

Human rights, foreign policy and national interests: the dynamics and technicalities

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For the past five decades, human rights violations have dominated debates in the media and also in the academic world. This happened at a time when many states and their insurgents displayed disrespect to human rights in conflict situations. European countries, under the auspices of the European Union, were propelled into establishing the European Court of Human Rights in which member states would be tried in the event of gross violation of human rights. The United States of America did not allow herself to be overtaken by human rights developments in this regard. Consequently, during the tenure of President Jimmy Carter, 1977 to 1981, the federal government pursued a human rights based foreign policy in that it could eliminate or reduce financial grants to developing countries on human rights grounds. This article attempts to paint a picture of what characterises the current international political system pertaining to the pursuit of 'human rights-based' foreign policy by states. National interests continue to precipitate the pervasiveness of human rights violations. It is worthy to mention that the inconsistency in the pursuit of a human rights based foreign policy would continue to characterise the policies of many states for many years to come.

One of the primary reasons for the establishment of the Universal Declaration of Human Rights (UDHR) in 1948 was to promote universal respect for, and observance of, human rights and fundamental freedoms within the international community. It was also an attempt to tailor international law around the human rights issues that are of pivotal importance for international relations amongst states. Consequently, member states that assented to, ratified and signed the international human rights instrument in issue, responded by displaying their commitment to the international protection of human rights by reforming their foreign policy strategies. Such a move gave birth to other regional human rights instruments like the European Charter on Human Rights, the Inter-American Charter on Human Rights and the African Charter on Human and People's Rights.

Having said that, it suffices to contend that the link between foreign policy and human rights is imperative though difficult to implement consistently. In the words of Vincent, "there is an inescapable tension between human rights and foreign policy."² This is due to the dynamics and technicalities involved in the process of diplomacy. First, many writers have written widely about diplomatic intercourse as a major constrain. In the science of international relations, each state has the right according to international law provisions to enjoy its sovereignty. The very same idea of state sovereignty has gridlocked humanitarian intervention in many states that could not uphold the rule of law within their borders. In the words of Charvet, "those provisions limit the internal jurisdictional sovereignty of states and the non-intervention rule appears to be breached, [though] the most fundamental notion of sovereignty for international society is the absolute sense of not being subject to a superior authority."³ This notion of state's domestic sovereignty has propelled other states to engage in human rights abuses in the name of 'exercising authority in the internal affairs'. As Charvet suggests, this nullifies the superior authority that claims that states are subject to international law provisions. South Africa during the days of

apartheid employed the same political tactic in dealing with international pressure. Mobutu Sese Seko, the former president of Zaire, did the same in his thirty-two years of power in the former Zaire (the Democratic Republic of Congo); many Nigerian military governments followed the very same trend as well.

Secondly, states are interdependent on each other in the sense that they have diplomatic relations that are influenced by foreign policy strategies. States do interact virtually on many facets like economic transactions, trade agreements, the welfare of their nationals based in other countries, foreign aid programs and other issues that affect international community as a whole. So, the multilateral relations that states have with each other may be undesirable if one state denounces, for instance, domestic policies of a particular government on human rights grounds.⁴

Thirdly, states do not denounce the human rights record of other states purely for strategic reasons. Such action would be deemed to be endangering the trade agreements, foreign direct investments (whether by governments or multinational corporations). During apartheid rule in South Africa, many Western governments continued to have trade relations with the government of the day despite international disapproval of the international community. This was chiefly due to the fact that South Africa was an important supplier of raw materials to Western countries.⁵ It could be argued that the same phenomenon continues today particularly with oil producing countries. In Saudi Arabia for instance, the criminal's hands and heads are amputated in the name of Islamic law, *Sharia'h*. Does the US and other major players in the international community condemn the Saudi government the way they would Sudan, Iraq, Iran and perhaps Afghanistan? In Nigeria for instance, coups were a mode of political succession-with military governments paying little or no respect to human rights abuses. The major beneficiaries of the Nigerian economy did not campaign much for human rights abuses.

That brings us to the question of quiet diplomacy. In many instances of human rights abuses, states, which have diplomatic ties with the transgressor, elect to mute their criticisms. This is problematic and is influenced by national interests of particular states. In a sense, it could be deduced that national interests, human rights and foreign policy are triplets that could be separated at any given circumstances. For the survival of any state in the international society of states, these triplets can be separated from each other particularly when national interests are involved. No political commentator can write about one and leave out the rest. What propelled the US to come to the rescue of Kuwait when it was 'invaded' by Saddam Hussein? National interests-oil? Perhaps, it could be argued that the inactive manner in which the US dealt with military governments in Nigeria underscores the point that more often, states do give preferential treatment to national interests at the expense of human rights. An inference could be drawn to suggest that oil-producing countries are not condemned amid fears of increment of oil price. For instance, the Sudanese government applies the same *Sharia'h* that Saudi Arabia applies but the latter hardly receives international condemnation that would be granted to Sudan, Afghanistan, Iran and Iraq. Is it because the Saudi government has given the US a military base on its soil in an attempt to protect its national interests under any potential threat by Saddam Hussein? In the process of protecting national interests, human rights abuses continue to be trampled upon in the name of international sovereignty. This difficulty has prompted one commentator to conclude that 'in the absence of a supranational authority,

national states find themselves in a situation similar to that of the bank teller facing the gunman when no immediate police protection is available'.⁶ On the same note, a well known proponent of realism in international relations, Hans Morgenthau argues that diplomatic strategy should be motivated by national interest rather than by utopian and dangerous moralistic, legalistic, and ideological criteria.⁷ What is the way forward?

¹ The author is reading for an MA degree in the Discipline of Political Science at the University of Natal, Pietermaritzburg. He is indebted to the National Research Foundation for granting him the scholarship.

² Vincent, R. J. *Human Rights and International Relations*. The Royal Institute of International Affairs. Cambridge: London. 1986. p. 129.

³ Charvet, J. 'The Idea of State Sovereignty and the Rights of Humanitarian Intervention' in *International Political Science Review* (1997), Vol. 18, No. 1, 39-48.

⁴ Luard, E. *Human Rights and Foreign Policy*. Published on behalf of the United Nations Association of Great Britain and Northern Ireland, Pergamon Press: Oxford. 1981. p. 4.

⁵ Ibid. p. 5.

⁶ Oppenheim, F. E. *The Place of Morality in Foreign Policy*. Lexington Books: Massachusetts. 1991. p. 28.

⁷ Morgenthau, H. *Dilemmas of Politics*. University of Chicago Press: Chicago. 1958. p. 65.