

THE IMPLICATIONS OF OBAMA'S FOREIGN POLICY FOR DOMESTIC AND INTERNATIONAL HUMAN RIGHTS

Erica Rosenfield

University of Denver,

Josef Korbel School of International Studies

“All people yearn for certain things: the ability to speak your mind and have a say in how you are governed; confidence in the rule of law and the equal administration of justice; government that is transparent and doesn't steal from the people; the freedom to live as you choose. These are not just American ideas; they are human rights. And that is why we will support them everywhere.”

Barack Obama, Cairo, June 4, 2009

In recent months, the Barack Obama administration has faced increasing scrutiny over its stance on human rights. Criticism has been leveled at the President from all sides of the political spectrum for the supposed inadequacy of his approach in dealing with a variety of global human rights abuses. While the Obama administration has distanced itself from the policies of George W. Bush and made great strides toward strengthening human rights within the United States, similar progress has not been achieved internationally. This has proven to be a disappointment to many human rights advocates within the United States and elsewhere who assumed that Obama's presidential campaign rhetoric would translate into specific policies once he took office. In order to address the validity of these criticisms, this essay will first outline the achievements and shortcomings of the Obama administration with respect to human rights. It will then analyze the broader direction of Obama's foreign policy and argue that although the proclaimed strategy of “principled pragmatism” has bolstered America's reputation worldwide, it has proven insufficient in addressing international human rights violations and has not yielded the type of global change that Obama envisioned.

It is important to note at the outset that American human rights policy has typically been characterized by hesitation to directly intervene and address abuses abroad. As a global superpower, the United States has grappled with balancing the competing demands of upholding human rights internationally on the one hand and promoting national interests on the other. It took the United States 40 years to ratify the UN Convention on the Prevention and Punishment of the Crime of Genocide—a centerpiece of the contemporary global human rights regime—and it has still not ratified the Convention on the Rights of the Child (CRC). Moreover,

throughout the second half of the twentieth century, US responses to mass atrocities such as the genocides in Rwanda and Bosnia ranged from virtually non-existent to hesitant and delayed. In addition to this continual indecisiveness with regard to human rights emergencies, the US has also been silent on human rights abuses in states that are of significant strategic importance. For example, the US has been a vocal supporter of Turkey, a key NATO ally, in its bid to join the European Union, despite serious concerns among EU member states regarding Turkey's human rights record. While the reasons behind these long-standing positions of the United States are too complex to be addressed here, they nevertheless demonstrate that any assessment of President Obama's approach to human rights must be considered within a broader historical pattern and political context.

In an age of unparalleled economic turmoil, competing policy priorities and two wars, it is significant that numerous substantive changes in American human rights policy have been enacted in the early days of Obama's presidency. By boldly claiming in his inaugural address that "the United States cannot insist that others follow the rules of the road if we refuse to follow them ourselves," Obama indicated his intention to more vigorously apply universal human rights norms domestically.¹ Once in office, Obama initiated a radical change in the American approach to combating terrorism. He insisted that all American interrogators, including members of the Central Intelligence Agency (CIA), adhere to the strict standards implemented by the US military following the Abu Ghraib debacle, and reaffirmed the commitment of the United States to a complete ban on the use of torture.² He also ordered the closure of all secret CIA detention facilities and promised to shut down the notorious prison at Guantanamo Bay, Cuba.³ In a further reversal of his predecessor's policies, Obama authorized American participation in the UN Human Rights Council. Moreover, to quell global concerns about American exceptionalism as it relates to institutions of global governance, his administration has taken a more constructive approach to international law and has supported the work of the International Criminal Court (ICC) in its proceedings with Darfur and the Democratic Republic of the Congo.⁴ Indeed, for the first time, American officials are participating in deliberations about the ICC's future.⁵ The United States has also signed the 2006 Convention on the Rights of Persons with Disabilities and has signaled its intent to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child, although the Senate has not yet been pressed on these matters.⁶ As Andrew Moravcsik points out in *The Paradox of US Human Rights Policy*, "nonadherence [to international human rights treaties] may undermine the

1 Kenneth Roth, "Empty Promises? Obama's Hesitant Embrace of Human Rights," *Foreign Affairs* 89, no. 2 (March/April 2010): 10.

2 *Ibid.*, 10.

3 *Ibid.*

4 *Ibid.*, 14.

