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## How Not to Promote Democracy and Human Rights

Aryeh Neier

This chapter addresses the policies of the Bush Administration, and the damage that it has done to the cause of democracy and human rights worldwide. But I have to start out by saying that, in certain respects, the Bush Administration's record of attempting to promote human rights is very good. That is, the Bush Administration has been as outspoken as any previous administration in championing human rights in different parts of the world. It has been willing to take quite strong action in efforts to promote human rights. We have the example in 2004 of Secretary of State Colin Powell's decision to label what is taking place in Darfur in the Sudan as "genocide," which implies a responsibility under the Genocide Convention to prevent genocide and to punish those who are responsible for genocide.

It contrasts with the Clinton Administration's stand a decade earlier in Rwanda, where the Administration danced around but refused to use the label genocide in a much clearer case than the case in the Sudan. Also, of course the Clinton Administration led the effort in the United Nations Security Council to withdraw United Nations troops from Rwanda--troops who, according to the commander, General Romeo Dallaire, probably could have stopped the genocide from taking place. In the Bush Administration, the State Department's Bureau of Human Rights under its recently departed Director, Lorne Kraner, has been very

vigorous worldwide in protesting abuses of human rights, not only in countries considered antagonistic to the United States, but also in countries that are allies of the United States. We might consider a couple of examples: the Bush Administration's decision to deny certification to Uzbekistan, one of the countries that played a very important role as a staging ground for the war in Afghanistan, and the Bush Administration's decision at a certain point to threaten to withhold about a 135 million dollars in aid to Egypt, unless a notable democracy and human rights campaigner, Saad Eddin Ibrahim, was released from prison.

The Bush Administration has also been outspoken in a rhetorical commitment to human rights, as evidenced in the National Security Strategy of the United States of America, which was issued on September 17, 2002. I am going to come back to this document, because I think that it is of seminal significance in understanding the policies of the Bush Administration. Page four of the National Security Strategy of the United States of America (2002) says, "We will speak out honestly about violations of the non-negotiable demands of human dignity, using our voice and vote in international institutions to advance freedom; use our foreign aid to promote freedom and support those who have struggled nonviolently for it, ensuring that nations moving towards democracy are rewarded for the steps they take; make freedom and the development of democratic institutions key themes in our bilateral relations, seeking solidarity and cooperation from other democracies while we press governments that deny human rights to move to a better future; take special efforts to promote freedom of

religion and conscience, and defend it from encroachments by repressive governments. We will champion the cause of human dignity and oppose those who resist it.” I do not think any human rights organization could do better in articulating a policy.

So, how is it that a government that is both rhetorically committed to human rights and that has taken systematic action to try to promote human rights has done damage to the human rights cause? I think that there are three reasons that it has done damage, and I will consider each of those reasons in turn. One has to do with the war in Iraq and the projection of American military force. President Bush has repeatedly said that promoting freedom and democracy in the Middle East is essential for America’s security. In the wake of the collapse of the argument for going into Iraq because of weapons of mass destruction, and given the Bush Administration’s concession--not always including such a concession by Vice President Cheney but at least by President Bush himself--that there is not a connection between Iraq and Al Queda, increasingly the Administration has relied on the argument that it went into Iraq to promote human rights. That is, it acted to remove a tyrant who oppressed his people. The President has argued, and members of his Administration have argued, that it is essential for the United States to promote democracy and human rights throughout the Middle East to ensure America’s security. The willingness to use American force to try to impose democracy and human rights has aroused great antagonism in the Middle East, as well as in other parts of the world, particularly in parts of Asia. It has resulted in

what President Mubarak of Egypt has termed a level of anti-Americanism that is unprecedented worldwide. One of the consequences of this is that proponents of democracy and human rights in the Middle East, but also in various parts of Asia, have found themselves on the defensive because they are seen as promoting the American cause. It is increasingly difficult for them to articulate concern with democracy and human rights.

There is an interesting controversy taking place that involves the United Nations Development Program, which illustrates this point. In 2002, the United Nations Development Program (UNDP) and the Regional Bureau for Arab States (RBAS) issued what is called the “Arab Human Development Report 2002: Creating Opportunities for Future Generations.” This Report is a book length document produced by Arab intellectuals. It identifies what are considered three deficits in development in the Arab countries. One is the knowledge deficit; the second is the deficit in the engagement of women in various aspects of society; the third deficit is identified as the democracy deficit (UNDP & RBAS, 2002). The Report was very well done and became a rallying point for Arab intellectuals who saw a United Nations document as something they could unite behind, and in that way, avoid identification with the American project of promoting democracy and human rights in the Middle East by military means.

The United Nations Development Program followed this up with another volume in 2003 titled “The Arab Human Development Report 2003: Building a Knowledgeable Society.” The 2003 volume addressed the “knowledge deficit,”

pointing out for example, that there are many times the number of books translated into Greek, a language spoken by about 10 million people, as translated into Arabic, a language spoken by about 200 million people (UNDP & RBAS, 2003: 67). The volume gave many other examples of this knowledge deficit. There was to be another report issued that would go into greater detail about the democracy deficit. Yet the work on that report has resulted in turmoil. Whether the report on the democracy deficit will be produced is now unclear, because the Arab intellectuals who are associated with the project want to include lengthy denunciations of United States policy in the report, and a United Nations agency does not want to be the sponsor of a document with those denunciations of United States policy.

