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HUMAN RIGHTS IN LATIN AMERICA AND U.S. SECURITY

William M. LeoGrande

The issue of human rights arose most dramatically in the mid-1970s in reaction to the intensification of repression by traditional oligarchic regimes in Central America, and the replacement of democracies by military dictatorships (“bureaucratic authoritarian regimes”) in Latin America’s southern cone. Public and congressional concern was prompted in particular by Secretary of State Henry Kissinger’s realpolitik and by instances in which US policy played a central role in the deterioration of human rights conditions. In this context, two cases come to mind. First, in Chile, US economic pressure and covert operations destabilized the democratically elected Popular Unity government of Salvador Allende, which was overthrown by a bloody military coup in 1973. Second, in Guatemala US counterinsurgency training and assistance during the late 1960s and early 1970s strengthened a military establishment engaged in massive atrocities against the peasantry.

The initial impetus for a change in US policy came from Congress. Critics of American policy began to argue that US military assistance and police training programs were contributing to the abuse of human rights by certain governments and that these should be terminated. To enforce this criterion, Congress passed a number of laws limiting the discretion of the executive branch in the field of foreign assistance. Some statutes were country-specific, prohibiting or placing conditions on certain types of bilateral assistance to particular governments. For example, military assistance to Chile was prohibited in 1974, and in 1976 military assistance to Uruguay was prohibited as well.

But the most important legacy of the congressional human rights movement was two laws setting broad human rights conditions on the conduct of foreign policy. The first, Section 502B of the Foreign Assistance Act, was passed as part of the International Security Assistance and Development Act of 1976 (PL

94-329). Section 502B prohibits giving security assistance to governments that engage in a "consistent pattern of gross violations of internationally recognized human rights." Furthermore, the issue of multilateral assistance is addressed in Title VII of the International Financial Institutions Act of 1977 (PL 95-118). The statute directs US representatives in multilateral lending institutions to vote against loans to governments that engage in a "pattern of gross violations of internationally recognized human rights," unless the loan will directly benefit the poor.

Carter's Human Rights Policy in Latin America

President Carter's decision to promote human rights as a major objective of US foreign policy was at once the most celebrated and excoriated of his international initiatives. From the outset, the policy was publicly presented in moral terms: it was an approach to the world which was to be as good and decent as the American people themselves. In the international arena Carter sought, through this policy tool, to repair the damage done to the image of the United States by the ferocity of the war in Vietnam, while simultaneously posing a stark moral contrast between the United States and the Soviet Union. On a domestic level, Carter hoped to reconstruct policy in principles to which no one could easily object.

Yet the Carter administration never saw its human rights policy in strictly moralistic terms since it was also intended to distance the United States from the brutal excesses of decaying autocracies. Rather than wager the prestige and interests of the United States on the latter's doubtful survival, it made more sense to adapt policy to the tides of history. Right-wing dictatorships bent on preserving anachronistic social orders were regarded as bad security risks; the more they relied upon force to sustain themselves, the more rapidly they mobilized and radicalized their opponents, thus hastening their own demise. For the United States to enlist wholeheartedly in support of such governments would actually endanger national security, because ultimately such regimes would

collapse. An angry populace would not soon forget that the United States had sided with the tyrants. In brief, such was the national security doctrine behind Carter's human rights policy. However despite the complaints of Carter's conservative critics, human rights were never allowed to overshadow immediate and more traditional national security concerns. When key allies such as South Korea, Iran, or the Philippines were involved, the issue of human rights was always muted, in deference to their strategic location.

Though global in scope, this new human rights policy found its most consistent expression in Latin America. In 1977, there appeared to be no immediate security threats in the hemisphere, so the advocacy of human rights was undiluted by fears of political instability. While there remained guerrilla movements fighting against the military regimes of Central America, they appeared to be little more than feeble remnants of the 1960s, incapable of posing a serious challenge to the existing regimes. The Cubans, despite their willingness to dispatch troops to Africa, had long since ceased providing arms to guerrillas in the Western Hemisphere and had apparently lost faith in the region's potential for revolution.

Carter's human rights policy was thus applied full force in Central America where the four nations of the northern tier—Nicaragua, El Salvador, Guatemala, and Honduras—were all ruled by military dictatorships, most of them notorious for their systematic and brutal use of repression against all shades of political dissidents. Not coincidentally, Central America was also the region on which the congressional pioneers of the human rights movement had focused their attention earlier in 1975 and 1976.

In retrospect, the record on Carter's human rights policy in Latin America produced a mixed score card. Among Latin Americanists in the United States, there was a general consensus that the policy saved the lives of many dissidents, especially in the Southern Cone; it reinforced Brazil's movement towards the restoration of democracy; and in the Dominican Republic, away from the threat of a military coup.

