) ‘Israel Rights Account: Accurate But Not Free of Defect’, February 12, *The Washington Post*. Available at: <https://www.washingtonpost.com/archive/politics/1979/02/12/israel-rights-account-accurate-but-not-free-of-defect/3012fed0-5ec2-4c13-b6e9-4e1ce58ffb53/>.

<sup>188</sup> Kulick argues that Johnson “ended up by resigning from the Foreign Service”.

<sup>189</sup> Bernard Gwertzman (1979) ‘Ex-U.S. Aide Repeats Charges on Israel’, February 9, *New York Times*. Available at: <https://www.nytimes.com/1979/02/09/archives/ex-us-aide-repeats-charges-on-israel-contentends-her-reports-of-torture.html>.

<sup>190</sup> Ibid.

to be ‘instances’ of mistreatment of prisoners detained for questioning in security cases”.<sup>191</sup>

In 18 February 1979 Johnson spoke to the Committee of Foreign Relations of the US Senate.<sup>192</sup> She argued that “‘Jerusalem 3239’ sparked an internal State Department debate over the contents of the human rights report”. The conversation started in December 1978, according to Johnson, with the consul in Jerusalem, Michael H. Newlin “pressing for some reference to the idea that Israeli torture might be a systematic practice”, while the Embassy in Tel Aviv opposed that “basing their views on routine Israeli denials”.<sup>193</sup> That debate, Johnson held, was reflected also in Washington, DC when the Human Rights Bureau supported the Consulate position, while the State Department’s “Israel desk” supported the Embassy position. In the end, “the carefully worded published report could be quoted by both sides as a victory. It did allude to charges that Israeli torture is a systematic practice, but stated only that some instances of mistreatment have occurred”. Yet, Johnson argued that there was “no substantive change from last year’s human-rights report”. She argued that while the State Department “privately praised her cables”, it “virtually ignored them in the language of the public human rights report”. Johnson afterwards published a book about Israeli human rights practices.

### *Iran*

When Patt Derian got appointed, in 1977, the human policy “got a lot of pushback”. Certain countries in other parts of the world were essentially off limits. Iran, for one.<sup>194</sup> Patt Derian admitted that during the

<sup>191</sup> Ibid.

<sup>192</sup> Hearing before the Committee on Foreign Relations, United States Senate, 96 Congress, First session on S. 660 A Bill to authorize appropriation under the arms control and disarmament act for the fiscal year 1980 and for other purposes, April 5, 1979, US Government Printing Office, Washington, DC, 1979, page 282.

<sup>193</sup> Ibid.

<sup>194</sup> Yvonne Thayer (2007) *Interview with Yvonne Thayer*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://www.adst.org/OH%20TOCs/Thayer.Yvonne.pdf>, page 40.

Kissinger time, “there was more or less an explicit order” [...] “not to report anything bad about the Shah”.<sup>195</sup>

Iran, during the Shah period, was one of the countries where there were constant battles over the human rights reports, especially during the first years of the ACRs. Hill remembers the country director for Iran saying to him that “Henry Kissinger is not going to be happy about criticizing his friend the Shah of Iran”. However, Hill replied that it was not up to the Secretary of State to make that call. Hill recalls that “the final version of the Iran report stated that there were credible reports that the Savak, Iran’s secret police, had tortured and abused political prisoners”.<sup>196</sup>

Moncrieff J. Spear, an FSO, criticised the human rights approach citing the case of Iran. The Human Rights Bureau was clashing with other geographical desks that were pressing to take into account other security interests in reporting human rights abuses in certain countries. The case of Iran is “perhaps the most graphic case”, because “the criticism of the Shah’s policies went a long way toward demoralizing the Iranian Government”.<sup>197</sup> Spear argues that the negative human rights reporting of the Shah’s regime in the ACR on Iran “expedited its overthrow and the advent to power of the Khomeini regime, whose human rights record left even more to be desired”.<sup>198</sup>

### *China*

China’s ACRs became a “huge problem” because of “several different interest groups” that had “quite varied objectives and conflicting orientations towards developments in the country, resulting in pitched internal

<sup>195</sup> Patricia Derian (1996) Interview with Patricia Derian, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://adst.org/wp-content/uploads/2013/12/Derian-Patricia.19961.pdf>, page 94.

<sup>196</sup> H. Kenneth Hill (2014) *Interview with Ambassador H. Kenneth Hill*, The Association for Diplomatic Studies and Training, Foreign Affairs Oral History Project. Available at: <https://adst.org/wp-content/uploads/2018/08/Hill-Kenneth.pdf>.

<sup>197</sup> Moncrieff J. Spear (1993) *Moncrieff J. Spear Interview*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://www.adst.org/OH%20TOCs/Spear,%20Moncrieff%20J%20.%20toc.pdf>, page 24.

<sup>198</sup> *Ibid.*, page 24.



battles”.<sup>199</sup> There were lengthy “negotiations over specific points or language” over the ACR for China. Tongour remembers that “occasionally, a dispute would escalate and be handled at a considerably higher level”.<sup>200</sup>

Officials from geographical desks, like Robert B. Oakley from the East Asian Affairs, details the clash with the Human Rights Bureau. Oakley remembers how he differed with Patt Derian “on how the U.S. meshed the human rights policy with other goals that we were trying to reach in our relationships with various countries”. For Oakley, human rights is only one of the many US interests and “the best current illustration is China where the Clinton administration is trying to balance all of our various interests”.<sup>201</sup>

China’s MFN status, as noted in the previous chapter, was a “foremost human rights issue in the latter years of the Bush administration and the beginning of the Clinton administration”.<sup>202</sup> Yet, Assistant Secretary Richard Schifter supported the view that China should not be denied the Most-Favored Nation treatment, because the “economic liberalization would inevitably” improve the human rights records.<sup>203</sup> A conflict on the approach to follow was not only between the Human Rights Bureau and the East Asian Bureau but also with the rest of the State Department and NGOs over China. Bishop remembers that the “NGO community felt that most favored nation treatment should be ended”.<sup>204</sup>

The issue with granting the MFN status to China has been quite controversial. Bishop remembers that when the Secretary of State, Warren Christopher, visited China, he demanded that China needed to improve

<sup>199</sup> Nadia Tongour (2007) *Interview with Nadia Tongour*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010ton01/2010ton01.pdf>.

<sup>200</sup> Ibid.

<sup>201</sup> Robert B. Oakley (1992) *Interview with Robert B. Oakley*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://www.adst.org/OH%20TOCs/Oakley.Robert.B.pdf>.

<sup>202</sup> James K. Bishop, Jr. (1995) *Interview with James K. Bishop Jr.*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004bis01/2004bis01.pdf>.

<sup>203</sup> Ibid.

<sup>204</sup> Ibid.

her human rights practices or otherwise “it would have a major impact on bilateral relations”.<sup>205</sup> Then the White House “pulled the rug out from under him”, by supporting the renewal of the MFN status for China “despite a human rights record which hadn’t improved at all over the previous year when the Democrats, many Democrats, were calling on the Bush administration to cancel most favored nation treatment”.<sup>206</sup> Maintaining the MFN status of China proved that “trade trumps rights”.<sup>207</sup>

In 2002, the dialogue with China on human rights was suspended by Lorne Craner. It only briefly resumed in 2008. David Kramer, who only served as Assistant Secretary at the end of George W. Bush term for less than a year, remembers focussing his work on China but despite his dedicated efforts there was little accomplishments in the end.<sup>208</sup> Kramer admits that the dialogue is not the best way to advance human rights issues but it is instead for Chinese “to stovepipe and marginalize the issues outside of normal channels of interaction”.<sup>209</sup>

### *Taiwan*

One country where there was a widespread impression among FSO that the ACR had a positive impact was Taiwan. Richard Schifter recalls that Taiwan paid an “enormous amount of attention to our human rights reports”.<sup>210</sup> Schifter remembers that “every year before

<sup>205</sup> Ibid.

<sup>206</sup> Ibid.

<sup>207</sup> Peter D. Eicher (2007) *Interview with Peter D. Eicher*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010eic01/2010eic01.pdf>.

<sup>208</sup> David J. Kramer (2011) *Interview with David J. Kramer*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://adst.org/wp-content/uploads/2012/09/Kramer-David.pdf>.

<sup>209</sup> Ibid.

<sup>210</sup> Richard Schifter (2021/2003) *Interview with Richard Schifter*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2007/2007sch02/2007sch02.pdf>.

the report was in final form”, he would have a pre-dinner discussion at the quasi-Embassy. “[They] would go through the previous year’s report paragraph-by-paragraph, line-by-line”.<sup>211</sup> The Taiwanese government was “very grateful about the reports and worked to improve” their human rights record.<sup>212</sup>

### *Brazil*

The reaction of Brazilian government to the first ACR was very different. The Brazilian Government of Brazil, in 1977, announced that the 1952 “Military Accords” were no longer operative as the United States had unilaterally altered the terms of the accords by requiring a human rights report on all countries receiving security assistance”.<sup>213</sup> Brazil essentially “refused to accept security assistance because that would trigger a human rights report”.<sup>214</sup>

The US officials perceived that Brazil was a country in transition and that made the ACR even more impactful.<sup>215</sup> “Two major Brazilian newspapers, the ‘O Estado de Sao Paulo,’ and I believe also in Rio the “Jornal do Brasil”, within a day or two published the entire text of the ACR, making the government unhappy because a “a major critical element introduced into the body politic and discussions”.<sup>216</sup> At the same time Brazil was not happy with another issue, the US nuclear accord with

<sup>211</sup> Ibid.

<sup>212</sup> Nadia Tongour (2007) *Interview with Nadia Tongour*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010ton01/2010ton01.pdf>.

<sup>213</sup> Clarke McCurdy Brintnall (1996) *Interview with Clarke McCurdy Brintnall*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004bri02/2004bri02.pdf>.

<sup>214</sup> Ibid.

<sup>215</sup> Marc E. Nicholson (2011) *Interview with Marc E. Nicholson*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2011/2011nic01/2011nic01.pdf>.

<sup>216</sup> Ibid.

West Germany (FRG)<sup>217</sup> (and United States efforts to block the nuclear enactor sale from Western Germany). Brazil probably was looking for a pretext to terminate the military cooperation with the US.

### *Turkey and Others*

The report for Turkey, like the one for Israel, has often been cited as one of the tough ones that had to “escalate all the way up to the Secretary of State”.<sup>218</sup> Heg recalls during his time that the United States tried not to be “only interested in human rights” but also to “take a broader perspective” because of “security interests”. James Heg, Deputy Political Counselor in Ankara between 1993 and 1996, remembers that the ACR for Turkey was “an incredibly fraught document because the Turks would take umbrage at huge swaths of it, and we had to bend over backwards to give them credit where credit was due, otherwise the document would be incredibly damaging”.<sup>219</sup> Yet, Janice Weiner, the human rights officer in the US Embassy, who won also the William R. Rivkin Award in 1995, for being a “constructive dissent”, took another stance and advocated for diversifying sources from “all sides” because she “had developed incredible contacts in the Kurdish community, with human rights NGOs (non-governmental organizations), and among the Turks themselves”.<sup>220</sup> The inconsistency of the US human rights policy in Turkey is indicative in

<sup>217</sup> John Hugh Crimmins (2011) *Interview with John Hugh Crimmins*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004cri01/2004cri01.pdf>.

<sup>218</sup> Stephen E. Palmer, Jr. (1995) *Palmer's Interview for a Foreign Service Oral History Project*, The Association for Diplomatic Studies and Training Foreign Affairs Oral History Project, Library of Congress. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004pal04/2004pal04.pdf>.

<sup>219</sup> James Heg (2017) *Interview with James Heg*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://www.adst.org/OH%20TOCs/Heg,James.pdf>, page 43.

<sup>220</sup> *Ibid.*

the instance when the US embassy presses for more arms sales to Turkey ignoring the fact that this will result to be used against the Kurds.<sup>221</sup>

For at least the first three decades of ACRs, Egypt as well had been discussed as a case where the human rights concerns were trumped by other US strategic priorities.<sup>222</sup> Like Israel, “no one thought U.S. assistance to Egypt would be reduced under any circumstances”.<sup>223</sup>

Finally, the case of the report for the UK and the IRA in Northern Ireland was also one that was dealt with “at the Secretary level”.<sup>224</sup> Bishop remembers that “The British didn’t like what we would say about Northern Ireland and were very upset about our human rights reporting”.<sup>225</sup> Thayer recalls that “Jean Smith, the Kennedy sister, was U.S. ambassador to Ireland at the time, yes ‘93-‘98. She was very pro-Irish and blasted England’s record. There was a lot of tension over that”.<sup>226</sup>

## ROLE OF THE ACRS

There is a great amount of literature demonstrating that human rights abuses have not had a great impact to determine US foreign aid. In fact, in certain cases foreign aid actually had a negative impact on the human rights situation of aid recipient countries making their neglect of basic

<sup>221</sup> James K. Bishop, Jr. (1995) *Interview with James K. Bishop Jr.*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004bis01/2004bis01.pdf>.

<sup>222</sup> Peter D. Eicher (2007) *Interview with Peter D. Eicher*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010eic01/2010eic01.pdf>.

<sup>223</sup> Yvonne Thayer (2007) *Interview with Yvonne Thayer*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://www.adst.org/OH%20TOCs/Thayer.Yvonne.pdf>.

<sup>224</sup> Ibid.

<sup>225</sup> James K. Bishop, Jr. (1995) *Interview with James K. Bishop Jr.*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004bis01/2004bis01.pdf>.

<sup>226</sup> Yvonne Thayer (2007) *Interview with Yvonne Thayer*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://www.adst.org/OH%20TOCs/Thayer.Yvonne.pdf>.

human rights even worse.<sup>227</sup> Empirical research demonstrates that there is not a strong relationship between allocation of US aid and the human rights situation in recipient countries.<sup>228</sup> In any case, very often human rights concerns have been overridden if other US interests were at stake.

Human rights have had not any effect on US aid. While the law mandated to cut off foreign assistance to countries that systematically violate human rights, there was a provision that this could be waived. In reality, it was regularly waived. For instance, military assistance to “the Middle East, South Korea, and elsewhere where the US decided we had higher priorities” was not disrupted because of that waivers.<sup>229</sup> Similarly, Peter D. Eicher, remembers that US State Department certified that some Central Asian countries like Turkmenistan and Uzbekistan were making progress on human rights so the US assistance would not be disrupted.<sup>230</sup> Arguably, only for a limited case of countries of the so-called “Southern Cone” and Central America for a little while, the United States appeared to make “a stand” by cutting off “military assistance and vetoed loans there on human rights grounds”.<sup>231</sup> But these

<sup>227</sup> Callaway and Matthews (2008).

<sup>228</sup> Clair Apodaca and Michael Stohl (1999) ‘United States Human Rights Policy and Foreign Assistance’, *International Studies Quarterly*, 43(1), March, 185–198. <https://doi.org/10.1111/0020-8833.00116>. Lars Schoultz (1981) ‘U. S. Foreign Policy and Human Rights Violations in Latin America: A Comparative Analysis of Foreign Aid Distributions’, *Comparative Politics*, 13(2), 149–170. David Carleton and Michael Stohl (1987) ‘The Role of Human Rights in US Foreign Assistance Policy: A Critique and Reappraisal’, *American Journal of Political Science*, 1002–1018. James M. McCormick and Neil Mitchell (1988) ‘Is US Aid Really Linked to Human Rights in Latin America?’ *American Journal of Political Science*, 32(1), 231–239. Rhonda L. Callaway and Elizabeth G. Matthews (2008) *Strategic US Foreign Assistance: The Battle Between Human Rights and National Security*. Ashgate Publishing Company. Timothy M. Peterson and James M. Scott (2018) ‘The Democracy Aid Calculus: Regimes, Political Opponents, and the Allocation of US Democracy Assistance, 1981–2009’, *International Interactions*, 44(2), 268–293. <https://doi.org/10.1080/03050629.2017.1339701>.

<sup>229</sup> Yvonne Thayer (2007) *Interview with Yvonne Thayer*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://www.adst.org/OH%20TOCs/Thayer.Yvonne.pdf>, page 96.

<sup>230</sup> Peter D. Eicher (2007) *Interview with Peter D. Eicher*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010eic01/2010eic01.pdf>.

