

HUMAN RIGHTS ISSUE IN INDO-US RELATIONS

*Dissertation submitted to the Jawaharlal Nehru University
in partial fulfilment of the requirements
for the award of the Degree of
MASTER OF PHILOSOPHY*

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1992



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C E R T I F I C A T E

This Dissertation entitled "HUMAN RIGHTS ISSUE
IN INDO-US RELATIONS" by Mr. MANMATH CHANDRA JENA
for the Degree of Master of Philosophy is an original
work and has not been previously submitted for any
other Degree of this or any other University.

We recommend this Dissertation to be placed
before the examiners for evaluation.


(B.K. SHRIVASTAVA)

Supervisor


(R.P. KAUSHIK)

Chairman

DEDICATED TO

"Rodney King, a Black Motorist,
Whose human rights was flagrantly
Violated by the United States
Police when he offended a minor
traffic rule in March 1991 and whose
right to the rule of law and justice
was denied to him by a California Court
on April 29, 1992

&

In the memory of those died in the
recent los Angeles racial riots."

"The concept of human rights constitutes the very core of the
public debate on the preferred structure and organization of
society".

(Asborn Ede, Human Rights in the world society,1977)

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ACKNOWLEDGEMENT

"We the peoples of the United Nations determined to save the succeeding generations from the scourage of war, with twice in our life time has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small....."

(Charter of the United Nations, 1945)

As no dissertation can be produced in isolation, I wish it is my proud privilege to express a deep sense of gratitude and indebtedness to my esteemed teacher and Supervisor, Dr. B.K. Shrivastava, Professor, Centre for American and West European Studies, Jawaharlal Nehru University, New Delhi, for his able guidance and valuable suggestions during the entire study, without which this arduous research work would have remained simply a desideratum. However, the responsibility for facts stated, opinions expressed, or conclusions reached is entirely that of mine and not of my Guide, who inspite of his very tight schedules, magnanimously checked my chapters, though I was working at a snail's pace.

This project would not have seen the light of the day had my LORD JAGANNATH, The Almighty, not supported me to the hilt opening the floodgates of his love and blessings all through the preparation and presentation of this thesis.

I am also proferring my gratefulness to my ever-loving parents, Tiki, Jaga, Raju, Priya, Narahari Nana and Dai, Narana Nana, my late Aja, Alma, Rajni Mausii, Mahima, Mana, Jadi, Baidya Nana and Dai and my other family members, whose unwavering inspiration and unfailing emotional supports have never sagged even when the chips were down sharing all the ups and downs of hope and despondency that have accompanied the long haul from planning to completion of this work.

I also remain personally beholden for this project to my senior-friends, teachers, well-wishers, and friends, such as, Avin Bhai, Biswajit Bhai, Parama (Piarie), Jogashankar Bhai, Ambika Bhai, Amarendra Bhai, Asoka Bhai, Rajat Bhai, Mangala Bhai, Robert Bhai, Biranchi Bhai, Saroj Bhai, Aviram Sir, Hindi Sir, Sambhu Sir, Pandit Sir, Alekha Dada Satya Dai, Meena, Bisaya, Sushama, Sudipta, Kalpana, Mitasmita, Rajalakshmi,

Sada, Sukant, Rama, Saroj, Prafulla, Keshab, Manoranjan, Pradipta, Kanhu, Bharat, Amar (Jena), Kalinga, K.C. Lenka, J.B. Pattnaik, D.P. Ray, Oscar Fernades, Subhash Nayak, Jasobant, Raghu, Jyotika, Purna(PC), Purna and Satyabrata for their chipping in of supports, perennial inspirations, incessant pats on my back and above all their puritanical proddings, which certainly have been like shots in my arm making the ardenalin flowing all through the days!

I will be failing in my duty if I do not acknowledge with heartiest thanks to the 'smart helps' rendered by the staff of the American Centre Library, New Delhi, United States Information Service, New Delhi, United States Educational Foundation of India, New Delhi, the US Embassy, New - Delhi, Jawaharlal Nehru University, / ^{Library,} Institute of Defence Studies and Analysis, / ^{Library,} Teen Murti Library, Parliament House Library, Indian Council of Social Science Research Library and Sapru House Library, for facilitating the completion of this treatise, which has basically been a desk work.

I must not forget to record my sincere thanks to my typist, R.S. Negi, for undertaking the daunting task of deciphering and typing out the manuscript meticulously in a record time.

However, after this long and windy thanksgiving I am, at last, left, wrestling with a feeling that something conspicuous is being amiss in it. Since this amiss-void could not be filled-up, I took refuge in the lap of William Blake's cryptic-couplet :

"Does the Eagle know what is in the Pit?
Or wilt thou go ask the mole?
Can wisdom be put in a silver rod?
Or Love in a golden bowl?"

**

Manmath Chandra Jena.
MANMATH CHANDRA JENA 21.7.1992.

PREFACE

"You can not neglect human rights. It is like building a house if the foundations are not sound, the house will fall".

(Jan Martenson, under-secretary General for Human Rights, United Nations, at the International Congress on Human Rights organised by the Jawaharlal Nehru University, in 1990 at New Delhi)

Words with powerful connotations stir emotions, produce elaborate philosophic interpretations, inspire revolution and reaction, encourage dissent and restraint, and fuel scholarly debate. These words include liberty, freedom, justice and equality. Each of these terms, and many others, is directly related to the current dialogue on human rights.

The diverse beliefs of nations and classes, the world divisions, and the racial rivalry reflected in various systems of law and policies all give changing meaning to such phrases as 'human rights' and 'fundamental freedoms'. Writing in 1789, Edmund Burke commented, "of all the loose terms in the world, liberty in the most indefinite".

Thus, Human Rights have emerged as the most paradoxical subject of international discourse. While it is impossible to find governments baldly advocating the abolition of all human rights, it is also impossible to find a government committed to the full and free exercise of all possible human rights. The rhetoric of human rights provides a basis of agreement among nations to support human rights, but the range of definition of the term and the variety of examples illustrating restrictions on the rights of humans by those same nations would lead even the most naive observer to level changes

of hypocrisy, fraud, chaos or simple confusion. It is not without cause that political cynicism arises among people dedicated to principles of human rights as they contemplate the state of the world a quarter century after the founding of the United Nations and the establishment of the Universal Declaration of Human Rights.

There is, perhaps, no better current example of the paradox in international human rights discourse than the United States. However, the United States is not alone in the dilemma of human rights. Other nations have proclaimed support for rights while taking actions which trampled the very rights under discussion. Other nations have provided a public face of humanitarian ethics while engaging in private acts of physical abuse, slavery and torture. Other nations have attempted to act on principles which may be contradictory, definitions of human rights which are self-serving, and practices which have the unintended consequence of limiting human dignity. As imperialism, ethnocentrism, ignorance, and blunder are not limited to practical national borders or ideologies, so also magnanimity, morality, justice, wisdom and human rights are not the exclusive domains of any nation-state.

Since the story of human rights is commensurate with the history of mankind on this planet, there is really no place where

a documented account of their development can logically begin. However, its origin has been traced to the American and French revolutions of the late eighteenth century, then further back, through the English Bill of Rights, a century earlier, to the Magna Carta of 1215, finally, stopping somewhere, in their European search for origins with plato and even his Hellenic predecessors. More recently, perhaps, origins have been sought in what professor Breasted called the "dawn of conscience" in ancient Egypt or the already ancient code chiselled on the Stele of Hammurabi in Baybylonia.

Notwithstanding its obscure origin human rights will remain an important subject in world politics as the worldwide humanitarian concern for human rights have transcended the differences among political and economic systems. Though this issue was created by the UN in the 1940's, it has evolved into a modern 'movement of human rights'. The modern world, though it is marked by poverty and authoritarianism, it is still committed to the concept and cause of human rights.

The opening chapter of this project offers an analytical perspective of the principles, natures, justifications, constraints,

goals and moralism of the US foreign policy making in relation to human rights issue, starting from President Truman the subsequent contribution of Eleanor Roosevelt, the elevation during President Carter's time, the reported climbdown of Reagan administration and finally the importance it has come to occupy in the 1990's by the Bush administration. This section has also thrown light on the criticisms of the US foreign policy vis-a-vis human rights issue.

The second chapter takes a look at the background, intricacies and implications of human rights question in the US foreign policy during Carter and Reagan times. How the inclusion of this issue in the US foreign policy during their periods has been dubbed by critics as nothing but "a new form of moralism", a form of messianism, "not as matter of humanitarian concern but as an instrument of policy as a tactical weapon in the conflict with communism", and "a simply a tactical camouflage to conceal pursuit of US interests", have been discussed in nutshell.

The second part of this section reflects on the role of human rights issue in the Indo-US relations during their times. An effort has been made to analyse how the human rights issue raised in the US in the context of Kashmir and Punjab has affected the relationship.

Although, the American scholarly community has devoted a great deal of attention on human rights in its various aspects, no serious study has been made on the impact of the issue on Indo-American relations.

The third chapter encapsulates the background of human rights issue raised by the congress and the impact of this issue in the US administration's policy towards India vis-a-vis alleged human rights violations in Kashmir and Punjab. It has been discussed how in the nineties, this issue has bounced back to the centre stage of the Indo-US relations and the constant ding-dong battle going on between the administration and congress on this issue in the context of the Indo-US relations.

The last chapter of this study, has highlighted the reactions of the Indian government, press, public opinion and politicians to this issue raised in the context of the Indo-US ties. It rings down the curtain of discussion after assessing and prognosticating about the possible impact of this issue on the Indo-US relation in the days to come.

However, an apology is in order. Having manoeuvred from the safe harbours of analysing the established aspects like human

rights issue in the US foreign policy into the uncharted waters of a relatively new area of study like discussing the human rights issue in the context of Indo-US relations, the researcher accepts full responsibility. Hence, any errors which remain, as well as the interpretations consciously presented, naturally rest at the researcher's doorstep.

The last word: many concur with Irving Louis Horowitz that "the eventual interest in human rights in part reflects the absence of these rights"?

CHAPTER I

INTRODUCTION : HUMAN RIGHTS ISSUE IN AMERICAN FOREIGN POLICY

"It should be recognized that true respect for human rights is nothing less than a way of life."

(Final Document, UNESCO Congress on Teaching
Human Rights, September 1978)

Till very recently, the study of international relations concentrated its attention on strategic issues and "Human Rights" was regarded as of little practical importance. Discussions of human rights by international legal scholars, philosophers, and moralists exercised only marginal influence. The issue of human rights has thus come to occupy a prominent place in international relations, a field that was once dominated by controversies over thrones and territories. A well known scholar working on human rights rightly pointed out that "this emergence of human rights as an international relations agenda item is part of a more general process through which quality of human life has joined power in all its varied forms both as a dynamic of world politics and as an issue which policy makers must deal".¹

Evidence of the increasing importance of human rights as an international political concern is found first in the heavy and expanding volumes of international human rights agreements, both general and specific. On the global level, various governments have produced fifty-seven covenants,

1 A. Glenn Mower, Jr., Human Rights and American Foreign Policy: The Carter and Reagan Experiences (New York, 1987), p.1.

resolutions, statements of principles declarations, and codes of conduct within the United Nations. This herculean work at a global level through the UN has had spilled over to various regions. This has produced instruments originating in the Council of Europe and the Organization of American States (OAS). These documents have given significant impetus to the movement to provide international protection for human rights.

Further testimony to the burgeoning status of this issue in the world community could be found in the expanding roster of organizations, both international and private, which are committed to the protection and promotion of human rights. The UN and its satellite agencies such as the International Labour Organization (ILO), and the United Nations Educational, Scientific, and Cultural Organisation (UNESCO), head the list of such international bodies, in addition to the well-established regional organisations. The adoption of "African Human Rights Charter" suggests that the Organization of African Unity (OAU) may become another regional organization serving actively the cause of human rights. A Plethora of private human rights organizations has sprung up since the mid-twentieth century to support this

great and noble cause.

Again, the prominence of human rights as an international relations issue is attested by the place it has come to occupy on the agenda of the bodies besides UN, whose primary concerns are political rather than functional. The finest example is the conglomeration of the thirty-seven-nation conference on Security and Cooperation in Europe (CSCE). The final act of its original meeting in Helsinki in 1975 has contained a section concerning with human rights under the 'Basket-three' of its statute, giving a big push to the cause of human rights.

Finally, the growing importance of human rights as an international relations issue is seen in the increasing tendency of the various governments to incorporate this concern in the substance of their foreign policy formulations. As one state department official observed, "It is not just the United States that is interested in human rights, more countries now have human rights offices in their foreign ministries".² In a similar statement, Jerome Shestack, former US representative to the UN's Human Rights Commission, noted that, many governments have made human rights an integral part of their foreign policy. And he cited the examples of Netherlands and Norway to buttress

2 Ibid., p.2.

his view points.

And, no wonder, the U.S. does not lag behind in this context. The U.S. has been a leader in this movement to make human rights an integral part of the machinery and substance of foreign policy.³ This leadership role was assumed during the presidency of Jimmy Carter, whose election in 1976 set the pace for what could well be described as a "quantum leap forward" in the ongoing movement to incorporate this issue into his country's foreign policy framework, giving a big fillip to the cause of human rights. Certainly, president Jimmy Cartner's human rights diplomacy has played a part in bringing human rights alive as a focus of concern politically and intellectually in U.S. in particular and the world in general.

Thus, we find the phrase 'human rights' has made a remarkable sudden entry into our common political vocabulary. Increasingly, the wrongs and injustices of various governments perpetuated on their citizens are referred to as violations of human rights. And a concern for promoting and preserving respect

3 Mower, Jr., no.1, p.3.

for human rights is now a highly publicized media blitzkrieg goal of U.S. foreign policy postures.

Most people agreed with Hans Morgenthau that "the purpose of U.S. foreign policy is not to bring happiness to the rest of the world but to take care of the life and happiness of the American people".⁴ But by the late 1970s, political behaviour and praxis had changed significantly, reflecting a broader sense of responsibility for others outside one's own country. This was amply reflected in the statement of Patricia N. Derian, U.S. Assistant Secretary of State for Human Rights and Humanitarian Affairs, in 1980, when she said, "the concept of human rights is a concept of world order. It is a proposal for restructuring the world so that every individual's human rights is realized and every individual's dignity is protected".⁵ And in the same vein Arthur Schlesinger, Jr. wrote that, "the U.S. was founded on the proclamation of "unalienable rights" and human rights ever since have had a peculiar resonance in the

4 Kenneth W. Thompson, Tensions between Human Rights and National Sovereign Rights (Los Angeles, 1980), p.131.

5 US Department of State, "Human Rights and International Law, Department of State Bulletin (Washington, D.C.), vol.81(1981), pp.21-23.

American tradition".⁶

The Americans in the Western tradition think of rights as belonging to individuals, something with which all persons are embodied by their creator. And the state has a duty to protect, promote, preserve, respect and defend their rights, which constitute the lifeline of all individuals. The most basic of all individual rights are civil liberties, such as, the right to say, hear, and believe what one's choose, the right to privacy, the right to own property, to the equal protection of laws, to a fair trial, to freedom from torture. In addition, the state must guarantee certain political rights, which constitute the arch of a democratic and republican government. Such as, the right to vote in honest multiparty elections, to belong to organisations, to petition the government, to run for office etc. All these rights are protected by the U.S. constitution. Their application has widened greatly since the nation was bounded mainly by the inclusion of non-whites, the ending of property qualifications for voting and

6 Arthur Schlesinger, Jr., "Human Rights and the American Tradition", Foreign Affairs (New York, N.Y), no.57, (1978), pp.503-526.

and the granting of the vote to the women folk.

Such individual rights also have international standing. They are spelled out in the famous Universal Declaration of Human Rights adopted by the UN General Assembly in 1948, giving a big boost to the cause of human rights throughout the world and acting as a bulwark against totalitarian and autocratic governments, who are trampling upon the human rights of their citizens with impunity.

Thus, according to the late philosopher, Charles Frankel, "Human rights are not the only item on the American international agenda. A desire to maintain conditions conducive to peace and the prevention of bloodshed is not an immoral desire, and the consequences of protest against human rights violations should rightly be weighed against it".⁷

In a sense, we find that American foreign policy has long demonstrated, albeit, unevenly, a penchant for ethical tradition. From the American Revolution to the Presidency of Jimmy Carter, many Americans have sought for clubbing ethics

⁷ Wallace Irwin, Jr., America in the World: A Guide to U.S. Foreign Policy (New York, 1983), p.183.

and power together. For some, this tie-up was to be communicated to the world by passive examples. In this category, come George Washington's Farewell Address and the moral isolationism of the 1920s and 1930s, saying old world politics are evil and the U.S. should stay out. For other Americans, the linking of ethics and power would be conveyed to the world by active involvement. Leading examples here are the American rationale of anti-imperialism in the Spanish-American war, Woodrow Wilson's crusade to make the world safe for democracy and the ideological anti-communism of the late 1940s and early 1950s.

Thus in its two basic forms, the ethical tradition is a fact of the American heritage. In addition to avoiding war and opposing communism, most Americans seem to want more affirmative and positive values in their nation's foreign policy framework. And not surprisingly, among these, none strikes an umbilical chord in the hearts of the people than the promotion of human rights.

Although their inclusion in foreign policy is a recent phenomenon, human rights draw on a long tradition running from the Mosaic code and the philosophy of the ancient Greece

ultimately to the Age of Enlightenment. With it came the "natural law" concept, that, rights are universal, the "inalienable" possession of all men everywhere as expressed in the Declaration of Independence by Thomas Jefferson. And before him by such thinkers as John Locke in 'civil government' in 1690, Charles Louis Montesquieu in 'De L'Esprit des Lois' in 1748 and the authors of English "Bill of Rights" in 1689, which is popularly described as the 'Magna Carta' of English people.

According to Louis Rene' Beres, "the U.S. has always been committed to the idea of a higher law, codified in both the Declaration of Independence at the constitution, this idea is based upon the acceptance of certain principles of right and Justice prevail because of their own intrinsic merit".⁸ Thus, one finds that "out of the cradle of liberty has arisen the U.S.'s greatest gift to the world and to itself. Though it is sometimes troubled by evolving system of social and political

8 Louis Rene' Beres, Reason and Real Politik:
U.S. Foreign Policy and World Order
(New York, 1984), p.82.

freedoms, which have been clearly enshrined in the U.S. constitution^{and} in the hearts of their people!"⁹

Despite their importance to the country's political heritage, human rights didn't figure prominently in American foreign policy until this country's participation in world war II. But as the war revealed the horrors of Nazi Germany inflicted on helpless civilian populations, there groundswell support for the formulation of human rights standards to be included in the country's policy towards other nations. American concern for human rights on a global scale was first expressed soon after the world war-II, when the U.S. played a major role in the development of human rights program for the U.N.

And we find that an early demonstration of American interest in human rights was given by President Franklin Roosevelt in the "Four Freedoms" section of his January 6, 1941 state of the Union Message. The President said, "An enduring peace could^{not} be bought by other peoples freedoms, rather, the world order which we seek is the cooperation of the free countries, working together in a friendly and civilized way. Therefore, we look

9 Schlesinger, Jr., no.6, pp.503-526.

forward to a world founded upon four essential freedoms, such as, freedom of speech and expression, freedom to worship as one chooses, freedom from want and freedom from fear of aggression and these freedoms were to prevail everywhere in the world".¹⁰

Thus, in this brief but specious message, President Roosevelt did include at least three points which have been central to discussions of human rights in U.S. foreign policy. Firstly, human rights everywhere would be an American concern, secondly, the rights to be served were both civil-political, and economic-social, and, lastly, international peace and security was itself a human rights.

All these thoughts were substantially incorporated in the 'Atlantic Charter', a joint set of post war aims announced on August 14, 1941 by Roosevelt and Britain Prime Minister Wintson S. Churchill.

10 Ruth B. Russel, and, Jeannette E. Muther, A History of the United Nation's Charter (Washington, D.C., 1958), p.29.

In the United Nation's declaration of January 1, 1942, prelude to the UN's establishment in 1945, the signatory countries promised adherence to the Atlantic charter. So the Charter of the United Nations in Article 55 and 56, states that the international organization "would promote human rights and fundamental freedoms for all without distinction as to race, sex, language or religion" and would require all member nations "to take joint and separate action in cooperation with the organization" to do so. Thus, this salutary declaration set the tone for the rest of the organizations to promote human rights world wide.

And as a coincidence, it was Roosevelt's widow, Eleanor, who made the greatest contribution toward bringing human rights to the forefront of UN activities. President Truman named her to the American delegation at the first organizing session of the UN General Assembly, which was convened in London in December 1945. One year later, she was elected as Chairman of the newly established permanent "Un commission on Human Rights". Her task was to foster agreement among representatives of diverse cultures on a human rights document. And as a result

her sustained efforts, the Universal Declaration of Human Rights was approved by the General Assembly on December 10, 1948, with only the Soviet bloc countries, South Africa and Saudi-Arabia abstaining.

Eleanor Rossevelt resigned in 1952 after five years on the Human Rights Commission. During this period, she also led the drafting of a human rights treaty, which was intended to give greater force to the declaration.

And with Mrs. Roosevelt's departure from the UN, ushered in an era of relative non-involvement by the US in international human rights affairs. A concern for world stability and better relations with communist-bloc nations gradually pushed the human rights violations of these regimes into the backburner.

With Dught D. Eisenhower's election that year as President, human rights ceased to hold an important place in American foreign policy. With the intensification of cold war, the existing differences in interpretation of the concept between East and West was heightened, without any possibility of meeting grounds. Secretary of State John Foster Dulles withdrew U.S. support from the Un efforts to draft a human rights treaty.

Since no single treaty was acceptable to all UN members, the Human Rights commission drew up separate covenants in 1954. One covenant dealt with civil and political rights, as emphasized by the Western democracies, and another covenant concerned with the economic, social, and cultural rights, in defence to the wishes of the Soviet Union and many developing countries including India. After years of prolonged debate and discussion, the General Assembly approved both on December 17, 1966, four years after Mrs. Roosevelt's demise. Since then 59 countries have adopted the covenant on Economic, Social and cultural rights, 58 the Covenant on Civil and Political Rights. In addition, to the two covenants drawn up by the Human Rights Commission, the UN itself and its specialized agencies have written several other human rights covenants, including one on Genocide, which the General Assembly adopted on December 9, 1948. And it also adopted the political rights of women, in 1950, giving a big fillip to the cause of human rights.