In Central America, pressures from the United States led the regimes in Nicaragua, El Salvador, and Guatemala to temporarily

relax the reign of official violence unleashed in the early 1970s against the regimes' moderate opponents. But when these relaxations produced a resurgence of open opposition from Christian Democratic and Social Democratic parties, the existing regimes all reacted by tightening up once again.

Rather than submit to US scrutiny on human rights practices, the governments of Guatemala, El Salvador, and Honduras preempted Washington by refusing to accept further military assistance. After 1977 the dictatorships of Central America's northern tier received little or no military aid from Washington.

The outbreak of revolution in Nicaragua threw the Carter administration's human rights policy into crisis. As Nicaragua's stability slipped away in the months following the assassination of opposition leader Pedro Joaquin Chamorro, the administration's desire to promote human rights was forced to compete with the desire to preserve order. At first, it appeared paralyzed in forming a clear coherent policy. Washington could not bring itself to break completely with Somoza, but neither was it willing to reenlist wholeheartedly on the side of his increasingly brutal National Guard. In this context, to have given Somoza the military means to sustain himself in power would have made a mockery of the human rights policy, and this Carter was unwilling to do.

Yet there was great fear that Somoza's demise would herald victory for the radical Sandinista National Liberation Front (FSLN), the guerrillas who, week by week, were capturing the political initiative from the moderate opposition as the moderates waited in vain for the United States to oust Somoza for them. This fear produced some clarity in US policy during the last eight months of the Somoza dynasty; Washington's unambiguous objective during this time was to prevent the Sandinistas from coming to power.

However, the means for achieving this remained at issue. Should Somoza be forced out in favor of a government of moderates whose capacity to govern was uncertain? Or should Somoza be given the military wherewithal to defend himself, whatever the cost in bloodshed? The United States vacillated between supporting Somoza in limited ways and trying to ease him out of

power, never fully committing itself to either course of action. Events quickly overtook policy, and Somoza was driven from power by a coalition between the Sandinistas that Washington feared, and the moderates that Washington had tried to court.

The fall of Somoza in July 1979 conjured up images of Central American dominoes in Washington and prompted a major review of US policy towards the region—a review aimed at devising a more effective strategy for preventing similar guerrilla victories in El Salvador and Guatemala. At issue was the question never adequately addressed during the Nicaraguan crisis: How could the administration reconcile its commitment to human rights with its desire to preserve political stability?

Advocates became roughly divided into two camps. Hardliners within the Government argued that these two objectives were inherently contradictory. For proof they pointed out that Washington's criticism of Somoza's human rights record had undermined his rule by encouraging his opponents and depriving him of the military means to maintain order. Central America, so the argument went, was not as stable as it had appeared in 1977, and the spread of insurgency brought the issue of US national security back to the top of the policy agenda. Thus the hardliners argued for restoring military assistance to the region's anticommunists, even at the expense of human rights. In essence, they advocated a return to Kissinger's policy of supporting dictators as long as they were friendly to the United States.

On the other hand, defenders of the human rights policy replied that military aid could not buy stability. They further argued that the old regimes of Central America had become obsolete, and would not long survive the mounting pressures for social and political change. The former policy of supporting traditional elites was fruitless, for it could neither contain nor resolve the growing regional crisis. Thus rather than enlisting on the side of military regimes fated for extinction, the interests of the United States would better be served by trying to manage the inevitable process of change.

Implicitly, such management meant—as it had during the Alliance for Progress—a search for an “opening to the center”

combined with policies designed to contain the left. Once again, the United States would propose evolutionary change as the antidote to revolution. The unspoken dilemma in this formulation was the one which had likewise plagued the Alliance policy. By arming existing regimes to enable them to contain insurgency, Washington would end up arming the very elites it sought to displace in favor of the reformist center. Once armed, the existing regimes would have even less incentive to accept evolutionary change.

Despite this internal contradiction, the reformist option triumphed in the bureaucratic battle—though, like most bureaucratic victories, its triumph was incomplete. Throughout the remainder of the Carter administration, the advocates of reform searched Central America for a viable political center, but tensions remained within the administration between advocates of change and advocates of order.

The clearest test of the Carter administration's policy of promoting reform and the resurgence of a political center came in El Salvador. The coup of October 1979 brought to power a coalition of progressive young military officers and moderate civilian opposition leaders. The new government promised to create democratic institutions and to enact social reforms that would break the socioeconomic dominance of the landed oligarchy. Unfortunately, the October junta proved to be incapable of carrying out its promises—a failure due largely to the internal politics of the Salvadoran armed forces and to the reticence of the United States to carry its support for reformism to its logical conclusion. Whenever the progressive officers and their civilian allies proposed reforms of any significance, rightists within the armed forces blocked them, claiming their proposals were simply too extreme.