<sup>231</sup> Yvonne Thayer (2007) *Interview with Yvonne Thayer*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://www.adst.org/OH%20TOCs/Thayer.Yvonne.pdf>, page 96.

few exceptions withstanding, the more general pattern has been that there are no sanctions because of human rights violations. For instance, Fischer recalls that in the early 1980s, despite damaging reports in the ACRs, the United States never took any sanctions against Seychelles.<sup>232</sup> Yet, Fischer recalls that even in cases where military assistance was cut off, there were usually different reasons beyond the human rights situation. In the late 1980s, Somalia stopped receiving military assistance due to the abysmal human rights situation. However, the real reason, Fischer admits, was “our fear that if we armed Barre he would be encouraged to invade Ethiopia again”.<sup>233</sup> Somalia’s geostrategic location in the Horn of Africa had invited the interest of both superpowers during the Cold War. Throughout the 1980s, the United States gave large amounts of military assistance to Somalia and the US Congress’s attempts to cut off the assistance only succeeded in 1989. Yet, even so, the humanitarian and economic assistance to Somalia remained.

One role that ACRs have not played is that they cannot be used in claims for refugee status. One important legal disclaimer of the ACRs is that people cannot use the human right report in their applications for refugee status. That issue was clarified to the drafters of the ACR as not being enough for anyone to cite the ACR for providing evidence of a terrible situation. A person applying for asylum has to make a case for their specific case that of their family with evidence that they are persecuted or afraid to be persecuted.<sup>234</sup>

Over the years ACRs have been broadly perceived as being a reliable compendium of information on human rights.<sup>235</sup> De Neufville, who worked as a consultant to the State Department developing indicators and methods for the economic and social section of the reports, assessed that ACRs have been impactful in three domains. First, on

<sup>232</sup> David J. Fischer (1998) *Interview with David J. Fischer*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://www.adst.org/OH%20TOCs/Fischer,%20David.toc.pdf>, page 108.

<sup>233</sup> *Ibid.*, page 110.

<sup>234</sup> Leon Weintraub (2005) *Interview with Leon Weintraub*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010wei02/2010wei02.pdf>.

<sup>235</sup> Peter D. Eicher (2007) *Interview with Peter D. Eicher*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010eic01/2010eic01.pdf>.

the State Department. They have brought internal changes in organisational attention and policymaking. This meant that “the level of expertise and the base of knowledge about human rights in Washington and the embassies” was increased.<sup>236</sup> Second, on Congress and NGOs. The ACRs “educated members of Congress about the nature and causes of human rights abuses”.<sup>237</sup> The hearings that take place in Congress effectively “empower the NGOs” by legitimising their participation in the public debate on human rights. Third, on the public and Foreign Governments.<sup>238</sup>

In fact, Richard Schifter admits that the ACRs have had a very profound bureaucratic impact.<sup>239</sup> Because the first drafts of the ACRs are prepared by the US embassies, ambassadors assigned the task to one of their political officers. In the early years, that meant that while in some countries that was a part-time assignment, in larger countries, it “was a full-time assignment that may even have involved more than one officer”.<sup>240</sup> According to Schifter, “these appointments ultimately had a profound impact in changing the outlook of many officers of the State Department on the issue of human rights”.<sup>241</sup> So, the vast majority of US embassies have now to appoint Human rights officers task to monitor the country’s human rights situation year-round so they will be equipped to prepare the first draft of the ACR.

The reports have been a very valuable addition to US policy. ACRs are one the most important tool for human rights policy. Yvonne Thayer argues that “Human rights was a worthy and useful foreign policy

<sup>236</sup> Judith Innes De Neufville (1986) ‘Human Rights Reporting as a Policy Tool: An Examination of the State Department Country Reports’, *Human Rights Quarterly*, 8(4), 681–699, 693.

<sup>237</sup> Ibid., page 694.

<sup>238</sup> Ibid., page 695.

<sup>239</sup> Richard Schifter (2021/2003) *Interview with Richard Schifter*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2007/2007sch02/2007sch02.pdf>.

<sup>240</sup> Ibid.

<sup>241</sup> Ibid.



goal”.<sup>242</sup> For Thayer, US ideas and values played an equal footing with the military arsenal in fighting USSR at the Cold War. She holds that “however inconsistent the implementation, the U.S. built a lot of good will for defending human rights of ordinary citizens around the world. Not a few of those citizens eventually became leaders in their countries”.<sup>243</sup>

The reality for ACRs is that while they have not restricted US foreign policy pursuing goals that prima facie are incompatible with the promotion of human rights, they did add value for her cultural hegemony. They helped the United States setting the normative framework on human rights that is compatible and furthers its hegemonic interests worldwide.

At times, the Human Rights Bureau and the Assistant Secretary would be receiving complaints by ambassadors whose countries have received a negative portrayal of their human rights situation in the ACRs. Nadia Tongour remembers that many ambassadors would call on them and “express their concerns about the human rights reports”.<sup>244</sup> They all wanted to convince the Human Rights Bureau officials that that “their human rights situation was improving”.<sup>245</sup>

Countries who were upset because of the negative reporting in ACRs would react against the officials of the US embassy in their territory. Fischer recalls an incident with the Seychelles president and his wife who threatened the American ambassador because of the reports.<sup>246</sup> In the early years, Palmer remembers that officials from US embassies were

<sup>242</sup> Yvonne Thayer (2007) *Interview with Yvonne Thayer*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://www.adst.org/OH%20TOCs/Thayer.Yvonne.pdf>.

<sup>243</sup> Ibid.

<sup>244</sup> Nadia Tongour (2007) *Interview with Nadia Tongour*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010ton01/2010ton01.pdf>.

<sup>245</sup> Ibid.

<sup>246</sup> David J. Fischer (1998) *Interview with David J. Fischer*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://www.adst.org/OH%20TOCs/Fischer,%20David.toc.pdf>.

“perturbed about the extremely negative reaction of the host governments”.<sup>247</sup> Yet, in “the ensuing years that’s all pretty much died down” with the “exception of the Chinese”.<sup>248</sup>

## CRITICISMS OF THE ACRs

One of the main criticisms of the ACRs is that they ignore the United States’ own Human Rights record. The US State Department had “few stock answers” to that but as Peter D. Eicher admits they did not satisfy the critics.<sup>249</sup> The first was that legal requirement for the ACRs did not include reporting on the US. Secondly, they emphasised that the US State Department in any case does not have required information to prepare an ACR for the United States in the same way as it does for the rest of the countries where the US embassies or consulates are preparing the first draft. Thirdly, the State Department would highlight that “US is the most open and most reported on country in the world”, so there was no issue with the lack of information on the human rights situation.<sup>250</sup>

However, during George W. Bush’s administration, the Department of State issued five reports on “Supporting Human Rights and Democracy: The U.S. Record” to counter that criticism.<sup>251</sup> These reports were considered to be complimentary to the ACRs. It was the idea of Lorne Craner the incoming Assistant Secretary of State for Democracy, Human Rights, and Labor who wanted to make the ACRs “more like the human rights reports that the British government publishes, with pictures and

<sup>247</sup> Stephen E. Palmer, Jr. (1995) *Palmer’s Interview for a Foreign Service Oral History Project*, The Association for Diplomatic Studies and Training Foreign Affairs Oral History Project, Library of Congress. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2004/2004pal04/2004pal04.pdf>.

<sup>248</sup> Ibid.

<sup>249</sup> Peter D. Eicher (2007) *Interview with Peter D. Eicher*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010eic01/2010eic01.pdf>.

<sup>250</sup> Ibid.

<sup>251</sup> That reports were “submitted to the Congress by the Department of State in compliance with section 665 of P.L. 107-228, the Fiscal Year 2003 Foreign Relations Authorization Act, which was signed into law on September 30, 2002. It requires the Department to report on actions taken by the U.S. Government to encourage respect for human rights. This report complements the annual Country Reports on Human Rights Practices.” <https://2009-2017.state.gov/j/drl/rls/shrd/index.htm>.

human-interest stories. He wanted to feature the grants that we were making to demonstrate how grants could promote democracy and human rights”.<sup>252</sup> Yet, as Ambassador Robert P. Jackson admits, these reports were still met with some criticisms. Initially they had the support of Secretary of State Colin Powell “but news of the abuses at Abu Ghraib became public just as we were getting ready to issue the second report on the Supporting Human Rights and Democracy, forcing us to delay issuance of the second report”.<sup>253</sup>

Another important point the US State Department often stresses in its defence is that after the 1992 ratification of the International Covenant on Civil and Political Rights (ICCPR) the US reports to the United Nations on their human rights record. The ICCPR was also important because it “symbolized that the U.S. was finally getting on board with the international human rights treaty system”.<sup>254</sup> The fact remains, though, that the United States is one of the very few countries worldwide, and the only Western country, that refuses to sign and ratify the key international human rights treaties. As Peter D. Eicher admits “it makes it difficult for us to insist that others adhere to international standards when we haven’t formally accepted them ourselves”.<sup>255</sup>

State Department officials have repeatedly heard these criticisms. “Some countries declared they were going to write a report on the U.S. human rights record”.<sup>256</sup> While Yvonne Thayer responds positively on this, with: “Exactly what we said: be our guest”,<sup>257</sup> in reality the United States has not welcomed China’s initiative to produce a human rights report on the US. Since 1998 China publishes an annual report on the

<sup>252</sup> Robert P. Jackson (2019) Interview with, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://www.adst.org/OH%20TOCs/Jackson.Robert.pdf>, page 54.

<sup>253</sup> Ibid.

<sup>254</sup> Peter D. Eicher (2007) *Interview with Peter D. Eicher*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2010/2010eic01/2010eic01.pdf>.

<sup>255</sup> Ibid.

<sup>256</sup> Yvonne Thayer (2007) *Interview with Yvonne Thayer*, Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. Available at: <https://www.adst.org/OH%20TOCs/Thayer.Yvonne.pdf>.

<sup>257</sup> Ibid.

“Human Rights Record of the United States”.<sup>258</sup> The report is being issued by the State Council Information Office of China immediately after the publication of the ACRs but most recently, in 2021, China issued the report before the ACR. Like the ACRs, the Chinese reports have gradually been increasing both in length and coverage. However, these reports have been largely dismissed as biased in the United States and many main Western media outlets rarely give any coverage.

One American NGO was very active in articulating issues within the ACRs. Since 1979 till 1996, for eighteen years, “the Lawyers Committee for Human Rights produced an annual Critique of the State Department reports”.<sup>259</sup> Their main criticism in these annual critiques had been the selectivity in reporting human rights violations. In response to criticisms, the State Department issued guidelines in 1993 requiring authors to cover standardised human rights criteria.<sup>260</sup> After the 1996 report,<sup>261</sup> they decided to “stop producing the Critique based on our judgement that the reports have become a progressively more thorough and reliable guide to human rights conditions throughout the world”.<sup>262</sup> It is interesting that the Lawyers Committee for Human Rights called for more “open government” and “transparency”. These two vague concepts soon came to be considered as the best antidote to corruption.

In 2003, the NGO Lawyers Committee for Human Rights (later renamed Human Rights First) returned to its critique of the ACRs by publishing the *Holding the Line*. It argued that the 2002 report “reflects the special strains of the ‘war against terrorism’”. It demonstrated that the report did not uphold the same standards as some key strategic partners

<sup>258</sup> Embassy of the People’s Republic of China in the USA (2003) ‘Human Rights Records in the United States’, October 23. Available at: <https://www.mfa.gov.cn/ce/ccus//eng/zt/zgrq/t36633.htm>.

<sup>259</sup> Lawyers Committee for Human Rights (2003) *Holding the Line: A Critique of the Department of State’s Annual Country Reports on Human Rights Practices*. New York: LCHR, page i.

<sup>260</sup> Jan Hancock (2007) *Human Rights and US Foreign Policy*. New York: Routledge, page 66.

<sup>261</sup> Lawyers Committee for Human Rights (1997) *Critique: Review of the U.S. Department of State’s Country Reports on Human Rights Practices for 1996*. New York: LCHR.

<sup>262</sup> Lawyers Committee for Human Rights (2003) *Holding the Line: A Critique of the Department of State’s Annual Country Reports on Human Rights Practices*. New York: LCHR, page ii.

on the “War on Terror” with the omission of counterterrorism measures that violate human rights. In particular, the State Department in the instructions sent to embassies for preparing the 2002 country reports call for “*actions by governments taken at the request of the United States or with the expressed support of the United States or with the expressed support of the United States should not be included in the report*”.<sup>263</sup> These 92-page instructions is the reason that the 2002 ACR report has not objectively detailed violations of human rights in countries on the side of the United States on the “War on Terror”. The Executive Director, who was the author of the preface in these publications, Michael Posner later came in charge of the Country Reports as the appointed Assistant Secretary of State for Democracy, Human Rights, and Labor during Barack Obama’s first term. During his testimony before the Senate Foreign Relations Committee Posner explained that during his NGO time he often had “looked to the U.S. government as a key ally in the struggle to protect human rights around the world”. Posner affirmed that he had “witnessed and often benefited from the incredible power and moral authority of the United States to lead on these important but often complicated issues”. He then explained that he saw “The U.S. Government’s potential to provide leadership on human rights democracy and the rule of law is part of what Secretary Clinton has referred to as the smart power”. His testimony was concluded by stating that “the promotion of democracy and human rights here, and around the world, helps define us—and who we are as a people”.<sup>264</sup>

More recently, another NGO dedicates extensive research to scrutinise the ACRs. In 2020, the Asylum Research Centre launched its three-year project Comparative Analysis of US Department of State Country Reports on Human Rights Practices (2016–2019). It compared State Department’s assessment of the situation in five countries Eritrea, Iran, Iraq, Pakistan, and Sudan in 2016, the last year of President Obama’s administration, with the subsequent reports produced by President Trump’s administration covering events in 2017, 2018, and 2019. “Notable content changes identified were not consistent with the situation on the ground as documented by other sources and have the effect of

<sup>263</sup> Ibid., page iii.

<sup>264</sup> Michael H. Posner (2009) *Michael H. Posner Testimony*, July 28, The Senate Foreign Relations Committee. Available at: <https://www.foreign.senate.gov/imo/media/doc/PosnerTestimony090728a.pdf>.

downplaying the seriousness of the human rights situations in these countries. The principal changes related to women’s rights, civil and political rights, and issues relating to LGBTI persons”.<sup>265</sup>

## CONCLUSION

What insights can be drawn from an analytical look at the ACRs history? As we have seen in the previous chapter, human rights gained traction in US foreign policy during the 1970s. Despite the popular impression these days that human rights were introduced in the US Foreign Policy by Jimmy Carter in 1977, their introduction was a result of earlier initiatives in the US Congress. Several figures in both houses, like Donald Fraser, Tom Harkin, and Henry “Scoop” Jackson, were inspired by different political motivations but all insisted in introducing human rights concerns on the US foreign policy agenda. This push culminated in the Sec. 502B of the 1974 Foreign Assistance Act tied aid to human rights. While initially only concerned military security assistance, it eventually grew to economic and other foreign assistance by declaring the assistance should be denied or cut back to any country that is engaged in a consistent pattern of gross violations of human rights. Yet, these legislations had various waivers. To get a waiver, the US executive branch had to indicate to Congress to make an exception. The next chapter examines the importance of the recent addition of corruption as a human rights issue in the ACRs.

<sup>265</sup> Asylum Research Centre (2020) ‘Trump’s State Department Excludes Key Human Rights Issues from Its Reports, ARC’. Available at: [https://asylumresearchcentre.org/wp-content/uploads/2020/10/ARC-Press\\_release\\_USDOS-Comparative-analysis-21-October.pdf](https://asylumresearchcentre.org/wp-content/uploads/2020/10/ARC-Press_release_USDOS-Comparative-analysis-21-October.pdf). Asylum Research Centre (2020) ‘Comparative Analysis: US Department of State’s Country Reports on Human Rights Practices (2016–2019): Introduction & Methodology, ARC’. Available at: [https://asylumresearchcentre.org/wp-content/uploads/2020/10/Introduction-Methodology\\_USDOS\\_ARC\\_21-October-2020.pdf](https://asylumresearchcentre.org/wp-content/uploads/2020/10/Introduction-Methodology_USDOS_ARC_21-October-2020.pdf).