The Kennedy and Johnson administrations spoke of the need to promote democracy, especially in the Western hemisphere,

diluting further the concept of human rights. "The Alliance for Progress", technically not under the Organization of American States (OAS) but billed as the hemispheres answer to poverty and repression, continued the pattern of giving priority to anti-communism, giving tertiary attention to human rights".¹¹ Yet this approach "fashioned by U.S. liberal state-capitalism floundered on the illiberal state capitalism that dominated Latin America at that time".¹²

However, in larger perspective, if we analyse, we find that the Kennedy administration was too short lived to have much of an impact. And the Johnson administration was "consumed" by the Vietnam war, which estranged the US from the UN, where US policies were under trenchant criticism not only from the majority of states but from Secretary General, U-Thant, When other nations took the lead to improve the functioning of the UN Human Rights Commission to get UN action on private petitions

11 Robert A. Pakenhan, Liberal America and the Third World (Princeton, 1973), p.24.

12 Richard Fagen, "The Carter Administration and Latin America: Business as Usual?", Foreign Affairs (New York), no.57, (1978), pp.652-669.

about human rights violations, "the US was only supportive without showing leadership. But, the US didn't play a leadership role in the 1960s on multilateral human rights".¹³

During President Nixon's term, human rights continued to take a sharp nosedive in the American foreign policy. The Nixon-Kissinger team further downgraded human rights as a separate issue and multilateral diplomacy. Secretary of state Henry Kissinger in particular has left a written record arguing against "the intrusion of human rights into the calculus of geostrategy".¹⁴ He argued that the traditional approach to foreign policy resisted concepts of power, equilibrium, and stability in favour of debilitating moral and legal principles. Human rights fit under these later categories, he did argue. However, latter on "he tried to reformulate his views in the face of considerable criticism".¹⁵ And during his second term

13 David P. Forsythe, "The United Nations and Human Rights, 1945-1985", Political Science Quarterly (New York), (Summer, 1985), no.100, pp.249-270.

14 Henry A. Kissinger, American Foreign Policy: Three Essays (New York, 1969), p.6.

15 Henry Kissinger, "Continuity and Change in American Foreign Policy", Abdul A. Said ed., Human Rights and World Order (New Brunswick, 1978), pp.154-167.

he became an ardent supporter of human rights and tried to put it in his country's foreign policy.

So it was not surprising to find Kissinger saying in 1973 at the United Nations that "we strive for a world in which the rule of law governs and fundamental rights are the birthrights of all".¹⁶ However, the first of the Kissinger period was widely perceived as lacking ethics in both rhetoric and reality. But in 1976, his last year of office, Kissinger went to an OAS meeting in Santiago, Chile and said, "Human rights must be preserved, cherished and defended if peace and prosperity are to be more than hollow technical achievements... Human rights are the very essence of a meaningful life, and human dignity is the ultimate purpose of government.... Respect for the dignity of man is declining in too many countries of the hemisphere. There are several states where fundamental standards of humane behaviour are not observed....the condition of human rights as assessed by the OAS Human Rights Commission has impaired our relationship with Chile and will continue to

16 Henry Kissinger, "United Nations Speech",
US Department of State (Washington, D.C),
19 October, 1973.

do so".¹⁷ In the same year, Kissinger said, "This administration has believed that we must bend every effort to enhance respect for human rights".¹⁸ Thus, we find a big somersault in the stands of Kissinger on human rights during the last year of his office, in sharp contrast to his earlier positions saying the intrusion of human rights is the "impotence of American foreign policy".

However, Kissinger also resisted congressional pressures on implementation of human rights laws at the end of his tenure under president Gerald Ford. For example, US congressional law required the state department to submit reports on human rights conditions in countries receiving US security assistance. Kissinger refused to release those reports to the congress until just before leaving office, when he released several short and superficial notes. It is also worthwhile to mention here, during Gerala Ford's presidency, US record on human rights was lackluster as it was in the subsequent years.

17 David P. Forsythe, Human Rights and World Politics (Lincoln & London, 1983), p.

18 Ibid, .

However, this issue came to the centrestage of US foreign policy during Jimmy Carter period reversing the 'backgear driving policy' on human rights in the preceding years. This issue got priority status under his presidency and his administration embraced this concept as a fundamental objective of its foreign policy. The prolonged debate over the moral implications of US involvement in Vietnam had heightened many Americans' sensitivity toward the issue of human rights. President Carter included it among his top foreign policy priorities from the beginning of his administration in 1977.

His successor President Ronald Reagan soft-peddled this issue and disavowed the use of human rights issue as a "visible instrument" of foreign policy giving priority to fighting the international menace of terrorism and illegal drug-trafficking. But, nevertheless, he never pushed it to the background.

But this issue once again bounced back as one of the items on the main agenda of U.S. foreign policy in the 1990s

capturing the epicentre of U.S. foreign policy with President George Bush and Secretary of State James Baker taking avowed renewed interests to make the world more humane and civilized. We will discuss the human rights records during Carter, Reagan and Bush administrations threadbare in the succeeding chapters.

However, on a critical analysis we find that always "U.S. pictures itself as the leader of the free world and a city on a hill to be emulated by others".¹⁹ But its human rights records in its multilateral diplomacy has been far from encouraging till 1977, notwithstanding its claim of being the cradle of liberty. Its multilateral diplomacy, as a matter of fact, has been far from the forefront of the efforts to create international regimes on human rights.

On a closer analysis, we find that from 1945 to 1952, U.S. had very "limited support" to the cause of human rights promotion. The years from 1952 to 1977 was a "sheer neglect"

19 Tammi R. Devis, and, Sean M. Lynn-Jones, "City upon a Hill", Foreign Policy, (Spring 1987), no.66, pp.20-38.

on the part of U.S. on the furtherance of these human rights. But the years from 1974 to 1981 marked a considerable "renewed interest" on the part of U.S. administrations to further the cause of human rights. And the years from 1981 to 1988 were characterized as "exceptionalism triumphant" on the part of U.S. administrations as to the promotion of human rights. The Reagan administration's policies on human rights were initially almost a caricature of American exceptionalism-cum-cold war politics. Indeed, one scholar has rightly mentioned that "If one views US policy on this subject in terms of these four periods, three of them have been characterized by various forms of foot-dragging on human rights in multilateral diplomacy".²⁰

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It is traditional as well as convenient to speak of U.S. foreign policy and human rights strictly in terms of an administration and its multilateral and bilateral policies. However, for a fuller understanding of U.S. foreign policy necessitates considerable attention to congressional impact, certainly in

20 David P. Forsythe, "The United States, the United Nations, and Human Rights", in, Margaret P. Karus and Karus A. Mingst, ed., The United States and Multilateral Institutions: Patterns of Changing Instrumentality and Influence, (Boston, 1990), pp.261-289.

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the 1980s. Hence, for a student of U.S. foreign policy, it is imperative to discuss and analyse the role of congress in this human rights issue for a complete and coherent knowledge and understanding. As we know, congress plays a "co-equal" partnership role with that of the President in the making of the U.S. foreign policy postures. It has the primary responsibility for the determination of the substance of foreign policy. of the eighteen powers assigned to the congress in Article-1, section-8 of the U.S. constitution, seven related directly to the foreign policy functions and responsibility of the congress. As the "first-among-equals", the congress has a number of continuing opportunities to influence policy in the direction of a more active concern for human rights.

It is found that human rights concerns became publicized and prominent part of U.S. foreign policy as the result of a movement, which began in congress in 1973. This is the result of a combination of historical factors that brought the abuses of its own and other governments around the world increasingly to U.S. public attention. Thus, this human rights movement was an offshoot of natural reaction to a series of exposures and

revelations.

Escalations of U.S. involvement in Vietnam were matched by heightened public concern about U.S. responsibility for causing havoc and suffering there and elsewhere in the world. As intelligence operations aimed at controlling the domestic politics of other countries were exposed, the U.S. public learned that its own central Intelligence Agency (CIA) had attempted sometimes successfully to bring to power some of the world's most repressive governments by overthrowing popular democratic governments in order to achieve evil designs. Finally, the exposures of watergate and cases of domestic spying proved to be the last nail in the coffin, which revealed the extent to which official respect for human rights and traditional civil liberties, even domestically, had declined in the U.S.

This new-found awareness generated a human rights movement in the U.S. And among its leaders one could find many veterans of the civil rights movement and the opposition to the war in Vietnam. With its high moral tone, combined with a growing disrespect for politicians and ^{disrespect} of American foreign policy, the human rights movement was quick to find expression in Congress.

As a result, in 1973, the House Sub-Committee on International Organizations and Movement began to study the human rights conditions in countries receiving U.S. aid. It held an initial series of fifteen hearings and adopted a report entitled, "Human Rights in the World Community : A call for U.S. Leadership". This report called upon the State Department "to respond to human rights practices of nations in an objective manner without regard to whether the government is considered friendly, neutral or unfriendly by taking such actions as private consultation with the government concerned, public intervention in UN organs and agencies, withdrawal of military assistance and sales, withdrawal of certain economic assistance programs". This "tangible evidence of congressional concern about U.S. support for foreign governments that engaged in violations of human rights was introduced in a variety of respects into foreign assistance legislation".²¹

The basic legislative tactic was embodied in "Section 502B" of the Foreign Assistance Act of 1961. It calls upon the President to reduce substantially or terminate security assistance to any

21 Falk, Legal Order in a violent world
(Princeton, 1968), pp.324-335.

country which engages in a consistent pattern of gross violations of internationally recognized human rights. There is an unspecified "exceptional circumstances" provision that enables a president to overlook human rights abuses if so inclined by other considerations.

However, congress gradually became more vigilant and in 1975 enacted a revised "section 116" to the International Development and Food Assistance Act that extended approach of Section 502B to the area of economic assistance. According to the Section-116 of the Foreign Assistance Act of 1961, as amended, economic assistance could not be provided by the U.S. unless it "will directly benefit the needy people in such country". Here, again, in effect, the responsible part is the governmental bureaucracy. In this case, the Agency for International Development has got great discretionary powers to determine whether recommended assistance is for the benefit of ^{the} "needy people".

Another major focus of concern for human rights is the leverage that attaches to large amount of foreign assistance. The congress has not attached many human rights strings to its foreign assistance programs. These amendments define human rights violations in identical terms. In each case they call for assistance

to be withheld, or for a negative vote on a loan request "to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights". These violations include "torture, or cruel, inhuman or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial of right to life, liberty, and the security of person".

The congress has directed the state Department to enforce the human rights provisions in these new laws and to report to congress about human rights conditions in the countries receiving US aid or buying U.S. arms. It also asks the State Department to see the steps being taken to improve these conditions where they are precarious. The congress also continues to hold hearings, which help it evaluate the State Department's judgement.

Much of the U.S. economic assistance to other countries is administered multilaterally through the International Financial Institutions (IFIs), which include the World Bank, the Inter-American Development Bank and others. As congressman

Harkin explains, "the one heavily supported by congressionally appropriated U.S. funds but are operated with virtually no congressional control beyond initial decisions about level of appropriation". The U.S. Directors of the IFIs receive specific instructions from "White House" and report to its and State Department. As of 1977, as a result of a bill that congressman Harkin coauthored U.S. Directors of the IFIs are instructed to determine their vote on specific loans by the human rights conditions in recipient countries. A stronger bill, which would have given congress more direct control over IFI loans by adding as a condition of U.S. allocations that specifically named countries would not receive World Bank funds was opposed by World Bank President Robert McNamara and by President Carter. And this was eventually defeated in congress in 1977. Similar but weaker human rights amendments have been attached ^{to} bills appropriating U.S. funds for the International Monetary Fund (IMF) and for Export-Import Bank.

However, these initial congressional efforts were substantially thwarted by the Kissinger-Ford dislike of any effort to bring human rights factors to bring on the foreign policy process. President Ford refused to cut aid to such human rights violators

as Argentina, Haiti, Indonesia, Iran, Peru and the Philippines. However, the Carter administration gave a green signal to congress on these human rights amendments.

But, nevertheless, there has been going on a constant ding-dong battle between U.S. Presidents and Congress on this human rights fronts, with congress becoming more vocal and assertive in pointing out human rights abuses throughout the world and the administration taking different stands. But one thing is crystal clear the congress will continue to play a major role in shaping the U.S. foreign policy on this human rights fronts. With a statutory basis for attention to human rights having been laid, with a human rights committee on the House side, with the publicity to be gained by members of both parties, through attention of human rights, with private secular and church groups prepared to work with attentive members, with expanded congressional staff with expertise. On the subject, it is inconceivable that congress would run away from this subject in near future. Short of an administration that comes up with a near perfect human rights policy and especially given the political socialization that has occupied within congress on human rights since 1973, congress will remain an important maker

policy and sometimes takers of influence from international rights regimes. In this connection, a scholar has opined that "If true that in the history of the Republic Congressional assertiveness on foreign policy ran in cycles of about a generation, the end of this cycle is not yet in sight".²² Even some scholars claim that congress have been stealing the show from the presidency since 1973.

However, some critics of this human rights movement in congress have charged that human rights has merely become the latest banner which the U.S. is attempting to make the world conform to its will. Even the critics level charges saying it is becoming another theme to use both to cut back on foreign aid programs, which have long been unpopular with the public and to criticise America's traditional communist adversaries.

But congressman like Harkin argues that the aim is simply to institutionalize a legitimate moral objective, so that

22 David P. Forsythe, "Human Rights in U.S. Foreign Policy", Political Science Quarterly, vol.105, no.3, (1990),p.450.

concern for human rights will not depend entirely upon the priorities set by any administration. A truly moral goal deserves bilateral support, he adds.

However, some scholars have said that this human rights issue in American foreign policy lacks coherence and clarity of expression. According to Cecil Crabb and Pat Holt, "the issue of human rights become possibly the most tangled web in American foreign policy".²³ Joining the Chorus, with them, Lincoln Bloomfield remarked, "what can be doubted is whether the U.S. government will ever be able to express those (human rights) values in its foreign policies in any form that is either coherent or sustained". In the same vein, Sandra Vogelgesang adds that "there is no simple or enduring domestic consensus behind concern for human rights in U.S. foreign policy-by the executive branch, the Congress, or the American people".²⁴ and the last word comes from Elliott Abrams, normally the

23 Cecil V. Crabb, Jr. and Pat M. Holt, Invitation to Struggle: Congress, the President, and Foreign Policy (Washington, D.C., 1984), p.187.

24 Sandy Vogelgesang, American Dream Global Nightmare: The Dilemma of U.S. Human Rights Policy (New York, 1980), pp.111-112.

personification of self-assurance, "the human rights problem is so complex that mistakes will inevitably be made",²⁵

Now after dissecting and deliberating over the genesis of U.S. human rights policy and the zig-zag course of this policy, it would be fruitful for us to flash some light on the factors and processes of human rights policy in a nutshell. And among those factors and process, of US foreign policy making, as we know, "Lobbying" plays a pivotal role in tailoring the policies of the US government. And, alas human rights does not escape from this lobbying-nettle. And hence, it has got to be grasped and grappled with in its proper perspectives to romp home with the point

The well-known American Columnist James Reston has rightly opined that 'special interest groups' exert much power in the formulation of American foreign policy. It is claimed in certain circles that the serpentine course of American foreign policy on human rights and its failures to fully mesh human rights with security and economic concerns are the result

25 Elliott Abrams, "Speech at Georgetown University, 12 October 1983", in, David P. Forsythe, Human Rights and US Foreign Policy: Congress Reconsidered, (Florida, 1988), p.152.

of pressure from various lobbies operating within and outside America. However, the literature in political science throws up a different picture. It suggests that, "In general, public opinion and lobbying are weak influences on officials, the personal views of officials are the chief determinant of foreign policy".²⁶

But in the 1960s and 1970s there was mushrooming of public interest groups formed to influence American foreign policy. For example, the Friends committee on National Legislation - the Quaker Lobby, the Washington office of Amnesty International, the International Commission of Jurists, the Freedom House, Members of Congress for peace through law, the Ad-hoc committee on the human rights and Genocide treaties, the American civil Liberties Union, the Amalgamated Meat cutters and Butcher workman union, Paraguay Watch, Helsinki Watch, Asia Watch, Americas Watch etc. are some of the profit and non-profit lobbies groups which set the ball rolling on the making and unmaking of U.S. foreign policy on human rights.

26 William P. Avery, and, David P. Forsythe, "Human Rights, National Security, and U.S. Senate", International Studies Quarterly 23, no.2, June (1979), pp.303-320.

However, among all these human rights organizations "Amnesty International" tops the bill. It is the most largest human rights organization in the world, with worldwide networks. Because of its size and access to information, Amnesty international is a prominent source for the State Departments annual country practices report.

Lobbies rarely convert the opposed or constitute an independent and dominant force in policy making.²⁷ It has been empirically argued that "Human rights nonprofit lobbies can 'turn around' policy or take state department officials or members of congress where they 'don't want to go' on foreign policy".²⁸

Moreover, one scholar has remarked that, "Human rights lobbies and many for-profit lobbies lack the raw materials of 'hardball-politics' namely money and votes".²⁹ But, nevertheless, various studies have demonstrated, that, these groups have

27 L.Harmon Ziegler, "The Effects of lobbying: A Comparative Assessment", in Norman R.Luttberg, ed, Public Opinion and Public Policy (Homewood, 1968), p.186.

28 Monton Berkowitz, et al., The Politics of American Foreign Policy (Englewood Cliffs, N.J, 1977), pp.275-276.

29 Harman Ziegler, and, G.Wayne, Peak, Interest Groups in American Society (Englewood Cliffs, NJ, 1972) 2nd ed., pp.281-289.

exerted not-insignificant influence on the making of U.S. human rights policy from 1973 to 1979, and till date through congress and its satellite wings, which in fact, help humanizing American foreign policy.

Now it is widely said that human rights is a subject that many other governments can not avoid, even in their own domestic politics, under the grab of so-called "national sovereignty" and under the cloak of "internal matters", and it could not be dismissed out of hand. International groups that are concerned with human rights have gained wider audiences and covered varies constituents. And political opponents of repressive governments are increasingly willing to speak out about human rights condition in their own countries, gambling that international publicity and the importance of their governments of maintaining friendly relations with the United States have created a climate where it is now ~~safe~~ for them to express their grievances. Whether they have guessed right in taking this gamble is often difficult to determine and will depend on the extent to which U.S. will back its rhetoric by using what leverage it has to bring about changes by other governments. If the policy merely gives high visibility to human rights but

low priority to actions that promote them, it may prove counter-productive.

Thus, all in all, human rights issue is continuing to hold a prominent place in the mosaic of U.S. foreign policy since Carter's times. Now it has become a 'cup of tea' for both legislative and executive branches of government and has been institutionalized through legislation and bureaucratic structure. As we find, human rights is strongly seated in the life and work of international organizations of which the U.S. is a member, the UN in particular and the people in general seem to be increasingly concerned with the quality of human life and this concern carries with it the requirement that the basic economic, social, civil, political rights and freedom of all people everywhere be respected. Being the kind of country that it is and exposed it is to all the currents and demands of international life, the U.S. can hardly ignore this human rights imperative in its foreign policy canvas. This has been lucidly echoed in the sentiments of an American poet Archibald Macleish, who said, "the cause of human liberty is now the one great revolutionary cause".

Moreover, at a time, when U.S constructs the basic framework for building "the New International World Order", this human rights has become one of the "premises" in the emerging world order, which aims at building a "Human Space" in the world, where basic human rights and dignity is maintained and respected. American leadership at this particular historic juncture, is trying to bridge the gap between "two civilisations", where one lives in excess of humanism" and the other lives in "excess of hunger". A century ago, Abraham Lincoln ^{did} proclaim this view by saying that no nation would long endure 'half-slave and halfe-free' and it stirred the conscience of the nation. With a combination of lofty idealism and tough nifty pragmatism, he saved the freedom of his country. In otherwords, America can not live upto the reality where there are slaves and non-slaves. No wounder, this is what being edmed in the proposed new world order. And hence, it should not be a mere slogan for a 'Great America' or 'Pax-Americana' Now this aspect is dominating the agenda of the new world order, where mind will be free without fear and head will be held high, as we find there are no 'chosen people' in this world and every single individual is a 'chosen people' making a difference.

And in the post-1990 and post Gulf War, when the U.S. and its allies celebrate their cold war victory and with the emergence of a Pax-Americana, the Capitol Hill reworks and reorients its policy options on two points: tackling nuclear proliferation and protection to human rights- And not surprisingly, this issue has become the most potent and powerful instrument in the armoury of U.S. foreign policy, which changes the very perspectives of its foreign policy agenda and the discourses of its high-tech diplomacy. By incorporating this issue as a component of its foreign policy, the U.S. is playing the role of a 'Globe-cop' as being alleged by some critics, to punish the erring countries through the 'cloak and dagger diplomacy'. That's why, the distinguished Junior Senator, Moynihan, is right in stressing that, human rights should be not simply a humanitarian program but a political component of American foreign policy.

But, however, this country has no greater contribution to make in the service of its ideals of peace and freedom than to help the world find its way from an era of fear into a time of hope and freedom for living in a better world. Now US is well-placed and has got opportunities to fulfill the hopes as well as

the necessities of a peaceful and humane world. And U.S. in this present era can be a champion and defender of the cause of human rights and liberty, given all the resources, clouts and wills at its command, where the people of the world could bask in the sunshine of peace and freedom.

CHAPTER II

HUMAN RIGHTS ISSUE IN CARTER-REAGAN ERA (US AND HUMAN RIGHTS ABUSES IN INDIA)

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

(Article I, Universal Declaration of Human Rights,
10 December 1948.)

The human rights issue has been both a problem and a concern for the American people and their government. As a matter of fact, both are seen to have long wrestled and grappled with the question of the relationship between morality and public policy. This issue has arisen in the specific area of foreign policy, where much controversy has raged over the place and status of moral principles including respect for human rights in the process of arriving at decisions. The great debate has ranged "realists" against "idealists" with the former emphasizing considerations of national security and objecting to the introduction of moral principles into the foreign policy making process in any determinative way. On the otherhand, idealists have not denied the primacy of national security in foreign policy making but have insisted this goal is capable of differing definitions. They argue that it can be served through injecting some moral principles to foreign policy.

When President Jimmy Carter contested the U.S. Presidential election in 1976, he made much of previous American Presidents neglect on the issue of international human rights as his campaign concern for these rights even to the extent of risking the alienation of allied nations and complicating U.S.-Soviet relations

taking strong exception to the human rights violations in Soviet Union and other European countries.

However, this issue is not a new one, rather, it is of a similiar one waged by America during the early post-war era by U.S.'s UN Representative Eleanor Roosevelt. The expansion of American human rights endeavours in the 1970s reflected the renewed concern for this aspect of foreign policy. This was due to primarily the advent of Carter to the presidency. But his spokespersons like Charles W. Maynes, Assistant Secretary for International Organization Affaris, while addressing the National United Nations Day Committee of the UN Association of the USA in September 9, 1977 said, that "in giving human rights a high foreign policy priority, this administration was not embarking on an uncharted ground.... (but) simply asking that the United - States return to that period of forward, balanced, and determined leadership in the field of human rights that we associate with Eleanor Roosevelt".