Among the civilians, the junta sought to break the deadlock in the government by seeking a showdown with the officers. The farmer's demands were twofold: reforms must be implemented, and right-leaning Defense Minister, General Jose Guillermo Garcia, must be removed. The military refused, the civilians resigned, and the government moved sharply to the right. At this critical juncture, the United States did nothing to preserve the moderate reformist character of the government. Fearful of the growing

strength of the guerrilla opposition, the United States continued to support the Salvadoran regime as it moved further and further to the right over the following year.

By the end of 1980 it was apparent that the reformist strategy had failed. The agrarian reform program—the cornerstone of the reform—was at a standstill, blocked by the indifference of the government and the resistance of the oligarchy. The level of official violence against civilians, despite the promises of the Christian Democrats, had risen dramatically rather than subsiding. And there was no evidence that the government was making any effort to curtail this violence, let alone bring its perpetrators to justice. In the end, the Carter administration's fear that El Salvador would become "another Nicaragua" proved greater than its commitment to foster reform and human rights.

Guatemala offered the most severe test of the Carter administration's commitment to reform in Central America. When he introduced his human rights policy in 1977, the Guatemalan government reacted angrily by refusing to accept further US military aid. Nevertheless, the pressure from Washington did have some initial effect. In 1978, there was a brief political relaxation as the armed forces brought the Christian Democrats into the regime in order to broaden its appeal. The conservative views of the Christian Democrats did not noticeably alter the ideological coloration of the regime, but even this small opening stimulated other opposition forces. The reaction of the right-wing forces came swiftly—the political opening disappeared—and, in the first three months of 1979, the two most popular leaders of the moderate opposition, Alberto Fuentes Mohr and Manuel Colom Argueta, were assassinated by death squads. The effect of these murders and the scores more that followed were reminiscent of the effect similar violence had in Nicaragua and El Salvador. The moderate opposition became demoralized and leaderless, the guerrilla armies of the left gained new adherents, and the prospects for evolutionary change faded even further.

Ronald Reagan's Human Rights Policy

The centerpiece of Ronald Reagan's world view has been the Soviet threat, which subsequently became the cornerstone of his

foreign policy. Furthermore, a recurring theme of Reagan's political attack on Carter was that he neglected national security. By instead advocating human rights and ideological pluralism, Carter purportedly obscured the distinction between allies and adversaries, criticizing traditional anticommunist friends while improving relations with hostile leftist regimes.

The new administration's main objective was to restore the Soviet threat to its place as the mainspring of US foreign policy. It saw the Third World as little more than an arena of East-West conflict, and US policy toward it thus had to be defined by the geopolitical logic of the new cold war. In tandem, the strategic objective of US policy toward the Third World was to strengthen the global network of US allies while striving to weaken that of the Soviet Union. To this, all other issues were secondary.

The Reaganites' critique of Carter's Latin American policy was particularly sharp. Carter's reduction of military aid to the dictatorships of the southern cone and Central America on human rights grounds appeared to be nothing less than the willful dismantling of the alliance system of the United States in Latin America. To cast off traditional anticommunist allies for the sake of some vague moral idealism seemed foolish and reckless in the hostile international environment of realpolitik. To contrive such a policy when those allies were beset by leftist insurgency—as they were in Central America—seemed the height of folly, or worse.

Two documents provided the intellectual wellspring of Reagan's Latin American policy: Jeane Kirkpatrick's famous *Commentary* article, "Dictatorships and Double Standards," which offered the critique of Carter's policy; and Committee of Santa Fe's monograph, *A New Inter-American Policy for the Eighties*, which provided the agenda of remedies. Kirkpatrick rejected the Carter argument that reform and human rights were essential for stability. They had instead, according to Kirkpatrick, "facilitated the job of insurgents" by causing social disruption while simultaneously restricting the ability of the existing regime to use force to preserve order. As the basis for a new human rights policy, Kirkpatrick advanced the idea that dictatorial regimes friendly to the United States were "moderately authoritarian," and therefore

tolerable because they might eventually evolve into democracies. Communist regimes on the other hand were "totalitarian" and never changed. According to Kirkpatrick, this distinction justified a policy which would be less harsh on anticommunist violators of human rights who aligned themselves with Washington.

The Santa Fe report repeated this critique, charging that the Carter policy was one of "indecision and impotence" which had abandoned Latin America to Soviet attack launched by revolutionary proxies. It declared detente to be dead, and called not for containment, but for the "counterprojection" of US military power in Latin America. This required, *inter alia*, jettisoning human rights policy, tolerance for right-wing authoritarian regimes, a revitalization of CONDECA, a "war of national liberation" against Cuba, and, if need be, direct US military involvement to halt the spread of communism.