## Corruption as a Human Rights Issue

**Abstract** This chapter focusses on the depiction of corruption as a human rights issue. In particular, it examines the recent addition of corruption to the ACRs. It explores the framing of corruption and delineates the emphasis of that issue for the so-called countries in transition. In doing so, an in-depth analysis of ACRs of the last sixteen years has been carried out. The argument is put forth that allying with the United States is not enough for having a favourable treatment in the corruption section of the reports. The depiction of corrupt countries is dependent on the respective size of their public sectors, along with the economic prosperity of each country. The size of the public sector, of course, has a clear ideological dimension with the (former) socialist countries mostly having larger sectors.

**Keywords** Human rights · Corruption · US foreign policy · Neoliberalism · Transparency

While the reports do not cover the full set of human rights and they overemphasise civil and political rights, there is a very interesting addition to these reports that has escaped scholarly attention. In 2005, a

new subsection was added under the section on “respect for political rights” that was titled “government corruption and transparency”. In 2009, under the Obama administration, this subsection was elevated to a stand-alone section on “corruption and the lack of transparency in government”. This important link between corruption and human rights is not accidental. I argue that the way corruption enters the human rights discourse is consistent with, and perpetuates, the US interpretation of rights and therefore serves the goal to provide a legitimate discourse for pursuing a neoliberal agenda that serves US global interests.

This section discusses how corruption is represented as a human rights issue through an in-depth analysis of ACRs of the last sixteen years. The argument is put forth that allying with the United States is not enough for having a favourable treatment in the corruption section of the reports. What stands out is that the size of the public sector, along with the economic prosperity of each country, ultimately makes the difference of critical voices in these reports. The size of the public sector, of course, has a clear ideological dimension with the (former) socialist countries usually having larger sectors. Finally, the case of “tax havens” will be discussed. Countries like Fiji, Palau, Panama, Samoa, Seychelles, Trinidad and Tobago, and Vanuatu that encourage abusive tax practices, appear as clean from corruption in these reports.

## DEFINING CORRUPTION

Corruption is an extremely complicated phenomenon. By its nature it is supposed to be hidden from the public and take place behind closed doors, so it is difficult to capture the extent. There is not a single widely accepted definition but most definitions emphasise the “subversion of the public good by private interest”.<sup>1</sup> Three ways of defining corruption have been dominant: a public office centred approach, a public-interest centred approach, and market-centred definitions.<sup>2</sup> The public office centred definition looks at the corruption as behaviour that “deviates from the formal duties of a public role because of private regarding (personal, close family,

<sup>1</sup> Peter Bratsis (2014) ‘Political Corruption in the Age of Transnational Capitalism’, *Historical Materialism*, 22(1), 105–128.

<sup>2</sup> Arnold J. Heidenheimer (2002) ‘Introduction to Part I’, in A. J. Heidenheimer and M. Johnston (eds), *Political Corruption: Concepts and Contexts*. New Brunswick: Transaction Publishers, pages 3–14.



private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private regarding influence”.<sup>3</sup> A market-centred definition holds that “a corrupt civil servant regards his (public) office as a business, the income of which he will ... seek to maximize. The office then becomes a ‘maximizing unit’. The size of his income depends ... upon the market situation and his talents for finding the maximal gain on the public’s demand curve”.<sup>4</sup> Public interest centred definitions look into the effect of the corrupt activity that “damages the public and its interests”.<sup>5</sup> The common denominator of these dominant definitions is the artificial divide between public and private spheres. This division is being characterised as the grand dichotomy of modernity.

For instance, the leading NGO in the field of anti-corruption, Transparency International (TI) defined corruption as “the abuse of entrusted power for private gain”. Originally, TI took a narrower definitional approach viewing corruption as an issue only for “public office holders”. However, the World Bank has kept this narrow definition and defines corruption as the “abuse of public office for private gain”. In any case, understanding corruption as abuse of entrusted power has led to the called semantic inflation of the concept.<sup>6</sup>

Traditionally we can trace two different approaches, the republican and the liberal discourse on corruption. Etymologically, the term corruption derives from the Latin *corrumpere* but throughout the centuries its meaning and attributes have significantly evolved.<sup>7</sup> The notion of corruption in the Western political thought is first found in ancient Greek and Roman classical works. The so-called republican understanding of corruption can be reflected in Thucydides’ *History of Peloponnesian War*. Thucydides describes the root sense of the *stasis* of Corcyra as political

<sup>3</sup> Joseph S. Nye (1967) ‘Corruption and Political Development: A Cost-Benefit Analysis’, *The American Political Science Review*, 61(2), 417–427, 444.

<sup>4</sup> Jacob van Klaveren (1989) ‘The Concept of Corruption’, in A. J. Heidenheimer, M. Johnston, and V. T. LeVine (eds) *Political Corruption: A Handbook*. New Brunswick: Transaction Publisher, page 26.

<sup>5</sup> Carl J. Friedrich (1966) ‘Political Pathology’, *Political Quarterly*, 37(1), 70–85, 74.

<sup>6</sup> Steven Sampson (2010) ‘The Anti-corruption Industry: From Movement to Institution’, *Global Crime*, 11(2), 261–278.

<sup>7</sup> J. Peter Euben (1989) ‘Corruption’, in T. Ball, J. Farr, and R. L. Hanson (eds) *Political Innovation and Conceptual Change*. Cambridge: Cambridge University Press, pages 220–246, 220.

corruption.<sup>8</sup> Aristotle's metaphysical work has led to the epistemological and moral foundations of the republican idea of corruption.<sup>9</sup> In this school of thought, corruption is examined in general terms and consists of personal attributes. The so-called republican school has largely been dismissed in today's approaches as moralistic and lacking objectivity.<sup>10</sup>

Ultimately, the republican's conceptual understanding was challenged by the work of Thomas Hobbes and James Madison that led to the liberal approach on corruption. The latter approach is dominant today and tends to focus on structures and systemic corruption rather than on personal attributes. It, thus, attempts to move beyond republican's subjectivity and instead grasps the concept through neutral and objective methodologies.<sup>11</sup>

Scholars of corruption have recently called to revisit both approaches and acknowledge their overlapping claims. Mlada Bukovansky argues that by replacing the predominantly liberal understanding of corruption with a republican will be beneficial in order to engage citizens and leadership "in deliberation about the substance of the public good, and the pursuit of collective ends". This "grass-root" engagement will translate to the ownership of the moral commitments instead of being imposed by foreign actors.<sup>12</sup>

Presently, corruption has taken a prominent place in public and political discourse as a global menace that gradually replaces the highly criticised discourse on democracy and human rights. As part of the increasing public discourse over the last three decades, a growing body of literature looks at the phenomenon of corruption as impediment for development.<sup>13</sup> As transparency and lack of corruption has been used as

<sup>8</sup> Ibid., page 223.

<sup>9</sup> Ibid., page 230.

<sup>10</sup> Bo Rothstein and Aiysha Varraich (2014) *Corruption and the Opposite to Corruption: A Map of the Conceptual Landscape*, Quality of Government Institute, University of Gothenburg. Available at: [https://anticorrupt.eu/wp-content/uploads/2014/12/D1.1\\_Part1\\_Corruption-and-the-Opposite-to-Corruption.pdf](https://anticorrupt.eu/wp-content/uploads/2014/12/D1.1_Part1_Corruption-and-the-Opposite-to-Corruption.pdf), page 24.

<sup>11</sup> Euben (1989), page 242.

<sup>12</sup> Mlada Bukovansky (2006) 'The Hollowness of Anti-Corruption Discourse', *Review of International Political Economy*, 13(2), 181–209.

<sup>13</sup> Pranab Bardhan (1997) 'Corruption and Development: A Review of Issues', *Journal of Economic Literature*, 35(3), 1320–1346. Paolo Mauro (1997) 'Why Worry About Corruption?', IMF. Available at: <https://www.imf.org/external/pubs/ft/issues6/>.

a proxy for how effective and complete transitions to democracy are,<sup>14</sup> corruption has been considered as negatively affecting, or even indicating a deficit of, democracy.<sup>15</sup> Corruption undermines government legitimacy and to jeopardise the development of political, economic, and social structures.<sup>16</sup>

The Scottish philosopher Walter Bryce Gallie, writing in 1956, described a group of concepts that are essentially contested<sup>17</sup> but he failed to include corruption as it was not yet a key concept in politics. Four decades later, in the 1990s, it was a different story and corruption gained prominence in Politics debates. Many scholars of corruption actually have treated the concept as essentially contested. Often, that means that they misleadingly understand Gallie’s argument on the essentially contested concepts, and they merely use it to justify “agreeing to disagree”. Scholars, like Ulrich von Alemann, argue that it is impossible and fruitless to reach a consensus on one definition and instead we should try to understand how corruption functions. For von Alemann, corruption is “a matter of trust” that consequently requires “transparency, openness and duty disclosure” to combat it.<sup>18</sup>

While the definition of corruption has been an ongoing issue of academic debate,<sup>19</sup> there have been various attempts to measure corruption levels across the world. One of the key controversies is the emphasis

<sup>14</sup> Rense Doorenspleet (2019) *Rethinking the Value of Democracy: A Comparative Perspective*. Palgrave Macmillan.

<sup>15</sup> Mark E. Warren (2004) ‘What Does Corruption Mean in a Democracy?’, *American Journal of Political Science*, 48(2), 328–343.

<sup>16</sup> Pranab Bardhan (1997) ‘Corruption and Development: A Review of Issues’, *Journal of Economic Literature*, 35(3), 1320–1346. Paolo Mauro (1997) ‘Why Worry About Corruption?’, IMF. <https://www.imf.org/external/pubs/ft/issues6/>.

<sup>17</sup> Walter B. Gallie (1956) ‘Essentially Contested Concepts’, *Proceedings of the Aristotelian Society, New Series*, 56, 167–198.

<sup>18</sup> Ulrich Von Alemann (2004) ‘The Unknown Depths of Political Theory: The Case for a Multidimensional Concept of Corruption’, *Crime, Law and Social Change*, 42, 25–34.

<sup>19</sup> John Gardiner (2002) ‘Defining Corruption’, in A. J. Heidenheimer and M. Johnston (eds) *Political Corruption: Concepts and Contexts*. Routledge, pages 25–40. Maryvonne Génaux (2004) ‘Social Sciences and the Evolving Concept of Corruption’, *Crime, Law and Social Change*, 42(1), 13–24. Oscar Kurer (2015) ‘Definitions of Corruption’, in P. M. Heywood (ed) *Routledge Handbook of Political Corruption*. Routledge.

placed on only one aspect of corruption that concerns holders of a “public office” even when the public–private corruption dichotomy has long been challenged as being superficial and political. Other studies in their turn have criticised the robustness,<sup>20</sup> validity,<sup>21</sup> and reliability<sup>22</sup> of corruption measurements. These critiques, however, revolve around statistical issues and fail to scrutinise the ideological biases and assumptions of corruption indicators.<sup>23</sup> For instance, the aforementioned TI, established in 1993 by former World Bank officials, publishes its flagship annual measure, the Corruption Perceptions Index (CPI), since 1995. This index is based on surveys about experts and business executives’ perceptions on public sector’s corruption. It is a “poll of polls” as is based on 13 surveys on perceptions of corruption. While these 13 sources measure different aspects of corruption and their survey questions are substantially diverse, they are exclusive Anglophone. In any case, the narrow focus of CPI does not capture several aspects of corruption like tax fraud, illicit financial flows, money laundering, and informal economies.<sup>24</sup>

## DISCOURSE ON CORRUPTION AND NEOLIBERALISM

Since the late 1990s, corruption has become a buzzword in public and policy discourse especially towards developing countries. The urgency of the fight against corruption was epitomised with a disease metaphor. In his 1996 speech, the World Bank’s President James D. Wolfensohn told his colleagues that corruption was an existential threat and that there was an urgent need to develop an anti-corruption strategy. Or, as he famously

<sup>20</sup> Nickolas Charron (2016) ‘Do Corruption Measures Have a Perception Problem? Assessing the Relationship Between Experiences and Perceptions of Corruption Among Citizens and Experts’, *European Political Science Review*, 8(1), 147–171.

<sup>21</sup> Paul M. Heywood and Jonathan Rose (2014) “‘Close But No Cigar’: The Measurement of Corruption”, *Journal of Public Policy*, 34(3), 507–529.

<sup>22</sup> Sandra Botero, Rodrigo Castro Cornejo, Laura Gamboa, Nara Pavao, and David W. Nickerson (2015) ‘Says Who? An Experiment on Allegations of Corruption and Credibility of Sources’, *Political Research Quarterly*, 68(3), 493–504. <https://doi.org/10.1177/1065912915591607>.

<sup>23</sup> Gardiner (2002), Génaux (2004), Kurer (2015).

<sup>24</sup> Transparency International (2021) *Corruption Perceptions Index 2020 Methodology*. Available at: <https://www.transparency.org/en/cpi/2020/index/nzl>.

put it, “And let’s not mince words: we need to deal with the cancer of corruption ...”.<sup>25</sup> His metaphor would be widely used in World Bank to take drastic action against the “abuse of public office for private gain” as corruption was defined.

A critical body of academic literature has recently emerged which highlights that the dominant discourse on corruption is serving the neoliberal agenda of global governance. Pinar Bedirhanoglu highlights the role that the neoliberal conception of corruption has played as a political discourse to advance structural reforms.<sup>26</sup> Bedirhanoglu illustrates her point with the case of the neoliberal anti-corruption agenda in Turkey in the aftermath of the 2001 financial crisis in the country. Similarly, Blendi Kajsii demonstrates how the corruption discourse in Albania facilitated the ascendancy of the neoliberal order rather than the fight against corruption.<sup>27</sup> Elitza Katzarova demonstrates how that anti-corruption rhetoric was indeed neoliberalised in the 1990s.<sup>28</sup> Katzarova examines the historical evolution of the discourse on corruption in international fora. In particular, she shows that while in the late 1970s corruption was understood as corporate abuse of power, its meaning was transformed when in the 1990s corruption became synonymous with government abuse of power.<sup>29</sup> That meant that “the blame for corruption was shifted from developed countries (and their corporations) to the developing countries (and their governments)”.<sup>30</sup> Pinpointing corruption in countries in

<sup>25</sup> James D. Wolfensohn (1996) *People and Development: Address to the Board of Governors*. The World Bank Group. Available at: <https://documents1.worldbank.org/curated/en/243871468141893629/pdf/multi-page.pdf>.

<sup>26</sup> Pinar Bedirhanoglu (2007) ‘The Neoliberal Discourse on Corruption as a Means of Consent Building: Reflections from Post-Crisis Turkey’, *Third World Quarterly*, 28(7), 1239–1254.

<sup>27</sup> Blendi Kajsii (2015) *A Discourse Analysis of Corruption: Instituting Neoliberalism Against Corruption in Albania, 1998–2005*. Routledge.

<sup>28</sup> Elitza Katzarova (2019) *The Social Construction of Global Corruption: From Utopia to Neoliberalism*. Palgrave Macmillan.

<sup>29</sup> *Ibid.*, page 2.

<sup>30</sup> *Ibid.*

transition promotes the neoliberal project by both undermining the legitimacy of the institutions and the established practices and justifying their reform.<sup>31</sup>

Others have focussed on the World Bank and the inherent contradictions of its anti-corruption strategy. Catherine Weaver demonstrates the distance between “talk” and “action” in the Bank’s most prominent development agenda in the fight against corruption.<sup>32</sup> For instance, the 2007-scandal with the then Bank’s President Paul Wolfowitz, who favoured his romantic partner and an World Bank employee, made his talk on prioritising anti-corruption in borrower countries seem hypocritical.

All in all, within the neoliberal discourse corruption is depicted as the ultimate impediment to political, economic, and social well-being. In doing so, the lack of clarity of the concept of corruption is important. The malleability of the concept of corruption has allowed it to be forged in a narrow understanding which only concerns the public sector. Since neoliberalism has gained prominence, the state was viewed as the main hurdle for economic development while the market is seen as the solution to economic ills. This needs further scrutiny.