One thing is clear and unambiguous that the Carter administration's vigorous offensive against human rights violations could be seen as the beginning of a new era in American foreign policy and a long-range shift in emphasis.

It is said that the unprecedented place given to human rights in U.S. foreign policy during his period was as historical accident. Hence, it is claimed that "it was a natural product of two factors, such as trends and elements in his country's political history, and the personality and character of Jimmy - Carter".¹

Taken together, these two factors one said to have played a very important role in moulding and making it a distinguishing feature of the Carter presidency. Even these two factors propelled the US human rights policy to such an extent that it became a 'foreign policy element' that the next Ronald Reagan's administration could not ignore it.

Hence for a comprehensive understanding of these two elements, it would be imperative to delineate it in nutshell.

It is said that "the emphasis on human rights under the Carter administration can be understood as a stage in a long

1 A. Glenn Mover, Jr., Human Rights and American Foreign Policy: The Carter and Reagan Experiences (New York, 1987), p.7.

struggle to give moralism or idealism a more prominent place in the making of American foreign policy, long dominated by realism².

Over the years it is found that the thread of moralism has run through American diplomatic history alongwith a feeling that U.S. foreign policy should embody and express the values and mores that constitutes the nation's philosophical foundation. Seen in this context one can say that the nation's pre-carter history set the tone for his campaign for human rights. Hence, by furthering the cause of human rights, Carter did not inject any altogether new note into his country's foreign policy making process, rather he annointed himself as the twentieth century successor to all who in the spirit of the early nineteenth-century proponents of American support for revolutionary France have argued that this country's foreign policy should be based on higher considerations than those of a narrowly defined national interest.

Viewed against this background of American diplomatic history, Carter has emerged as a national leader whose unprecedented and unparalleled attempt to give central place to human rights in US foreign policy. It was easier for him to articulate these causes

2 *ibid*, p.7.

as it was in line with an approach that had long been clamouring for recognition.

The stage for Carter's emphasis on human rights was triggered off by trends and events not only in the first 150 years of this country's diplomatic history but also in the era from the 1930s through the Nixon presidency. In these tumultuous periods, the world in general and the US in particular witnessed the harrowing and horrible persecution of Jews by Hitler's Nazi - Germany and the subsequent incorporation of human rights in the UN Charter to arrest the growing trend of the basic human rights.

In addition to these factors, the Vietnam war, watergate scandal and the attitudes of Nixon and Ford administrations' paved the way for Carter's emphasis on human rights.

This is clearly vindicated in the statement of Ernst B.Hass who has rightly opined that "the Post-Vietnam era was one of disillusionment with the ability of US to promote its way of life by force of arms and the exercise of economic power. In a period like this, it is understandable that it would seek to hold out to the American public and other nations an attractive symbol to legitimate foreign policy, free from the stigma of duplicity,

domination and defeat".³

The trauma of the 1960s and 1970s created a "new mood" in the US and there was appearance of a perceptible "changes in the composite American psyche" which were favourable to the kind of leadership Carter gave. Coming close on the heels of these events, President Carter announcing his candidacy said, "it is time to reaffirm and strengthen our ethical and spiritual and political beliefs". And no wonder, these pious sentiments were thumpingly validated in the results of the voting in the 1978 primaries, a run-up to the US elections.

One finds this changing mood of the American people with a desire for giving a new orientation to their country's foreign policy, which could be safely attributed to the Nixon-Kissinger approach to policy, who steadfastly erased the human rights from the Mosaic of US foreign policy.

Besides, these developments, the US congress enacted a series of laws giving central place to such moralistic principles

3 Kenneth A. Oye, Donald Rothchild, and Robert J., Lieber, ed., Eagle Entangled: U.S. Foreign Policy in a Complex World, (New York, 1979), p.168.

respect for human rights expressing its dissatisfaction with the Cavalier attitudes of Nixon-Kissinger team. The human rights legislation that congress adopted provided the final and most tangible explanation for the fact that human rights got the high priority position in policy making in the late 1970s. Because of this congressional action, Jimmy Carter assumed office under a clear legislative mandate giving central place to human rights in policy decisions.

The Americans desire for a value-based and ethical politics to be embodied in their country's foreign policy cleared the decks for Carter to bring human rights to the centre-stage of US foreign policy. And because of this deep-rooted aspects of this country's foreign policy which attracts the values that have long been considered to be the essence and strength of the U.S., Carter's call for a principled policy with a prominent place for human rights struck a familiar chord in the hearts of the American citizens.

In addition to these factors, the personal character of Carter played a pivotal role in pumping some moral values into the foreign policy, introducing and infusing a particular value system

which he took seriously as a guide to personal conduct and public policy.

He was such a person who had a strong conviction that the country's foreign policy should express its moral values. He also had a profound religious experience and a clear concept of the relation between religion and politics had a long background.

Carter expressed his commitment to a value-based foreign policy in numerous statements during his campaign for the presidency. In December 1974 he declared that he had a dream "that this country set a standard within the community of nations of courage, compassion, integrity and dedication to basic human rights and freedoms". Speaking more directly to the issue of what this country's foreign policy should be and of the president's responsibility to represent his country's basic beliefs, he said on another occasion that "our foreign policy ought not to be based on military might nor political power nor economic pressure. It ought to be based on the fact that we are right....honest.... decent.... truthful.... and respectful. In other words, that our foreign policy itself accurately represents the character and ideals of the American people. But it does not. We have a different standard of ethics and morality as a nation we have in our

own private lives. And that ought to be changed. The president ought to be the spokesman for this country and when the president speaks, he ought to represent as accurately as he can what our people are. And that's the basis, I believe, on which a successful foreign policy can be based".⁴

He also said, "our greatest source of strength has always come from basic priceless values, our belief in the freedom of religion (and of) speech, and expression, our belief in human dignity (and) in the principle of simple justice. These principles have made us great, and unless our foreign policy reflects these principles we make a mockery of the celebrations of our two hundredth birthday as we look back to the ideals and hopes of those who founded our country".⁵

The religious faith that Carter carried with him into the white House had its origin when as he said, "he accepted Jesus into (his) heart", as an eleven-year old boy and joined the plains, Georgia, Baptistt Church. In 1967, he underwent what he described

4 Jimmy Carter, Keeping faith: Memoirs of a president (New York, 1982), p.143.

5 Jimmy Carter, A Government as Good as its People, (New York, 1977), p.166.

as "a deeply profound religious experience that changed my life and this led him subsequently to refer to himself as a born-again Christian".⁶

Thus, what he did "out of a combination of politics, character, and commitment, was to renounce the politics of power, embrace morality and elevate third world problems to the level of high policy. The new president had decided to make a concern for human rights the cornerstone of his foreign policy".⁷ In the same note, President Carter said, "that Carter believed that the US had been damaged by watergate scandal, Vietnam fiasco, and the startling CIA revelations and the best thing the country could do it to change its image as a nation with no moral values or with moral values that it had forgotten, would be to deal fairly with the world's downtrodden, persecuted and abused, under the aegis of freedom, democracy and human rights".⁸

6 David Kucharsky, The Man from Plains (New York, 1979), pp.14 and 43.

7 John Stoessinger, Crusaders and Pragmatists: Movers of American Foreign Policy, (New York, 1979), p.262.

8 Interview with President Carter, Plains, Georgia, 18 April, 1983, Frances Printer, (London, 1984).

The common thread that runs in Carter's philosophy in his belief that the continuing practices of intimidation, terror, and brutality mark the distance yet to be travelled before the world can claim true civilization. In this context, he has rightly remarked that the terrorism and ideological contention weaken bonds of social cohesion. The yearning for order, even at the expense of liberty often results in the violation of fundamental standards of human decency.

Thus, the Carter administration's vigorous offensive against human rights violations can be said as "the beginning of a new era" signalling a long-range shift in emphasis in US foreign policy during Carter's regimes, which is popularly called the "Carter Era" who "sought to rekindle the beacon of human rights in American foreign policy and promised to speak out when individual rights are violated in other lands".

One can say with same level of confidence that though the circumstances of the times such as the impact of the immediate and more remote elements in the American political experience were conducive to a change in orientation of American foreign policy in the 1970s, this development would not have occurred without the

presence of the second key ingredient to change, that is the appropriate leadership which president Carter gave.

Carter signed both U.N. Human Rights covenants on 5th October, 1977 during his first year in office but was unable to win Senate ratification on the 30th anniversary of the UN's adoption of the Human Rights Declaration on December 10, 1978, he said in a television address to the nation that "I have sought to rekindle the beacon of human rights in American foreign policy". He even promised to speak out when individual rights are violated in after lands citing the supremacy of 'natural law' over 'civil law', Carter said that "no nation can draw the cloak of sovereignty over torture, disappearances, officially sanctioned bigotry, on destruction of freedom within its own borders... Human rights is the soul of our foreign policy. And I say this with assurance, because human rights is the soul of our sense of nationalized"⁹.

He appointed Patricia M. Derian to head the State Department Bureau of Human rights and Humanitarian Affairs, which congress

9 Editorial Research Reports, "Human Rights Policy", (1979), vol.1, pp.361-380.

created in 1977. On the same occasion Carter spoke, Derian described how American support for human rights would be implemented. She said that "in our bilateral relations we discuss human rights issues formally with Presidents and Prime Ministers. This is a change. It used to be that this happened quietly in the hall or over a glass of Brandy or between sets on a tennis court, because human rights things were not generally thought to be possible to discuss in diplomatic formal negotiations that has changed when there is no response to quiet expression of human rights concern and when there is no response to a symbolic speaking out, our law and our policy demand that we examine our assistance relationships, both economic and military".

The moral tone of the Carter administration was reflected in the attitude of key personnel, as expressed, for example, by National Security Adviser Zbigniew Brzezinski who said, "we were determined to demonstrate also the primacy of the moral dimension of foreign policy".¹⁰ Joining the Chorus with him, Secretary of State Cyrus Vance saw the need for "harnessing our foreign policy to the basic values of our founding fathers and the championing of human rights as a requirement for a nation with our

10 Zbigniew Brzezinski, Power and Principle (New York, 1985), p.81.

heritage.¹¹ And finally, the Assistant Secretary of State for Human rights and Humanitarian affairs, Patricia Derian articulating the foreign policy postures of Carter administration said, "you must also operate in a principled way" reflecting the concern and priorities for human rights.

One finds very refreshing because, in Carter's human rights policy in which he had accorded a very high position to it in which socio-economic rights figure prominently in the hierarchy of Carter's human rights concerns. Secondly, the human rights policy of Carter was linked to self-interest, ethics and expediency which were perfectly combined in one. Thirdly, Carter's human rights policy was effectively tied to international law and organization as he believed that an unilateral and purely ethical approach to human rights in world politics is not very effective. Otherwise American diplomacy would be characterized as pushing a strictly American view to which other countries don't agree and are not obliged to follow. Should the US make such a push, the policy could

11 Cyrus R. Vance, *Hard Choices: Critical Years in America's Foreign Policy*, (New York, 1983), pp.28 and 421.

be precisely described as "moral imperialism".¹²

Fourthly, Carter administration's emphasis on human rights had its obvious domestic ramifications and congress played an important role in this aspect of foreign policy. His administration's concern for human rights was primarily rooted in domestic politics in addition to having concern for the application of ethics about this also provided the basis for building consensus about foreign policy in addition to Carter's personal and his electoral calculations about appealing rhetorics.

Last but not the least, this new component in American foreign policy acted as an antidote in fighting the former Soviet Union's ideological tirade. Though the moral values tone was predominant in the rationale for the Carter administration's human rights foreign policy, the utilitarian or pragmatic element was not amiss in it. It was amply clear in the statement of Brzezinski who said that "we felt quite strongly that a major emphasis on human rights as a component of US foreign policy would

12 Sandra Vogelgesang, "What Price Principle?"
Foreign Affairs 56, no.4, (Summer, 1978), p.831.

enhance America's global interests by demonstrating to the emerging nations of the Third World the reality of our democratic system in sharp contrast to our political system and practices of our adversaries. The best way to answer the Soviet's ideological challenge would be to commit the United States to a concept which most reflected America's very essence".¹³

Carter's human rights policy had its greatest impact in Latin America, where military takeovers had taken place in Brazil in 1964, Uruguay in 1972-73, Chile in 1973 and Argentina in 1966 and 1967. According to historian Lars Schoultz, "those military Juntas, or bureaucratic-authoritarian regimes were more interested than their predecessors in eradicating a perceived threat to the existing structure of socio-economic privilege".¹⁴

While it is difficult to assess the impact of Carter's human rights policy on the conduct of South American military regimes, many scholars believe that it did reduce the sufferings of tens of thousands of political prisoners arrested and tortured in violation of accepted human rights principles. For example,

13 Brzezinski, Power and Principle, p.124.

14 Lars Schoultz, Human Rights and United States Policy Toward Latin America, (New York, 1981), p.7.

Jacobo Timerman, a Political prisoner of Argentina attributed his eventual release from an Argentina prison cell to the State Department pressure on his behalf. Since the restoration of democratic governments in Brazil in late 1982 and Argentina in December 1983 numerous voices have been heard in praise of Carter's human rights policy. Carter was warmly received when he visited Argentina in October 1984.

However, Carter's policy of pressing for human rights was less successful outside the Western hemisphere. In the wake of the Helsinki Accords, he tried to condition improvement in US.-Soviet relations on Moscow's conduct toward Soviet citizens. This attempt of linkage of human rights with bilateral super power relations proved counterproductive as Moscow stepped up its repression of Helsinki monitors and other dissidents and slowed the rate of emigration of Soviet Jews.

And also Carter was accused of applying his human rights policy unevenly. Gary Sick, a member of the National Security Council in his book "All Fall Down: America's tragic encounter with Iran" during the Iranian Revolution and the 1979-81 hostage crisis has criticised the administration for continuing the policy of Richard Nixon of unquestioning support for the Shah of Iran, despite

the well-known abuses of Human rights by his secret police.

in Iran, Gary Sick has said that Carter clearly placed perceived US security interests before human rights.

It has been criticised that Carter's human rights policy was discriminatory in nature. He was using two yard sticks to judge the human rights situation prevailing in other countries. It is said that Carter's policy was guided by self-righteousness / ^{and} cold-war orientation. Even he failed to examine violations in America and the West itself.

It is pointed out that Jimmy Carter did not invent the concept of human rights. Rather it is the domestic political considerations that constituted the overriding factor behind the emphasis of the Carter administration in particular and the United States in general on human rights abroad.

Carter's human rights policy has been criticised on the ground that his administration's policy was based on rhetoric than any concrete actions. His administration also failed to apply this human rights policy comprehensively in the line with that of the United Nation's declaration of Human Rights.

There are also many critics who have criticised the pragmatic element in the Carter human rights policy including historian Walter Laqueur. He has said that Carter administration had started with a 'wonderful concept' and the 'best intentions', but observed that "in real world one has to make concessions.... but there has to be limits to concessions. I think there are too many concessions".

However, in general, the Carter administration's human rights policy was criticised not for its pragmatism but for what some observers saw as the lack of realism. Ernst W. Lefever, for example, felt that Carter suffered from a "vague romantic optimism with an excessive confidence in the power of reason and good will....underestimating the totalitarian threat and overestimating the US influence abroad, and ignoring the perils of reform intervention".

However, Carter's spokespersons have justified it on the grounds that his human rights policy combined both idealism and realism. For example, Edmund S. Muskie, Cyrus Vance's successor as secretary of State in Carter's cabinet declared that "we do all

this (promotion of human rights) not out of naive idealism and not only because it is right (but).... we are also convinced, in the most hard-headed and practical sense that emphasis on human rights serves our national interests". And in support of this proposition, Patricia Derian cited the cases of Greece, Soviet oppression of Eastern Europe, Batista's Cuba, the Shah's Iran, Park's Korea and Somoza's Nicaragua. These in her opinion were examples of the fact that "we tried taking the line of least resistance on human rights issue, and as a result of this ignoring of human rights violations, in the interest of short-term expediency....We have paid a long-term price".

All in all, we find that while holding a strong commitment to a human rights foreign policy the Carter administration also expressed a determination to be flexible in dealing with specific situations. Therefore, dedication to the cause of human rights did not produce a rigid absolutism through which this issue would take precedence over all other foreign policy concerns in all cases. Secretary of state, Vance, asserted that "we had to be flexible and pragmatic in dealing with specific cases that might affect our national security and.... had to avoid rigidity".¹⁵

15 Cyrus Vance, *Hard Choices: Critical years* in America's Foreign policy, p.33.

This was also endorsed by the Deputy Secretary of State, Warren Christopher who expressed the same view. However, the critics find justified in viewing it as a cynical exploitation of a moral principle.

It is said that President Carter and Secretary Vance shared "a commitment to weave the defense of human rights throughout the fabric of American foreign policy".¹⁶ One observer while noting that the problem of "how to integrate human rights into foreign policy has confronted every president since the universal Declaration of Human Rights was adopted by the UN in 1948 and and no president has tried harder than Jimmy Carter to achieve this incorporation".¹⁷ This human rights policy of Carter administration successively integrated it into national security policies avoiding the doctrinaire approach, which could be best articulated by the the remarks of Michael Armacost of the State Department that "we have tried to recognize the need to integrate the security concerns of the United States with our human rights concerns".¹⁸

16 ibid, p.46.

17 Donald L. Ranard, in Caleb Rossiter, Human Rights: The Carter Period, the Reagan Reaction, (Washington, D.C., 1984), p.1.

18 U.S. Congress, House of Representatives, Committee on Foreign Affairs, "Human Rights in Asia: Non-communist Countries": Hearings before the Sub-Committee on Asian and Pacific Affairs and in International Organizations, 96th Cong. 2nd Sess., February 4, 6, and 7, 1980, (Washington, D.C., 1980), p.182.

Carter's human rights policy has been criticised on the ground that he subordinated human rights for achieving national security interests. The noted scholar has said "military, economic, and strategic considerations were the final determinants in the formulation and application of foreign policy. Human rights became a subordinate factor when measured against the perceived imperatives of national security objectives".¹⁹ In the same note, Michael Klare and Cynthia Arnson asserted that "in (his) final years Carter abandoned much of his earlier commitment to human rights.... (so that) by the end of Carter's term it could well be asked if the administration had a human rights policy at all".²⁰ Joining the Chorus with them, William Goodfellow concurs with them alleging that "Carter lost faith in the possibility of promoting both human rights and security interests".²¹

However, this allegation has been flatly denied by the NSA Chief Bzrezinski who strutly said, "Carter deeply believed in human rights and this commitment remained constant during his

19 David Heaps, Human Rights and U.S. Foreign Policy: The First Decade, 1973-1983, p.26.

20 Michael Klare, and Cynthia Arnson, Supplying Repression: US support for Authoritarian Regimes Abroad, (Washington, D.C., 1981), p.85.

21 A. Gleun Maver, Jr., Human Rights and American Foreign Policy: The Carter and Reagan Experiences, p.31.

administration".²²

And also at the other end of the spectrum, some critics even felt that the prominence of the human rights elements in the Carter administration's foreign policy was carried too far. One such critic, Lt. Gen. Sumner, Jr. contended that "US security interests have been sacrificed on the altar of human rights without regard for the strategic consequences". While others accused the administration of "injecting a discordant note in US policy deliberations and jeopardizing other foreign policy objectives".²³

This criticism stands invalidated in the opinion of Stephen Cohen, who is of the view that "the charge that its pursuit of human rights was 'single-minded' and to the exclusion of other interests was far wide of the mark".²⁴

In sharp contrast to the high-profile and high-visible human rights foreign policy of Carter, his successor, President

22 Zbigniew Brzezinski, Power and Principle, p.49. del

23 Edward J. Derwinski, U.S. Congress, Human Rights and US Foreign Policy (New York, 1979), p.116. "

24 Stephen Cohen, "Conditioning U.S. Security Assistance on Human Rights Practice", American Journal of International Law, no.76, (January-April, 1982), p.270. "

Ronald Reagan quickly and swiftly changed the gear and soft-pedalled this issue disavowing the use of human rights issue as "a visible instrument of foreign policy" and in its place gave high priorities to fighting the international menace of terrorism and illegal drug -trafficking. Secretary of State Alexander Haig signalled the Reagan administration's new approach to human rights on January 28, 1981 shortly after becoming Reagan's Secretary of State, saying, "international terrorism will take the place of human rights in our concern, because it is the ultimate of abuse of human rights".²⁵

The downplaying of human rights issue was most clearly demonstrated during the visit to Washington of South Korean president Chun Doo Hwan. The Reagan administration requested the State Department to delay releasing its annual report of human rights violations to avoid embarrassing the Korean leader.

According to state Department officials, Haig opposed keeping "report Cards" on foreign countries in the area of

25 Editorials on File, no.1, vol.1, (New York) February 16-28, 1981, p.258.

human rights. They said, the secretary preferred to handle human rights problems "through diplomatic channels". Even Ernest Fefever, the assistant secretary of state for human rights and humanitarian affairs also preferred to put less stress on human rights. He told a congressional committee in 1979 that he favoured using human rights against adversaries referring to the USSR instead of lobbying for human rights observances in "friendly states". Even he went a step further saying "we have no moral mandate to remake the world in our own image. It is arrogant of us to attempt to reform the domestic behaviours of allies and even our adversaries".²⁶

Thus, the Reagan administration restored the "quiet-diplomacy" as a means of encouraging the respect for human rights by friendly authoritarian regimes-those in control of nations considered to be of strategic interest to the US. At the same time, the President and American diplomats have denounced human rights abuses of "unfriendly totalitarian regimes", notably the Soviet Union and its allies.

26 *ibid*, p.258.

For example, the published texts of the official statements made by Max M. Kampelman during his three-year term as US ambassador to the Madrid Conference on Security and Human Rights make virtually no mention of human rights abuses outside the Soviet Union.

President Reagan himself justified this thesis saying, "in some of these nations, which have authoritarian governments but friendly ties to the US, and the community of democratic nations, quiet diplomacy has brought about humane and democratic change" while addressing the celebration of Human Rights Day on December 10, 1984. He repeatedly pointed to the restoration of freely elected governments in several countries of Latin America as well as "progress" in others such as Chile, as evidence of his success. At that time President Pinochet lifted the state of siege he had imposed in Chile in November 1984.