From the standpoint of the Arab intellectuals, they feel they have to separate themselves from United States policy in order to have credibility in their region. So, when the United States speaks in the name of democracy and human rights in justifying its policy in the Middle East, Arab intellectuals who are themselves committed to democracy and human rights run away as fast as they can. It tarnishes their effort. That is, I believe, one of the consequences of American military policy that is proving very destructive. The very terms democracy and human rights are increasingly associated in many parts of the world with American willingness to impose our government's will by its superior force, and to act in a way that seems to disregard all international agreements and international conventions in the process of imposing its will.

A second way that the Bush Administration's policies have helped to give human rights a bad name has to do with our own practices since September 11, 2001. The United States always had something of a checkered record in promoting human rights internationally. There were parts of the world where we were very vigorous in promoting human rights, and there were parts of the world where we were allies of those who were abusing human rights. On balance, however, the United States was a force worldwide for the human rights cause, and part of that had to do with our own reputation as a government that was respectful of human rights. The United States' own practices were widely admired worldwide, and those who criticized United States policy complained that we were willing to ally ourselves with governments that were not similarly respectful of human rights. The chapters in this volume by Carol Greenhouse and Neil Hicks expand on this point.

What has happened since September 11, 2001, is that the image of the United States worldwide is now the image of a human rights violator, rather than the image of a respecter of human rights. Everywhere in the world people know about Guantanamo Bay, and Guantanamo has become a symbol of American policy. The idea that the United States would arbitrarily hold a large number of people in a legal black hole for a period of years with no access to attorneys, no access to families, and no charges, was beyond anything that anyone could have expected. Several other democratic countries have had terrorist problems. Britain has had the IRA, Spain has had the ETA, India has had terrorism related to

Kashmir, Israel has had suicide bombing and other forms of terrorism. None of the democratic countries elsewhere in the world that have experienced terrorism did anything that is comparable to Guantanamo in the manner that they dealt with terrorism. There were delays in bringing detainees before judges in various places, and periods of time when they did not have access to lawyers and families, but Guantanamo exceeded what any other democratic government has done in dealing with those persons it accused of terrorism. Though the U.S. Supreme Court's 2004 decisions in *Padilla* and *Hamdi* have now limited, to some degree, the extent of the arbitrariness with which the United States may hold prisoners at Guantanamo, most of the detainees there have not yet seen a lawyer, nor have they yet had contact with members of their families. The prolongation of detention without charges is likely to be a factor for a good while to come.

In addition, of course, the Abu Ghraib scandal and the images that went around the world of American soldiers engaged in the intentional humiliation and torture of detainees is another part of America's new image. The consequence is that when the United States now attempts to lecture other governments about human rights, the images that come to mind worldwide are the images from Abu Ghraib and the images from Guantanamo. The United States is seen as hypocritical in its advocacy of human rights. That perception of hypocrisy is another factor that tends to give the human rights cause, as espoused by the United States, a bad name.



The third factor that has tended to give the human rights cause a bad name is the way that it is linked, in the strictures of the Bush Administration to various other governments, to free trade. I traveled to Mexico in 2004, and one of the things you hear when you talk to Latin Americans is that the Bush Administration takes the position, in dealing with their countries, that the freedom of capital movement is a basic human right. In the U.S. National Security Strategy of September 2002 that I mentioned previously, free trade is referred to as “a moral principle” (p. 18). This is immensely damaging. I am not a partisan of the view that it is possible to deal with what are labeled as economic and social rights as matters of rights. Those are matters that have to be dealt with through the political process, not through assertions of rights. The same has to hold for economic rights when articulated in terms of free trade.

In Latin America today, only one country, Cuba, is an out and out dictatorship. Democracy, sometimes in a somewhat authoritarian mode, prevails everywhere else in Latin America. Yet, if you study surveys of public opinion in Latin America, you will see that substantial numbers of people throughout the western hemisphere think that democracy has not achieved much for them. Many throughout the region would prefer a return to military regimes or some other form of authoritarian rule, because they are so disappointed with democracy. A major reason is that democracy has been unable to deliver for them economically. They tend to see the free trade policies, or the manner in which the United States espouses free trade policies and labels them as fundamental human rights, as part

of the problem with democracy. This has caused a popular disenchantment with democracy and human rights in Latin America. While this is less true in other parts of the world that have not been such significant targets of free trade agreements, it is the case with much of Latin America.

These are the three factors that, in combination, are doing a disservice to the human rights cause internationally. Unfortunately the United States looms so large in world affairs, that having the United States and its policies on the one hand associated with the promotion of democracy and human rights, and on the other hand arousing antagonism in many parts of the world, is very bad for the human rights cause.

I recall that when we launched Human Rights Watch a little more than a quarter of a century ago, a significant component of our strategy was to leverage the power, purse, and influence of the United States to promote human rights more systematically around the world. From the standpoint of those who are trying to promote human rights today, it is necessary to pursue the opposite course. One has to put as much distance as one can between one's own efforts and the efforts of the United States government.

Whether the situation is subject to repair, if there were to be a change of administration, I do not know. The damage has been done for a very long time to come.

I cannot think of any ready substitute for the influence that the United States previously could bring to bear to promote human rights. Unfortunately,

even at a time when good faith efforts are made by the United States, as indeed I think many of the efforts of the Bush Administration have been, the effect is very often counter productive. This is one of the collateral consequences of 9/11 and the manner in which the United States responded to it, especially in the case of the nexus that the Bush Administration established between its use of military force and the human rights cause, and in the degree to which its abuses of human rights at Guantanamo and Abu Ghraib made the United States seem hypocritical in claiming to stand for human rights. September 11, 2001, was, of course, a disaster. Yet I wonder if even the perpetrators of 9/11 could have imagined all the collateral disasters that have followed in its wake.

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