## CORRUPTION AND HUMAN RIGHTS

The global discourse on corruption emerged in the aftermath of the Cold War. The 1990s was also the “golden decade” for human rights. While corruption have been steadily becoming an important discourse in global politics since the end of the 1970s,<sup>33</sup> in the 1990s many developments in the field were accelerated and the human rights language became popularised by social movements. Of course, it is sadly also the decade when massive atrocities occurred sometimes in the name of human rights. When Kofi Annan became the General Secretary of the UN, in 1997, he tried to “mainstream” human rights in all activities of the organisation. This logic

<sup>31</sup> Adam Swain, Vlad Mykhnenko, and Shaun French (2010) ‘The Corruption Industry and Transition: Neoliberalizing Post-Soviet Space’, in Kean Birch and Vlad Mykhnenko (eds) *Rise and Fall of Neoliberalism: The Collapse of an Economic Order?* London: Zed Books, pages 112–132.

<sup>32</sup> Catherine Weaver (2008) *Hypocrisy Trap: The World Bank and the Poverty of Reform*. Princeton: Princeton University Press.

<sup>33</sup> Samuel Moyn (2010) *The Last Utopia: Human Rights in History*. Cambridge, MA: Harvard University Press.

of infusing human rights standards into the work of the United Nations is a result of a “general endeavour to develop approaches that promote the integrated application of interdependent values”.<sup>34</sup>

Since the 1990s corruption has been portrayed as a hurdle for appropriately and/or even fairly allocating resources for international development. Towards the end of the succeeding decade, scholars started linking corruption to human rights. The United Nations began explicitly linking corruption to human rights in 2005. The UN Commission on Human Rights, in a Resolution on “the role of good governance in the promotion and protection of human rights”, acknowledged the importance of UNCAC and anti-corruption in order to “eliminate the multiple negative impacts that it has on human rights”.<sup>35</sup>

Efforts to frame corruption as a violation of international human rights culminated in a 2009 Transparency International report with guidelines. TI’s report, *Corruption and Human Rights: Making the Connection*, aimed to provide human rights activists with a practical guide for understanding corruption as a violation of human rights. The report outlines a tripartite framework where corruption is connected to human rights violations directly, indirectly, and remotely. In the first instance, corruption is “deliberately used as means to violate a right”. For indirect violation, corruption serves as the necessary and/or essential condition for the violation to occur. Finally, in the third case, corruption is only one of the contributing factors that leads to the violation of human rights.<sup>36</sup> Since then, scholars have largely treated the second and third ways as merged.

The 2009 TI report acknowledges that whereas the traditional anti-corruption mechanisms are primarily within criminal law, the international human rights law and mechanisms have been developed in a different

<sup>34</sup> Sisay Alemahu Yeshanew (2014) ‘Mainstreaming Human Rights in Development Programmes and Projects: Experience from the Work of a United Nations Agency’, *Nordic Journal of Human Rights*, 32(4), 372–386.

<sup>35</sup> UN Commission on Human Rights, *Human Rights Resolution 2005/68: The Role of Good Governance in the Promotion and Protection of Human Rights*, 20 April 2005, E/CN.4/RES/2005/68. Available at: <https://www.refworld.org/docid/45377c7fc.html> [accessed 28 November 2021].

<sup>36</sup> International Council on Human Rights Policy (2009) *Corruption and Human Rights: Making the Connection*. Versoix, Switzerland. <https://assets.publishing.service.gov.uk/media/57a08b6540f0b64974000b10/humanrights-corruption.pdf>.

way.<sup>37</sup> Indeed, the so-called human rights regime that includes national, regional, and international instruments is much more developed on normative level. While international human rights treaty committees have addressed the nexus between corruption and human rights, corruption has not been incorporated in the international human rights law.

Studies attempt to demonstrate that corruption can undermine human rights. James Thuo Gathi shows how human rights can also be used in support of corruption on two ways.<sup>38</sup> First, rights can be used to defeat the prosecution of officials accused of corruption. Second, anti-corruption reforms that promote market efficiency are inconsistent with social and economic rights. Bo Rothstein and Aiysha Varraich argue that the normative connection between human rights and corruption discourses is underexplored.<sup>39</sup> Both discourses are “in and of themselves restraints on state power”.<sup>40</sup> The nexus of the two centres on the notions of morality, justice, and discrimination.

The causes of corruption and the effects on people have come to be viewed as breaches of fundamental human rights.<sup>41</sup> Scholarly work has examined the detrimental impact of corruption on specific human rights. Several civil, political, and socio-economic rights are discussed to be adversely affected by corruption. The list of rights impacted by corruption tends to expand with the years with the vast majority of UDHR articles to be discussed as being undermined by corrupt practices.

Whereas the overwhelming majority of scholarly work perpetuate the apparent consensus on value of employing a human rights-based approach to corruption, there is only a select number of sceptical scholarly works. This work tends to highlight problems of connecting corruption to human rights. From a legal perspective, human rights law provides a

<sup>37</sup> International Council on Human Rights Policy (2009) *Corruption and Human Rights: Making the Connection*. Versoix, Switzerland. <https://assets.publishing.service.gov.uk/media/57a08b6540f0b64974000b10/humanrights-corruption.pdf>.

<sup>38</sup> James Thuo Gathii (2009) ‘Defining the Relationship Between Human Rights and Corruption’, *University of Pennsylvania Journal of International Law*, 31(1), 125–202.

<sup>39</sup> Bo Rothstein and Aiysha Varraich (2017) *Making Sense of Corruption*. Cambridge University Press, page 64.

<sup>40</sup> *Ibid.*, page 67.

<sup>41</sup> Zoe Pearson (2013) ‘An International Human Rights Approach to Corruption’, in Peter Larmour and Nick Wolanin (eds) *Corruption and Anti-corruption*, ANU Press, pages 30–61. <http://www.jstor.org/stable/j.ctt2tt19f.6>.



very limited language in the context of corruption. Cecily Rose argues that international human rights law is ill-suited to address the problem of corruption.<sup>42</sup> Morag Goodwin and Kate Rose-Sender view the link of corruption to human rights as an “unwelcome addition” to the Development discourse and draw attention to its neo-imperial ideological roots.<sup>43</sup> They argue that ultimately the connection is both harmful to human rights and counter-productive to anti-corruption aims. They view it as an ideologically driven connection that is a form of “neo-imperialism”. Hurst Hannum likewise argues that eliminating corruption is primarily a domestic issue that simply requires competent police force and judiciary.<sup>44</sup> Hannum continues to show that there is a danger in conflating the two as efforts to deal simultaneously with both would be deemed ineffective.

The key US federal law on corruption was introduced by Jimmy Carter with the enactment of the legal instrument of the 1977 Foreign Corrupt Practices Act (FCPA). The FCPA was mainly a private sector lobbied initiative and was the first in modern law which later spilled over to OECS, EU, and UN.

The conflation of corruption and human rights is evident also in the recent addition to the Human Rights Bureau activities. The Human Rights Bureau has now explicitly added anti-corruption under its purview by supporting “many activities related to combating corruption”. The Bureau is thus supporting projects that “are typically implemented by U.S.-based non-profit/non-governmental organizations, academic institutions, or public international organizations that may partner with local implementing organizations”.<sup>45</sup>

<sup>42</sup> Cecily Rose (2016) ‘The Limitations of a Human Rights Approach to Corruption’, *International and Comparative Law Quarterly*, 65(2), 405–438. <https://doi.org/10.1017/S0020589316000038>.

<sup>43</sup> Kate Rose-Sender and Morag. E. A. Goodwin (2010) ‘Linking Anti-corruptionism and Human Rights: A Dangerous Addition to the Development Discourse’, in M. Boersma and H. Nelsen (eds) *Corruption & Human Rights: Interdisciplinary Perspectives*. Intersentia, pages 221–239. [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1623225](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1623225).

<sup>44</sup> Hurst Hannum (2019) *Rescuing Human Rights: A Radically Moderate Approach*. Cambridge: Cambridge University Press.

<sup>45</sup> Michael A. Weber, Katarina C. O’Regan, and Nick M. Brown (2020) *Countering Corruption Through U.S. Foreign Assistance*. Available at: <https://sgp.fas.org/crs/row/R46373.pdf>, page 10.

## CORRUPTION AS A NATIONAL SECURITY STRATEGY

The word corruption was featured for the first time in an American Presidential inauguration address during Barack Obama's 2009 inauguration address. Obama gave a warning "to those who cling to power through corruption and deceit and the silencing of dissent, know that you are on the wrong side of history; but that we will extend a hand if you are willing to unclench your fist".<sup>46</sup> Yet, over the past few decades, corruption has steadily been gaining importance in the White House by getting incorporated in consecutive presidents' national security strategies.

Since the late 1980s, a National Security Strategy (NSS) report is mandated by law to be published by the White House in order for the President to communicate his administration's national security vision to the US Congress.<sup>47</sup> The first report was published in 1987 and while it should have been published annually its frequency has varied. The NSS 1994 was the earliest NSS report to include corruption for the first time in relation to the efforts to promote democracy.<sup>48</sup> In the NSS 1996 report, corruption is mentioned five times in connection with counterterrorism, fighting drug trafficking, and promoting democracy to the new market democracies.<sup>49</sup> In 1997, the NSS report discusses corruption in relation to drug trafficking and other transnational organised crime.<sup>50</sup> In 1998, the NSS report again discusses corruption in relation to democracy promotion and drug trafficking but also emphasised its role/impediment

<sup>46</sup> Barack Obama (2009) *Inaugural Address of Barack Obama*, January 2009. Available at: [https://obamawhitehouse.archives.gov/realitycheck/the\\_press\\_office/President\\_Barack\\_Obamas\\_Inaugural\\_Address](https://obamawhitehouse.archives.gov/realitycheck/the_press_office/President_Barack_Obamas_Inaugural_Address).

<sup>47</sup> By section 603 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433).

<sup>48</sup> The White House (1994) *A National Security Strategy of Engagement and Enlargement*. Washington, DC. Available at: <https://nssarchive.us/wp-content/uploads/2020/04/1994.pdf>, page 20.

<sup>49</sup> The White House (1996) *A National Security Strategy of Engagement and Enlargement*. Washington, DC. Available at: <https://history.defense.gov/Portals/70/Documents/nss/nss1996.pdf?ver=4f8riCrLnHIA-H0itYUp6A%3D%3D>.

<sup>50</sup> The White House (1997) *A National Security Strategy for a New Century*. Washington, DC. Available at: <https://history.defense.gov/Portals/70/Documents/nss/nss1997.pdf?ver=2whGiEUyiceAyme45GijzA%3D%3D>.

to the advance of the US agenda in “promoting prosperity” and “promoting an open trading system”.<sup>51</sup> In 1999, the NSS report highlights corruption as one of the problems which originates overseas—together with resource depletion, rapid population growth, environmental damage, new infectious diseases, and uncontrolled refugee migration—and has “increasingly important implications for American security”.<sup>52</sup> A similar pattern arises where corruption is discussed as mainly an issue of countries in transition to liberal democratic systems. In the NSS report of 2000, corruption is again discussed in connection to drug trafficking and organised crime. But there is also a connection with democracy and human rights. Corruption is framed as an issue for countries in transition to open market economies and democracies.<sup>53</sup> In the 2002 NSS report, corruption is linked with terrorism, but more importantly, with market economies. A “free market” is presented as the cure of corruption.<sup>54</sup> The 2006 NSS report follows the same pattern and discusses fighting corruption as an issue to “end tyranny” and “promote effective democracies”. It also refers to the impact of corruption on energy markets and the international financial system. Only Africa and Middle East have issues with corruption according to the NSS document in 2006.<sup>55</sup>

In Obama’s first NSS report, in 2010, corruption, again, is mentioned in connection with terrorism, and crime, but now together with the international financial system and an explicit clear connection with human rights.<sup>56</sup> In the NSS 2015 report, corruption is again discussed in relation

<sup>51</sup> The White House (1998) *A National Security Strategy for a New Century*. Washington, DC. Available at: <https://nssarchive.us/wp-content/uploads/2020/04/1998.pdf>.

<sup>52</sup> The White House (1999) *A National Security Strategy for a New Century*. Washington, DC. Available at: <https://nssarchive.us/wp-content/uploads/2020/04/2000.pdf>, page 1.

<sup>53</sup> The White House (2000) *A National Security Strategy for a Global Age*. Washington, DC. Available at: <https://nssarchive.us/wp-content/uploads/2020/04/2001.pdf>.

<sup>54</sup> The White House (2002) *The National Security Strategy of the United States of America*. Washington, DC. Available at: [https://history.defense.gov/Portals/70/Documents/nss/nss2002.pdf?ver=oyVN99aEnrAWijAc\\_O5eiQ%3D%3D](https://history.defense.gov/Portals/70/Documents/nss/nss2002.pdf?ver=oyVN99aEnrAWijAc_O5eiQ%3D%3D).

<sup>55</sup> The White House (2006) *The National Security Strategy of the United States of America*. Washington, DC. Available at: <https://history.defense.gov/Portals/70/Documents/nss/nss2006.pdf?ver=Hfo1-Y5B6CMI8yHpX4x6IA%3D%3D>.

<sup>56</sup> The White House (2010) *National Security Strategy*. Washington, DC. Available at: <https://nssarchive.us/wp-content/uploads/2020/04/2010.pdf>.

to free market economies and democracy. Obama takes the opportunity to address the Open Government partnership as a way to deal with and reduce corruption. Corruption again is presented as endemic in Africa.<sup>57</sup> Trump's first and only NSS report,<sup>58</sup> in 2017, is more nationalistic in tone. The report connects foreign aid with corrupt elites and threatens to stop the aid.<sup>59</sup> In Biden's 2021 Interim NSS report, corruption appears as one of the four challenges of the twenty-first century together with cyber threats, climate change, and digital authoritarianism.<sup>60</sup> Interestingly enough, for the first time there is a reference in an NSS report of corruption in the United States stating that "We will require transparency and accountability in our government, root out corruption, and confront the distorting role of money in our politics".<sup>61</sup> This reference of course is the result of the outgoing Trump administration and the plethora of corruption scandals.

Biden's emphasis on corruption as a human right issue is also evident in a recent restructuring of the National Security Council. Since its establishment, NSC has undergone several reforms in order to be able to perform its task to integrate U.S. foreign and defense policy. In 2021, Biden has made an important innovation by establishing the directorate for Anti-corruption that together with the other two directorates for Democracy and Human Rights, and Human Rights and Civil Society, report to NSC's

<sup>57</sup> The White House (2015) *National Security Strategy*. Washington, DC. Available at: <https://nssarchive.us/wp-content/uploads/2020/04/2015.pdf>.

<sup>58</sup> The White House (2017) *National Security Strategy of the United States of America*. Washington, DC. Available at: <http://nssarchive.us/wp-content/uploads/2020/04/2017.pdf>.

<sup>59</sup> What Nicky Haley and John Bolton were saying in the UN—to blackmail African countries to vote together with the US.

<sup>60</sup> The White House (2021a) *Memorandum on Establishing the Fight Against Corruption as a Core United States National Security Interest*. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/03/memorandum-on-establishing-the-fight-against-corruption-as-a-core-united-states-national-security-interest/>.

<sup>61</sup> The White House (2021) *Interim National Security Strategic Guidance*. Washington, DC. Available at: <https://www.whitehouse.gov/wp-content/uploads/2021/03/NSC-1v2.pdf>, page 18.

coordinator for Democracy and Human Rights.<sup>62</sup> This initiative demonstrates how the Biden administration wants to tie corruption ever tighter with human rights issues.

## ACRS AND CORRUPTION

In 2005, a new subsection was added in the ACRs under the section on respect for political rights that was titled “Government Corruption and Transparency”. In 2009, this subsection was elevated to a stand-alone section on “Corruption and the Lack of Transparency in Government”. Since 2017, this section consists of three parts: an introductory paragraph that describes the legal framework, followed by a section on corruption, and finally a section on the financial disclosure. From 2005 until 2016, instead of discussing the financial disclosures of officials, it covered “whether the public has access in law and practice to government information”.<sup>63</sup>

### *ACRs’ Frequency of Coverage of Corruption*

Since 2005 in the introductory section of the reports, the word “corruption” has been mentioned just over a hundred times (113) and corruption issues have been explicitly cited for around thirty countries (31). Russia and Vietnam are mentioned as having issues with corruptions for six years, and Pakistan, Vietnam, Afghanistan, and Nigeria for four years. On the contrary, there is not a single European country or a member state of NATO that is singled out as facing challenges with corruption. Interestingly enough, Turkey is not referred to as a country that faces issues of corruption.