The most significant challenge to Reagan's human rights policy arose over South Africa. Both the House and Senate voted to apply economic sanctions against South Africa's minority white government for its racist policies. The Reagan administration construed this congressional action as a repudiation of 'constructive

engagement', the administration's policy of maintaining friendly relations with South Africa while quietly trying to persuade the country's leaders to ease restrictions on non-whites. However, finally, Reagan administration gave in to the congressional action against South Africa as his veto was overridden.

Human rights advocates look upon this constructive engagement as a variant of quiet diplomacy and they condemn both. This was articulated by no less a person than Patricia Derian who said, "I believe U.S. foreign policy interests have been severely damaged by the record of the last four years, as have the people who have suffered deprivation of their rights at the hands of their governments".²⁷ She also gave little credit to her successor Elliot Abrams saying his record on this score "is as dismal as the rest of the administration's because of his findings of improved human rights conditions in such strategically important anti-communist allies as Pakistan, South Korea and Philippines".²⁸

Abrams rejected this criticism of the Reagan administration's human rights performance and insisted that human rights remained

27 Patricia Derian, "How to make Dictators Look Good," The Nation (Washington, D.C.) February 9, 1985, p.148.

28 ibid, p.148.

an integral ingredient of American foreign policy objectives. He said the Human Rights Bureau is now totally established in the State Department and also claimed that "this institutionalization has the double benefit of allowing us to conduct ongoing conversations with countries, about which we have serious human rights concerns, without necessarily damaging bilateral relations that our effectiveness is drastically reduced".

If one would go by the rhetorics of Reagan administration, one would certainly find nothing amiss in his policy in comparison with that of his predecessor, notwithstanding the hard realities of his human rights policies.

One finds, like its predecessor, the Reagan administration saw human rights something important which deserves a place in US foreign policy because it is in line with the country's long cherished values and mores. This was vividly stated in the State Department's Annual Country Reports, which reads, "human rights is at the core of American foreign policy because it is central to America's conception of itself.... Human Rights is not something added to our foreign policy, but its ultimate purpose: the preservation and promotion of liberty in the world.... This administration believes that human rights is an issue of central

importance....to link foreign policy with the traditions of the American people"²⁹

In the same vein, Walter J. Stossel, Jr., under Secretary of State for Political Affairs said, in 1981 that "we need to be an example to other nations - both of strength and prosperity - and of our vibrant democratic institutions. For we can not call on others to meet high human rights standards unless we do so ourselves. President Reagan has captured this concept clearly in speaking of the United States as a city upon a hill".

This statement speaks volumes about Reagan's concerns for both domestic as well as international human rights and wanted to set an example for other nations to emulate in the field of human rights. This was further buttressed by the statement of Secretary of State George Shultz who declared that "the president's philosophy is that....we find in our ideals a "star to steer by." Statements like these suggest that moral values were included in the reasons for building human rights into the country's foreign policy. However, moral values as such do not

29 US Department of State, Country Reports on Human Rights Practices for 1992, (Washington, D.C. 1983), p.7. Committee on Human Rights, U.S. House of Representatives, Washington, DC.

appear to be nearly so prominent in the rationale for the Reagan's human rights policy as the struggle against communism in general and US-Soviet rivalry in particular.

But one thing is clear that Reagan administration placed human rights within a geopolitical context. This administration found symmetry between promoting human rights and promoting the geopolitical interests of the US. And for the Reagan administration Soviet Union was the overriding issue and saw communist countries as synonymous with human rights violations. This was substantiated by the assistant secretary of state for human rights and humanitarian affairs Elliott Abrams that "the conclusion we have to draw is that the East-West struggle matters a great deal for human rights. Let me acknowledge right now that I make the comment that this administration puts human rights policy in an East-West framework to be descriptive than critical. To prevent any country from being taken over by a communist regime is in our view a very real victory for the cause of human rights," he said this while addressing a press conference in Washington, DC. on October 12, 1983.

The administrative personnel in the State Department have noted this fact that Reagan administration's policy was strongly

anti-communist and this ideology was a major part of the administration's human rights policy. This was crystal clear in the introduction to the State Department's country Reports on Human Rights Practices for 1981 which stated "it is a significant service to the cause of human rights to limit the influence the USSR (together with its clients and proxies) can exert. A consistent and serious policy for human rights in the world must counter the USSR politically and bring Soviet bloc human rights violations to the attention of the world over and over again".³⁰

However, this ideological, and geopolitical basis for the Reagan administration's human rights has invited vociferous criticism from those who see it as a disservice to the cause of human rights and an approach that distorts policy. For example, one critic complains that "the country's foreign policy has been captured by a boarding party of ideologues. Everything is viewed through the Russian prism".³¹ Striking the same dissent

³⁰ U.S. Department of State, "Country Reports on Human Rights Practice for 1981", p.9.

³¹ Arthur M. Schlesinger, Jr., Quoted by Jerme Shestack in, US Congress, House of Representatives, Committee on Foreign Affairs, "Political Killings by the Governments of their citizens": Hearings before the sub-committee on Human Rights and International Organisations 98th Cong., 1st Sess., November 16 and 17, 1983, (Washington, D.C., 1983), p.215.

note, another scholar notes that "the human rights policy of this administration is based on ideology, rather than law. Communism is seen as the worst human rights violations and to prevent that, other abuses will be endured".³²

And also another critic has the last word asserting that "to our Western European allies, US policy seems anti-Soviet not pro-human rights".³³

Thus, after discussing and debating over the human rights policies of both Carter and Reagan administrations' it would be interesting to present similarities as well as differences of the policies of both the administrations.

The commonality of approach and action of both the administration strikes a degree of continuity in US human rights foreign policy.

32 David Carliner, in U.S. Congress, House of Representatives, Committee on Foreign Affairs, "Review of U.S. Human Rights Policy". Hearings before the Sub-Committee on Human Rights and International Organizations, 98th Cong. 1st Sess., March 3, June 28, September 21, 1983 (Washington, DC, 1983), p.48.

33 Americas Watch, Helsinki Watch, Lawyers Committee for International Human Rights, "The Reagan Administration's Human Rights Policy: A Mid-term Review", (Washington, DC, 1982), p.4.

Firstly, there is a general orientation that placed human rights within the context of broad, overall foreign policy interests and demands with human rights subordinate to national political and security interests with an assertion of the compatibility of the two areas of foreign policy.

Secondly, we find a mixture of humanitarianism and pragmatism in the rationale for a human rights policy by both the administrations.

Thirdly, there is an apparent readiness to take advantage of loopholes in national human rights laws in order to extend aid to countries with poor human rights records for political and security reasons.

Fourthly, we find a susceptibility to congressional influence concerning human rights policy in forms of legislation, presume to act and support for pro-human rights actions and procedures.

Lastly, we find a willingness by both the administrations to use all available facts and strategies to implement policy such as quiet and open diplomacy, pressure and inducements, bilateral and multilateral aid programs, careful preparation of

annual reports on human rights practice of other countries, and promotion of democracy and democratic institutions abroad,

The differences between the Carter and Reagan human rights policies emphasize the significance of the identity of the person who occupies the presidency. In summary, these differences could be manifold. These are as follows :-

Firstly, while both administrations were officially committed to human rights, this commitment was stronger and more consistently present in the Carter administration than in that of Reagan, whose support for human rights at times developed only as a result of pressures from domestic sources and developments in other countries.

Secondly, while both the administrations related human rights to the East-West political conflict, anti-communism dominated Reagan's foreign policy and hence human rights policy to a greater extent than it did Carter's. Reagan's human rights policy consequently was less even-handed and credible than Carter's.

Thirdly, Carter's definition of human rights was more comprehensive and more in conformity with international human

rights law than Reagan's as Carter included economic and social rights in the human rights basket which Reagan didnot.

Fourthly, Carter was more active than Reagan in seeking to extend US human rights policy into the area of adherence to international human rights conventions and covenants.

Fifthly, while Carter began his tenure by displaying a determination to establish and implement a human rights policy. Even he went to the point of precipitating conflict with the foreign policy bureaucracy. But Reagan's first notes indicated an indifference if not hostility to human rights, a difference whose significance derives at least in part from the assumption that an executive's first actions are the most reliable indicators of his attitudes and priorities.

Last but not the least, Carter made greater use of the procedures of international financial institutions to express concern for human rights situations than did Reagan, who with some later exceptions, tended to resort to this tactics ostensibly when loans to leftist governments were being considered.

Although, this human rights issue in Indo-US relations is basically a post-1990 phenomenon, but nevertheless, this had been

there in the Indo-US friendship basket since 1970s. Before 1990, this issue had been underplayed both by US and India's policy makers, since the US administration was precoccupied in maintaining the balance of power in the wake of the "new cold war".

In the early parts of 1980s, the US Congress was scrupulously examining and monitoring the human rights policies of the US vis-a-vis India since president Reagan put this issue in the coldstorage. In 1984, the US congress raised much hue and cry over the alleged human rights violations in India in the aftermath of the "Blue Star Operation" in Punjab in 1984 to flush out terrorists from the sacred sanctorum of the Golden Temple. This issue raised a hackle and hullabaloo as some congressmen tried to exploit this issue to bring the Indira Gandhi government to task. Even some congressmen blew this issue out of proportion and laboured hard to take this matter to the UN. But the Reagan administration ignored misplaced pleas of congressmen and allowed Indo-US ties not to get strained as Reagan had a very special understanding with Mrs Gandhi at that time.

In Kashmir, the U.S. Congress have had also complained about large scale abuses of human rights of the civilians by the Indian security forces, but this had never hampered Indo-US

relations, thanks to the good personal equations which Mrs Gandhi and Rajiv Gandhi established with President Reagan, In a sense, the fragile roller-coaster character of Indo-US relations looked up in the early parts of 1980s, with president and the State - Department giving "clean-chits" to India on the human rights practices in its annual country reports.

During President Carter's period, a similiar hue and cry was raised in 1976 about the alleged human rights violations in India particularly in Punjab and Kashmir. As we all know, much of the information is in the forms of reports from the field which the State Department gets and on the basis of these reports it prepares its annual ritual country reports. There were some story pro-Pakistani lobby and anti-India organisations which constantly feed the State Department with false and motivated informations about alleged abuse of human rights in India. These were "distorted, one-sided, and in many respects misleading. This was stated by United Methodist Bishop James K. Mathew who testified before a congressional committee about alleged incidents in India. He was speaking from his experiences as a recent resident in India returning to the US".³⁴

34 Human Rights in India, Hearings before the Sub-Committee on International Organizations, House Committee on International Relations, June and September, 1976, (Washington, DC, 1976), p.12.

In the US there was criticism galore, against Mrs Indira - Gandhi she imposed national emergency on 26 June 1975 suspending all fundamental rights and suppressing all dissents, criticism and discussions in India. In doing so, she ordered the arrest of hundreds of Indian citizens, suspended civil liberties and imposed strict censorship on the press. Although Mrs. Gandhi in her official message to the nation expressed hope that a speedy improvement of internal conditions would allow her to revoke the emergency proclamation "as soon as possible", the decree remain in effect till March 1977. The measures enacted under the emergency have markedly changed the "system of government in the world's largest democracy, and they raised questions as to whether the word 'democracy' still applies".³⁵

This declaration of the emergency roused worldwide reaction. In the West, almost all of the public response was negative. Headlines and editorial comment decrying the end of democracy greeted the initial news and that which followed. On June 26, the government announced 676 arrests and the imposition of

35 Mac Leepson, "India under Authoritarian Rule", Editorial Research Reports, no.22, vol.1, (New York), 11 June 1976, p.425.

what a western correspondent termed "the toughest Press censorship in the 28 years since independence".³⁶

It is also said reports of the numbers arrested varied widely. By June 28, the government officially listed around 1,100 arrests. These arrested were described as right-wing political opponents of Mrs. Gandhi, members of the congress party who opposed her, journalists, university students and teachers. However an American daily reported that "informed sources said the arrest had reached 4,000".³⁷

Once the emergency was decreed, foreign journalists were told to submit all stories to censorship except those based on two daily government press briefings. It was scathingly criticised in the US media, which reported that "the Indian press was initially ordered to clear stories with official censors before publication and latter was issued. 'Press guidelines' by the government. Then on July 21, the government distributed guidelines for the foreigs press. The new rules ended prior consorship but required

36 New York Times, 28 June 1975.

37 Washington Post, 29 June 1975.

foreign reporters to pledge they would not, among other things, quote opposition remarks in parliament".³⁸

The official explanation of the crackdown as the foreign press was that some newspapers continually distorted the situation in India, ignoring the achievements of the government and exaggerating its shortcomings. Mrs. Gandhi said in an interview, "a section of the world press has always belittled India and her actions and misrepresented what is done here".³⁹

Mrs. Gandhi was also vociferously pooh-poohed by the Western press for extending the emergency further and postponing the impending parliamentary elections on some pretexts or other. She was criticised "for violating all basic human rights and trampling upon all democratic and parliamentary infrastructures".⁴⁰

With the clamping of emergency provisions in India, there was seen some impending changes in foreign policy. The Soviet Union

38 Leepson, no.31, pp.427-28.

39 Editorials on File, "State of Emergency Declared in India, Leaders arrested", vol.VI, no.12, (New York), June 15-30, 1975, pp.684-690.

40 Editorials on File, "Indian Emergency Rule Extended, Parliamentary Elections Delayed", vol.VII, no.1, January 1-15, 1976, pp.44-47.

had generally supported Mrs. Gandhi's emergency. "The United States, on the otherhand, has refused to comment officially, but US-India relations can be characterized as Chilly".⁴¹

Mrs. Gandhi continued to denounce the US for alleged influence of the Central Intelligence Agency (CIA) in India's internal affairs and criticized American newspapers for their treatment of the emergency. Her criticism prompted the Ford administration to drop a proposed \$65 million economic aid package for India in fiscal year 1976. But, however, congress considered President Ford's request for \$197.3 million in economic and food aid for India during fiscal year 1977.

However, according to the observations of Westerns in India, Mrs. Gandhi, despite her autocratic rule, remained popular, especially in the thousands of small villages where 80 percent of the people live. One reason is that India's fortunes had taken an upturn. Most reports from India since the emergency note that the Indian civil service, which was known for its inefficiency, developed a new spirit of punctuality, hard work and cleanliness. Moreover, economic conditions improved. The inflation rate of 30 percent in 1974 dropped to near zero by September 1975 and was relatively stable. Prices in New Delhi's restaurants were

41 Leepson, no.31, p.429.

lowered and tax cut was given to middle-income groups, The price of rice, which had been rising rapidly, was stabilized by the government, and sugar and bread prices fell sharply. Some of the favourable economic factors are attributed to the discipline of Mrs. Gandhi's authoritarian control and her new policy embodied in a 20-point programme she outlined to the nation at the times she declared the emergency. Two of the 20-points were intended to liquidate rural indebtedness and to speed the distribution of surplus land among the peasants. Moreover, during this time, she attempted to deal with the country's over population and through systematic family planning programme she wanted to halt India's population explosion.

The Carter administration, coming to office in early 1977, at approximately the same time as the Desai regime in India, developed a policy of supportive of the Janata Government headed by Prime Minister, Morarji Desai. Addressing the Indian Parliament in early January, 1978, President Carter congratulated the Janata government for restoring civil liberties and fundamental rights".⁴²

42 Ralph Bultjens, "Human Rights in Indian Political Culture", in Kenneth W. Thompson, ed., The Moral Imperatives of Human Rights: A World Survey, (Washington, D.C., 1980), pp.120-12.

There are some Western scholars who were supporting the emergency provisions of Mrs. Gandhi and advocated that there was still democracy in India during this traumatic period. One such scholar is of the opinion that, "such policies and statements reflect a serious misunderstanding of the Indian political culture and do not enhance either the cause of human rights or longer term United States interests. They ignore, among other things, the fact that the Janata Party was able to win an election only because a free and fair election was held by the government of Indira Gandhi - a fact that Prime Minister Callaghan recognized in a similar address to the Indian legislature in early February 1978".⁴³

Some congressmen supported this emergency period on the ground of economic justification. It is said that Mrs. Gandhi's vision was to make India modern, bring about rapid economic growth, and as well as protect the autonomy of India against a hostile and unpredictable outside world by acquiring these emergency powers. While a congressional committee was hearing witness, two witnesses asserted that "the India of Indira Gandhi has respect for the opinion of the rest of the mankind and that

43 Ibid, p.121.

it was not unmindful nor unaffected by world opinion".⁴⁴ But this was somewhat counterbalanced by the testimony of another "who called attention to Indian government's refusal to permit funds to enter the country for the legal defenses of individuals accused of subversive activity".⁴⁵

However, the President Carter had urged Mrs. Gandhi to end the emergency soon and release an political detainees restoring the fundamental rights of the citizens soon after taking over the presidency in 1977. In that years' country reports, the State Department had charged India of violating basic human rights during the promulgation of national emergency.

However, the "victory of Human Rights" in India, the end of the state of emergency and open elections which brought the defeat of Indira Gandhi and the congress party with the restoration of a popular elected government and restoration of human rights could be attributed to the human rights NGO's in India, who had fought a relentless battle with Mrs. Gandhi during the black years of emergency period.

44 Human Rights in India, pp.21 and 50 and 162.

45 ibid, p.152.

President Carter threatened of curtailing aid program to India during emergency, but it did not have much impact. Because government's receptivity to American human rights initiatives is to no small extent dependent on vulnerable it is to such outside pressures. In the case of India, the US did not have any leverage at that time. The opinion emerging from discussions before a congressional committee was to the effect that "any change in the Indian government's behaviour would come about through internal pressures, that foreign aid for example, not only was no longer crucial to India's internal social changes but there was no desire for assistance from the US".⁴⁶

During the later state of Indira Gandhi's tenure in office in India, two potential levers available to the US to induce Indira Gandhi's government to be more respectful of rights were food aid and economic assistance. But president Carter did not use this strategy as he thought "to use these leverages was to subject the American government to the charge of using food and economic help as political weapons, thereby, displaying a callous indifference to the real needs of the people".⁴⁷

46 Ibid, p.35-F.

47 Ibid, p.7

At that time, the US had important political differences with India. It could not expect to have any significant impact because of the strained or even antagonistic political relations prevailed between the two countries. Hence, during Mrs. Gandhi's period, US had little influence with India because of its coolness toward the US. This attitude was explained in terms of the "tilt" of American foreign policy against India over a period of years and especially in the 1971 war which produced an independent Bangladesh and the alleged or real work of the CIA in India.

Hence, the Carter administration was of the view that while the world community could be more persuasive in dealing with Indira Gandhi than the US acting alone, the fact that India had the support of the communist and the third world countries virtually ruled out "any possibility that the US could muster the votes needed to get the UN to act".⁴⁸

Hence, in respect to the Indian situation under Indira - Gandhi, for example, it was suggested that the US could take some positive diplomatic steps which would increase American influence with India, to be then exercised on behalf of human rights.

48 Ibid, p.28.

These measures included a loosening of the American alliance with Pakistan, abandoning the American plan to build a military base on the island of Diego Garcia and the including of the Indian government among the half-dozen or so with which the US habitually conferred on international issues.

The State Department resorted to "Private approach" in dealing with human rights situations in India. Thus, as a State Department official pointed out that, it would have been inappropriate for the US to go public with its opinion concerning the human rights performance of India's government under Indira Gandhi "since a principal complaint on our part concerning the Indian conduct toward the US has been the tendency of the Indian government to address problems through public polemic"⁴⁹.

One of the advantages of the bilateral approach is its potential for effectiveness. In situations when another government is strongly dependent on the US for political, military or economic support, there is a possibility that the US will be listened to when it talks to that regime about its treatment of citizens. Or the potential for effectiveness may exist for such reasons as advanced by ~~Lester~~ Homer Jack in contending that the US did, in fact have influence with India in the Indira Gandhi era". There is a

legacy of goodwill toward America which selectively can be called upon, a goodwill born partly of America's response to India's food needs and partly of the ideological congruity in the political experiences of the two nations".⁵⁰

There was some criticism, when India exploded a nuclear bomb in 1974 and utilized this technology for peaceful purposes. In an amendment to the International Development Assistance Act, 1974, which "authorized and directed the US governor of the World Bank to vote against any loan on other utilization of funds for the benefit of any country which develops any nuclear or explosive device or unless the country becomes a party to a treaty on non-proliferation".⁵¹

Even there was some criticism when India intervened in what is now called Bangladesh in the early 1970s to stop the slaughter of young Bengali males by the Punjabi of West Pakistan. The brutal repression of Bengali nationalism in 1971 by the West Pakistani Army possessed a genocidal character. However, India's motives for intervening were undoubtedly a complex

50 Ibid, p.9.

51 Ibid, p.152.

mixture of geopolitical considerations and humanitarian concern. However, it was one of the human rights violations which triggered the intervention. But when Pakistan brought a claim to the world court against India concerning human rights in armed conflicts, the court decided that it could not handle the case because India had not given its consent to be sued on this point. However, the allegation of Pakistan against India concerning violation of human rights was puerile and motivated.

After the emergency, the human rights situation once again glowed and the Janata government restored all the fundamental rights and civil liberties to the people which were snatched away during the emergency phase. Even, Amnesty International had praised the human rights situation in India after the year 1977. On 10 April 1979, the Indian government ratified the International covenant on civil and Political Rights and International covenant on Economic, Social and Cultural Rights. India was the second Asian country after Japan to ratify these two covenants. On 20 April, 1979, Amnesty International cabled the foreign minister, A.B. Vajpayee and warmly welcomed the government's decision and said "this was an important step towards ensuring the long-term protection of

fundamental rights in India".⁵²

This fact was also endorsed by the State Department in its country reports for 1979. On the government's attitudes and record regarding international and non-governmental intervention of alleged violations of human rights said, "Amnesty International sent a mission to India from December 31, 1977 to January 18, 1978 to obtain a first-hand account of the many and serious human rights violations during the emergency period (June 1975-March 1977) and to acquaint itself with the measures announced by the new government for the restoration of the rule of law. In their report of January 10, 1979, the mission delegates 'indicated that they received full cooperation from officials throughout their stay".⁵³

This report has appreciated that India has a vigorous democratic political system, an independent judiciary and a flourishing free press. It also said, fundamental rights are guaranteed in the constitution and discrimination on the grounds of religion, race, caste, sex or place of birth is prohibited. It also pointed out that "one preventive detention law, the maintenance of

52 Amnesty International, "Amnesty International Annual Report 1979", (London, 1979), p.89.

53 US State Department, Report on Human Rights Practices in Countries Receiving US Aid (Washington, D.C., 1979), p.548.

Internal Security Act (MISA) was repealed in July 1978, the 86 persons being held under its authority at that time were released.⁵⁴

Thus, one finds that although there was many allegation of abuse of human rights by India during Carter's presidency, the State Department and president Carter did not take any visible action against India except expressing their strong exceptions to it. The Carter administration, in fact, refused to succumb to the pressures exerted by the anti-Indian elements there.