The Reagan administration's attitude toward human rights became apparent soon after inauguration. Secretary of State Alexander Haig announced almost immediately that the Carter administration's concern for human rights would be replaced by a focus on international terrorism fostered by the Soviet Union, particularly in regions such as Central America. As the administration boosted military aid to El Salvador by \$25 million, the White House announced that military aid to the Salvadoran regime would no longer be tied to its human rights practices.

But the Reagan administration quickly discovered that the promotion for human rights had not simply been a quixotic crusade of the Carter administration. Human rights had developed a constituency in the Congress and the broader public—particularly in the religious community. When Reagan tried to appoint Ernest Lefever, a notorious opponent of the human rights legislation passed in the 1970s, as Assistant Secretary of State for Human Rights and Humanitarian Affairs, the human rights community mounted a vigorous opposition that eventually forced the withdrawal of Lefever's nomination.

As the Reagan administration tried to escalate US military involvement in Central America, it encountered sustained, if not always successful, resistance from the Congress, generally based

on human rights ground. In 1981, Congress passed legislation requiring that the President certify every six months that the government of El Salvador was making progress on a number of human rights issues. The administration dutifully made the requisite certification every six months—regardless of events in El Salvador itself—until the whole process became such a mockery that it was abandoned. But the net effect of the semiannual certification fight was to demonstrate that it could not maintain congressional support for a Central America policy that did not have a human rights component.

The administration's initial response to this realization was to simply shift its rhetoric, arguing that its policy was not fundamentally different from President Carter's. *It, too, supported human rights improvement, Congress was told.* But the rhetorical sleight-of-hand by itself was insufficient to stem the tide of congressional criticism. In order to sustain the high levels of military and economic assistance necessary to guarantee the survival of the Salvadoran regime, the administration was compelled to seek substantive changes in the regime's human rights behavior.

In December 1983, Vice-President George Bush traveled to El Salvador to deliver an ultimatum regarding death squad operations. Unless the regime took action to quiet the death squads, no further increases in US assistance would be forthcoming. Gradually, through 1984 and 1985, the activities of the death squads receded, though never totally disappearing. But levels of violence dropped off enough to make a qualitative difference in the political atmosphere of the nation. It was also enough, along with election of Jose Napoleon Duarte as president, to overcome congressional opposition to aid for El Salvador. The Bush visit demonstrated that the United States had sufficient influence, if properly applied, to alter the human rights behavior of the Salvadoran armed forces.

With regard to Guatemala, Reagan came to office determined to restore the traditional US security relationship that had been in existence since the overthrow of Jacobo Arbenz by the CIA in 1954. Though the guerrilla war in Guatemala was not nearly as advanced as in the Salvador case, the unparalleled brutality and corruption of the Lucas Garcia regime had given the guerrillas new strength. Thus, there was great concern in Washington that

without US military assistance, the government might gradually lose the war.

Guatemala's human rights record was so bad that even the Reagan administration, with its disdain for human rights restrictions on military aid, wasn't prepared to claim that Lucas Garcia was not a gross and consistent violator of internationally-recognized human rights, and thereby ineligible for military assistance. It was expected, however, that Reagan's envoys could convince Lucas Garcia to make at least minimal cosmetic improvements that would give the administration some grounds for proposing to Congress a resumption of aid.

But Lucas Garcia refused, and the human rights situation in Guatemala actually deteriorated after this bilateral show-down. After the coup which ousted Lucas and installed Rios Montt as president, the administration again tried to convince Congress that aid should be resumed, but the new government's brutal counter-insurgency campaign during the summer of 1982 simply reinforced the adamancy of Congress. When General Mejia Victores then ousted Rios Montt, the administration once again raised the trial balloon of military aid to Guatemala, but the resumption of death squad activities in Guatemala's cities led Congress to reduce even economic aid to the new regime.

The willingness of the Guatemalan armed forces to allow civilian elections in 1985 and the inauguration of Christian Democrat Vinicio Cerezo as president represented a long-delayed vindication of Carter's approach to Guatemala. While few believed that the military had given up its role as the ultimate arbiter of Guatemalan politics, the fact that they would allow even a limited political opening was surprising given their historic intransigence in the face of international pressure. One of the main criticisms leveled against Carter's human rights policy was the example of Guatemala, where the human rights situation had actually deteriorated under Lucas Garcia as a result of the US cutoff of aid on human rights grounds.

By 1985, however, Guatemala's international pariah status, and the inability of the Reagan administration to convince the Congress to resume bilateral aid, had left the Guatemalan economy

in desperate straits. The armed forces finally decided to allow elections in the hope that they could improve their international image enough to restore the flow of international financial assistance. Had the Reagan administration managed to convince Congress to restore aid to Guatemala earlier, it is doubtful whether the military would have felt compelled to allow elections when they did.