Since 2005, corruption has also appeared several times in the preface of the ACRs. It is framed as it can be committed only by governments or government officials. Corruption is represented as having “a corrosive effect on democracy” (2015 ACRs) or even a threat to “global stability

<sup>62</sup> Nahal Toosi (2021) ‘Going After the ‘Achilles’ Heel’: Biden Charges into Global Anti-corruption Fight’, *Politico*. Available at: <https://www.politico.com/news/2021/03/16/biden-global-anti-corruption-fight-476160>.

<sup>63</sup> ACRs—Appendix A—Notes on Preparation of the Country Reports and Explanatory Material.

and U.S. interests” (2017 ACRs). Discussion of corruption in the introductory section of the reports emphasises the link between corruption and public trust.<sup>64</sup>

### *Which Countries Appear to Be More “Corrupted” in the ACRs?*

This part analyses the executive summary and the section of corruption of the ACRs for all countries between 2005 and 2020. The timeframe covers all the years that corruption has been introduced to the ACRs first as a subsection and later as a stand-alone section. The analysis is comparative and longitudinal. The countries then are grouped according to their income or geographical location or their varying relationships with the United States. The length of the section on corruption indicates severity of the issues the country faces. The amount of times corruption appears in the executive summaries of individual countries indicates the cases where corruption issues are presented as central and urgent in the country’s human rights issues.

#### *By Country Income*

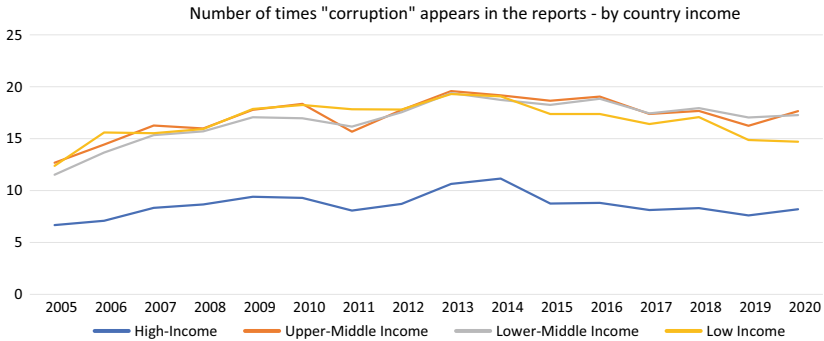
This section groups countries into four income bands, i.e. higher, upper-middle, lower-middle, and low income, as classified by the World Bank using the gross national income per capita.<sup>65</sup> World Bank classifies countries on an annual basis, and so there may be some variation in the countries included in each income band from one year to another. However, this section deliberately focusses on the income bands of each year (up to 2020), regardless of which countries are counted within each band.

By looking at the number of times the word “corruption” appears in the reports by country income over 2005–2020, high-income countries seem to be “less corrupted”. High-income countries aside, however, the

<sup>64</sup> “Corruption can undermine public trust” (2008 ACRs); “Democratic transitions can be tumultuous and wrenching. Rampant corruption can retard democratic development, distort judicial processes, and destroy public trust” (2005 ACRs).

<sup>65</sup> The World Bank (2021) *The World by Income and Region*. Available at: <https://datatopics.worldbank.org/world-development-indicators/the-world-by-income-and-region.html>.

The World Bank (2021) *World Bank Country and Lending Groups*. Available at: <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>.



**Fig. 5.1** Number of times the word corruption appears in the ACRs, 2005–2020, by income groups (*Source* Author’s own analysis based on data from ACRs)

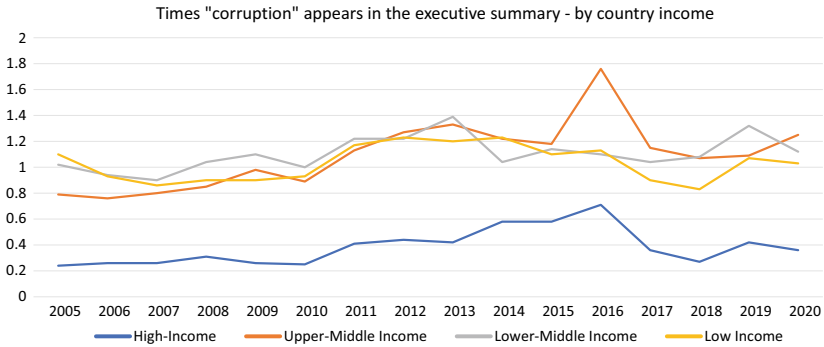
level of income does not seem to have a substantial impact on how “corrupted” lower income countries are said to be. The word “corruption” is mentioned a similar amount of times in reports of upper-middle, lower-middle, and low-income countries across the fifteen-year span, as shown in Fig. 5.1.

This pattern is mirrored in the executive summary, as illustrated in Fig. 5.2. “Corruption” is mentioned more for lower income countries and less for high-income, whereas upper-middle, lower-middle, and low-income countries have a similar amount of mentions of “corruption” in the executive summary.

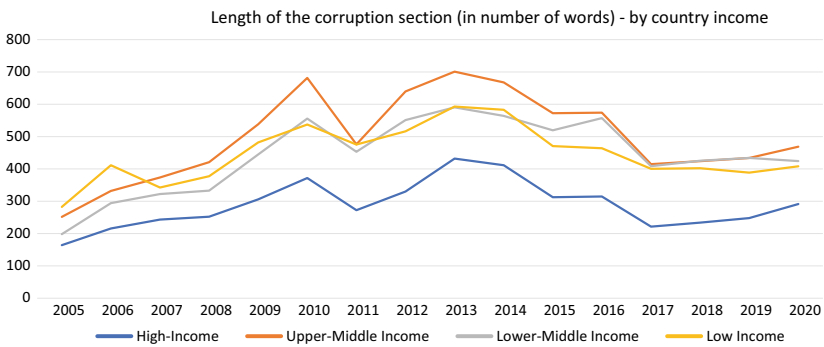
Although the same pattern is still reflected in the length of the corruption (in a number of words), a slightly clearer gap among lower income countries can be observed over the course of certain periods of time. For example, upper-middle income countries seem to have lengthier corruption sections in the reports over 2010–2015. Nevertheless, high-income countries, continue to appear to be “less corrupted”, having shorter corruption sections (Fig. 5.3).

### *By Region*

Here, countries are grouped into different regions in order to explore whether region is an impacting factor as to “how corrupted” different



**Fig. 5.2** Number of times the word corruption appears in in the executive summary of the ACRs, 2005–2020, by income groups (*Source* Author’s own analysis based on data from ACRs)



**Fig. 5.3** Length (in number of words) of the corruption section, 2005–2020, by income groups (*Source* Author’s own analysis based on data from ACRs)

areas are (in terms of number of times the word “corruption” appears in the ACRs, the executive summaries and the length of the corruption sections). In particular, the regional groups used in this section are as follows:



- Western European and Others Group (WEOG): one of the five United Nations regional groups, including Western European countries such as France, Germany, and the United Kingdom, as well as Canada, Australia, New Zealand, and Israel.<sup>66</sup>
- Organisation of Islamic Cooperation (OIC): an international organisation that delegates permanently to the United Nations and the European Union. It includes countries across Africa (e.g. Algeria, Tunisia, or Nigeria), Asia (e.g. Afghanistan, Indonesia, and United Arab Emirates), Europe (i.e. Albania), and South America (i.e. Guyana and Suriname).<sup>67</sup>
- Nordic countries: a geographical region in Northern Europe and North Atlantic, including countries such as Denmark, Finland, Iceland, Norway, and Sweden.
- Non-Aligned Movement (NAM)<sup>68</sup>: a group of over a hundred countries that are not formally aligned with or against any major power bloc, including countries across Africa (e.g. Algeria, Nigeria, and South Africa), South America (e.g. Colombia, Cuba, and Venezuela), Asia (e.g. Afghanistan, Saudi Arabia, India, and Indonesia), Europe (i.e. Azerbaijan and Belarus) and Oceania (i.e. Fiji, Papua New Guinea, and Vanuatu). “Tax havens” like Fiji, Panama, Seychelles, Trinidad and Tobago, and Vanuatu are countries included in the NAM group.
- Latin American and Caribbean<sup>69</sup> countries: one of the five UN regional groups consisting of countries in the American continent with a Romance language (Spanish, French, or Portuguese), such as Brazil, Mexico, and Colombia.
- Asia-Pacific States<sup>70</sup>: countries in the geographical region of Asia, such as China, India, and Iran.

<sup>66</sup> UN (2021) *Regional Groups of Member States*. Available at: <https://www.un.org/dgacm/en/content/regional-groups>.

<sup>67</sup> OIC (2021) *Member States of the Organisation of Islamic Cooperation*. Available at: <https://www.oic-oci.org/states/?lan=en>.

<sup>68</sup> Indian Ministry of External Affairs (2021) *Members and other Participants of NAM Movement*. Available at: <https://www.mea.gov.in/Images/pdf/Members-and-other-participants.pdf>.

<sup>69</sup> UN (2021) *Regional Groups of Member States*. Available at: <https://www.un.org/dgacm/en/content/regional-groups>.

<sup>70</sup> Ibid.

- Association of Southeast Asian Nations (ASEAN): an economic union with countries in the geographical region of Southeast Asia, such as Indonesia, Philippines, and Vietnam.
- Arab: countries that are members of the Arab League, across Western Asia, Northern Africa, Western Africa, and Eastern Africa.
- African states<sup>71</sup>: one of the five UN regional groups consists of countries located geographically in the continent of Africa.
- Group of Seven (G7)<sup>72</sup>: a political forum of Canada, France, Germany, Italy, Japan, United Kingdom, and the United States, countries listed as “advanced economies” by the International Monetary Fund (IMF).
- Eastern European States<sup>73</sup>: one of the five UN regional groups is composed of 23 states from Eastern Europe that includes Russia and former Yugoslavian republics.
- Union of Soviet Socialist Republics (USSR): countries that used to be part of the USSR, such as Russia, Ukraine, and Georgia.
- Founding member states of the North Atlantic Treaty Organisation (NATO)<sup>74</sup>: an inter-governmental military alliance between European and North American countries, founded by Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, the United Kingdom, and the United States.

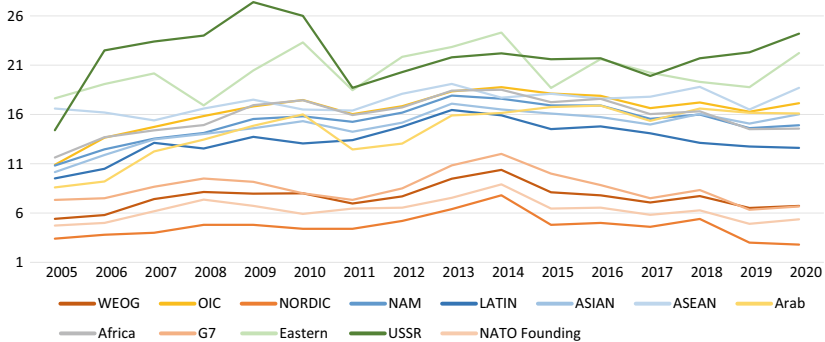
First, looking at regional differences in the number of times the word “corruption” that appears in the ACRs, a clear pattern of Eastern countries being perceived as “more corrupted” can be observed. As Fig. 5.4 shows, the word “corruption” appears more in the reports of the former USSR countries and Eastern European countries, followed by Arab, Asian, and African countries. “Corruption” appears a similar amount of times for countries in the Non-Aligned Movement as African countries. In contrast, Western European, Nordic, as well as countries in G7 or the

<sup>71</sup> Ibid.

<sup>72</sup> G7 (2021) *Members*. Available at: <https://www.g7uk.org/>.

<sup>73</sup> UN (2021) *Regional Groups of Member States*. Available at: <https://www.un.org/dgacm/en/content/regional-groups>.

<sup>74</sup> NATO (2021) *Member Countries*. Available at: [https://www.nato.int/cps/en/natolive/topics\\_52044.htm](https://www.nato.int/cps/en/natolive/topics_52044.htm).



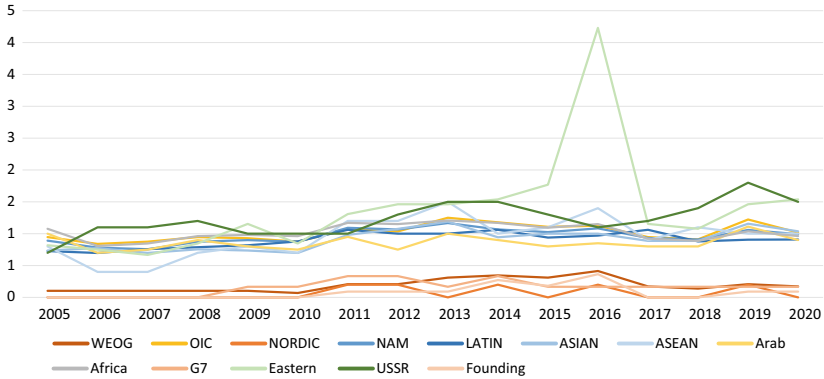
**Fig. 5.4** Number of times the word corruption appears in the ACRs, 2005–2020, by regional groups (*Source* Author’s own analysis based on data from ACRs)

NATO founding members are among those that seem to be by far the “least corrupted”.

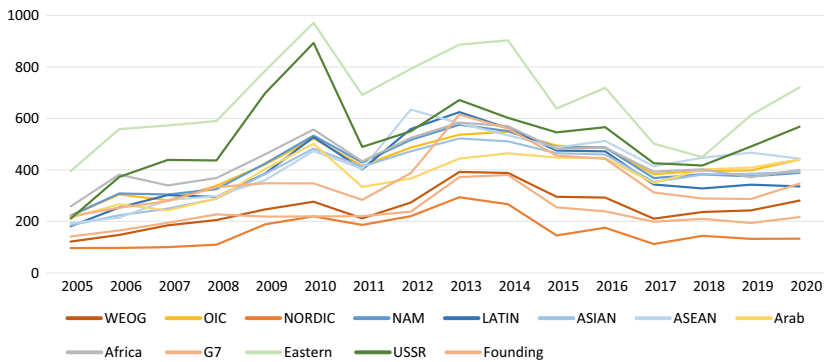
The picture becomes “blurrier” looking at the number of times the word “corruption” appears in the executive summary. Although the word still seems to appear more for Eastern countries (former USSR or Eastern European)—with a peak in 2016 when Trump was elected—the gap between these and other countries such as Arab, Asian, and African becomes smaller. However, the word “corruption” evidently still appears less in the executive summary for Western European and Nordic countries, those in G7 or the NATO founding members, as shown in Fig. 5.5, with a clear gap from the rest of the regional groups.

Finally, the same pattern follows in the length of the corruption section; former USSR or Eastern European countries have far lengthier sections on corruption compared to Western European and Nordic countries and those in G7 or the NATO founding member states, as illustrated in Fig. 5.6.

The lengthier the section, the more violations of human rights are reported. The problem of corruption is depicted as an issue that mainly concerns countries in transition and especially post-communist countries. Corruption appears as the main obstacle for the development of democratic institutions and market economies and strong protection of human rights.



**Fig. 5.5** Number of times the word corruption appears in the executive summary of the ACRs, 2005–2020, by regional groups (*Source* Author’s own analysis based on data from ACRs)



**Fig. 5.6** Length (in number of words) of the corruption section, 2005–2020, by regional groups (*Source* Author’s own analysis based on data from ACRs)

### TRANSPARENCY, ACCOUNTABILITY, AND INTEGRITY

One concept that is closely associated with corruption is transparency. Together with accountability, integrity, and openness, transparency is depicted as the solution in the fight against corruption. The idea of transparency as a panacea for many problems like corruption has a long history, from the Freedom of Information act to the recent Open Government

Movement. Transparency has come to be considered as the foundation for good government.