And also during President Reagan's two year stints, his administration did not contemplate any action against India over the alleged violations of human rights in India in the wake of the operation Blue-Star in Punjab. However, the State Department in its annual country reports had taken serious exception to the violation of human rights in Punjab and Kashmir by the security forces. It also expressed dismay over Indian government attitudes of not permitting the London-based Amnesty International and other human rights groups to visit the trouble spots of Punjab and Kashmir for an open assessment. It also urged the Indian

54 Ibid, p.544.

government to allow such team to visit these areas as India "had nothing to hide", when there is an ever-vigilant independent judiciary and free-play of democratic institutions exist in India to ameliorate the human rights of its people.

When Mrs. Gandhi was assassinated in 1984, the Reagan administration reiterated his country's support to the unity and integrity of India. However, some congressmen criticised India for violating the human rights of the innocent Sikh aftermath the killing of Mrs. Gandhi. But the US administration and media "condemned the Sikh militants for killing the Prime - Minister".⁵⁵

The State Department in its country report said "there were no major new development in the human rights situation in 1988. Observance of human rights varies significantly from state to state in India/ India is a basically democratic polity with strong and legally sanctioned safeguards for individuals, and a vigorous free press. Nevertheless, India's many social tensions continue to generate significant human rights abuses. In 1988, the most serious human rights problems included terrorist killing

55 Editorials on File, "Indira Gandhi Assassinated", vol.15, no.21, (New York), November 1-15, 1984, pp.1262-1273.

and retaliatory killing by security forces in the Punjab".⁵⁶

The State Department has admitted that the government does not sanction political killing. In 1988, stringent law and order measures were taken, particularly in the state of Punjab to curb political violence, it added.

It also said, "in May, during an exercise code-named 'Operation Black Thunder', security forces killed over 20 sikh militants who had taken armed control of the Golden Temple Complex in Amritsar and arrested 75 others. Both Hindu and Sikh observers credit the government with showing restraint in contrast to the 1984 'operation Blue Star' in which over 1,000 people died and heavy damage was caused to the Golden Temple shrine itself".⁵⁷

It could be recalled that a number of corpses were discovered by security forces inside the complex, giving rise to charges that the militants had tortured and killed the people they had captured

56 US Department of State, Country Reports on Human Rights Practices for 1988 (Washington, D.C., 1989), p.1328.

57 Ibid., pp.1329-30.

there. During the year the government released 178 Sikhs who had been arrested in the Golden Temple in the June 1984 Blue-Star Operation, charged with waging war against the state. The 1987 Mishra Commission on the anti-Sikh riots, which took place following Indira Gandhi's murder in October 1984, recommended certain actions against those responsible for the riots.

All in all, the Reagan administration, in fact, condemned the terrorist activities in India and supported India's policy to deal with this terrorist menace, as the President Reagan was according highest priority to fighting international terrorism, considering it as the biggest violation of human rights in the world including the border states of India. This fact is eloquently established in the country reports on India brought out by the State Department from 1982 to 1988.

Now, it could be concluded that, though the Carter and Reagan administration were not happy with the human rights record of India, but nevertheless, this issue was not allowed to hamper the Indo-US relations.

CHAPTER III

IN THE NINETIES

- (a) CONGRESS TAKES A DIFFERENT STANCE
- (b) ADMINISTRATION GUIDED BY OTHER CONSIDERATIONS

"On human rights, our conscience is clear and hands clean, We must judge ourselves before someone judges us from a distance. We will set up our own human rights commission."

(P.V. Narasimha Rao, the Prime Minister of India,
in New Delhi on 30 June 1992)

(After the successful victory of the US and its allies in liberating Kuwait by defeating and deterring the aggressive conquest of Iraq in January 1990, where the recalcitrant Iraqi President Mr. Saddam Hussein was humiliated militarily, humbled politically, harassed economically and above all hounded out from Kuwait, which he had shamelessly grabbed this tiny independent and sovereign neighbouring country because of its sheer military prowess over it, (the US has emerged as the super military power in the 1990's.)

No wonder, with the collapse of communism throughout the world and break-up of the erstwhile Soviet Union, it has paved the way for US to emerge the sole key player in the world affairs soon after the Gulf war, where it abundantly exhibited its military power and political will power, which even the former Soviet Union, the then super power silently acquiesced it.

As already it is mentioned, (in this post-1990 era, the US administration concerned about two things on India, such as, nuclear proliferation and human rights issues in regard to its relationship with India. As it is already stated, these two issues, coincidentally, constitute the major paradigms and

components of the much-talked new world order, which the Bush administration adroitly sketching the architecture.

In this post-Gulf war phase, the issue of human rights in Indo-US relations has reached its crescendo and sometimes it appears, it would be threatening if not jeopardising the very essence of Indo-US ties, with the congressmen and some vested interests in US are taking active interest in the human rights record of India concerning its policies towards Kashmir and Punjab, and compelling the US administration to take actions against India for its alleged human rights violations. However, the US administration understandably refusing to play to the galleries and get swayed by these allegations. (But nevertheless, it has diplomatically taken up this issue in right earnest with India and urging it to tone up its human rights record in Punjab and Kashmir.

An US Congressional Research Service (CRS) report has launched a broadside against India saying the broad powers given to the security forces deployed in troublespots like the Punjab and Kashmir have become "key factors" in the abuses of human rights in India. It stated, "the broad powers granted to security forces, under various security legislations and a lack

of accountability reportedly have led to widespread abuse of human rights in India that exceeds the provisions of law".¹ And also it alleges that, "more over, although never proclaimed as emergency powers, such laws have had the effect of establishing a continuing state of emergency".² To drive the point home, it says that the Armed Forces (special powers) Act has been in effect in some north-east areas for 33 years.)

This report has also documented the major legal provisions used by the Indian government in responding to problems of regional, ethnic or ideological dissidence. These provisions are, the president's rule under Article 356 of the constitution, National Security Act (NSA) 1980, Terrorist and Disruptive Activities (Prevention) Act, 1985 (TADA), and Armed Forces (special powers)Act.

It had been prepared to provide basic information to US congressmen on India's security laws and the debate in India, and internationally, on the government's use of law.

It has acknowledged that since the gaining of independence in 1947, India's as the largest democracy has generally earned

1 Times of India (New Delhi), 19 August 1991.

2 Ibid.,

high marks for its constitutionally sanctioned safeguards of individual rights, its free and vigorous press, and its independent judiciary.

(This report while acknowledging these accomplishments points out that India has significant evidence of reported human rights abuse, much of which is related to the response of authorities to communal tensions and separatist violence. It complains that various internal security laws provide a means for suspending constitutional guarantees and the safeguards provided by an independent judiciary.)

Coming on the heels of this report, the United Nation's Human Rights Committee (HRC), an 18-member body of legal experts monitoring the implementation of the UN covenant has expressed concerns that rights guaranteed under the covenant are being violated and that certain provisions of the special security legislation currently in force are incompatible with Indian constitution as well as the provisions of the covenant.

(Quoting human rights observers the committee concluded that the security forces-often ethnic and religious outsiders with little sympathy for the people of the affected area-at times go

berserk violating the legal framework, resorting to excessive force, arbitrary arrests, and detention, torture, rape, arson, kidnapping and extra-legal executions.)

While berating Indian government for its dismal human rights performance, this HRC has also condemned the various terrorist-outfits operating in these areas for violating the human rights of the ordinary people by resorting to kidnappings, killings, issuing threats and extortions.

This HRC has also noted the response and reaction of the Indian government on its alleged human rights violations in stating that the Indian government has responded to criticisms of its internal security legislation, in part, by noting that certain border areas of the country are suffering terrorist outrages, including attacks on trains, looting, abductions, intimidation of security personnel, and their family members, as well as attempts by terrorist organisations to set up parallel governments. It further says that "of more than 3,000 civilians killed in various separatist-related incidents in Punjab in 1990, the government attributed most of these deaths to terrorist menace".³

3 ibid.

In 1991, a congressional study alleged that "there is significant proof of ongoing human rights abuses against civilians, by Indian security forces".⁴ Two California congressmen, David Dreier (Republican), and Vic Fazio (Democrat) released this report prepared by the congressional research service outlining human rights abuses in India. This report indicated that the overall human rights situation had deteriorated rather than improved in the past year.

(Citing the cases of the Punjab, Kashmir and the north-east, the report notes that separatism and civil rights have played a significant role in the growing fragmentation of Indian politics.) (It also states that in response, normal constitutional guarantees have been suspended in Kashmir, Punjab and the north-east.) It states, "the government's reaction to the violence in Punjab has led to violation of fundamental rights. Security forces have often overreacted to incidents by using excessive force, preventive arrests, detention, torture, encounter killing and other means of repression."⁵

4 Gautam Adhikari, "US Congressional Study: Rights Abuse in India", Times of India, 11 August 1991, p.1.

5 Ibid.

(Turning to Kashmir it speaks that the human rights situation in Kashmir valley had deteriorated.) It noted that in December 1990, a delegation from Amnesty International met with the senior officials from New Delhi but was denied access to Punjab, Kashmir and the north-east on grounds of inadequate security conditions.

It says harsh factics and actions by the police are understood to lie at the heart of much of the growing alienation of moderates among Sikhs and Kashmiris.

Coupled with these reports, the congress in general and some congressmen like David Dreier, Vic Fazio, Burton in particular have been orchestrating their anti-India tirades on this alleged human rights abuses by India in these areas, on the basis of reports released by Amnesty International annually, the Asiawatch, reports of the UN Commission of Human Rights (UNCHR), reports of People's Union for Civil Liberties (PUCL), citizens for democracy, Manav Adhikari Samiti, and above all the various anti-India lobbies taking place in US and UK.

For example, (the London-based Amnesty International has been releasing reports annually on human rights conditions in India criticising the largescale human rights violations taking place

in India. It alleges that the security forces armed with special powers are engaged in abusing human rights in Punjab, Kashmir, north-east states and other naxal-belt areas. This body is preparing these reports on the basis of some newspaper reports, anti-India elements operating in these terrorist-infested areas and some vested interests. These reports come handy to some congressmen to launch their diatribes against India as its human rights record.)

(So also the Asia-watch, a US-based human rights organisation,) has taken the curious position that security forces in Kashmir and Punjab are legitimate military targets, subject to direct attacks by militants and that such killings do not violate the laws of war if they occur in combat or ambush and are not result of perfidy".⁶ This human rights body along with Amnesty International is willy-nilly being carried away by the propaganda materials supplied to them without understanding or judging the ground realities prevalent there. These bodies are still insisting on treating the terrorists operating in Kashmir and Punjab as

6 Subhash Kripekaz, "Asia Watch Report: An Attempt to Legitimite Terrorist Killings", Times of India, 10 February 1992, p.1.

"political prisoners" and criticising the special powers granted to the security forces to enforce law and order there. And not surprisingly, these annual ritualistic reports are serving the interests of some vested congressmen who have their own grists to grind in attacking India on human rights front playing to the gallery of anti-India lobbies.

(Some congressmen are also carried away by the allegations made by (Pakistani propoganda machine and its agents while participating in the annual session of the UN Commission on Human Rights (UNCHR)) Though these tendentious allegations and insinuations are refuted point-by-point by India, some congressmen are buttressing their criticism against India on the basis of the debate taking place in UNCHR.

(In addition to these agencies, there are some Indian human rights agencies like PUCL, Citizens for Democracy, Manav Adhikari Samiti while criticising the government for its alleged human rights violations in terrorist-infested states,) have maintained studied silence over the violence and human rights abuses perpetrated and perpetuated by the terrorists. These self-styled Indian human rights organisations are pleading for giving the

so-called "right to self-determination" and 'holding of plebiscite' in Kashmir and Punjab for solving these problems there. And obviously, some anti-India information-hungry congressmen prepare their reports condemning the human rights abuses in India basing their conclusion on the Indian press reports, comments of some noted Indians like Justice Rajinder Sachar, Justice V.M. Tarkunde, Swami Agnivesh and various Indian human rights organisations.

(And to top it all, there has been mushrooming of anti-India lobbies operating in US and UK, who are constantly and ceaselessly manufacturing false stories about India's human rights abuses and poisoning the minds of the American public opinion and congressmen.) They are constantly fed with information as well as resources by lobbyists opposed to India.

Last year, the National Journal's recent survey of campaign donations by major Washington lobbying firms with the biggest individual donations during 1989-90, two worked ceaselessly against India's interest, one was Pakistan Lobbying, Neill and Co., which distributed \$105,427, the other was Black, Manafort, Stone and Kelly, the lobbying firm for the Kashmir American Council which

contributed \$98,888."⁷

(This Kashmir American Council (KAC) is demanding an independent Kashmir. These lobbyists are influencing these congressmen to attack India and for legislating in congress incorporating hard measures cutting aid benefit to India. And also recently, this US-based Kashmir separatist group had taken out a more than \$42,000 full-page advertisement in the popular and largest selling New York Times alleging repression in the state and asking president, George Bush, to work for the cessation of hostilities, especially human rights violations in Kashmir by India.)

(The sustained campaign of these organisations, the regular reports in prominent US newspapers and a new focus on India by the US human rights organisations have contributed to a climate where India's democratic and secular credentials are increasingly under question. They are working in tandem to flash India on the human rights screen while many congressmen can easily dismiss the Khalistanis and KAC as agents with a political agenda, they

7 Gautam Adhikari, "Rethinking Foreign Policy: Change Needed for Indian Sake", Times of India, 2 September 1991, p.8.

are likely to pay more attention to allegations made by Amnesty International. If it is not countered, this issue may well "turn into a long-term problem for the Indian government given the new focus on the rights of small nations and minorities in the eyes of the world".⁸)

Simultaneously, another group released copies of a letter on 15th November 1991, sent to the secretary of state, James Baker asking him to encourage the United Nations secretary-general to immediately designate a personal representative to report on the situation or convene a Security Council Meeting on this issue.

(These groups in their bid to step-up anti-India campaign are also sending letters to the ambassadors of various countries in the UN making wild allegations and asking them to pressurize India to respect human rights of the Kashmir people and allow them to have their self-determination. These groups have been, in fact, carrying out this propaganda blitzkrieg and ad-war against India on this human rights front sullyng the image of India abroad.)

8 Seema Sirohi, "Militants Campaign against India in the US", The Telegraph, (New Delhi), 16 May 1991.

The KAC is a high-power lobbying firm and has a budget of \$500,000 for a six-month period. This firm is headed by acting Republican National Committee Chairman Charles Black, and wields considerable influence with US legislators and the media.

Last year it pushed a resolution through a Senate Foreign Relations Committee that was critical of New Delhi's policy on Kashmir. This resolution urged all parties to the Kashmir issue to enter into negotiations to guarantee the protection of human rights and to ensure the ethnic integrity of its people.

And no wonder, senior Senator Howard M. Metzenbaum (Democrat) deplored the human rights violation in Kashmir and called for direct negotiations among India, Pakistan and Kashmir.

This resolution introduced at the behest of this firm urged the Bush administration to provide humanitarian assistance to the civilians of Kashmir during the ongoing crisis and also urged Washington to encourage other governments to assist in relief efforts.

Ghulam Nabi Fai, KAC's executive director, said that "the resolution was a result of a concerted effort by it and its

lobbying firm"⁹. And less than two weeks before the Senator introduced his resolution, the lobbying firm successfully managed to get published an editorial page article on Kashmir in a respected Cleveland newspaper castigating the Indian government for human rights abuses and urging the Bush administration to break its silence on the 'atrocities' in Kashmir with the warning that "longer the status quo of death and brutality continues the stronger the militants will become as people lose hope for a peaceful settlement".¹⁰

An aide to the Senator while, acknowledging the lobbying effort by the KAC and its public relations firm said that they also looked at what the human rights groups like Asiawatch and Amnesty International had said in their reports and also they were also provided with very critical reports of New Delhi's action in Kashmir by Indian human rights groups, which were submitted to the UN.

Thus, it is found that constant anti-India propaganda is being intensified in the US and the UK by these firms with

9 Hindustan Times (New Delhi), 29 April 1991.

10 Ibid.

active assistance from Pakistan. And the annual reports of Amnesty International and Asiawatch reports prepared by Patricia Gossman come as grists to their mill. These reports based on newspaper clippings and unverified direct complaints suggest that the political killings, torture, and murder of government opponents is routine in India. It also gives the information that the country backs in any legal or judiciary system.

And to cap it all, Dan Burton, the Republican Senator from Indiana sponsored an amendment in the congress last year seeking termination of development assistance to India in view of its policy on visits by human rights groups. However, the US administration promptly expressed its opposition to this bill. In 1990 also, the administration had also opposed a similar bill moved by Burton.

Dan Burton introduced these amendments saying "there could be little progress until all groups inside regained the basic freedom that people all over the world were striving for. This goal might be impossible as long as India continued to bar human rights organizations at its borders".¹¹

11 Indian Express (New Delhi), 3 February 1991.

Another Republican congressman Wally Herger had once almost succeeded in getting a similiar legislation through the house, and only a determined effort by congressman, Stephen Solarz, who often defends India against assaults by his colleagues, retrieved the situation. On that occasion Indian embassy was caught napping and the persistent one-man anti-India lobbying on Capitol Hill by G.S. Aulakh, president of the so-called 'council of Khalistan', almost succeeded in the bid to get New Delhi penalised for alleged abuse in the Punjab and Jammu & Kashmir. The Indian embassy, however, criticised Dan Burton for calling into question India's human rights record. It called, "it is based on a wrong premise and a gross misreading of facts".¹²

However, "the US House of Representatives passed an anti-India amendment on 26th June, 1992, sponsored by ... Burton, by 210 votes to 200".¹³ The amendment would reduce development aid for all countries by \$24 million, with ... Burton declaring that he has done this to voice his criticism of the human rights situation in India. Although he did not specify India, "he hoped

12 The Statesman (New Delhi), 22 February 1991.

13 Times of India, 27 June 1992.

that the administration would see his intent and act accordingly".¹⁴

The Indian press were virtually up in arms against Burton for introducing an anti-India in 1990. "If US congressman Burton's resolution to deny development aid unless it permits Amnesty International to monitor alleged human rights violation in India, it only proves that all practising democracies have a nuisance fring. Burton's move in no more than a nuisance. It is at a certain level a clumsy attempt to bluff the upholders of the cause he is supposedly championing-that of Khalistan".¹⁵

Even a booklet published by the committee for the defence of human rights in India (CODHRI) detailing alleged human rights violations in India has "further compounded the adverse publicity India receives in Washington".¹⁶

Though there are some anti-India elements galore in the congress, there are also some India-friends aplenty in the congress too, such as Stephen Solarz, Matthew F. Mchugh, Bill

14 Ibid.

15 Hindustan Times (New Delhi), 16 May 1990.

16 The Newstime (Hyderabad), 18 March 1991.

Mccollum and Jim Bacchus. These four congressmen urged their colleagues to reject the Burton amendment a day before the ultimate passing of this Bill. In a letter the four congressmen argued that "it makes little sense to try to send a signal to New Delhi by cutting back of AID's prevention, child health programmes and other essential development projects in Africa, Latin America, and Asia".¹⁷

How this Bill was fought lock, stock and barrel, though unsuccessfully, these congressmen have been more considerate and reasonable of India's ground realities than the India-baiters like Burton. They pointed out saying "even if this amendment was an appropriate vehicle through which to express displeasure at India, it would fly in the face of efforts to build a more cordial relationship between India and US, and the amendment is strongly opposed by the Bush administration".¹⁸

This letter also added saying "although our development assistance to India is only about \$24 million, which represented

17 Times of India, 26 June 1992.

18 Ibid.

a tiny fraction of US development resources, it has an important impact on development in India, which has more of the world's poor than any country on earth".¹⁹

They said, "we are not aware of any case in which the congress has enacted legislation to reduce or eliminate development aid to a country that is a constitutional democracy".²⁰ These congressmen have understood the importance and significance of India's democratic and constitutional means of remedying the human rights abuses. In their considered view, this amendment has become partisan and deliberately ignored the constitutional and other democratic methods and resources available in India to improve its human rights situation. In their opinion, the proposed amendment fails to recognise that India is a functional democracy with legal safeguards, an independent judiciary, a vigorous press and active local human rights community which monitors conditions and publishes reports.

According to them, "this amendment is also one-sided as it fails to address systematic abuses of human rights by terrorists operating in several parts of India. Such terrorists have been

19 Ibid.

20 Ibid.

responsible for the killings and kidnapping of thousands of persons in recent years as well as the destruction of property, and other abuses. This is not to argue that human rights issues in India and elsewhere are not the appropriate concern of the congress. We believe, however, that this measure is a counter-productive way to express US concerns."²¹

Congressman have also strongly and unequivocally flayed this amendment saying this amendment ignores recent significant improvements in Indo-US relations and threatens to cast a chill over the bilateral dialogue that could threaten progress in a number of important areas.

Also they stated that the two countries have also worked in concert in the UN Security Council as reflected in a state-department report that "the two countries had a Security Council voting coincidence of 100 per cent in 1991".²²

They were very forthright in saying this ill considered and partisan amendment will throw a spanner into the wheels of recently improved Indo-US relations and also will fail to achieve

21 Ibid.

22 Ibid.

the desired result. According to this letter, which says that "without any discernible benefits, the Burton amendment would introduce serious tensions into this developing relationship and threaten continued progress on these issues, not to mention into commitment to an already under funded, humanitarian programme that deserves strong bipartisan support".²³

India's time-tested friend, Solarz and other congressmen have also maintained that India should not be clubbed with other countries in this amendment as it is busy liberalising and integrating its economy with world market and also the fact is that the US is the No.1 investor of India.

They also said that Burton and others neglected to focus on the atrocities of the militants and the support Pakistan is providing them. In an eloquent though unsuccessful effort to his colleagues not to vote with the India-hater Burton, Solarz maintained that the amendment would send wrong signals to India at a time when India and the US are becoming closer than before. But nevertheless, Solarz has been urging the Indian government to permit a team of the Amnesty International to visit Punjab

and Kashmir as "it would help India tell the world that it has nothing to hide".²⁴

However, the passing of this Burton amendment bill has not begun sending tremors among Indian diplomats and leadership. Reacting to this Bill, an Indian spokesman said that "it is our understanding that this amendment does not in any affect US assistance to this country".²⁵

Though this bill seeks to impose a cut of \$24 million for developed assistance programmes without naming any country but coincidentally this is the precise amount of aid US sign to India.