During Ronald Reagan's second term, his rhetorical embrace of human rights was subsumed under a new rubric—the administration's vocal commitment to promoting democracy abroad. It was argued that democratic governments were the best protectors of human rights, and thus promoting democracy was the best way to defend human rights. The administration then began to define its objectives in Central America as the establishment of democracy rather than simply the defeat of the revolutionary movements. In this way, military aid to El Salvador, Honduras, and Guatemala was justified on human rights grounds. Ultimately, even aid to the Nicaraguan "contras" was defended as essential to the establishment of democracy—and hence human rights—in Nicaragua.

With this interpretation of human rights, the administration had really come full circle back to its initial position that human rights had to be subordinated to the struggle against international communism. But, whereas saying that openly in 1981 had proven controversial and provoked serious opposition, cloaking the same argument as a defense of democracy proved more palatable. In practical terms, however, the policy implications were the same. Human rights became simply one additional weapon in the ideological battle between East and West. In this way, the administration ignored the more difficult task of assessing and balancing the national security interest which the United States has in Central America and the interest it has in human rights.

National Security Doctrine

To explore the relationship between human rights and national security, we first need to briefly review the nature of these two sets of interests. Because national security interests may directly

involve the survival of the United States, they are generally accorded superior status to political and economic interests. In case of a conflict between security-related interests and others, security interests must obviously hold sway, since the failure to safeguard them may make all others irrelevant.

With the advent of nuclear weaponry and the cold war, the struggle between the United States and the Soviet Union became the central focus of our foreign policy because for the first time, there was a rival world power with the capacity to destroy the US homeland. Despite the predominant global power of the United States, our national security has never been so directly at risk as it has in the postwar era.

One result of this paradoxical state of affairs has been an expansion of our conception of national security. We rarely think of national security as being limited simply to matters that bear *directly* upon the survival of the United States. Rather, virtually any event that might have an impact on the global balance between the United States and the Soviet Union is now interpreted as a national security matter. Events which might appear insignificant in themselves are regarded as a threat to our national security if they alter—or even have the possibility of altering—the balance of power between the superpowers. In a bipolar world, all events are evaluated in terms of their effect on this balance, and all events can therefore be seen as potentially involving the national security interests of the United States.

Direct military conflict between the superpowers has been rendered unlikely because of the danger that it might escalate into nuclear war. Instead, the military rivalry between East and West has been conducted in an indirect manner. Each side seeks to expand its influence among third parties and, in the event of conflict, tries to assure that the battlefield is in a third nation (usually a Third World nation) and thus others carry out most of the fighting.

At minimum, since Khrushchev's commitment to support wars of national liberation, the Third World has been an important arena of East-West competition. However, this does not imply that Third World conflicts are created by the tension between the superpowers; they generally are not. Most often, these conflicts

spring from indigenous causes. But it is a rare upheaval that does not attract the attention of one superpower or the other, and once one is engaged, the other tends to follow close behind. Thus the United States tends to attach national security concerns to every conflict that erupts in the Third World.

The credibility doctrine is the obvious product of this expansion of the national security concept. The claim that US credibility is at stake in those conflicts is a familiar one, having been invoked often in the past to justify foreign military involvements. The credibility doctrine also links vital US national security interests in Western Europe to military involvement in the Third World. It argues that the willingness of the United States to use force abroad, even when its own interests are only indirectly involved, is essential to the solidarity of the Western alliance. If the United States shrinks from paying the relatively small cost of using force in the Third World, who will believe it would risk nuclear annihilation to defend Europe? Through this logic, almost any Third World conflict can be regarded—through the invocation of the credibility doctrine—as vital to the defense of US security as the NATO alliance itself.

Moreover, unlike tangible military threats (such as the interdiction of sea lanes or the loss of access to vital minerals) the threat to credibility is difficult to measure objectively. It is intangible, depending entirely upon the perceptions of others. For this reason, the credibility doctrine is even more expansive than the postwar conception of national security. Any local conflict can be seen as a challenge to US credibility, regardless of the intrinsic importance of the region where the conflict is unfolding. All that is required for American credibility to be at stake in a conflict is for US policymakers to believe it is at stake or to say it is, even if they do not really believe it. (They might say it, for example, in an effort to prod a reluctant Congress to fund a given policy.)

It is important to note that there is nothing sacred about this expansive conception of national security. Indeed, the originator of the containment doctrine, George Kennan, opposed such a broad interpretation. Kennan looked instead to the material basis of industrial and economic power, and hence of military capability. He thought US security was at stake only in defending those areas of

the world that would, if lost to the Soviet side, contribute materially to the industrial and military power of our adversary. To extend the net of vital US interests beyond that, Kennan warned, would stretch thin the resources available to defend US interests and invite both challenge and defeat.