5 *Ibid.*

6 *Ibid.*, 15.

ability of the United States to use multilateral human rights institutions to further its own foreign policy goals,” and it appears as if Obama is keenly aware of this.⁷ Moravcsik also describes the “failure of the United States to be perceived as a country that upholds human rights.”⁸ In calling for bold domestic policy changes related to the war on terror and international human rights treaties and organizations, Obama has addressed the charge of American double standards on human rights and has improved the credibility of the United States on the world stage.

Although much has been accomplished in the early days of Obama's presidency to strengthen respect for human rights internally, the limitations of his embrace of human rights are apparent when assessing his administration's international human rights policy. In “The Abandonment of Democracy,” Joshua Muravchik argues that Obama's foreign policy has been indifferent to issues of human rights and democracy and that the American tradition of advancing human rights has been “ruptured by the Obama administration.”⁹ During his first foreign press interview with the Arabic network Al-Arabiya, Obama made no mention of human rights or democracy, and Secretary of State Hillary Clinton deliberately avoided discussing human rights during her first official state visit to China, claiming that “our pressing on those issues [human rights] can't interfere with the global economic crisis, the global climate change crisis and the security crisis.”¹⁰ These were early indications of the administration's position on touting human rights abroad. Since that time, the Obama administration has rarely encouraged other states to respect human rights, suggesting that this is a well thought-out policy decision.¹¹ Obama has refused to criticize American allies in the Middle East that violate democratic principles.¹² In Central Asia, he has hesitated to raise human rights concerns in the repressive states of Turkmenistan and Uzbekistan because of their strategic importance in providing military supply lines into Afghanistan and emanating from a professed American respect for the sovereignty of these states.¹³ Secretary of State Clinton has ordered a review of American sanctions against the Burmese military dictatorship, and the Obama administration is considering reducing sanctions against Sudan.¹⁴ When Hugo Chavez held a referendum to abolish presidential term limits in Venezuela, the American government made a visible effort to publicly endorse this process as democratic even though the result of the referendum gravely jeopardizes democracy in this South American nation.¹⁵ The Obama administration has not applied any pressure on the government of Russia

7 Andrew Moravcsik, “The Paradox of US Human Rights Policy,” in *American Exceptionalism and Human Rights*, ed. Michael Ignatieff (Princeton, NJ: Princeton University Press, 2005), 194.

8 *Ibid.*, 195.

9 Joshua Muravchik, “The Abandonment of Democracy,” *Commentary* (July/August, 2009): 21.

10 *Ibid.*, 22.

11 *Ibid.*, 23.

12 Roth, “Empty Promises,” 12.

13 *Ibid.*, 15.

14 Muravchik, “Abandonment of Democracy,” 23.

15 *Ibid.*, 24.

to put an end to the silencing of civil society leaders or the murders of journalists and activists who speak out on behalf of human rights, and has failed in an equal extent to press allies in Africa such as Paul Kagame of Rwanda and Meles Zenawi of Ethiopia to initiate democratic reforms.¹⁶

Perhaps the most revealing examples of the Obama administration's eschewal of human rights promotion abroad can be seen in Egypt and Iran. In an effort to improve relations with Egypt, the Obama administration complied with the demand "that all funds from the US Agency for International Development earmarked for NGOs go only to those groups that comply with the Mubarak government's onerous restrictions."¹⁷ Washington has also promised unconditional economic assistance to Egypt with no human rights stipulations attached. Leaving no doubt about the US government's policy toward Egypt, Secretary of State Clinton declared in an interview with Egyptian TV that "conditionality is not our policy."¹⁸ The Obama administration has similarly softened the American position toward Iran. In his highly-anticipated speech delivered in Cairo on June 4, 2009, Obama apologized on behalf of the United States for overthrowing the government of Iran in 1953 and for using Muslim states as proxies during the Cold War.¹⁹ In *Obama's Year One: Contra*, author Robert Kagan argues that because of this self-proclaimed "new era of engagement," the United States has generally moved toward a "disinterested posture in the struggle between autocratic governments and their political opponents,"²⁰ and that this is apparent in Iran. In recent months, the American government has deliberately avoided taking any action that could be interpreted as sympathizing with the dissident movement, preferring instead to maintain communication with Tehran and to distance itself from the regime's challengers.²¹ In addition, Obama has praised Persian history and culture, sent numerous personal letters to Ayatollah Khomeini, offered direct negotiations on nuclear matters, renounced the threats of the Bush administration and abolished the usage of "axis of evil" terminology.²² The President has also made a point of referring to Iran as the "Islamic Republic of Iran" in an attempt to demonstrate American respect for this Middle Eastern state. In response to rallies by dissidents and democrats in Iran on the thirtieth anniversary of the seizure of the US embassy in Tehran, Obama stated that "the world continues to bear witness to their powerful calls for justice," indicating that the United States had no intention of intervening in Iran's internal affairs in order to bolster the democratic movement.²³

16 Roth, "Empty Promises," 12.

17 Ibid.

18 Muravchik, "Abandonment of Democracy," 24.

19 Ibid., 26.

20 Robert Kagan, "Obama's Year One: Contra," *World Affairs*, January/February 2010. <http://www.worldaffairsjournal.org/articles/2010-JanFeb/full-Kagan-JF-2010.html>. Par 14 (accessed on June 20, 2010).