The Indian official spokesperson also noted that during the debate on the amending legislation, the chairman of the foreign operations sub-committee, David Obey, has clarified that the Burton amendment will not have any impact on US assistance to India. In fact, this measure would result in an across-the board reduction of \$24 million in the development assistance allocation available to all the recipient countries including India.

24 Ibid.

25 Times of India, 27 June 1992.

The official spokesman also stated that "India is fully aware that Burton has used this occasion to engage in some India-bashing as the congressman's sources of information are well-known".²⁶

How in the US, the Pakistan lobbyists have commissioned a professional firm for a million-dollar campaign on human rights violations in Kashmir and the right of self-determination for the Kashmir, has been vindicated by Kanaiya Lal Kaul's, executive secretary of the Indo-American Kashmir Forum and President of the Kashmir Overseas Association, and Hiralal Fotedar's, President of the Indo-American Kashmir Forum, statements during their official visit to Kashmir last year on 15th November to assess the conditions of the Kashmiri refugees and to document facts to be presented to the world community.

They were shocked to find out the miserable inhuman conditions the Kashmiri refugees are subjected to by the terrorists. They have become refugees of their own country. According to them, "the terrorists killed 1,000 pandits. The rest were forced to

26 *ibid.*

leave their homeland. Their houses are being systematically burnt down. The Kashmiri Hindu's rights have been flatantly violated. A community which produced people like Nehru has had to pay for its excellence".²⁷

They also said, the Pakistan-based organisations in the US and Britain are trying to project alleged human rights violations by Indian in Kashmir deliberately ignoring other human rights abuses by these terrorist organisations. And not surprisingly, congressmen like Burton gives in to their fales and baseless propaganda and indulges in India-bashing time and again.

From the above analysis, one finds that, the congressmen are divided with two major spectrum of views emanating from them regarding the human rights situation in India's Jammu & Kashmir and Punjab. Dan Burton is leading the pack of anti-India elements within congress to step us their campaign against India on this issue, which is primarily influenced by the Pakistani propaganda machine operating there in US. At the same time,

27 Times of India, 15 November 1991.

congressmen like Solarz is spearheading a campaign against these Burton-cohorts, and supporting and understanding the human rights problems in India. Solarz and his colleagues have prevailed upon the Bush administration to appreciate India's democratic-mechanisms available to redress and improve human rights. At the same time, they have made the Bush administration understand that India's human rights abuses are taking place due to the separatist and divisive forces operating in the troubled states actively aided and abetted by Pakistan. Even they have driven the point home saying that in India the terrorists are the main perpetrators of the violations of human rights of the civilians. And as a result, they urge the administration to take a objective assessment of India's human rights abuses and not to slap any aid-cut on India.

The congressmen are divided over this issue. And the most heartening feature in the 1990's is that many congressmen barring Burton and his combine have realised the ground realities present in Punjab and Kashmir, and the accompanied human rights abuses arising out there. This was clearly vindicated when on 26th June 1992, the Burton-Bill was passed in the congress seeking

aid-cut to India voicing criticism of the human rights situation in India. This bill was passed by 210 votes to 200 in the congress. So, this was a narrow win for Burton-group. More so, the congressmen decided to approve this bill as India's name in particular was not mentioned in it. In fact, Burton lost out in the rules committee to cut the proposed \$24 million development aid to India, since he had specified India's name there. And then, he moved another amendment cutting \$24 million without mentioning India and this Bill would have general application.

So, of late, more and more congressmen are appreciating India's human rights problems and hence, it would not be true to say that congress is putting up an united front condemning India for its human rights abuses. However, those congressmen are in fact, being influenced by the powerful anti-India lobby-firms functioning there in US. Hence, a positive factor on this issue to be underlined here is that in the post-1990 era, the congress has become considerable enough understanding India's complex human rights problems and not accepting the biased materials and feedbacks provided by anti-India elements as

gospel-truths without proper verification. And also those congressmen who are making all the hullabaloo in the congress regarding India's human rights problems, have their own problems and compulsions as they have got some influential sections of anti-India elements present in their respective constituencies. And obviously this campaign against India reaches its feverish pitch and they make lots of hue and cry generating more heat than light, during election times. And this trend is also true in British elections, when some labour party leaders like Gerald Kaufman, the shadow foreign secretary, makes noises breathing fire and brimstone against India on its human rights fronts to please some sections of his constituency. And after the election, this anti-India campaign cools off and fizzles out.

However, such congressional studies and congressional research service reports do not have any legislative value through they draw attention to problems which the sponsors of the studies feel requires congressional notice. Moreover, "one such congressional study in its conclusion titled 'options for US policy' has acknowledged that the US administration's policy towards India has been and would be guided by a variety

of other considerations".²⁸

However, one finds a veneer of truth in saying that in the 1990's the US administration's policy towards India has been influenced by a number of other issues. With the major shifts taking place in the US foreign policy towards India on Kashmir and Punjab.

This perceptible change of policy of the US administration towards India could be noticed when the administration rejected the "Burton-Bill" seeking termination of development assistance to India in view of its policy denying access to human rights groups and human rights abuses in 1990 and 1991 consecutively. The administration's stand was articulated and conveyed by the assistant secretary of state, Janet Mullins to Solarz, chairman of the House Sub-committee on Asia and Pacific affairs, and also a good friend of India.

After learning from his failures of not being able to slap India by terminating development-assistance to India for its

28 Gautam Adhikari, "US Congressional Study: Rights Abuse in India", Times of India, 11 August 1992, p.1.

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human rights records after naming specifically in 1990, 1991 and this year too, . . . Burton moved another amendment for this purpose without mentioning India specifically. In the last two years, the Bush administration had rejected such type of amendments since it had mentioned India in particular. But this year, since the proposed amendment has not named India in particular, the administration may not reject it outrightly. As it is already mentioned, this Bill would not affect the US development aid to India.

Although a ping-pong battle has been going on between the US congress and administration on this human rights front with the congress becoming more vocal and assertive in pointing out the human rights abuses in India, the state Department has become more understanding of India's human rights problems than some congressmen and Senators are. The Department of State has been giving clean-chits to India in its annual country reports on human rights issues except making some reservations about the overall law and order problems taking place in Kashmir and Punjab.

For example, in its country reports on human rights practices for 1990, the State Department has acknowledged that



"India, the world's largest democracy, is a secular republic with a multiparty political structure based on Indian political traditions and aspects of the British parliamentary system, free elections are held regularly at national and state levels.

India is a functioning democracy with strong and legally sanctioned safeguards for individuals, a vigorous free press, an independent judiciary, and active civil liberties organizations. Nonetheless, significant areas of human rights abuse remain, many of them generated by severe social tensions related to violent ethnic, caste, communal, and secessionist politics and the authorities, reactions there to. The severity of abuses varies from state to state. In 1990, problem areas included: security force excesses against civilians, particularly in Kashmir during operations against militants, separatist terrorism in Punjab including political murder and kidnapping, as well as extra-judicial actions (harassment and beatings) by the police, incommunicado detention for prolonged periods without charge under national security legislation, political killing on an increasingly wide scale, torture and deaths of suspects in police custody, inadequate although increased prosecution of police and security forces implicated in abuse of detainees, including custodial rape,

uneven implementation of laws affecting women's rights, infrequent prosecution of 'dowry deaths' (wife murder), the widespread exploitation of indentured, bonded, and child labour and widespread inter caste and communal violence".²⁹

Turning to Punjab, this country report says that despite government efforts to bring a political solution to the intractable problems of ethnic strife, violent activity by militants demanding a separate Sikh state and the lawlessness, the number of deaths escalated to 4,987 for the year 1990. This report also notes that "various Sikh organizations are continuing to complain about the government's failure to prosecute those responsible for the deaths of over 3,000 Sikhs after Indira Gandhi's assassination in 1984".³⁰

On Kashmir, it says that in 1990, the human rights situation deteriorated markedly in the disputed territory of Jammu and Kashmir, India's only Muslim-majority state. It says that "the Jammu and Kashmir Disturbed Areas Act, which was adopted on July 5, 1990,

29 US Department of State, Country Reports on Human Rights Practices for 1990, (Washington, D.C., 1991), pp.1425-1426.

30 Ibid., p.1426.

significantly strengthened the hand of the security forces in using force against persons suspected of terrorist activities. A compilation of press statistics of deaths in Kashmir from January to the end of December showed, 2,293 killed, including 1,214 civilians, 890 militants and 189 security force members. Security forces in some instances used excessive force in confronting mass demonstrations and in retaliating against armed militants".³¹

It is found that, the state Department in its 1990 report has rapped the Indian government for human rights abuses in the Kashmir and Punjab by the paramilitary forces. It has said the paramilitary forces "armed to the hilt by extraordinary powers go on abusing the rights of the people in the India's border states".³² The State Department has put India on the dock blaming it for not repealing these extraordinary acts which "go against the basic freedoms and human rights of the people in the Punjab and Kashmir".³³

The State Department in its country reports for 1991, has praised the Indian government "for following strict law and

31 Ibid., p.1433.

32 Hindustan Times (New Delhi), 3 February 1991.

33 The Statesman (New Delhi), 3 February 1991.

order policies to control growing political and terrorist violence, though there has been no reduction in the scale of killings".³⁴

It says that the militants in Punjab and Kashmir continue to carry out politically-motivated killings, targetting government and police officials and their families, members of the press, and members of rival factions. This report said that "some killings could be attributed to excesses by individual security force members in encounters with terrorists, while in some cases government security forces have killed civilians in apparent relations for terrorist attacks".³⁵

This report has also noted 23 candidates in Punjab were killed by militants during the spring election campaign last year. At the end, this report speaks that "both para-military and police forces have been responsible for significant human rights abuses in Punjab and Kashmir".³⁶

This assessment of the Department of State has been a pat on the back of the Indian government, for implementing the

34 US Department of State, Country Reports on Human Rights: Practices for 1991 (Washington, D.C., 1992), pp.1388-1389.

35 Ibid.

36 Ibid.

rule of law strictly and administering justice reasonably".³⁷

If one critically examines these country reports, one would find a common pattern of allegations made by the US administration against India on human rights situation that the broad powers granted to security forces under various security legislations and a lack of accountability have led to widespread abuse of human rights in India, particularly in the volatile states of Punjab and Kashmir. It is alleged that the broad powers under the cloak of several legislations like National Security Act (NSA), Armed Forces (special powers) Acts, J&K Disturbed Areas Acts, Terrorist and Disruptive (preventive) Act (TADA) have been sole factors in the violations of human rights in India.

The US administration also urges the Indian government to permit the Amnesty International and other human rights groups to visit Punjab and Kashmir to study the human rights situation there. The Bush administration feels that since India has nothing to hide in these states, the human rights groups should be allowed

37 Hindustan Times (New Delhi), 7 February 1992.

to assess the alleged violations of human rights. However, the Indian government has resisted the pressure of the US on this front and convinced it saying it is not possible to give adequate security cover to these groups, given the complex situation existing there. But the US administration is not convinced by this explanation given by India. But nevertheless the US administration is not pressurising India to allow the visit of these groups, rather it is just prevailing over the Indian government on this issue.

The Bush administration even complimented the then V.P. Singh government for indicating to allow the Amnesty International team to visit Kashmir and Punjab. "It is a demand the US had long been pressing on India".³⁸

In fact, on June 28, 1990, the then V.P. Government moved to counter international disapproval by permitting Amnesty International human rights observation into Kashmir. It could be recalled that "Amnesty had been banned from Kashmir during the six-month Kashmir uprising." Reports of rights abuses

38 Hindustan Times (New Delhi), 29 June 1990.

by the Indian army in the region has been widespread, the Amnesty has alleged".³⁹

[However, the US administration has not taken any adverse action against India on the basis of these reports. And also, it has not contemplated of cutting aid-assistance to India on the basis of these annual assessment undertaken by the State Department. But this year the Burton-Bill has been passed in the House of Representatives, the lower house of the Congress, which seeks over-the-board cuts of \$24 million development assistance to India. However, the US administration has not reacted to this amendment so far and if the Indian government prevails over the Bush administration, it could either be vetoed or revoked.]

It should be borne in mind that the US employs a variety of means at its disposal to respond to human rights violations. This annual country reports is the among the various means, which is submitted to the congress by the department of state in compliance with Sections 116 (d) (1), and 502 B (b) of the Foreign Assistance Act of 1961, as amended. These legislation requires

39 Facts on File, vol.50, no.2591, (New York),
20 July 1990.

human rights reports on all countries that receive aid from the US. Preparations of these annual reports constitutes an important element of the US foreign policy. The process with its continuous and well-publicized attention to human rights, has contributed to the strengthening of an international human rights agenda. How these reports have heightened awareness in the world on human rights issues is amply stated by Richard Shifter, assistance secretary of state for Human Rights and Humanitarian Affairs, who says that, "many countries that are strong supporters of human rights are taking steps of their own to engage in human rights reporting and have established offices specifically responsible for international human rights policy. Even among countries without strong human rights records, sensitivity to these reports increasingly takes the form of constructive response, or at least a willingness to engage in a discussion of human rights policy. In calling upon the Department of State to prepare these reports, congress has created a useful instrument for advancing the cause of human rights".⁴⁰

In addition to this, the US administration also engages in traditional diplomacy, particularly with friendly governments.

40 US Department of State, Country Reports on Human Rights Practices for 1990, (Washington, D.C., 1991), p.5.

Where frank diplomatic exchanges are possible and productive where there is limited opportunities for the US to exert significant influence through bilateral relations, it resorts to public statement conveying its concerns and calling attention to countries where respect for human rights is lacking. In a number of cases so far, the US administration has been employing a mixture of both traditional diplomacy and public affirmation of American interest in the issue.

And also, the US employs a variety of means to encourage greater respect for human rights over the long term. Since 1983, the National Endowment for democracy has been carrying out programmes designed to promote democratic practices abroad involving the two major limited states political parties, labour unions, business groups and many private institutions,

After discussing these above said thing, it would be worthwhile to analyse the sources of information the State Department collects and collates while preparing these reports. It collects informations from their various embassies abroad, from the published reports of international non-governmental organisations like AI and Asia watch etc., and from public actions and official

human rights bodies of inter-governmental organisations.

By releasing these reports, the Department of state believes that ^{it} increased awareness of human rights conditions around the world.

Although, this human rights is a fundamental factor in the American foreign policy, nevertheless, it is balanced with fundamental interests. This takes into account the country's history, culture, current political environment and the US interest in that particular country.

(Since India is friendly with US, the US administration is dealing this issue with India through frank diplomatic exchanges. And hence, it has not voiced its reported criticisms against India on this issue, and taken any official stand so far. While showing respect to the observance of human rights, it is balancing its other fundamental interests lies in India.)

(Thus, it is found that in the 1990's the US administration has been taking a very different stance contrary to that of the congress. It has understood the magnitude of the human rights problems in India. Although, it has been exonerating India on this issue, at the same time though Mild criticisms of the

handling of the situations in Punjab and Kashmir, it has sent the message home keeping India on its toe. It has been following the carrot and stick principle on this human rights front. While the Bush administration is exhorting its congress men to be critical of India's human rights policy time and again, at the same time through diplomatic exchange and other official pronouncements, it is praising India for its effective handling of law and order problems in Punjab and Kashmir.

But the Human Rights watch, an organisation that monitors human rights abuses around the world, has criticised the Bush administration in its comprehensive annual report for not making human rights an important enough factor in foreign policy decisions. The group said, that the administration put political interests above human rights and "misused the State Department's Bureau of Human Rights to defend nations with poor rights record. The administration advanced the human rights cause, only when it is cost-free".⁴¹⁾

41 Facts on File, vol.51, no.2666,
(New York), 31 December 1991, p.980.

Recently, a former US ambassador to India, Harry Barnes visited India on a low-profile scouting mission for Asiawatch. His pursuit was to put things in proper perspective and "it was not a straight jacket case of building pressure on India on its human rights record".⁴²

Though the variety of other considerations guiding the US human rights policy in India in the 1990's have been given passing coverage, but nevertheless it needs further delineation and comprehension to make it more analytical and empirical. These factors^{and} considerations are as follows:

Firstly, the US administration perceives India as a democratic state with liberal and secular traditions. In India, it sees the full play of all democratic institutions with a pluralist policy. And it thinks, no US national interest would be served by supporting separatist movement in India. Any American support for secessionists could lead to the balkanisation of India. And certainly, it would open the floodgates of instability, chaos and confusion in South Asia. Hence, the resulting

42 The Telegraph (Calcutta), 3 January 1992.

instability would be precisely of a kind that the US has long sought to avoid or contain.

For these reasons, US administration has supported the territorial integrity of India as well as other South-Asian countries. And also, it has left the territorial disputes, such as the Kashmir question to the parties themselves to find out any amicable solution to it. Significantly, on Kashmir, the US continues to support the idea of India and Pakistan resolving the problem within the framework of the Shimla Agreement of 1972. In a major shift of policy, the US administration no longer insists on India and Pakistan solving the vexed problem of Kashmir in accordance with the obsolete and irrelevant UN Resolutions. This is a turning point in the attitude of US on Kashmir. Although it treats Kashmir as a "disputed territory", nevertheless, it has found the UN Resolutions concerning Kashmir as redundant and anachronistic as it would not pave the way for a mutual amicable solution. This was further reiterated by the US ambassador to Pakistan, who said that "the US treats Kashmir as a disputed territory and wants the issue to be resolved through a dialogue between India and Pakistan based on the Shimla accord".⁴³

43 V.K. Dethé, "Kashmir Issue: US for Solution under Shimla Agreement", Times of India, 26 February 1992, p.1.

Even this attitude of the US administration was categorically and unambiguously sounded out to the Pakistan's minister of state for foreign affairs Mr. Mohammad Siddique Kanju, by the State Department, when he visited US recently. The State Department in a read-out on the meeting between secretary of state, James Baker and Pakistani minister, said the "two reaffirmed the importance of India and Pakistan resolving their problems including Kashmir, in accordance with the Shimla accord".⁴⁴

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Even the US administration has supported India's views that the terrorists operating in Kashmir and Punjab, actively aided and abetted by the Pakistani agencies, are the Primary and principal violators of human rights of the innocent civilians in these states. The US administration has endorsed this view of India. Since Reagan period, the US administration has been treating the international terrorism as the biggest violator of human rights all over the world. Therefore, the US administration asked time and again to Pakistan not to be tempted to provide aid and sustenance to militants for disruptive activities in Punjab and Kashmir. "This was conveyed by the US under secretary of state for

44 Times of India, 26 June 1992.

international security affairs, Bartholomew to the then external affairs minister, . . . Madhav Sinha Solanki and foreign secretary, . . . Muchkund Dubey during discussion last year".⁴⁵

In recent years, Washington has fully appreciated that abettment of terrorism would lead to heightening of tension and have a major impact on the security of the region. Even the US administration has warned the Pakistani authorities not to stoke terrorism in Punjab and Kashmir. Last year, the deputy assistant secretary of state, Teresita C Schaffer reiterated US concern over reported Pakistani government support for terrorism. She said this thing at a special press conference for Indian and Pakistani correspondents in Washington. She categorically stated, "reports of support for Kashmir militants continue, we would find any such activity dangerous and destabilising."⁴⁶

Administration officials amplified that warning in response to a question who asked, "reports of Pakistani aid to Kashmir and Punjab extremists are continuing. Have you been in touch with the Pakistan government about this? Have you written to them to stop this".⁴⁷

45 Times of India, 24 November 1991.

46 Times of India, 3 July 1991.

47 Ibid.

The officials clarified that this is something that they have discussed with the Pakistanis before and that if this kind of things were happening, it is something they would consider to be very dangerous and destabilising.

Secondly, US leverage over India, how ever remains limited. And given India's prickly nationalism, it is arguable how much American criticism would influence the Indian government's policies. It thinks, too much US pressure might simply poison relations and cause the Indian government to adopt a stubborn determination to deal with these matters in its own way. It does not want to disturb the apple cart of the relations between India and US. However, on the otherhand, it believes since the Indians do pride themselves on their democratic process, simply highlighting of the human rights abuses might do the magic in bringing about positive results.

Thirdly, the US administration feels that it could use its influence in multilateral financing agencies like the World Bank and IMF to pressure India on observing basic human rights. It thinks, this approach might work if other donors to India such as Japan and the European countries could also be persuaded

to put pressure on India on human rights. But this is unlikely to happen. Japan and other European countries are concerned about the human rights situations in India, but they refuse to link aid to India with observance of human rights. Japan would continue to be wary of any direct conditioning of aid to human rights performance in India.

Fourthly, the US administration believes that India's response to the international concerns over its human rights performance would depend mainly on domestic political development and calculations of political self-interest on the part of India's leaders.

Fifthly, the US administration would continue to desire to reward India for adopting more friendly foreign policy stances rather than confront New Delhi over its human rights record. In recent years, there is a spurt of a new mood conducive to more friendly relations and greater understanding of the nation's economic and other problems including human rights has been clearly emerging in the US. Though, there is no basic points of misunderstanding between India and US, still there are certain issues on which Washington would like New Delhi to review its stand, like the change of human rights violations in Kashmir. The US administration feels that India should allow Amnesty International team to visit the border states since it has nothing to hide.

In the post-1990 era, the US policy has tilted infavour of India and the gradual policy of the US is tilting away from Pakistan. There is changing climate in Indo-US relations, as are increasing militant to military contacts between the two countries. In the wake of Rajiv Gandhi's assassination, the US has also made it clear its support for India's integrity and stability. In the words of Abid Hussain, India's ambassador to Washington, "the Bush administration has indeed unfolded a policy of growing friendship with India. Even in the critical hours of the Gulf war, they did not give up the practice of seeking aid and assistance from India for they knew that India most often represented the voice of conscience. It does not treat India as belonging to the hostile camp".⁴⁸

Under the kickleighter proposals, the US wants to build up defence ties with India on a greater scale. This suits USA, which, on its parts views India as one of six regional powers centres of the world at the end of this decade. Notwithstanding the skirmishes and misunderstanding taking place on nuclear issues between India and US.

48 K.T.R. Menon, "A new mood favouring India in US", Times of India, 18 August 1991, p.1.

(Last but never the least, the US public opinion is averse to taking any actions against India on this human rights issue. They have instilled great hope on the democratic and institutional policies of India with a free and fair press independent judiciary to remedy the alleged human rights violations. They have also fully realised the fact that the terrorists actively supported by Pakistan have been responsible in the major violations of human rights in India. So, also, the US media is taking very little interest on the allied human rights violation in India. Though, it is one of the major issues of Indo-US relations in the 1990's the US media does not consider it as a big issue, rather it is underplaying this issue in sharp contrast to the wide coverage given by the Indian press in recent times on this issue. Now at present, it is preoccupied with the vexed nuclear issue between India and US, the solution of which it seems, is eluding both of them.