Soon after Barack Obama took office in 2009, the Open Government Initiative was announced. It aimed to “create an unprecedented and sustained level of openness and accountability in every agency, senior leaders should strive to incorporate the values of transparency, participation, and collaboration into the ongoing work of their agency”.<sup>75</sup> The Open Government Directive instructed executive departments and agencies to incorporate the principles of transparency, participation, and collaboration. For Clare Birchall, Obama’s “open data-driven transparency reinforced a certain form of neoliberal subjectivity by bestowing responsibility to relatively disempowered citizen auditors”.<sup>76</sup> The Trump administration reversed the Obama-era practice by closing the open.gov portal. Trump initially challenged the “teleological narrative that establishes transparency as the logical incarnation of Enlightenment ideals and an administrative norm today”.<sup>77</sup>

The title of the section on corruption includes also the word “Transparency”. This inclusion reflects a somehow neoliberal utopia that something can be transparent but ultimately the quest for transparency is highly ideological.<sup>78</sup> A growing number of scholars have recently started scrutinising this elusive concept by analysing its role in the facilitation of neoliberal projects. Clare Birchall argues that transparency is a cultural signifier of neutrality that is perceived as simply an invisible medium.<sup>79</sup> Emmanuel Alloa argues that transparency is semantically vague and that makes it a magic concept with the highest consensual

<sup>75</sup> The White House (2009) *Open Government Directive*, December 8. Available at: <https://obamawhitehouse.archives.gov/open/documents/open-government-directive>.

<sup>76</sup> Clare Birchall (2018) ‘Interrupting Transparency’, in E. Alloa and D. Thomä (eds) *Transparency, Society and Subjectivity*. Cham: Palgrave Macmillan. [https://doi.org/10.1007/978-3-319-77161-8\\_3](https://doi.org/10.1007/978-3-319-77161-8_3), page 361.

<sup>77</sup> Ibid.

<sup>78</sup> Jorge I. Valdovinos (2018) ‘Transparency as Ideology, Ideology as Transparency: Towards a Critique of the Meta-aesthetics of Neoliberal Hegemony’, *Open Cultural Studies*, 2, 654–667.

<sup>79</sup> Clare Birchall (2014) ‘Radical Transparency? Cultural Studies’, *Critical Methodologies* 2014, 14(1), 77–88. However, transparency as any medium cannot be neutral, see Ida Koivisto (2016) ‘The Anatomy of Transparency: The Concept and Its Multifarious Implications’, EUI Working Papers. Available at: [https://cadmus.eui.eu/bitstream/handle/1814/41166/MWP\\_2016\\_09.pdf?isAllowed=y&sequence=1](https://cadmus.eui.eu/bitstream/handle/1814/41166/MWP_2016_09.pdf?isAllowed=y&sequence=1), page 22.

value.<sup>80</sup> Jo Bates shows how the “UK’s 2010 Open Government Data policy is being strategically shaped towards neoliberal policy ends”.<sup>81</sup> David Pozen argues that in the United States, the idea of transparency was initially linked to progressive politics but it took a rightward turn and evolved to serve a more neoliberal agenda.<sup>82</sup> Up until the 1970s, the demand for transparency was stemming from the “progressive ideal of an active government that facilitates shared control over political life”.<sup>83</sup> The market and corporations are taking advantage of the American transparency law.<sup>84</sup> “This “anti-public sector bias”, as Irma Sandoval-Ballesteros calls it, rivets critical scrutiny on government bureaucrats, raises the relative cost of investigating corruption and abuse in the private sector, and leads both “the ideal of ‘freedom of information’ and the evils of excessive secrecy [to be] associated, legally and symbolically, with the public sector alone”.<sup>85</sup> Sandoval-Ballesteros identifies an “anti-public sector bias” in access-to-information and anti-corruption laws that exempt “private” actors.<sup>86</sup>

The following Table 5.1 shows the most popular words associated with corruption. It is very clear that corruption is conceptualised upon the public vs private dichotomy. Corruption is understood only as a problem of governments and state officials. The issue of transparency is crucial as not only being the opposite of a corrupt state of affairs but it is framed as also the solution in the anti-corruption struggle.

<sup>80</sup> Emmanuel Alloa (2018) ‘Transparency: A Magic Concept of Modernity’, in E. Alloa and D. Thomä (eds) *Transparency, Society and Subjectivity*. Cham: Palgrave Macmillan. [https://doi.org/10.1007/978-3-319-77161-8\\_3](https://doi.org/10.1007/978-3-319-77161-8_3).

<sup>81</sup> Jo Bates (2014) ‘The Strategic Importance of Information Policy for the Contemporary Neoliberal State: The Case of Open Government Data in the United Kingdom’, *Government Information Quarterly*, 31(3), 388–395.

<sup>82</sup> David E. Pozen (2018) ‘Transparency’s Ideological Drifts Ideological Drift’, *The Yale Law Journal*, 128, 100–165.

<sup>83</sup> *Ibid.*, page 147.

<sup>84</sup> *Ibid.*, page 156.

<sup>85</sup> *Ibid.*, page 157.

<sup>86</sup> Cited in Pozen, page 157.

**Table 5.1** Most popular words in the corruption section of the ACRs

<i>Year</i>	<i>Words</i>
2005	Government, public, information, access, transparency, law, officials, minister, cases, court
2006	Government, public, information, officials, access, transparency, law, court, cases, office
2007	Government, public, law, officials, information, access, transparency, court, criminal, cases
2008	Government, public, law, officials, information, access, official, court, transparency, criminal
2009	Government, public, officials, law, information, access, cases, court, transparency, criminal
2010	Government, public, officials, law, information, police, court, access, criminal, transparency
2011	Government, public, officials, law, information, access, police, transparency, criminal, court, financial, penalties
2013	Government, public, officials, information, cases, police, access, criminal, transparency, court, financial
2014	Government, public, law, officials, information, access, financial, disclosure, transparency, police, criminal, court
2015	Government, public, law, officials, information, access, financial, disclosure, cases, criminal, transparency, police, court
2016	Government, public, law, officials, information, access, financial, disclosure, cases, criminal, transparency, police, court
2017	Government, officials, law, public, financial, disclosure, criminal, cases, transparency, penalties, court, assets, police
2018	Government, officials, law, public, financial, disclosure, criminal, transparency, cases, penalties, court, assets
2019	Government, officials, law, public, financial, disclosure, criminal, cases, transparency, assets, penalties
2020	Government, officials, law, public, financial, disclosure, criminal, cases, transparency, court, assets, penalties

## REFLECTIVE DIMENSIONS

The ways US ACRs discursively represent corruption in reporting human rights situations in countries across the globe of 2005–2020 is very particular and fitting to the US foreign policy agenda.

The narrow conceptualisation of corruption is evident in what is absent in these ACRs sections. Money laundering for example is systematically absent from the corruption itemisation in the Reports. For instance, looking into the latest ACRs for countries like the UK, Germany, Switzerland, and Turkey, where money laundering is pervasive (and so

it is in the United States, by the way), there are individual cases of corruption cited but no references to money laundering. Arguably, it is because global money laundering is considered as indispensable for the “smooth functioning” of the global financial system, capitalist or not, and has immediate implications on dominant politics. Stop global money laundering, it is crudely argued, and there will be very serious global repercussions.

It has long been reported that United States biases in its human rights reports of countries are based on the latter’s strategic value.<sup>87</sup> However, the above analysis shows that allying with the United States is not enough to be excluded from critical ACRs on the topic of corruption. To reiterate, it is the size of the public sector that makes the difference. Of course this has some clear ideological dimensions—as you can usually find larger public sectors in the non-Western societies. Yet, countries like Greece with a relative large public sector that is arguably both a close ally to the United States and a Western society have attracted fierce criticism on the levels of corruption in the public sector in the ACRs. It is at the same time when Greece has been pressurised to undertake “structural reforms” a euphemism for neoliberal restricting of the public sector.

One other key thing worth highlighting is that viewing corruption in such a narrow way makes tax havens appear clean. For instance, the EU recently published a list of countries like Fiji, Palau, Panama, Samoa, Seychelles, Trinidad and Tobago, and Vanuatu that encourage abusive tax practices.<sup>88</sup> These countries, the so-called tax havens, allow multinational corporations and wealthy individuals to avoid paying their fair share of taxes, which in turn erode states’ tax revenues. In the ACRs, however, the named countries are not reported as corrupt, not least because they also have relative smaller public sector.<sup>89</sup>

<sup>87</sup> David Yanagizawa-Drott and Nancy Qian (2009) ‘The Strategic Determinants of US Human Rights Reporting: Evidence from the Cold War’, *Journal of the European Economic Association*, 7(2–3), 446–457.

<sup>88</sup> European Council (2021) *Taxation: EU List of Non-cooperative Jurisdictions*. Available at: <https://www.consilium.europa.eu/en/policies/eu-list-of-non-cooperative-jurisdictions/>.

<sup>89</sup> Ibid.



## CONCLUSION

The polysemantic obscurities of human rights have long been exploited to serve different agendas. Today it is rather difficult to find any state arguing against human rights, even the allegedly worst human rights violators. This indicates the normative value of human rights in international politics. Inserting corruption as a human rights issue in US foreign policy vocabulary serves US interests in establishing the necessary consent around promoting a neoliberal agenda globally. Countries with large public sectors are deemed to be portrayed more negatively in terms of corruption. Corruption is understood only as an illegal activity. Ultimately the introduction of corruption as only a public sector issue gives even more prominence to civil and political rights. The danger of conflating corruption with human rights in ACRs is to make the former tied with a broader approach to freedom rather than social justice.

A close analysis of the ACRs reveals that countries that are targeted as having issues with corruption are predominantly the ones that are considered to be in transition to market economies. Former socialist countries have long been at the receiving end of the promotion of reforms to bring the rule of law, political democratisation, and marketisation as the cure for all their challenges. Their transitions to market economies has brought a wide range of challenges from the reduction of the welfare state to regressive distribution of wealth and to high unemployment rates. The discourse on corruption, narrowly understood as an exclusive issue of the public sector, puts the blame on the state. The demonisation of the public sector through this discourse needs to be understood within the wider neoliberal agenda to promote privatisation and reconfigure the role of the state in economic activities.



## Global Political Implications: Demonising the Public Sector

**Abstract** This chapter deals with the political implications of conflating corruption and human rights in the US foreign policy. It structures its argumentation along with two points. First is that the specific and narrow framing of corruption as human right issue serves the demonisation of the public sector. Second point it makes is that this fits with the neoliberal discourse on corruption propagated by the UN, the World Bank, IMF, and other international organisations including also NGOs.

**Keywords** Human rights · Corruption · US foreign policy · Public sector

Since 1976, the US State Department produces Annual Country Reports (ACRs) on Human Rights Practices for the US Congress. The Reports are an annual summary of human rights in countries around the world to guide US foreign policy and inform foreign assistance and USAID funding decision-making. More recently, since 2009, the ACRs have added a section on corruption. The ACRs have not been without contradiction and controversy. Every US President since Jimmy Carter has rhetorically supported universal human rights yet at the same time

elevated national laws over international law. The ACRs are further criticised for its biased reporting by allies and rivals akin. Furthermore, arguably the reports do not cover a comprehensive set of rights but rather overemphasise civil and political.

The significance of the ACRs can be found on two levels. On the one hand, ACRs are tied to US foreign assistance, but on the other hand, they also are used by various think tanks and projects in producing quantifiable data and global rankings with indicators of human rights sourcing these reports. The addition of corruption should be scrutinised in this light. Hence, this book has explored how US diplomats become producers of knowledge for global human rights standards through the conceptualisation of corruption and the implications of such production for the furthering of the human rights agenda and the distribution of US foreign assistance. Surprisingly, perhaps, there has not been any written work on the ACRs related to corruption. In a time of age where corruption has been at the forefront of the wider public's minds, this book aims to start the discussion.

The authoritativeness of the ACRs is demonstrated by their widespread use. These reports are broadly consumed by media, academics, policy makers, and activists. They are used by researchers as an objective source on the human rights situation across the world. Human rights measurement projects have even used them to quantify human rights violations across the globe, and rank countries based on that performance. Kathleen Pritchard argues that ACRs have strengthened the information base on human rights, promoted increased awareness, and provided policy input for decision-makers.<sup>1</sup> Even without tying the provision of foreign aid with the respect of human rights, the ACRs have “brought increased attention to, and review of, government foreign policy and the human rights connection by scholars and private and professional organizations”.<sup>2</sup>

Today, with their online release, the ACRs are even easier accessible to larger sections of the global population. Nowadays, in their release they include an announcement of the thousands of clicks they have attracted. Some of the individual country reports are translated in local languages.

<sup>1</sup> Kathleen Pritchard (2016) ‘Human Rights Reporting in Two Nations: A Comparison of the United States and Norway’, in Thomas B. Jabine and Richard P. Claude (eds) *Human Rights and Statistics*. Philadelphia: University of Pennsylvania Press, pages 258–282, 274.

<sup>2</sup> *Ibid.*, page 274.

The introductory sections and appendices are translated into six major languages: Arabic, Chinese, Farsi, French, Russian, and Spanish while 79 individual country reports are translated into their respective languages.

Given the ACRs assumed authority and credibility, they are often used as an objective account of the human rights situation in any given country. This book shows that ACRs are far from being objective. They are expressions of American exceptionalism, contested internally and externally, and heavily edited.

Policymakers, journalists, activists, and academics working in a wide range of disciplines deliberately treat these reports as a reliable source of information on the human rights practices in the world. Yet, even more people use these reports indirectly. The reports have been used by various policy and academic quantitative projects in their efforts to compile global comparative indices that measure countries' performance in a range of issues. One of the prominent academic initiatives to construct quantitative measures in order to measure human rights has been the CIRI Human Rights Data Project. CIRI has been one of the most used human rights indexes in Politics and International Relations. For more than three decades, the CIRI Human Rights Data Project was using the ACRs as the primary source. The reports were also used as sources/data to construct for all variables of the project.<sup>3</sup> Furthermore, the political terror scale has developed a "standards-based measure of states' physical integrity rights abuse".<sup>4</sup> They too rely on the ACRs together with reports produced by Amnesty International (AI) and Human Rights Watch (HRW). The scores are "based on information contained in the annual human rights reports produced by the US Department of State. Reports are scored on a 5-point scale. Higher scores indicate higher levels of abuse, political terror, or physical integrity rights violations than lower scores".<sup>5</sup> In a similar vein, the Societal Violence Scale develops "measures of societal violence based on annual US State Department's Human Rights

<sup>3</sup> David L. Cingranelli and David L. Richards (2010) 'The Cingranelli and Richards (CIRI) Human Rights Data Project', *Human Rights Quarterly*, 32(2), 401–424.

<sup>4</sup> Reed M. Wood and Mark Gibney (2021a) *The Political Terror Scale*. Available at: <http://www.politicalterrorsscale.org/archive/SDvsAI/>.

<sup>5</sup> Peter Haschke (2019) *The Political Terror Scale Codebook*, Version 1.20. Available at: <http://www.politicalterrorsscale.org/Data/Files/PTS-Codebook-V120.pdf>, page 6.

Reports”.<sup>6</sup> Moreover, the ACRs are used by the Peace and Conflict Instability Ledger that ranks states on future risks according to their estimated risk of experiencing significant bouts of political instability.<sup>7</sup> So, while the US Department of State deliberately avoids ranking the countries, ACRs provide the data for global ranking and benchmarking. While this short-list is by no means exhaustive, these projects are indicative of how the ACRs are used in order to produce quantifiable data and indices.

ACRs not only attract media attention during their official release, they regularly have been referred to in media coverage of human rights situations of countries worldwide. Media are using these reports and activists from the so-called civil society.

### CORRUPTION AS A HUMAN RIGHTS ISSUE: IMPACT ON POLICYMAKERS

The biased reporting in the ACRs has long been documented, but the introduction of corruption adds another level. I argue that this introduction needs to be scrutinised further in order to understand its importance. There are three important implications. First, it has to do with promoting a specifically narrow understanding of corruption. Corruption is an overly complicated phenomenon, an essentially contested concept. While there is not a widely accepted definition on corruption, the reports adopt the mainstream thin understanding of corruption which highlights the contrast between a public official’s formal duties and their private interests or allegiances. This public–private dichotomy is artificial and has attracted a lot of criticism. Second, the link of corruption with only the so-called first-generation human rights, the civil and political rights ultimately serves the neoliberal agenda. The demonisation of the public sector provides a fertile ground to formulate reforms for neoliberal market. Third, US diplomats have become the knowledge producers in this field with Human Rights tied up with foreign assistance programmes. This produced knowledge is the global pattern-setter on corruption.