21 Ibid.

22 Charles Lane, "Obama's Year One: Medius," *World Affairs*, January/February 2010. <http://www.worldaffairsjournal.org/articles/2010-JanFeb/full-Lane-JF-2010.html> (accessed on June 20, 2010).

23 Leon Wieseltier, "Unmending Wall," *The New Republic*, December 2, 2009.

Before judgments can be made on the merits of Obama's human rights record, the seemingly inconsistent approach the administration is taking must be assessed within the broader context of its foreign policy strategy. Kagan posits that instead of perpetuating American primacy, the Obama administration is seeking to manage America's inevitable decline relative to other great powers.²⁴ This stands in marked contrast to the post-World War II strategy of the United States, which was premised primarily on military and economic supremacy and a global network of formal political and military alliances.²⁵ Whereas previous foreign policy rested on these two pillars, Obama administration officials now see themselves as architects of a "post-American" world in which the United States must increasingly accommodate other rising states.²⁶ This approach is theoretically underpinned by a form of idealism which, as outlined by Hillary Clinton, is based on "common interests, shared values, and mutual respect."²⁷ Accompanying this policy reorientation is the new role being carved out for the United States as the world's "convener." Rather than throw its weight around and pursue narrow policy goals, the United States will seek to gather states to advance universal interests and devise cooperative solutions to global problems.²⁸ The overarching focus of American foreign policy will be on the so-called "three Ds" specified by Clinton: defense, diplomacy, and development.²⁹ In this context of increasing neutrality and "principled pragmatism," the United States will no longer give preferential treatment to certain states at the expense of others; instead, it will seek reconciliation and cooperation with adversaries and allies alike.³⁰ By adopting a form of benevolent neutrality and demonstrating honesty and good intentions in international affairs, it is assumed that better relations between all states can be achieved and American national security can be enhanced.³¹ In short, Obama's foreign policy strategy is defined by the assumption that earnest change in American practices will endow the United States with moral authority, which in turn will result in diplomatic triumphs that have thus far escaped the international community.³²

Although the legitimacy of Obama's foreign policy has been debated in government circles, the media and academia, less has been said about the implications of this American reorientation for global human rights. Obama should be lauded for his renewed emphasis on human rights within the United States—indeed, polls demonstrate that through his actions and statements, he has rescued the tarnished reputation of the United States.³³ However, from the perspective of those struggling for human rights abroad, Obama's policy shift has not produced any

24 Kagan, *Obama's Year One: Contra*.

25 Ibid.

26 Ibid.

27 Ibid.

28 Ibid.

29 Michael Doyle, "After the Freedom Agenda," *Dissent*, Summer 2009, 108.

30 Kagan, *Obama's Year One: Contra*.

31 Ibid.

32 Ibid.

33 Lane, *Obama's Year One: Medius*.

noteworthy advances. In Michael Walzer's *Interventions*, it is argued that short of acts that shock the conscience of mankind, sovereignty should be respected.³⁴ The administration's stance towards human rights-abusing states such as Iran, Egypt and others indicates that Walzer's views are shared by Obama, who has expressly avoided meddling in the domestic affairs of states in an attempt to forge greater goodwill towards the United States. While this position of non-interference may decrease skepticism toward the US at the state level, it does not assist those struggling for basic human rights. As Charles Lane points out, global public opinion of the United States does little to influence governments, especially those of an autocratic and hostile nature.³⁵ It is plausible that the moral and strategic calculus underlying Obama's foreign policy is as follows: through increased global cooperation, which is to be facilitated by the United States, processes of democratization will emerge organically and formerly antagonistic states will open up to the international community, thereby enhancing respect for human rights in many countries. However, this is a long-term prognosis. In the interim, the American strategy of staying silent will have an adverse impact on those who seek greater respect for human rights worldwide, as American inaction will be interpreted by oppressive leaders as *carte blanche* for abusive actions.