Moreover, the US media has understood the terrorist problems India is facing in the trouble-torn states of Punjab and Kashmir. It treats International terrorism as the biggest perpetrator of human rights of innocent civilians in India. However, if the US

media gives too much importance to this/ⁱⁿfuture, certainly India's standing and credibility in the Capitol Hill would be diminished if not damaged.

Now after discussing and amplifying the human rights issue in Indo-US relations in the nineties, one would certainly arrive at the conclusion that some anti-Indian congressmen like Burton, Gus Vatron, and Dante Fascell etc., are interested to take India into task on his human rights record and cut development assistance and ban unless India improves its human rights record. There are also some congressmen like Solarz, who have appreciated India's growing terrorist menace in the border states vis-a-vis human rights. So the congress is divided over this issue, notwithstanding the passage of the Burton-amendment in recent month.

On the otherside of the spectrum is that, the US administration has been taking a different stand contrary to the congress on the human rights issue in India in the nineties. The US administration has fully realised and appreciated India's stand on this very issue except asking India to review some of its policies concerning human rights. At present it is preoccupied with the nuclear issue

and India's signing of nuclear non-proliferation treaty (NPT).

However, at the same time, the US administration is not allowing India to have a cakewalk on this human rights front, with some congressmen prompted by the State Department are raising the ante of human rights violations in India at periodic interludes. Though, the US administration does not intend punishing India on this issue, but nevertheless, it wants to rap the Indian government on this issue to bring India closer to the US, since, the US is interested for a mutual and strong relations with India. The US administration, as it appears, have an open mind on it and keeping its option open on this issue. It does not want to put all its eggs in the human rights basket so far as the Indo-US relations is concerned. However, the US would feel uncomfortable without the human rights and nuclear issues so far as the Indo-American ties is concerned.

The US administration has acquiesced if not agreed that India is a signatory to the International Bill of Human Rights. The Indian constitution "safeguards that incorporate the essentials of important international instruments relating to

human rights".⁴⁹

Even India's record on human rights has come in for praise by several experts like A. N. Mavrommatis, from Cyprus, one of the members of the UN Panel on Human Rights. He appreciated that "India has been able to maintain them despite a difficult situation in the country".⁵⁰ The American government has appreciated ^{that India} /inherited its commitment to human rights from its freedom struggle. "These have been enumerated and enshrined in 46 Articles concerning fundamental human and civil rights in the Indian constitution".⁵¹

However, these developments have taken place at a time when human rights have become a pretext for foreign intervention in the domestic affairs of less powerful nations. During the cold war, human rights were used to coerce adversaries. But now that cold war has ended, nations which do not fall in line to submit to the new regional arrangements in the context of what is described as

49 Mani Shankar Aiyar, "Human Rights in India", National Herald (New Delhi), 3 December 1991.

50 Financial Express (New Delhi), 23 March 1991.

51 The Patriot (New Delhi), 21 February 1992.

the new world order, have become the targets. It continues to be the stick with which to beat the newly freed countries because some of these do not want to accept great power hegemony.

Fortunately, India has a credit worthy record on human rights. This has been universally recognized. But lately, this country too has come under attack and all kinds of international agencies have begun accusing it of violation of human rights in Punjab and Kashmir. But, the US administration has refused to heed to these volley of accusations since it has understood the ground realities better than any other human rights organisations.

And hence, against these backdrops, the human rights issue in Indo-US relations in the 1990's should be grasped and examined. The Bush administration has used this human rights issue as one of the slightly embarrassing tactics, though not harassing tactics against India. Through this, it wants to send the signal to India and expects New Delhi to decipher the right and clearly expressed meaning, that is for intensifying ties with the US. A scholar has rightly said that "the US has a few obsessions, not

always easy to appreciate. Non-proliferation is one ,human rights is another. It has harassed India for the former and leaned lightly on India for the later⁵². This reflects the exact thematic thrust of the US approach on human rights issue in Indo-US relations in the 1990's to keep India guessing.

52. Times of India (New Delhi), 26 May 1992.

CHAPTER IV

CONCLUSION : IMPACT

"My people have no food, no medicine, and we are being killed.....what do human rights mean? What does the United Nations mean? Why don't they do something?"

(Dith Pran, refugee from Kampuchea, quoted in the New York Times, 12 October 1979)

Human rights, as both rhetoric and reality, has become so fashionable in recent years that a casual observer may sometimes assume that it was an invention of the Carter administration. However, looking at this from the perspective of political traditions and cultures reminds us that questions of human rights have engaged thoughtful participants in many societies, in many parts of the world, for many centuries. This focus also suggests that the attitudes and values of nations are as much conditioned by history as by modern political theory or ideology. India, with its rich heritage of an enduring civilisation, is one of the more significant examples of how current political issues, including human rights are inseparable from cultural themes and continuities.

Human rights is very much rooted in the Indian culture and tradition since ages. Indian political, social, philosophical and spiritual leaders like Subas Chandra Bose, Mahatma Gandhi, Sarojini Naidu, Vijaya Lakshmi Pandit, Indira Gandhi, Ram Mohan-Roy, Swami Dayananda Saraswati, Swami Vivekananda, Aurobindo, Jawaharlal Nehru, and Rabindra Nath Tagore have had advocated and championed the cause of human rights during their respective periods. However, their concept of human rights may not contain

the Western-style elements, but nevertheless, it enriched the Indian political tradition and ushered in awareness among the people and leaders.

A plethora of human rights reforms have been introduced into modern India since 1947. The constitution of 1950 guarantees equality before law, the untouchability (offences) Act of 1955 makes caste discrimination a criminal offense, the special marriage Act of 1954 and the Hindu Marriage and Divorce Act of 1955 make divorce easier and enforces monogamy. The Hindu Succession Act of 1956 gave women equal inheritance and other rights. Similar legislation in recent years has advanced the secularization of civil law and the rights of women, and introduced penalties for social discrimination. Electoral laws and regular national elections have made political rights a reality.

While in England, human rights are protected only by the ordinary law, in India, they have been made an integral part of the Indian constitution. The preamble to the constitution sets out the resolution of the people to constitute India into a sovereign, socialist, secular, democratic republic and to secure to its citizens justice, liberty, equality and fraternity. The preamble assumes the dignity of the individual as also the

unity and integrity of the nation. The constitution expressly ordains that the state shall not make any law which takes away or abridges the fundamental rights conferred in part-III of the constitution which are enforceable by courts. There is also Directive Principles of State Policy (DPSP) which confers economic, and social rights on the people and regards it as fundamental in the governance of the country.

The Indian Parliament and state legislatures have attempted to secure the enjoyment of human rights by enacting various laws in accordance with the provisions of the constitution. For the enforcement of fundamental rights only the constitution provides for appropriate proceedings under Article 32, 226 and 227. The constitution makes the right to move the Supreme Court for the enforcement of rights which in itself is a fundamental right guaranteed by the constitution. The decisions of the Supreme Court not only binds the parties but the law declared by it is binding on all courts in India and all the organs of the government, according to Article 141 of the constitution.

Moreover, India has acceded to the UN covenants on 10th April 1979 without any reservation in respect of Article 4 of the

political covenant. "India has not yet been persuaded to ratify optional protocol which would have enabled citizens to complain individually to UN Human Rights Committee. Nor has India withdrawn reservation regarding Article 9 of the political covenant".¹

And no wonder, all these political rights and civil liberties conferred by the constitution of India on its people have been vividly portrayed by a survey undertaken in 1990 by the Freedom House, an independent non-profit organization based in New York, that monitors political rights and civil liberties around the world. The Freedom House Survey Team Coordinated by R. Bruce Mccolm has treated India as a 'free country' clubbing it with the US, UK and other European countries. In its opinion, Indians have the democratic means to change their system of government. "Although political killings are not sanctioned by the government, sectarian and separatist unrest has resulted in massacres, murders, kidnapping and torture. A National Security Act permits detention of security risks. The judiciary is

1 Sudhansu Kumar Dasgupta, "Implementation of Human Rights in Europe and India", in, Proceedings of the Seminar on Implementation of Human Rights, (Calcutta: American Centre, December, 1981), p.78.

independent, and civil and criminal procedures are fair and generally open. Police brutality remain a problem, although cases brought to court against the police have been won by plaintiffs, and several policemen have been prosecuted for murder. In the troubled Punjab province, police are armed with special powers to combat terrorism, and there have been cases of innocent civilians casualties. Free speech is protected and India has a lively private press that publishes diverse opinions often at variance with the government. Peaceful protests and demonstrations are generally allowed, though they sometimes require permission. India is a secular state, but often violent tensions between religions groups has led to massacres and injuries".²

The Freedom House in its report has also said that in India domestic travel is generally free, except in some security areas, emigration and foreign travel are also allowed. It has also added that since India is a free country, workers are free to join any trade unions, but are not allowed to strike certain

2 Freedom in the World: Political Rights and Civil Liberties, 1989-1990, (New York: Freedom House, 1990), p.131.

essential industries.

After gleaning through these facts any serious observer would find that India, true to its tradition and history, has been championing and advancing the cause of human rights not only for its people but also raised its voice against all types of discrimination and torture perpetuated on the people all over the world. Of late, India has been championing the cause of human rights of the Blacks in South Africa, where the minority White-regime is discriminating against the majority Black Populace ostensibly on racial consideration depriving them of their legitimate rights and privileges. Now India's principled relentless campaign against apartheid in South Africa has started bearing fruits, with South Africa bracing itself for a democratic, free egalitarian and above all a new polity, where the racial discrimination would be a thing of the past.

It had also extended its full-throated support to the indigenous Namibian people for their independence from the yoke of colonialism and imperialism. It has been extending all its moral, and political support to the Palestinian people for the creation of a separate homeland, which they have been denied by Israel. India is one of major international actors spearheading

the campaign for restoring the Palestinians of their legitimate rights, which are snatched away by the recalcitrant Israeli state.

These are some of the examples to cite India's leadership role in the furtherance of human rights around the world. And the sudden eruption of human rights issue in the world, particularly in the Indo-US relations in the 1990s has not caught India and its leaders with their pants down. But nevertheless, this issue has sent the Indian press and its foreign policy into a tizzy with a flurry of activities taking place in the North Block. Hence, it would be imperative to delve deep into the reactions of the Indian press, its political establishment and the public opinion on this issue in the context of Indo-US relations, and prognosticating its long-term impact.

The press in India has reacted to this issue both in a positive as well as in a negative way. This issue which was hardly mentioned in the Indian newspapers in the past, now in the post-1990 era, this issue is being given extensive and prominent coverage in the leading newspapers, journals, magazines, and in fact, it has heralded a great debate in India in the context of Indo-American ties.

One finds virtually an avalanche of newspaper reports and statements of the leading columnists and editorials on this issue recently. This great debate and discussion if taken to its logical conclusion, would certainly catapult India into the leadership role championing the cause of human rights in the world.

There is a spurt of media reports doing the round in India which say that India is quite right in arguing, as it has done at the current session of the UN commission on Human Rights in Geneva that terrorist depredations result in many cases in the denial of the human rights of the silent majority. The killing of a large number of a candidates in Punjab prior to the aborted general election of June 1991, and the threat of violence to shoo voters away from the poll are cases in point.

Although the Amnesty International has a well-deserved reputation as a conscientious monitor of human rights, its latest report on India is unlikely to enhance its claim to total objectivity. To allege, for instance, that torturing suspects has become part of the police's daily routine throughout the country and that police officers systematically cover-up torture, killing, and bribe or threaten witness is to depict India as one of the most repressive countries, something which more discerning

critics are unlikely to endorse. To draw such a grime picture is to deny that a reasonably efficient judicial system is still in operation in India, that there are non-partisan newspapers and human rights lobbies which are often accused by chagrined fellow citizens of being over active, and a plethora of political organizations which act as a check on official highhandedness and vice-versa. The sweeping nature of Amnesty's comments is also likely to raise questions about its methods of investigation, namely, whether it merely repeats what it hears or has a foolproof system of ascertaining the truth.

Pakistan is straining its every nerve to harp on this human rights violations in Kashmir. This hysteria is only meant to detract attention from Pakistan's proxy involvement in terrorist activities in Punjab and Kashmir valley.

The editorials of a respected and largest circulated newspaper has criticised the various human rights organisation in India for their being applying two yardsticks while judging the human rights abuses by the government on the one hand and the militants on the other hand. It points out that "various civil liberties organisations which are quick to point out the violation of human rights by the security forces in Punjab and

which tend to maintain an eloquent silence on the murder of the innocents such as Man Chanda, the All India Radio Station Chief in Patiala of Punjab, would do well to ponder the question whether a civilised dialogue is possible with elements which are essentially uncivilised. The Indian state is left with no alternative but to continue with armed action against secessionist groups in Punjab and Kashmir".³

Recently, an eminent political columnist has come out with a series of articles condemning the biased human rights reports published on India by various human rights agencies. He is of the view that "some human rights organisation have exposed themselves to the charge of having taken a one-sided view of the situation in India, they have willy-nilly become an intrinsic part of Pakistan's propaganda offensive against the country".⁴

The credentials of one of the co-authors of the May 5, 1991 report by Asia Watch entitled, "Human Rights in India-Kashmir under Siege" have come into question in India. According to a

3 Times of India (New Delhi), 29 May 1992.

4 Subhash Kripekar, "Human Rights-I : Pak Propaganda Unlikely to Pay-Off", Times of India, 28 January 1992, p.1.

human rights observer, "investigations by government agencies reveal that a Jawaharlal Nehru University scholar was found in possession of a large amount of foreign exchange and some incriminating documents suggesting his having links with Pakistan. He is also associated with Asiawatch".⁵ Even a copy of a letter sent by the JNU research scholar, Shahbuddin, to Firdaus Kashmiri of Hizb-e-Islami praises Patricia Grossman who wrote the report with James A. Goldstone. The extract is as follows, "Patricia has done good work. The resolution which was passed by the American Senate on Kashmir about 15 days back was drafted by Patti. Earlier, she had won over several Senators during briefing sessions. The most important session continued for seven hours in which Patricia replied to a series of questions convincingly. In this briefing, John was representing agency from London and Patricia from America".⁶

But the nexus that has been established appears to convince North Block of the kind of contacts that prevail in a free society like India. At a different level foreign diplomats who understand India comment that "Indian society is far too free for its own

6 Ibid., p.1.

good".⁷ They don't imply that there should be constraints imposed but only stress for greater vigilance.

The Indian press has criticised the Asiawatch for legitimising terrorist killings in Punjab and Kashmir. It has taken the curious position that "security forces in Kashmir on combat duties are legitimate military targets, subject to direct attacks by militants and that such killings do not violate the laws of war if they occur in combat or ambush and are not the result of the perfidy".⁸

However, it is argued that normally when war is declared combatants can be deemed to be legitimate military targets for the enemy. But in Kashmir, no war has been declared and hence, Asiawatch's reference to the laws of war is misplaced.

The Indian press has also castigated the reports of the London-based Amnesty International, which has been taking biased

7 Ibid., p.1.

8 Subhash Kripekhar, "Asiawatch Report: An Attempt to Legitimate Terrorist Killings", Times of India, 10 February 1992, p.1.

and prejudiced stand against India and simultaneously condoning the nefarious and heart-shattering activities of the militants operating in Punjab and Kashmir. Amnesty insists on using the phrase "armed separatists" for the militants. But India absolutely is disagreeing with this nomenclature exalting their status and diluting the principled stand of the Indian government on the terrorists, since they could best be called as mindless terrorists armed by the Pakistan agencies to carry out subversion activities in India.

Amnesty International and Asiwatch have committed the blunder of totally ignoring the role of Pakistan in Punjab and Kashmir. Both the organisations maintain studied silence and do not speak a word in their reports about the action taken by the Indian government against erring security personnel. Both ignore the widespread killings of innocent persons in Punjab and Kashmir. These killings are carried out to make up people terrified enough to succumb to the terrorists' diktats and to make them feel resentful and disenchanting with the state for not being able to provide sufficient protection against the attack on their life and property. All these facts purportedly find no mention in the reports of these two premier organisation.

Although the people of India call a terrorist ^{a terrorist} ~~Amnesty~~ International "chooses to elevate a terrorist to an 'armed separatist' in its nomenclature".⁹ It also makes the outrageous and gratuitous contention that under president's rule in a state, the Armed Forces Special Powers Act gives authority to security forces to shoot to kill with immunity from prosecution. This is not true as this Act does not give a licence to the security forces to kill anyone. Moreover, it is used by law-enforcing agencies in the disturbed conditions and the persons are liable for actions.

On the otherhand, the Indian government has asserted that a case of disinformation and fabrication of allegations against the security forces has been highlighted by the press Council of India, an autonomous body headed by Justice R.S. Sarkaria. The council investigated the allegations of rape of 23 women at Kunamposhpora on February 23, 1991. Its sub-committee found that the women had been tutored ~~or~~ coerced into making statements derogatory to their own honour and dignity. The home ministry says "this cruel exploitation of simple women through demeaning self-abuse is itself a deplorable human rights violations".¹⁰

9 Times of India, 29 January 1991.

10 Ibid.,

This committee also has said the motives of the militants are not for to seek. Their mentors in Pakistan have failed miserably to internationalise Kashmir issue on the strength of the wholly obsolete and worn-out UN resolutions. Pakistan believes that they can attract greater world attention if the Indian security forces can be accused, no matter how falsely, of atrocities and violations. A well-know political columnist is of the view that, "like a gust of fresh air the report of a committee of the press council has effectively dispelled the motivated miasma of vilification and worse built around forces engaged in the unenviable task of combating Pakistan backed terrorism and secessionism in Kashmir".¹¹

The press council of India has appealed to human rights group to be more investigative and to check all sides more carefully before they jump to firm conclusions. It has also advised the army to meet the challenge of deliberate denigration more effectively and credibly than seems to have been the case so far and it has to do in Srinagar, not in Jammu or New Delhi. India must widely publicise this report in foreign lands where a lot of gratuitous talk about violation of human rights in Kashmir goes on.

11 Inder Malhotra, "Political Commentary: Dirty Tricks against the Army", Times of India, 18 July 1991.

While the Indian press has taken strong exception to the biased and one-sided reports on the human rights violation in India, at the same time, they urge the Indian government to counter all these allegations at all levels and respond to their accusations point-by-point. There is a strong feeling that government should stop being dismissive about Amnesty International and Asiawatch's reports on India, and should be ready to begin a dignified and sincere dialogue if only to bolster its own credibility and genuinely demonstrate its concern for the weaker sections whose rights are usually trampled upon by the 'criminals in uniform'.

The media also feels that it is no surprise that gun-toting bands have no use for democracy, it does not at all follow that a government responding to the challenge posed by them can overlook its obligation to maintain the rule of law. Having armed itself with extraordinary powers under special legislation devised to cope with endemic violence, the executive can not now expect any indulgence when it cuts corners as it has been evidently doing in Punjab and Kashmir. It goes without saying that a government claiming to operate in a democratic constitutional framework has to meet far more rigorous standards of

performance than any group of individuals, particularly the terrorists who are wedded to the culture of guns.

It is true that international concern for human rights should not result in any violation of the principle of sovereignty enshrined in the UN charter as Perez de Cuellar said in his last report as UN Secretary General, that violations of human rights unquestionably imperil peace but disregard of the sovereignty of states would spell chaos¹¹. The danger however, is that the plea of sovereign jurisdiction may appear to the rest of the world as a self-serving ploy to avoid accountability unless a government is willing to permit legitimate first-hand assessments by reputable organisations operating with a sense of responsibility India's record in this respect leaves much to be desired because of the questions arising from its refusal to admit teams from Amnesty International and Asiawatch. Worse still, the home ministry has indulged in misrepresentation of their stand, putting in the process an even greater strain on its credibility. Given in this context, protestations about sovereignty are unlikely to be taken seriously by the world leaders, - New Delhi needs to bear in mind¹².

There is some section of the media who, to some extent, justify the government stand in denying permission to these human rights organisations, since there is every possibility of misjudgements, wrong interpretations and other undesirable repercussions.

But nevertheless, the press believes that the time has come to allow such investigative organisations to operate more freely, if only to ensure that they present a more balanced picture. The most encouraging thing about Amnesty International is that in the recently-concluded South Asia Media Workshop, organised by the Amnesty International in Kathmandu of Nepal, is striving for a better image and trying to make the world a safer place to live in. It is said that "with its freshly extended mandate, Amnesty can project itself in India as a fair and impartial activist organisation by taking a hard look at the murderous activities of armed opposition groups and those of unscrupulous security force personnel. It might, then stand a better chance of functioning openly in India".¹³

13 Subhash Kripekax, "Amnesty International Striving for a Better Image", Times of India, 4 July 1992, p.7.

As far as India is concerned, Amnesty has called upon armed opposition groups in Punjab and Kashmir to observe basic humanitarian standards. The condemnation of terrorist groups by Amnesty has come often the recent barbaric beheading of Man Chanda in Punjab nine days after he was kidnapped by the Babbar Khalsa International, a terrorist outfit in Punjab. At the same time, Amnesty contends that government more so in a democracy like India, should remain fully accountable for human rights violations by its police and security personnel.

During the two-day workshop in Kathmandu beginning from 3rd July to 4th July 1992, a researcher, Yvonne Terlingen, made effective use of Indian media response to Amnesty's report on India to severely criticise the Indian government. She quoted extensively from news magazines and newspapers to drive home the point that "the home minister's reaction to the Amnesty report on rape and custodial deaths in India should have been one of horror and disbelief and not one of government not requiring foreign agencies to deliver sermons on human rights".¹⁴

14 Times of India, 5 July 1992.

Even ... Terlingen has quoted George Vergheze saying that "for shame lies not in admission of blemishes but in continuing to mask the truth. Self-deception does not pay".¹⁵ Moreover, Kuldip Nayar has endorsed Amnesty's conclusion that torture is a daily occurrence in India and it should make every Indian sit up and wonder any society has become so impervious so cynical.

Meanwhile, Amnesty International has suggested a 10-point programme to combat torture in its 1992 report on torture, rape and deaths in custody in India released on 9th July. These include adoption by government of an official policy to protect human rights, investigating impartially all allegations of torture, bringing the perpetrators to justice, strengthening safeguards against torture, informing detainees of their rights, providing torture victims with medical treatment and rehabilitation and investigating causes and patterns of torture.

However, Amnesty International has clarified that it does not intend to work against any government. It says, "we work only against human rights violations, not against governments."