The primacy of national security interests over political and economic interests has been criticized on two grounds. First, as the interpretation of what types of threats endangered the national security widened, national security began to be invoked for issues farther and farther removed from the real issues of survival. As that happens, its claim for logically superior status with regard to other interests is progressively weakened. Second, the misuse of the doctrine of national security in the cases of Watergate and the domestic misdeeds of the Central Intelligence Agency raised great skepticism in Congress, as well as the public-at-large, about the invocation of national security as an adequate reason to subordinate other foreign policy or domestic interests. As a result of these criticisms, the presumption that other interests must give way when confronted by issues of national security has been replaced in many quarters with an insistence that national security interests be carefully assessed and weighed against other interests.

The Case for Human Rights

Although the issue of human rights arose in the mid-1970s, it is plainly rooted in a much older tradition of American foreign policy—the impetus to promulgate abroad our basic values concerning socioeconomic and political organization. In Latin America, prior to the advent of the issue of human rights, the missionary impulse was most clearly manifested in the Alliance for Progress.

The broad concept of human rights involves three different types of specific rights: rights of the person, civil rights, and social and economic rights. Rights of the person include freedom from arbitrary arrest and imprisonment, torture, or extralegal execution. Civil rights encompass political rights and liberties such as those guaranteed in the First Amendment of the Constitution—freedom of expression, association, and religion. Social and economic

rights involve such things as the right to employment, health care, education, and an adequate diet.

Obviously the political culture and traditions of countries vary enormously as to how seriously these rights are regarded and protected. In the United States, for example, rights of the person and civil rights are guaranteed by law. Economic rights, on the other hand, are not accorded the same privileged status, although social programs aim to provide a basic living standard for all Americans. This same set of priorities is reflected in foreign policy, where the United States also focuses almost exclusively on rights of the person and civil rights. Statutory requirements for the promotion of human rights in US foreign policy are even more restrictive, referring almost solely to rights of the person.

Some critics of the human rights movement have used these grounds to argue that the promotion of those rights is actually a form of intervention—interference in the internal affairs of other nations. It is just as imperial, so the argument goes, to insist that others adhere to a standard of human rights behavior defined in Washington as it is to insist that they maintain a free-market economy, or any other form of behavior mandated from abroad.

The flaw in this argument is that most countries in the world have pledged to respect human rights in international covenants such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. In the Western Hemisphere, members of the Organization of American States are also bound by the American Convention on Human Rights. There are thus solid grounds for arguing that a government which abuses the human rights of its people cannot claim that this is strictly an internal matter if it has entered into one of these international commitments. Moreover, one of the international legal principles established at the Nuremberg trials after World War II was that massive human rights abuses were “crimes against humanity” in which all humanity had a compelling interest.

The case for promoting human rights as a key element of US foreign policy has been made using both moral and practical arguments. The central moral argument is simply that our foreign policy must reflect the basic values of our own society. If it does

not, the United States runs the risk of eroding those values at home as well, thereby damaging that which our foreign policy is supposed to defend.

On the practical side, a foreign policy that is inconsistent with the basic values of US society will not be able to sustain the support of the American people. As Henry Kissinger correctly observed after Vietnam, a foreign policy which cannot sustain public support cannot be effective. A policy of support for regimes that are gross violators of human rights simply will not long stand the test of public opinion.

Moreover, governments that engage in massive human rights abuse do not build a foundation of political legitimacy upon which to construct long-term stability. On the contrary, they sow the seeds of their own destruction. The evolving doctrine of “low intensity conflict,” like its predecessor of counterinsurgency, recognizes that most Third World conflicts are more political than military. Winning the loyalty of the population is generally the key to winning the war. A government that engages in massive human rights violations is not likely to fare well in the competition for the population’s hearts and minds. So from a purely practical point of view, if the United States has a security interest in the survival of a particular government, it also has a strong incentive to influence that government to improve its human rights practices.

When the United States fails to uphold human rights in its foreign policy, it has the potential effect of weakening relations with key allies. A number of major Latin American countries are now ruled by governments that succeeded the military dictatorships of the 1960s and 1970s. The civilians who comprise those governments were themselves the victims of human rights abuses by the preceding military regimes. They recall very clearly the policy of the United States during the period of dictatorship. The human rights policy of the Carter administration did a great deal to pave the way for good relations with these countries after the military regimes collapsed. By way of contrast, Carter’s human rights policy in Iran was negligible because Iran was regarded as too important to national security. As a consequence, when the Shah was deposed, the successor regime regarded the United States as its greatest enemy because its support for the Shah had been so

total. Thus, the United States forfeited whatever national security interests were at stake in Iran.

The danger of weakening relations with key allies is not restricted to Third World allies. Policies that appear to condone or even promote violations of human rights damage the reputation of the United States among our European allies as well. The rise of anti-Americanism in Europe is largely a function of US policy in the Third World. The war in Vietnam was obviously the most important event in this regard, but recent policies in Central America have had deleterious effects as well. In a similar vein, just as the American public will not tolerate for long a policy which conflicts with its sense of morality, allied countries will also find this objectionable.