It should be stressed that the argument in this essay uses a limited time-frame. It draws on the relatively short track record of the Obama administration and thus could potentially be criticized as being somewhat short-sighted. Indeed, President Obama's broader foreign policy strategy of rebuilding America's image, shoring up human rights enforcement at home and adopting an even-handed, conciliatory tone may represent a long-term investment in human rights promotion. It can plausibly be argued that previous administrations have so profoundly depleted America's stock of goodwill abroad that President Obama has little choice but to pursue any human rights agenda as a two-stage process. The strengthening of America's own image as a state committed to unequivocal human rights adherence can be seen as a prerequisite for making credible demands in this regard vis-à-vis other states. Supporters of Obama's human rights policy would in fact likely decry any overt attempt to influence the state of human rights abroad and would see such attempts as feeding into the toxic anti-American rhetoric employed by the leaders and elites in some of the world's worst human rights-abusing regimes. Such actions would therefore be futile at best, if not outright counterproductive. By contrast, the Obama administration's emphasis on tightening and expanding adherence to international human rights standards domestically would reinstate America's moral authority and give weight to future American calls for other countries to respect human rights.

The legitimacy of this counter-argument is called into question by foreign responses to the shift in diplomatic tone by the Obama administration. Perhaps

34 Michael Walzer, "Interventions," in *Just and Unjust Wars*, ed. Michael Walzer (New York: Basic Books, 1977), 107.

35 Lane, *Obama's Year One: Medius*.

the best example of the ineffectiveness of Obama's foreign policy as it relates to human rights can be found in Iran. The previously described overtures made by Obama toward Iran have done little to improve relations between these two states. For instance, on November 3, 2009, Ayatollah Khomeini declared that "every time they [the United States] have a smile on their face, they are hiding a dagger behind their back... Iran will not be fooled by the superficial conciliatory tone of the United States."³⁶ Obama likely made the determination that, given the delicate nature of relations between the US and Iran, visible American support for the democratic movement would serve as a justification for the regime to crack down even more brutally on dissidents and would therefore be counterproductive.³⁷ Nonetheless, even without American involvement, the Iranian government employed methods of intimidation and brutality to suppress opposition, indicating that a conciliatory American position toward Iran has not changed the regime's behavior. Herein lies one of the core problems with Obama's foreign policy strategy as it pertains to human rights—the president presumes that American goodwill will be reciprocated, which will automatically lead to greater respect for human rights without the problematic endeavor of American interference in the domestic affairs of sovereign states. As the example of Iran demonstrates, however, goodwill will not be mutual so long as the legitimacy and power of the regimes in question rests on opposition to an external enemy. In other words, the Ayatollah's regime, much like other repressive regimes in the world, partially justifies domestic human rights violations on the grounds that such actions are necessary to safeguard the nation against external enemies, notably the United States. The suppression of free speech and other human rights abuses have continued unabated in Iran, irrespective of the amicable diplomatic approach adopted by Obama. Therefore, the US could more actively advance the cause of human rights by quietly supporting the democratic movement while maintaining close diplomatic communication with senior government officials. By adopting this strategy, Obama could simultaneously demonstrate his commitment to human rights and his repudiation of confrontational Bush-era tactics.

In a speech in Berlin in July 2008, Obama rhetorically asked, "Will we stand for the human rights of the dissident in Burma, the blogger in Iran, or the voter in Zimbabwe? Will we give meaning to the words 'never again' in Darfur?"³⁸ To date, this rhetoric has not been matched with concrete action. Although the Obama administration certainly deserves to be praised for its strong stance on human rights within the United States, it must more forcefully advocate for human rights in other regions of the world in order for a much sought-after positive change in international politics to materialize. It is understandable that Obama wants to distance himself from the policies of his predecessor, yet in the process

36 Ibid.

37 Ibid.

38 Barack Obama, "A World that Stands as One," Berlin, July 24, 2008. <http://www.gees.org/documentos/Documen-03057.pdf> (accessed on June 20, 2010).

of doing so he has veered too far in the opposite direction, allowing human rights abuses to go unnoticed in the name of greater international cooperation. As the quote at the beginning of this essay suggests, Obama understands the importance of human rights and there can be no doubt of his personal belief in their validity. Indeed, the Nobel Peace Prize awarded to Obama in 2009 for his “extraordinary efforts to strengthen international diplomacy and cooperation between peoples” demonstrates the global recognition of his efforts in this regard.³⁹ However, unless Obama translates his rhetoric into policy, his speeches will be cold comfort for those struggling to obtain basic human dignity in many parts of the world.

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