<sup>6</sup> Reed M. Wood and Mark Gibney (2021b) *The Societal Violence Scale*. Available at: <http://www.politicalerrorscale.org/Data/Documentation-SVS.html>.

<sup>7</sup> David Backer, R. Bhavnani, and P. Huth (2016) ‘The Peace and Conflict Instability Ledger: Ranking States on Future Risks’, in *Peace and Conflict 2016*. Routledge, pages 128–143.

Moreover, the ACRs contentious conceptualisation of “corruption” arguably impacts development and democracy policies. The surge of interest in human rights over the last few years has been fuelled by several explicit or implicit assumptions, including that these reports provide clear answers to questions and inform decision-making. ACRs are considered indispensable tools for informing and orienting policymaking, comparing different contexts, and measuring performance. Exploring the ideological and political underpinnings of the conceptualisation of corruption as a human rights issue, this book urges policymakers to revisit their usage of reports.

## CORRUPTION IN THE SUSTAINABLE DEVELOPMENT GOALS

Since the 1990s corruption has become the hegemonic discourse in International Organizations initially in the World Bank and IMF but followed by the UN, EU, and CoE. Particular representations of the “corrupt” public sector in developing countries, or the so-called countries in transition within the “good governance” discourse, are utilised to gain consensus over the neoliberal agenda of the Bretton Woods Institutions, while global power relations remain obscured. This allows to divert attention away from the root causes of poverty and human rights violations. The misplaced anger created by these representations serves to create a consensus for the need for privatisation and other reforms on the public sector that allegedly aim at the vaguely misleading concept of transparency.

Since the 1990s, the United Nations has successfully “mainstreamed” human rights language within all of its institutions, mechanisms, and activities. Almost at the same time, the United Nations has also attempted to address corruption after emerging as a dominant theme in the field of international development. After years of negotiations and deliberations, in 2003, the UNGA adopted the UN Convention against Corruption (UNCAC) as the only legally binding international instrument for fighting corruption.<sup>8</sup> In the opening lines of his foreword in the UNCAC, Kofi Annan underlined that corruption “undermines democracy and the

<sup>8</sup> UN (2004) *United Nations Convention against Corruption*. Available at: [https://www.unodc.org/documents/brussels/UN\\_Convention\\_Against\\_Corruption.pdf](https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf).

rule of law” and “leads to violations of human rights” among others.<sup>9</sup> The UNCAC has been in force since 2005. It has been ratified by more than the 180 states in the world including the United States. As of November 2021, Barbados and Syria have signed in December 2003 but have not yet ratified UNCAC. Monaco, San Marino, Andorra, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Suriname, Eritrea, and North Korea have not signed the UNCAC.<sup>10</sup> The UNCAC does not include explicitly a definition of corruption but sustains the public vs private sector dichotomy.

Corruption is now part of the UN Sustainable Development Goals (UNSDG) that were launched in 2015. The harmful impact of corruption on human rights and on the implementation of the UN 2030 Agenda for Sustainable Development has been widely recognised. The 2030 Agenda for Sustainable Development, explicitly establishes this link: “Factors which give rise to violence, insecurity and injustice, such as inequality, corruption, poor governance and illicit financial and arms flows, are addressed in the Agenda”.<sup>11</sup> Anti-corruption plays a “dual role” in the UNSDGs “both as a focus area in itself under SDG 16 and as a prerequisite to achieving all other SDGs”.<sup>12</sup> The UNSDG 16 aims to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”. The 16.5 goal aims to “substantially reduce corruption and bribery in all their forms”.

The first-ever special session of the UNGA on corruption was held in June 2021.<sup>13</sup> The UNGA adopted the political declaration entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen

<sup>9</sup> Ibid., page iii.

<sup>10</sup> UN (2021) *Signature and Ratification Status of the UNCAC*. Available at: <https://www.unodc.org/unodc/en/corruption/ratification-status.html>.

<sup>11</sup> UN (2015) *Transforming our World: The 2030 Agenda for Sustainable Development*. Available at: <https://sdgs.un.org/publications/transforming-our-world-2030-agenda-sustainable-development-17981>.

<sup>12</sup> UNSSC (2019) *Anti-Corruption in the Context of the 2030 Agenda for Sustainable Development*. Available at: <https://www.unssc.org/courses/anti-corruption-context-2030-agenda-sustainable-development/>.

<sup>13</sup> UNGA (2021) *Special Session of the General Assembly Against Corruption*. Available at: <https://ungass2021.unodc.org/ungass2021/index.html>.

international cooperation”.<sup>14</sup> The document refers to human rights four times, by reaffirming a human rights based approach to corruption, highlighting the negative impact of corruption to the enjoyment of all human rights. First, “We pledge to prevent and combat corruption and strengthen international cooperation in a manner consistent with our obligations with regard to and respect for all human rights, justice, democracy and the rule of law at all levels”.<sup>15</sup> Second, when there is a concern “about the negative impact that all forms of corruption, including the solicitation of undue advantages, can have on access to basic services and the enjoyment of all human rights”.<sup>16</sup> Third, “This can undermine citizens’ trust, have a negative impact on governance and the enjoyment of all human rights by all persons affected by corruption, including the victims of corruption, and facilitate various forms of crime”.<sup>17</sup> Forth, “We recognize that preventing and countering corruption and illicit financial flows and recovering and returning confiscated assets, in accordance with the Convention against, Corruption can contribute to effective resource mobilisation, poverty eradication, sustainable development and the enjoyment of all human rights, and we will step up our efforts in this regard”.<sup>18</sup>

Anti-corruption is discussed “as an enabler for the 2030 Agenda”.<sup>19</sup> It is explained that corruption’s detrimental effect on “the enjoyment of all human rights” could “exacerbate poverty and inequality and may disproportionately affect the most disadvantaged individuals in society”.

The emphasis here is shifted from the donors and the saviours who have the best intentions to alleviate poverty but it is corruption the main impediment in their efforts. Research shows that there is a widespread perception that it is corruption to blame for the failure of international and national efforts to aid countries to develop.

<sup>14</sup> UNGA (2021) *Resolution A/S-32/L.1*. Available at: <https://undocs.org/A/RES/S-32/1>.

<sup>15</sup> *Ibid.*, page 2.

<sup>16</sup> *Ibid.*, page 3.

<sup>17</sup> *Ibid.*, page 3.

<sup>18</sup> *Ibid.*, page 3.

<sup>19</sup> *Ibid.*, page 14.



## IN LIEU OF CONCLUSION

This book identifies and explores a relatively recent subtopic—corruption—within the ACRs. The area it addresses is not new. It is part of America’s unending search for “absolute security” that takes us back to the nineteenth century (Monroe Doctrine writ large). This “absolute security”, the US argument goes, will come about once the rest of the world recognises American exceptionalism and voluntarily adopts American values. In short, when we all voluntarily become “Americans”, that is. The ACRs can be seen as an institutionalisation of this ideology. This explains why they are mandated by Congress; they are reports made by the Executive (the administration) for Congress (the people).

The book argues that the ACRs on Human Rights serve to monopolise and, more importantly, legitimise a narrative on the human rights-corruption nexus that furthers US foreign policy through its human rights agenda. This agenda, which diverges from established international standards, has very serious implications considering the preponderant influence exercised by the United States globally. Through the linkage of ACRs to US foreign policy aid, US influence is further enhanced through rewards and punishments. Furthermore, by including, recently, the issue of “corruption”—which in itself is controversial from the outset—ACRs are now framing corruption as a human rights issue.

Discourse on human rights and corruption has a productive function. ACRs are widely perceived as an objective source of information on the global human rights situation. ACRs produce knowledge and as such are reproducing structures of conceptual possibilities that are the product of spatial and temporal contexts. The dominant discourse on human rights and corruption is used as a means of establishing a consensus on a neoliberal order.

Edward Said, writing about the western coverage of Islam, noticed that it actually reveals more about the author than it does about the covered subject.<sup>20</sup> Similarly, the ACRs depictions of human rights violations around the world tell us more about self-image of Americans than the situations in other countries. The content of reports, and the inclusion and exclusion of certain fields of human rights, reflects the American version of human rights. Prevalent is the idea that America is morally

<sup>20</sup> Edward W. Said (1997) *Covering Islam: How the Media and the Experts Determine How We See the Rest of the World*. London: Vintage Books.

superior to other nations. As global human rights champion, the United States builds upon the tripartite Eurocentric global hierarchy. The so-called American exceptionalism discourse can be traced back to the ideals of the European Enlightenment. These ideals are often attributed to Alexis de Tocqueville when he argued that “the situation of the Americans is therefore entirely exceptional, and it is to be believed that no other democratic people will ever be placed in it”.<sup>21</sup>

United States’ ACRs are mostly a symbolic exercise in public shaming. Theoretically, countries could face sanctions or have the foreign assistance they receive from the US cut off, but those clauses are typically waived in the US Congress, unless the United States is already sanctioning that country for other reasons.

The ACRs can be understood as a valuable tool in what Joseph Nye calls soft power: the ability of the United States to influence the behaviour of countries not by using its superior military or economic power but by setting standards, producing knowledge, and otherwise pushing countries to adopt its values and policies.

The United States self-assigned herself as the global monitor of the human rights situation. This position is tremendously powerful. And those who have power must be held accountable. Scrutinising the ACRs is one way to do this. As discussed above, ACRs function within the panoptic mechanisms, to use Michel Foucault apt metaphor for power. The basic principle for the design of ACRs is to monitor the entire world through a layout of a central tower where the United States as guardian can see the world but cannot be seen. What Michel Foucault ultimately demonstrates is the way that the panopticon produces individuals who act “on their own” within the interest of power. It illustrates also how power and knowledge are two sides of the same coin. All exercise of power is based on the production of knowledge and claims to knowledge advance certain interests and power while marginalising others.

<sup>21</sup> Alexis de Tocqueville (1998) *Democracy in America*. Hertfordshire: Wordsworth.

# BIBLIOGRAPHY

Details and comments on the sources we used are to be found in the endnotes. Listed here a selection of sources.

## PRIMARY SOURCES

The Library Congress. Frontline Diplomacy: The Foreign Affairs Oral History Collection of the Association for Diplomatic Studies and Training.  
The Miller Center, Presidential Oral Histories.  
United States Senate Committee on Foreign Relations.  
United States Department of State. *Country Reports on Human Rights Practices*. U.S. Government Printing Office.

## SECONDARY SOURCES

Adler, E., and Bernstein, S. (2005) 'Knowledge in Power: The Epistemic Construction of Global Governance', in *Power in Global Governance*. Cambridge: Cambridge University Press, pp. 294–318.  
Bacevich, A. J. (2009) 'The Tragedy Renewed: William Appleman Williams', *World Affairs*, 171(3), 62–72.  
Backer, D., Bhavnani, R., and Huth, P. (2016) 'The Peace and Conflict Instability Ledger: Ranking States on Future Risks', in *Peace and Conflict 2016*. Routledge, pp. 128–143.

- Bardhan, P. (1997) 'Corruption and Development: A Review of Issues', *Journal of Economic Literature*, 35(3), 1320–1346.
- Bedirhanoglu, P. (2007) 'The Neoliberal Discourse on Corruption as a Means of Consent Building: Reflections from Post-Crisis Turkey', *Third World Quarterly*, 28(7), 1239–1254.
- Bishop, J. K. J. (1998) *Interview with James K. Bishop Jr., The Association for Diplomatic Studies and Training Foreign Affairs Oral History Project*.
- Botero, S., Cornejo, R. C., Gamboa, L., Pavao, N., and Nickerson, D. W. (2015) 'Says Who? An Experiment on Allegations of Corruption and Credibility of Sources', *Political Research Quarterly*, 68(3), 493–504. <https://doi.org/10.1177/1065912915591607>.
- Bricmont, J. (2006) *Humanitarian Imperialism: Using Human Rights to Sell War*. New York: Monthly Review Press.
- Busch, P. (2000) 'Nietzsche's Political Critique of Modern Science', *Perspectives on Political Science*, 29(4), 197–208.
- Bush, G. W. (2005) *Second Inaugural Address of George W. Bush; January 20, 2005*. Available at: [https://avalon.law.yale.edu/21st\\_century/gbush2.asp](https://avalon.law.yale.edu/21st_century/gbush2.asp).
- Call, L. (1998) 'Anti-Darwin, Anti-Spencer: Friedrich Nietzsche's Critique of Darwin and "Darwinism"', *History of Science*, 36(1), 1–22.
- Carter, J. (1977) *Inaugural Address of Jimmy Carter; January 20, 1977*. Available at: [https://avalon.law.yale.edu/20th\\_century/carter.asp](https://avalon.law.yale.edu/20th_century/carter.asp).
- Ceaser, J. W. (2012) 'The Origins and Character of American Exceptionalism', *American Political Thought*, 1(1), 3–28. <https://doi.org/10.1086/664595>.
- Césaire, A. (2000) *Discourse on Colonialism*. New York: Monthly Review Press.
- Charron, N. (2016) 'Do Corruption Measures Have a Perception Problem? Assessing the Relationship Between Experiences and Perceptions of Corruption Among Citizens and Experts', *European Political Science Review*, 8(1), 147–171. <https://doi.org/10.1017/S1755773914000447>.
- Cingranelli, D. L., and Richards, D. L. (2010) 'The Cingranelli and Richards (CIRI) Human Rights Data Project', *Human Rights Quarterly*, 32(2), 401–424. <https://doi.org/10.1353/hrq.0.0141>.
- Commager, H. S. (1978) *The Empire of Reason: How Europe Imagined and America Realized the Enlightenment*. New York: Anchor Books.
- de Tocqueville, A. (1976) *Democracy in America*. Vols. 1 and 2. New York: Knopf.
- Doorenspleet, R. (2019) *Rethinking the Value of Democracy: A Comparative Perspective*. Palgrave Macmillan. [https://doi.org/10.1007/978-3-319-91656-9\\_5](https://doi.org/10.1007/978-3-319-91656-9_5).
- Douzinas, C. (2007) *Human Rights and Empire: The Political Philosophy of Cosmopolitanism*. Oxford and New York: Routledge-Cavendish.

- Euben, P. J. (1989) 'Corruption', in Ball, T., Farr, J., and Hanson, R. L. (eds) *Political Innovation and Conceptual Change*. Cambridge: Cambridge University Press, pp. 220–246.
- European Council. (2021) *Taxation: EU List of Non-Cooperative Jurisdictions*. <https://www.consilium.europa.eu/en/policies/eu-list-of-non-cooperative-jurisdictions/>.
- Fenster, M. (2017) *The Transparency Fix: Secrets, Leaks, and Uncontrollable Government Information*. Stanford University Press.
- Forsythe, D. P. (2011) 'US Foreign Policy and Human Rights: Situating Obama', *Human Rights Quarterly*, 33(3), 767–789.
- Forsythe, D. P., and McMahon, P. C. (2017) *American Exceptionalism Reconsidered: U.S. Foreign Policy, Human Rights, and World Order*. New York: Routledge.
- Foucault, M. (1979) *Discipline and Punish: The Birth of the Prison*. New York: Vintage.
- Foucault, M. (2001) *The Order of Things: An Archaeology of the Human Sciences*. London and New York: Routledge.
- Gallie, W. B. (1956) 'Essentially Contested Concepts', *Proceedings of the Aristotelian Society, New Series*, 56, 167–198.
- Gardiner, J. (2002) Defining Corruption. In Heidenheimer, A. J. and Johnston, M. (eds) *Political Corruption: Concepts and Contexts*. Routledge, pp. 25–40.
- Génaux, M. (2004) 'Social Sciences and the Evolving Concept of Corruption', *Crime, Law and Social Change*, 42(1), 13–24.
- Golden, M. A., and Picci, L. (2005) 'Proposal for a New Measure of Corruption, Illustrated with Italian Data', *Economics and Politics*, 17(1), 37–75. <https://doi.org/10.1111/j.1468-0343.2005.00146.x>.
- Gramsci, A. (1971) *Selection from the Prison Notebooks*. London: Lawrence & Wishart.
- Hardt, M., and Negri, A. (2000) *Empire*. Harvard University Press.
- Hardt, M., and Negri, A. (2005) *Multitude: War and Democracy in the Age of Empire*. Penguin.
- Harvey, D. (2016) 'A Commentary on A Theory of Imperialism', in Patnaik, U. and Patnaik, P. (eds) *A Theory of Imperialism*. New York: Columbia University Press.
- Herr, R. S. (2019) 'Women's Rights as Human Rights and Cultural Imperialism', *Feminist Formations*, 31(3), 118–142.
- Heywood, P. M., and Rose, J. (2014) "'Close But No Cigar": The Measurement of Corruption', *Journal of Public Policy*, 34(3), 507–529. <https://doi.org/10.1017/S0143814X14000099>.
- Hicks, N. (2001) 'The Bush Administration and Human Rights', *Foreign Policy in Focus*. [https://fpif.org/the\\_bush\\_administration\\_and\\_human\\_rights/](https://fpif.org/the_bush_administration_and_human_rights/).