15 Ibid.

We neither support any political, social or economic system. We apply a single human rights standard to all countries".¹⁶

Moreover, in its recent workshop, the Amnesty International has chastised the US for human rights abuses in three areas - police brutality, the Haitian refugee crisis and death penalty, which it says "are jeopardising rights' protection around the world".¹⁷ Referring to the recent Los Angeles riot, it has condemned US for its police excess, which self-styledly call itself as the 'cradle of liberty'

The myth describing America as the champion of the human rights in the world, was demolished, in the recent racial-riot broke out in Los Angeles. This riot which flashed from Los Angeles and spread to many other parts of the country left at least 58 dead and 2300 injured just in Los Angeles. Besides, property with \$717 million was damaged. "For decades, the American leadership has delivered moral lectures to the world about human rights and democracy. But today America looks naked to the rest of us,

16 Times of India, 5 July 1992.

17 Times of India, 6 July 1992.

its superior credentials blurred by the burning fires of Los Angeles, its sermons sounding hollow. American leaders who are so eloquent in citing problems of other countries, are mute when it comes to their backyard".¹⁸

Thus, Los Angeles was caught in the chasm of racial warfare. Behind all this was a California court verdict - delivered on April 29, 1992 - that acquitted four white policemen charged for using excessive force against Rodney King, a Black motorist, while he offended the traffic rules in March last year. The court judgement was seen to be tainted with racial feelings. This led to widespread protests which eventually deteriorated into a riotous situation. A scholar is of the view that if this is not checked, resentments will grow against the Americans "who claim to champion the cause of human rights all over the world".¹⁹

On the Los Angeles riots, Amnesty said, "the record on police brutality is appalling. It is one of a number of current

18 Seema Sirohi, "US Hypocrisy Unmasked", Mainstream (New Delhi), 20 June 1992, p.13.

19 Sushant Kumar Mishra, "Race Riots in America: Symbol of Cultural Domination", Mainstream, 27 June 1992, pp.29-30.

human rights standards in the US that undermine its credibility in promoting rights interationally".¹⁸

It is a severe indictment of the US policy vis-a-vis its minorities in particular and comes at a time when it seeks to steamroll third world countries including India into submission on the basis of grossly exaggerated charges of human rights violations.

After analysing the Indian press response to the human rights reports as India, it is found that while the media has accused of these human rights organisations such as Amnesty International and Asiawatch for being soft towards the crimes of the terrorists, On the otherhand, it exhorts the government to come clean on these reports and pursue a vigorous, well - orchestrated strategy to steer clear all these allegations. It has also urged the government to allow the human rights groups to visit Punjab and Kashmir since India has nothing to hide.

On the otherhand, the Indian political establishment has reacted sharply to these multitudes of reports accusing India

18 Times of India, 6 July 1992.

of human rights abuses in Punjab and Kashmir. The Union Home Minister, S.B. Chavan has set the ball rolling in criticising all these biased Asiawatch and Amnesty reports on human rights abuses in India saying these reports are biased and motivated, aimed at propping up terrorist groups and absolving their inhuman crimes. He said, "the government is appalled by the partisan, even motivated approach of these two organisations. We have nothing to hide, and we are not insensitive to these issues. If there is anything wrong doing by the security force personnel, the law must take course and guilty must be punished. Even defence personnel are open to scrutiny for their action. There is no question of all of shielding anyone. But at the same time there is no question of allowing any foreign human rights groups to visit India unless it was prepared to give a balanced picture".¹⁹

In the same vein, the J&K Governor, Girish Saxena has also criticised the motivated reports of these human rights groups saying they have taken an extremely prejudiced view about the

19 Times of India, 28 January 1992.

human rights situation in Kashmir. He says, "what they are saying is that if militants kill security personnel, it does not amount to murder. The militants are trying to provoke retaliatory firing in densely populated areas so that innocent people are killed and human rights activists raise a shindy about it".²⁰ Even the ex-governor of Jammu & Kashmir, Jagmohan has echoed the same sentiments of that of Saxena, saying the culture of Kalashnikov can be met by the culture of Kalashnikov, thus underlining the need to hold firm in Kashmir against the merchants of terror, secession and mayhem actively sponsored by Pakistan.

The Prime Minister of India, P.V. Narasimha Rao has been extremely forthright on the prevailing campaign for human rights. While addressing the historic first-ever summit of the Security Council in January 31, 1992, he explained that India had profound respect for those who were crusading for the protection and preservation of human rights. He particularly made the mention of India's 5,000 years-old record of non-invasion and non-annexation of alien territories with the shining example of a powerful monarch like 'Asoka' turning into an apostle of non-violence.

20 Times of India, 10 February 1992.

He pointed out, "I am fully conscious of the obligations of the state in preserving human rights as contrasted with terrorist and secessionist elements killing innocent citizens with impunity. What is really being suggested is perhaps to delineate the parameters that harmonise the defence of national integrity with respect for human rights. In this regard, India is ever willing to discuss and contribute in the endeavour".²¹

He also said that India cannot countenance a situation where all human rights are reserved for the practitioners of terrorism. Governments dealing with these menace are arraigned day and night on grounds of violations of human rights real and imaginary, mostly the latter, saying that contents and nature of human rights are conditioned by social, traditional and cultural forces that form different societies. He also urged the UN to move towards creating an uniform international norms for human rights and said such norms should not be unilaterally defined and set-up as an absolute pre-condition for interaction between states and societies in the political and economic spheres. He hailed for giving "stress on good governance

21 Indian Express (New Delhi), 1 February 1992.

and development hold the key for the improvement of human rights".²²

At the Commonwealth Heads of Government Meeting (CHOGM) in Harare, the Indian Prime Minister "opposed the question of linking foreign aid to issues like human rights record and good governance".²³ This aspect has been clearly emphasized by Amnesty International at its recent workshop in Kathmandu, dissociating itself from any such linkage between aid and human right. It is not expected to give a green signal before a developing country can receive financial and technological aid from the West. But nevertheless, of late, these human rights organisations have acquired awesome power to embarrass governments that do not abide by international humanitarian standards. Amnesty can not and does not impose sanctions but it has the power to influence public opinion, to rattle governments.

Picking up the threads which the Indian Prime Minister left, the President of India, R. Venkatraman has expressed serious concerns at attempts by industrialised north led by US to impose non-economic conditionalities like good governance and observance of human rights in rendering assistance to the developing countries. In his views, it is not possible to frame norms for human rights by an outside party on the basis of its unilateral perception.

22 The Statesman (New Delhi), 1 February 1992.

23 Times of India, 16 October 1991.

India found these trends on the part of the developed world highly disturbing. India believes that development needs must be accorded primacy of place as poverty remains the greatest threat to world peace and dignity of the individual. In this respect India's commitment to human rights and democratic ideals is self-evident. Speaking at a banquet in New Delhi in honour of the visiting Namibian President, Sam Nujoma, in February 24, 1992, the Indian President clarified that "we will continue to focus attention on human rights everywhere but this complex and important issue can not be made into a mechanical formula and applied in widely varying situation"²⁴.

To top it all, getting alarmed by the disturbing reports of the human rights groups pointing a needle of suspicion to India, the government has made up its mind to set up its own human rights commission. It is about time India set up its own human rights commission "to investigate and adjudicate, complaints of violations of human rights, particularly the civil rights of groups or classes of people".²⁵

24 Hindustan Times, 25 February 1992.

25 Subhash Kripakar, "Human Rights: Plan to set up Commission", Times of India, 5 February 1992, p.1.

However, it should be borne in mind that there are already commissions for the welfare of the scheduled Castes and tribes, for women, for minorities, and for backward class. In addition to these commissions, India have non-governmental human rights commissions, which are functioning freely. This proposed commission would project itself as the authentic organisation in matters pertaining to human rights. Every efforts should be made to make it impartial and objective so that its credibility is maintained.

It is a pity that the Kashmiri people driven out by the militants have become refugees in their own country and homeless in home. The Amnesty International and Asiawatch have maintained silence on this exodus of Kashmiri Pandits from the valley. The government has taken the salutary step of setting up its own official human rights panel to look into these biases and prejudices among other things.

While underlining the need for setting up of India's own human rights commission, the Prime Minister, Narasimha Rao, while addressing a Press Conference in New Delhi said, that India's record in respect of human rights has been good. He said, "I agree excess have taken place. They have been looked into and

necessary steps taken. We are prepared to judge ourselves before someone judges us from a distance. Our conscience is clear and our hands clean".²⁶ However, he has cautioned against giving much importance to human rights at the detriment of development which he considers as the 'super right' of the people.

Thus, the government's decision to set up this human rights commission is certainly an acknowledgement, though belated, of the importance the issue has acquired in recent years. Internationally, human rights violations not only figure at the top of the agenda, national sovereignty can no longer be credibly used by governments as a shield to protect themselves against criticisms of their human rights record. In India, too, awareness of the importance and inalienable nature of human rights and civil liberties has spread to such an extent that it is no longer possible to justify their violation in the name of defending a larger cause. This new-found heightened awareness of human rights by Indian citizens could be best judged from the series of 'letters to the editors' and articles sent to the newspapers and journals by the readers, academicians, human rights activists

diplomats and politicians, which is virtually flooding the editorial cabins, creating a human rights movement in India.

More significantly, critics of the state's highhandedness in say, Punjab, Kashmir and Assam, can no longer be fobbed off by the simple traditional device of pointing to the undemocratic and cruel conduct of militants or secessionist groups. Therefore, it is argued that, the government's decision not to permit organizations such as Amnesty International and Asiawatch to send teams to India has not gone down too well with a significant section of national and international public opinion. Nor has the contraposition of excesses committed by militants to those perpetrated by the security forces. And increasingly enough, a credibility gap has developed in this vital area. By setting up this human rights commission, the government of late, has recognized this credibility gap and the embarrassment it has caused. By deciding to set up this commission, the government in the process has begun mounting a damage control exercise to salvage its tarnished image internationally and botch up all human rights allegations back home.

Against these backdrops, the impact of human rights issue in Indo-US relations in the 1990s should be studied. Next to

nuclear non-proliferation, human rights issue would dominate the agenda of Indo-US relations till the turn of this century. One finds a considerable disquiet as evident from discussions in congress about human rights issues raised by international as well as Indian activists. It will not help to brush these concerns aside, rather they have to be addressed with patience and wisdom to convince the congressmen and US policy makers and opinion-shapers. There is also an emerging trend in the US of the increasing influence of human rights and civil liberties groups on national decision-making on the capitol Hill and the impact on determining their policies towards the accused states. In the light of these developments, a scholar has observed that "from the US perspective, the main problem area between the two countries is nuclear non-proliferation. Next to that, is human rights, specifically the governmental inaction on allegedly widespread abuses in Kashmir".²⁷

India must rise to this occasion and thwart the evil designs of Pakistan to internationalise Kashmir issue by propagating alleged human rights abuses in Kashmir by India. Pakistan is

27 Bhaskar Menon, "India and US: Looking for their Souls", Times of India, 13 July 1992, p.6.

aiming to take up this issue by escalating tension in the valley and linking it with the question of human rights in Kashmir.

India must understand the wide import of the statement the UN Secretary General, Boutros Ghali has made that "human rights is today on the top of the UN agenda and if necessary the world body will take action to prevent abuse of human rights".²⁸

Therefore, the human rights issue should not be allowed to become an irritant in the Indo-US relations, "which has recently looked up".²⁹ India must pursue its national interest by managing this contradiction in Indo-US relations. Even while they both profoundly disagree on this issue, it should be sorted out through constant dialogue to contain their differences. India instead of confronting Washington on this issue, rather should convince the US administration. Indian policy makers should not play to the gallery of some section of domestic public opinion which ceaselessly has been ~~screaming~~ to teach America a lesson, as it would be counter-productive. Pursuance of national interest should be India's singular foreign policy objective. To counter the

28 Indian Express, 10 February 1992.

29 N.C. Menon, "Indo-US ties look up", Hindustan Times, 2 April 1990.

the allegations of human rights violations and protect India's national interest, India must play a cautious role. To achieve these twin objectives, "India must play a smart game of international bridge. It would have to recognise its own limitations to begin with. It has a weak hand, its card play must be good. It would then have to weigh its partnership and alliances in the short, medium and long terms".³⁰

The differences on this issue should be whittled down before they become political roadblocks to the advancement of Indo-US relations as of late US is seeking to prevent Pakistan from aiding and abetting secessionists in India's border provinces and from trying to internationalise the Kashmir issue.

The US claims that the principal goal of the foreign policy is "to promote the increased observance of interationally recognized human rights by all countries".³¹ But nevertheless, it is one of the main political planks of the US to further its national interest in some way or other. This fact is further

30 Gautam Adhikari, "Requiem for Non-Alignment: Pursue National Interest", Times of India, 26 May 1992.

31 US Department of State, "Report on Human Rights Practices in Countries Receiving US Aid" (Washington, D.C., 1979), p.6.

highlighted by an US official who said "it is in our national interest to promote democratic processes in order to help build a world environment more favourable to respect for human rights and hence more conducive to stability and peace"³².

One interesting thing is found that while the US has been busy harping on the human rights violations in the terrorist-infested states like Punjab, Kashmir, and North-east parts, at the same time it is least interested about the alleged human rights abuses in naxal-belt areas like Andhra Pradesh, Bihar, Madhya Pradesh and Orissa, as it does not serve the US national interest.

It wants to browbeat the Indian government on this issue, expecting India to kowtow the US policies in different international foras. It is certainly not the sacred intentions of the US to promote and protect human rights throughout the world, rather it is smart diplomatic manoeuvre on the part of the US

32 US Department of State, Country Reports on Human Rights Practices for 1988 (Washington, D.C., 1989), p.4.

administration to camouflage its self-national interest using the instrument of human rights to embarrass the ~~existing~~ nation-states through its cloak and dagger policy.

A scholar has argued that "perhaps the best role for the United States in the Indian situation is to refrain from political rhetoric indicative of a certain partisanship and to recognize that economic conditions are a key to the evaluation of political circumstances in the immediate future."³³

This human rights issue should not be allowed to spill over]
to spoil the emerging new-found bonhomie and camaraderie between India and US, notwithstanding the sharp differences over the nuclear-nonproliferation issue. It is said that the outstanding feature of Indo-American relations has been their roller-coaster character. There have been many ups and downs, with the downs being more conspicuous and apparently more newsworthy than the ups. Echoing this sentiment a western scholar has said, "of all the major countries, India is the one whose relations with the

33 Ralph Buultjens, "Human Rights in Indian Political Culture", in Kenneth W. Thompson, ed., The Moral Imperatives of Human Rights: A world Survey (Washington, D.C., 1980), p.121.

US have been the most baffling. The story since 1947, when India became independent, is one of mutual irritation and missed opportunities.³⁴

Another Indian scholar has expressed the same sentiments by saying that "it has for long been a continuing mystery to all well-wishers of India and the United States why the two major democracies in the world should have had a relationship that was seldom warm, often coolly correct, and at times downright prickly."³⁵

However, the same scholar has sounded an optimistic note by stating, "India and America have been trying to know each other for quite some time. There have been sporadic, brief flashes of understanding but nothing enduring enough to cut through the preponderant bulk of well-entrenched stereotypes. It is forgotten that such aberrations are almost always in the political sphere, hardly the ideal arena for endearing cultural togetherness. Politics, after all, is the product of perceived self-interest. And the interests of India and America are bound to vary considering the wide gulf that separate them in a variety of fields".³⁶

34 New York Times, 2 February 1982.

35 N.C. Menon, "Indo-US ties look up", Hindustan Times, 2 April 1990.

36 N.C. Menon, "Seats of Learning-I", Hindustan Times, 29 April 1991.

It is true that the two countries are distant from each other and neither poses a direct military threat to the other. Despite this, the Indo-American relationship has been "more troubled than tranquil, more competitive than cooperative, more characterized by misperceptions and misunderstanding than accurate and considerable attention to the needs and concerns of the other".³⁷

Though, this human rights issue is one of the problem areas in Indo-US relations, it is not seen as that a big issue in America, as it is perceived in India, on the context of the Indo-US relations. As long as the nuclear non-proliferation issue is not resolved with India, the US won't treat this human rights issue as a big issue in Indo-US relations. The US public opinion and media are currently busy putting pressure on India to sign the discriminatory and uncomprehensive nuclear non-proliferation treaty (NPT) or to make India agreeing to the idea of making the South-Asia a nuclear free zone on a regional basis. Unlike this NPT issue, human rights issue can not at any way hamper the

37 Norman G. Palmer, The United States and India: The Dimensions of Influence (New York, 1984), p.1.

emerging Indo-US relations, since the US, of late, has understood the gravity of this issue in India. However, this human rights plank would be used by the US policy makers time and again to embarrass India internationally to serve its own interest, unless India takes some measures to turn the tide. Otherwise this issue would hang like an albatross around the neck of India in the context of alleged human rights violations in Punjab and Kashmir. This issue would continue to surface periodically in the Indo-US dialogue and bilateral discussion as this issue has become a new buzzword for the American public, the policy makers and its European allies. To refute the array of criticisms of some international human rights organisations, to convince the US administration and to wipe away some of the lingering doubts of America, India should be seized with this issue giving high accent on it and steer clear all doubts and allegations in the context of the Indo-US relations in the years to come. To achieve these objectives, India should consider taking the following steps on a war-footing basis:

Firstly, India should consider permitting the international human rights organizations to visit Kashmir and Punjab for an on-the spot assessment since India has nothing to hide. Even, America

has taken strong exception to India's not allowing these organizations to visit India's border states. US administration has been urging India to review its stand on this issue, since, it feels India being an open and free society it has nothing to hide. The dominant sections of Indian public opinion favours this idea, as it is complicating the matter and tarnishing the image of India outside. It is the need of the hour to review this stand and in the process, remove an unnecessary irritant in the Indo-US relations on this issue.

Secondly, India should strengthen its lobby in the Washington since lobbying does the magic there. India does not have any lobby there where as the Kashmir militants and Pakistan have strong lobbies there, which are relentlessly dishing out false informations implicating India on the issue of human rights violation in Kashmir. India should learn from this mistake and remove this handicap as soon as possible. A lobby should be set up on the capitol Hill to blunt the edge of these allegations and present a true picture there. The lobby should be activated to win over the American public, media, bureaucrats, politicians congressmen and decision-makers.

Thirdly, India must mount a massive diplomatic onslaught to counter the false propaganda and allegation of human rights abuses by anti-India elements. The Indian embassy in the Washington should be asked to give primacy to this issue and forcefully present India's case there before the US officials and people. In addition to this, all the embassies of India in the Western capitals should be activated and their diplomatic skills honed up to counter the disinformation onslaught of the Pakistani agencies and various anti-India forces. So far, India has not been able to come of age in articulating and refuting the allegations of human rights violations, in Washington and other major European countries.

Fourthly, instead of getting scared by the adverse annual human rights reports of the Amnesty International, State Department and Asiawatch, India should cooperate with them and present India's case forcefully before them. India should respond to their queries and questions, and refute the allegations point-by-point giving documentary evidences. By cooperating with these human-rights organisations and answering their queries, a strong signal would be sent to the US and other western countries that India has nothing to hide. It would also take the wind out from the Pakistani

sails on this issue. They would stand discredited before the world opinion with eggs on their face.

Fifthly, India must put up a brave front in the UN and its different foras to refute the allegations of human rights violations. India must highlight the democratic safeguards available in India to protect and improve the human rights conditions, by supplying literature, reports and datas to them. India should take other friendly UN members into confidence and organise seminars and symposiums there at the UN headquarters to drive the point home.

Sixthly, India should expedite setting up the human rights commission, which is aimed at looking into the human rights violations. After its set up, India must send the reports of this commission to all the foreign state capitals including the US and give prominent coverage on international media. The external affairs ministry should overhaul its policy options and treat this human rights issue as one of its elements of India's foreign policy like that of the US.

Seventhly, India should highlight the prevalent ground realities in Kashmir and Punjab, as the western countries are

not well aware of the unfortunate delays in courts dealing with cases of human rights violations. But what is lost sight of is that the delays affect both the terrorists and the security forces personnel equally. It is not as if cases involving security personnel are disposed of speedily and those with terrorists allowed to languish. India should highlight this case in the US and make it convince that both security personnel and terrorists arrested have the same protection of law. Both have civil rights and the right to defend themselves. Even where army officers or jawans are punished by court martial procedures, the verdict of normal courts has to be sought. It should highlight that the government is not insensitive to excesses by security personnel. Even a human rights cell in the home ministry has already been set up to monitor all allegations of human rights violations. This is being done to facilitate quick inflow of information and prompt remedial action. Similiar cells are proposed to be set up in Punjab, and Kashmir so that facts are collected quickly in New Delhi. The voluminous data furnished by the home ministry to the external affairs ministry on allegations levelled by Amnesty International, Asiawatch and other human rights organisations to show that action was taken against erring personnel found guilty and that court

inquiries were in progress to ascertain the truth in many other cases, should be sent to the diplomatic missions abroad so that they can rebut charges made in the media and other fora. This effort should be made so that the charges of large-scale violations of human rights in India, particularly in Kashmir and Punjab do not stick.

Last but never the least, India must seize this opportunity and emerge as the pioneer on this issue as giving respect to human rights has been one of the age-old traditions of our Indian society, which is duly recognised and respected in the constitution. It won't be an exaggeration to say that human rights and Indian rich cultural heritage are synonymous in terms as India has been the land of non-violence, and peace since ages.

But in the changed world scenario, the things are changed and praxis dramatically shifted. Who could have imagined that the combatants of the cold war would have the temerity to give India a lecture on human rights? India preached to them the principles of non-violence and peaceful coexistence and they are now threatening India with a cut in economic aid unless India's performance on human rights front shows improvement. India can not and should not ignore the issue of human rights merely because

the pressure is coming from the Western countries including the US, whose own record may not be above reproach like Caesar's wife. Indian leaders have been in the forefront of battles against the violation of human rights, so should India now be on the defensive and argue that because the country is faced with secessionist or terrorist movements, this issue can wait till India is able to control them? This line of thinking is fallacious and is fraught with dangerous consequences. In no way, can India lose the battle on the ground in Kashmir, Punjab, or Assam, but India can lose it in New Delhi and abroad by mishandling the situation.

But nevertheless in the changed global structure, the US certainly would be feeling quite uncomfortable without its twin nuclear and human rights underwears. Hence India must tread cautiously since it has got very limited elbow rooms to manoeuvre. But for a vibrant and flourishing Indo-US relations in the coming days, India and America should not allow this human rights issue to throw a spanner into the wheels of Indo-US ties and act as a stumbling block between them, since India like the US, is committed to the rule of law, free elections as a regulator of political

process, civil liberties, human rights, pluralist institutions,
a free and powerful judiciary, enlightened public opinion,
free and vigorous press and above all improvement in the quality
of life for its people through reform and along evolutionary
paths.

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"Man is born free but everywhere
he is in chains"

(J.J. Rousseau)

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