Human Rights vs. National Security: Dimensions of Conflict

To what extent is there a conflict between the exigencies of national security and the promotion of human rights in US foreign policy? Conventional wisdom holds that the conflict is frequent and severe, and that national security, because it has a privileged status over other interests, must take precedence. There was certainly a feeling of conflict between these two sets of interests within the Carter administration when the crisis in Central America erupted. Some officials argued that the human rights concerns should be set aside in the face of the insurgent threat to national security interests. Others argued against restoring military assistance to dictatorial regimes lest the human rights gains of the preceding years be abruptly lost. The Reagan administration saw a similar conflict of interests when it came to office, but its senior officials were more united behind a consensus that human rights needed to be downgraded relative to security concerns.

Upon close examination, however, it is clear that the conflict between national security and human rights is not as pervasive as one might imagine. Particularly over the long term, the active promotion of human rights appears to be not only consistent with

national security but an important adjunct to it. In the long term, the US public and Congress will not support a policy of aiding a regime that is a gross violator of human rights; thus, an active policy of promoting human rights in our dealings with such a regime is essential for maintaining an enduring relationship. In addition, a regime that is a gross violator is also unlikely to be stable over the long term, so the active promotion of human rights is essential to building self-sustaining stability. These two considerations lead to the conclusion that in the long run it is always a mistake to set aside human rights concerns. Apparent conflicts with national security are just that—apparent, rather than real. Over the long term, sacrificing human rights interests is likely to have the counterproductive effect of endangering national security interests as well.

Policy, of course, must be made for the present as well as the future. What may prove to be a false conflict between human rights and security in the long term may prove to be very real now. What if an active policy of promoting human rights seriously undermines a friendly regime? If a Third World regime has long been associated with the United States—as Anastasio Somoza was in Nicaragua—criticism from Washington on human rights grounds can seriously undercut its political legitimacy. If the United States goes further, halting military assistance because of the recipient's human rights practices, the Third World government may find itself unable to exercise sufficient force to keep itself in power against a hostile population. Under such circumstances, what should the United States do?

The answer lies in evaluating the answers to three questions:

1. How poor is the human rights record of the regime?
2. How serious a threat to national security would it be for it to be deposed?
3. Is a successor government likely to engage in better or worse human rights practices than the existing regime?

The worse the human rights record of an existing regime is, the greater the presumption against aiding it must be. Thus, in order to sacrifice American interest in human rights, the threat to national security posed by a collapse of such a regime must be

direct and severe. There are some governments whose human rights records are so atrocious that virtually no conceivable national security imperative other than a clear and present danger of direct attack upon the United States would justify helping them remain in power. Idi Amin's regime in Uganda and Pol Pot's regime in Cambodia come to mind as recent examples. Moreover, US law clearly prohibits providing military assistance to such regimes. The statutory language prohibiting aid to gross and consistent violators of internationally recognized human rights, however difficult it may be to interpret in particular cases, is clearly intended to establish a basic minimum standard of human rights observance that all recipients of US military aid must meet. But this minimum criterion will help us make decisions only occasionally since, mercifully, Idi Amin and Pol Pot are relatively few in number.

How are we to evaluate the threat to national security posed by the collapse of a friendly regime? If the regime is remote from the geographic centers of East-West conflict (e.g., the Middle East and Central Europe), and if the involvement of the Soviet Union and its allies is relatively marginal, then there is little reason for the United States to prop up a regime under attack by its own population. A strong human rights policy, even if it risks hastening the collapse of the regime, holds better prospects for future US relations with that country than a policy of subordinating human rights to military assistance. The recent cases of Haiti and the Philippines are good examples. The security of this nation is probably better safeguarded in both Haiti and the Philippines now because the United States resisted the temptation to defend dictatorial regimes. Instead it used its influence to bring about more democratic governments.

One difficulty with the guideline elaborated above is the fact that there is always a *potential* East-West dimension to every Third World conflict. In 1958 and 1959, the insurrection against the Batista dictatorship appeared to be outside the East-West rivalry, and in fact *was*. Fidel Castro's movement did not receive external assistance from the Soviet Union or Eastern bloc, and the traditional Communist party of Cuba played only a minor role in the Revolution. Yet, by 1962, Cuba had become the focal point of the

gravest confrontation between the superpowers in the nuclear era, and had joined Berlin as a potential flash point of global Armageddon. No one could have predicted such a development in 1958 when the United States was trying to decide how much to distance itself from Batista's decaying and increasingly brutal regime.