- Hill, H. K. (2014) *Interview with Ambassador H. Kenneth Hill*, The Association for Diplomatic Studies and Training, Foreign Affairs Oral History Project. Available at: <https://adst.org/wp-content/uploads/2018/08/Hill-Kenneth.pdf>.
- Horsman, R. (1981) *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism*. Cambridge, MA: Harvard University Press.
- Ibhawoh, B. (2007) *Imperialism and Human Rights*. Albany, NY: State University of New York Press.
- Ignatieff, M. (2001) *Human Rights as Politics and Idolatry*. Princeton: Princeton University Press.
- Ignatieff, M. (2005) *American Exceptionalism and Human Rights*. Princeton, NJ: Princeton University Press.
- Ingiyimbere, F. (2017) *Domesticating Human Rights: A Reappraisal of Their Cultural-Political Critiques and Their Imperialistic Use*. Springer.
- Kajsiu, B. (2015) *A Discourse Analysis of Corruption: Instituting Neoliberalism Against Corruption in Albania, 1998–2005*. Routledge.
- Katzarova, E. (2019) *The Social Construction of Global Corruption: From Utopia to Neoliberalism*. Palgrave Macmillan.
- Khalili, L. (2018) ‘How Empire Operates: An Interview with Laleh Khalili’, *Viewpoint Magazine*. Available at: <https://viewpointmag.com/2018/02/01/empire-operates-interview-laleh-khalili/>.
- Kuhn, T. S. (2012) *The Structure of Scientific Revolutions*. Chicago and London: The University of Chicago Press.
- Kurer, O. (2015) ‘Definitions of Corruption’, in Heywood, P. M. (ed), *Routledge Handbook of Political Corruption*. Routledge.
- Loovers, J. P. L. (2020) *Reading Life with Gwich’in: An Educational Approach*. Routledge.
- Mauro, P. (1997) ‘Why Worry About Corruption?’ *IMF*.
- Mertus, J. (2008) *Bait and Switch: Human Rights and U.S. Foreign Policy (Second)*. Routledge.
- Moyn, S. (2010) *The Last Utopia: Human Rights in History*. Cambridge, MA: Harvard University Press.
- Mutua, M. (2002) *Human Rights: A Political and Cultural Critique*. Philadelphia: University of Pennsylvania Press.
- Ó Tuathail, G., and Agnew, J. (1992) ‘Geopolitics and Discourse: Practical Geopolitical Reasoning in American Foreign Policy’, *Political Geography*, 11(2), 190–204.
- Obama, B. (2009) *Inaugural Address of Barack Obama; January 2009*. Available at: [https://obamawhitehouse.archives.gov/realitycheck/the\\_press\\_office/President\\_Barack\\_Obamas\\_Inaugural\\_Address](https://obamawhitehouse.archives.gov/realitycheck/the_press_office/President_Barack_Obamas_Inaugural_Address).
- Orford, A. (2002) ‘Feminism, Imperialism and the Mission of International Law’, *Nordic Journal of International Law*, 71(2), 275–293.

- Said, E. W. (2003) 'Blind Imperial Arrogance', *Los Angeles Times*. <https://www.latimes.com/archives/la-xpm-2003-jul-20-oe-said20-story.html>.
- Schifter, R. (2004) *Interview with Richard Schifter*, *Association for Diplomatic Studies and Training Foreign Affairs Oral History Project*. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2007/2007sch02/2007sch02.pdf>.
- Scott, C. v. (2018) *Neoliberalism and U.S. Foreign Policy from Carter to Trump*. Palgrave Macmillan.
- Springer, S. (2016) *The Discourse of Neoliberalism: An Anatomy of a Powerful Idea*. London and New York: Rowman & Littlefield.
- The White House (1994) *A National Security Strategy of Engagement and Enlargement*. Washington, DC. Available at: <https://nssarchive.us/wp-content/uploads/2020/04/1994.pdf>.
- The White House (1996) *A National Security Strategy of Engagement and Enlargement*. Washington, DC. Available at: <https://history.defense.gov/Portals/70/Documents/nss/nss1996.pdf?ver=4f8riCrLnHIA-H0itYUp6A%3D%3D>.
- The White House (1997) *A National Security Strategy for a New Century*. Washington, DC. Available at: <https://history.defense.gov/Portals/70/Documents/nss/nss1997.pdf?ver=2whGiEUyiceAyme45GiJZA%3D%3D>.
- The White House (1998) *A National Security Strategy for A New Century*. Washington, DC. Available at: <https://nssarchive.us/wp-content/uploads/2020/04/1998.pdf>.
- The White House (1999) *A National Security Strategy for A New Century*. Washington, DC. Available at: <https://nssarchive.us/wp-content/uploads/2020/04/2000.pdf>.
- The White House (2000) *A National Security Strategy for A Global Age*. Washington, DC. Available at: <https://nssarchive.us/wp-content/uploads/2020/04/2001.pdf>.
- The White House (2002) *The National Security Strategy of the United States of America*. Washington, DC. Available at: [https://history.defense.gov/Portals/70/Documents/nss/nss2002.pdf?ver=oyVN99aEnrAWijAc\\_O5eiQ%3D%3D](https://history.defense.gov/Portals/70/Documents/nss/nss2002.pdf?ver=oyVN99aEnrAWijAc_O5eiQ%3D%3D).
- The White House (2006) *The National Security Strategy of the United States of America*. Washington, DC. Available at: <https://history.defense.gov/Portals/70/Documents/nss/nss2006.pdf?ver=Hfo1-Y5B6CMI8yHpX4x6IA%3D%3D>.
- The White House (2009) *Open Government Directive*. <https://obamawhitehouse.archives.gov/open/documents/open-government-directive>.
- The White House (2010) *National Security Strategy*. Washington, DC. Available at: <https://nssarchive.us/wp-content/uploads/2020/04/2010.pdf>.
- The White House (2015) *National Security Strategy*. Washington, DC. Available at: <https://nssarchive.us/wp-content/uploads/2020/04/2015.pdf>.

- The White House (2017) *National Security Strategy of the United States of America*. Washington, DC. Available at: <http://nssarchive.us/wp-content/uploads/2020/04/2017.pdf>.
- The White House (2021a) *Interim National Security Strategic Guidance*. Washington, DC. Available at: <https://www.whitehouse.gov/wp-content/uploads/2021/03/NSC-1v2.pdf>.
- The White House (2021b) *Memorandum on Establishing the Fight Against Corruption as a Core United States National Security Interest*. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/03/memorandum-on-establishing-the-fight-against-corruption-as-a-core-united-states-national-security-interest/>.
- The White House (2021c) *Statement by President Joseph R. Biden, Jr. on the National Security Study Memorandum on the Fight Against Corruption*. <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/03/statement-by-president-joseph-r-biden-jr-on-the-national-security-study-memorandum-on-the-fight-against-corruption/>.
- Thompson, W. (1999) *Interview with Ward Thompson, The Association for Diplomatic Studies and Training Foreign Affairs Oral History Project*. Available at: <https://tile.loc.gov/storage-services/service/mss/mfdip/2007/2007tho04/2007tho04.pdf>.
- UNSSC (2019) *Anti-Corruption in the Context of the 2030 Agenda for Sustainable Development*. <https://www.unssc.org/courses/anti-corruption-context-2030-agenda-sustainable-development/>.
- Walt, S. M. (2011) 'The Myth of American Exceptionalism', *Foreign Policy*, November. Available at: <https://foreignpolicy.com/2011/10/11/the-myth-of-american-exceptionalism/>.
- Warren, M. E. (2004) 'What Does Corruption Mean in a Democracy?', *American Journal of Political Science*, 48(2), 328–343. <https://doi.org/10.1111/j.0092-5853.2004.00073.x>
- Weber, M. A., O'Regan, K., and Brown, N. M. (2020) *Countering Corruption Through U.S. Foreign Assistance*. Available at: <https://sgp.fas.org/crs/row/R46373.pdf>.
- Whyte, J. (2019) *The Morals of the Market: Human Rights and the Rise of Neoliberalism*. London: Verso.
- Willams, W. A. (1991) *The Tragedy of American Diplomacy*. New York and London: W. W. Norton.
- Wolfensohn, J. D. (1996) *People and Development: Address to the Board of Governors*. The World Bank Group. <https://documents1.worldbank.org/curated/en/243871468141893629/pdf/multi-page.pdf>.
- Wood, R. M., and Gibney, M. (2021a) *The Political Terror Scale*. <http://www.politicalterror scale.org/archive/SDvsAI/>.



- Wood, R. M., and Gibney, M. (2021b) *The Societal Violence Scale*. <http://www.politicalterroryscale.org/Data/Documentation-SVS.html>.
- Xypolia, I. (2016) 'Divide et Impera: Vertical and Horizontal Dimensions of British Imperialism', *Critique*, 44(3), 221–231. <https://doi.org/10.1080/03017605.2016.1199629>.
- Xypolia, I. (2017) *British Imperialism and Turkish Nationalism in Cyprus, 1923–1939: Divide, Define and Rule*. Routledge.
- Xypolia, I. (2021) 'Imperial Bending of Rules: British Empire, Treaty of Lausanne and Cypriot Immigration to Turkey', *Diplomacy & Statecraft*, 32(4), 674–691. <https://doi.org/10.1080/09592296.2021.1996711>.
- Xypolia, I. (2022) 'From the White Man's Burden to the Responsible Saviour: Justifying Humanitarian Intervention in Libya', *Middle East Critique*, 31(1), 1–19. <https://doi.org/10.1080/19436149.2022.2030981>.
- Yanagizawa-Drott, D., and Qian, N. (2009) 'The Strategic Determinants of U.S. Human Rights Reporting: Evidence from the Cold War', *Journal of the European Economic Association*, 7(2/3), 446–457. <https://www.jstor.org/stable/40282762%0A>.

# INDEX

## A

Abrams, Elliott, 29, 30, 38, 39, 60, 67, 68  
Albright, Madeleine, 36  
Amnesty International (AI), 35, 59, 74, 137  
Argentina, 63, 67  
Arms, 30, 31, 51, 57, 91, 97, 140

## B

Baker, James, 31  
Biden, Joe, 2, 45, 78, 120, 121  
Blinken, Antony, 45, 82  
Brazil, 95, 96, 125  
Bribery, 140  
Bureau (Human Rights Bureau/DLR), 29, 30, 36, 48, 59, 62, 63, 67–72, 75–77, 86, 87, 91–93, 101, 117  
Bush, George H.W., 25, 31–33, 68  
Bush, George W., 25, 38, 39, 42, 68, 83, 94, 102

## C

Capitalism, 8, 11, 15  
Carter, Jimmy, 4, 22, 25–30, 32, 57, 59, 60, 63, 106, 117, 135  
China, 10, 32–38, 42, 44, 46, 70, 84, 92–94, 103, 104, 125  
Christopher, Warren, 34, 35, 69, 93  
Civil society, 13, 16, 79, 81, 82, 120, 138  
Clientitis, 70, 71  
Clinton, Bill, 33–38, 62, 68, 81, 83, 93, 105  
Clinton, Hillary, 37, 42, 80, 81, 83  
Colonialism, 8, 14  
Communism, 31, 54  
Corruption, 2–5, 9, 13, 78, 104, 106–123, 127–133, 135, 136, 138–142  
Craner, Lorne, 94, 102  
Culture, 14, 21, 38

**D**

Democracy, 20, 24, 29, 31, 38, 40, 41, 49, 54, 62, 67, 69, 80, 83, 87, 103, 105, 110, 111, 118, 120, 121, 139, 141  
 Democratization, 2, 133  
 Derian, Patt, 59, 60, 63, 86, 91, 93  
 Destro, Robert, 69  
 Diaz Dennis, Patricia, 68  
 Discourse, 2–5, 8, 10, 12, 15, 16, 20, 23, 43, 45, 46, 48, 49, 75, 80, 83, 108–110, 112–114, 116, 117, 133, 139, 142, 143

**E**

Eagleburger, Lawrence, 70  
 Economic rights, 29, 116  
 Exceptionalism, 21, 42

**F**

Ford, Gerald, 24, 32  
 Foucault, Michel, 3, 10, 14, 143  
 Fraser, Donald, 49, 50, 52, 53, 57, 106  
 Freedom House, 74  
 Free market, 2, 11, 15, 16, 119, 120

**G**

Gramsci, Antonio, 8, 13, 14, 21

**H**

Haig, Alexander, 29, 30  
 Harkin, Tom, 52, 106  
 Hegemony, 8, 13, 14, 101  
 Human Rights Council (HRC), 39, 42, 44, 45  
 Human Rights Watch (HRW), 137

**I**

ILO, 4, 75  
 Inaugural address, 25, 41  
 International Criminal Court (ICC), 37, 39, 44  
 International Monetary Fund (IMF), 126, 135, 139  
 Iran/Shah, 63, 84, 91, 92, 105, 125  
 Iraq, 38, 105  
 Israel, 23, 38, 39, 44, 68, 84–88, 90, 96, 97, 125

**J**

Jackson, Henry “Scoop”, 53, 54, 57, 106  
 Johnson, Alexandra, 88–91

**K**

Kerry, John, 81  
 Kissinger, Henry, 32, 39, 48, 49, 55–57, 92

**L**

Lefever, Ernest, 60, 61, 67  
 Legitimacy, 9, 10, 13, 14, 16, 45, 77, 111, 114

**M**

Malinowski, Tom, 69  
 MFN status, 32, 34–37, 93, 94  
 Military aid, 84  
 Mont Pèlerin Society, 15, 16

**N**

Neoliberalism, 10, 15–17, 23, 112, 114  
 Nixon, Richard, 24, 32

Nongovernmental organizations  
(NGOs), 48, 52, 63, 79–81, 93,  
96, 100, 104, 105, 109

North Atlantic Treaty Organisation  
(NATO), 121, 126, 127

## O

Obama, Barack, 39–42, 63, 68, 69,  
105, 108, 118, 119, 129

## P

Pompeo, Mike, 82

Posner, Michael H., 68, 69, 105

Powell, Colin, 80, 103

Privatization, 15, 133, 139

Public Sector, 3, 107, 108, 112, 114,  
130, 132, 133, 138, 139

## R

Reagan, Ronald, 15, 20, 24, 29–32,  
39, 60, 61, 67, 74, 75, 83

Rice, Condoleezza, 39, 79

## S

Said, Edward, 7, 142

Saudi Arabia, 125

Schifter, Richard, 24, 57, 68, 86–88,  
93, 94, 100

Security assistance, 56, 58, 74, 95

Shattuck, John, 35, 69, 84

Shultz, George, 70, 87

## T

Tax havens, 108, 125, 132

Tillerson, Rex, 81

Transition countries, 5, 95, 107, 114,  
119, 127, 139

Transparency International (TI), 109,  
112, 115

Trump, Donald, 43–46, 69, 78, 82,  
105, 120, 127, 129

Turkey, 84, 96, 97, 113, 121, 131

## U

Union of Soviet Socialist Republics  
(USSR), 23, 26, 31, 46, 53–55,  
68, 101, 126, 127

United Nations, 33, 50, 60, 115, 125

Universal Declaration of Human  
Rights (UDHR), 23, 33, 41, 44,  
74, 116

Universalism, 10, 54

## W

War on Terror, 38–40, 77, 78, 83,  
105

Wilson, James M. Jr, 53, 56–58, 63

World Bank, 15, 52, 75, 109,  
112–114, 122, 139