This inherent inability to predict the future has led some analysts to argue that the United States must defend *any* friendly regime that finds itself in difficulty, because failure to do so might potentially lead to "another Cuba." In Latin America in particular, this maxim has been the guiding precept of US policy since the Missile Crisis. If followed to its logical conclusion however, it would have led us to support both Ferdinand Marcos and Baby Doc Duvalier, a policy obviously inferior to the one actually pursued. The fallacy in this position is that its policy recommendations are directed at the "worst case" outcome regardless of how probable or improbable that outcome may be. Obviously, one should have contingency plans for all possible outcomes, but it does not make sense to gear policy toward a "worst case" if the probability of that outcome actually occurring is remote.

An even more difficult case for the policymaker is one in which a friendly government which is very much center-stage in the East-West conflict becomes a gross violator of human rights. South Korea and the military government in Greece during the 1970s are examples. In such cases, a strong human rights policy may destabilize a regime whose demise could materially affect the balance between the United States and the Soviet Union. Here, the weight of presumption would appear to fall on the side of national security interests. Indeed, even the Carter administration subordinated its human rights policy to security concerns in places like South Korea and Iran.

Yet even in these cases, such a presumption must be closely examined. By standing staunchly with a regime that is violating human rights, the United States enables that government to avoid the painful and difficult—but necessary—task of coming to terms with its own population; furthermore, the resistance of existing elites is reinforced. Rather than make the compromises necessary for the restoration of stability, many will rely upon the power of the United States to bolster their intransigence. This may succeed

for a time, but in the long run, for the reasons discussed above, the United States cannot sustain such a regime in power. The denouement may then be substantially more violent, radical, and disruptive of wider global relationships than it would have been had it fallen earlier.

On the other hand, a well crafted human rights policy may produce a change in government that is actually *stabilizing* for the overall political system by creating conditions for the restoration and maintenance of stability. The success of US policy in the Philippines is a prime example of such a dynamic regime transition.

The third criterion raised above concerns the need to weigh the human rights practices of the existing regime compared to those of a successor regime. By its very nature, this is a highly speculative process. Almost every revolutionary movement, if it grows large enough to pose a serious threat to the existing regime, has become a broad and ideologically heterogeneous coalition. When such a movement takes power, the coalition breaks down as different elements in it come into conflict over the future direction of the political system, and by extension, society. The human rights practices of the new government will be a function of how severe that conflict is and which faction of the old coalition prevails. Neither of these developments is easily predicted.

Those who are reluctant to allow human rights interests to interfere with traditional national security concerns often argue that the human rights practices of the new regime will not be an improvement over the old one. On these grounds, the argument is made against the active promotion of human rights if there is any chance that such a policy may lead to the demise of the existing regime. Such rearranging is made with particular verve if the revolutionary movement includes any significant Marxist elements—which almost every revolutionary movement in the late twentieth century is bound to include.

The underlying presumption runs as follows: Any revolutionary government that includes Marxists will eventually be taken over by them. They will then establish a communist regime, whose human rights practices will inevitably be worse than those of their

predecessor. At times, this argument even assumes the form of a logical deduction rather than an empirical prediction. Marxist-Leninist regimes are defined as regimes in which there are no human rights and no possibility of human rights improvement. Therefore, their human rights practices are, by definition, worse than those of any non-communist government. This view, which verges on the theological, was most clearly codified by United Nations Ambassador Jeane Kirkpatrick in her article "Dictatorships and Double Standards," where she urged a distinction between moderately authoritarian regimes and totalitarian ones. The former were assumed to be better from a human rights viewpoint because they at least held the possibility of eventually evolving into democracies, whereas communist totalitarian regimes, by definition would not undergo such an evolution.

The practical effect of accepting such an argument is to eviscerate human rights policy as it pertains to friendly regimes. Human rights ends up being targeted solely at communist regimes, over which the United States has virtually no leverage on human rights issues. This certainly eliminates the potential for any conflict between human rights interests and national security, but it also reduces human rights to little more than an ideological weapon in the cold war. Thus, the real US interest in human rights is largely forfeited.

Conclusion

National security, in its narrowest meaning, does indeed stand superior to other interests. But the expansive interpretation of national security that has come to dominate US policy in the post-war era is so far removed from issues of actual survival that it has forfeited its claim to privileged status. In the Third World, and particularly in Latin America where the Soviet Union has generally been reticent to become involved, national security interests must contend with, and be balanced against, other interests including those of human rights.

By law, there is a certain minimum standard of human rights performance that is required for any government that hopes to

receive military assistance from the United States. In addition, we should not allow human rights to be subordinated to "national security" in instances where the security threat is purely hypothetical—for example, where the Soviet Union and its allies are not deeply involved. Even where they are involved to some degree as in Central America, one must still evaluate as specifically as possible what the threat to national security actually consists of rather than simply conceding its privileged status. Finally, even in cases where the security interest is substantial and clear, the United States still needs to maintain a policy of promoting human rights. In the long run, a policy of support for regimes that violate human rights cannot be sustained or successful.

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