

Human Rights and U.S. Foreign Policy

**Distance Learning Course
American University
School of International Service**

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**Summer 2007 (5/14-6/29)
Office hours: TBA**

COURSE SUMMARY:

The story of human rights in U.S. foreign policy is one of perpetual tension and resistance, of interpretation and reinterpretation. This course explores the nature of this dynamic process, exposing the way in which it involves both acceptance of and resistance to human rights. The course is divided into seven learning modules: The first two modules provide historical and conceptual context, while the next two modules discuss both the “hard” and “soft” instruments in the human rights foreign policy toolbox. The final three modules examine in greater depth the human rights foreign policy approaches adopted by the current U.S. administration, with special attention to changes in policy and practice post-September 11th and post-Iraq invasion.

This course complements, but does not duplicate other human right course offered at the School of International Service and it is open to law students, masters students and undergraduates without any prerequisites. The only exception is that undergraduate honors students planning to enroll in the Human Rights and U.S. Foreign Policy Fall 2007 course may not take this course.

COURSE REQUIREMENTS:

Students receive credit for two types of assignments: participation in a discussion forum and written assignments.

1. Participation in a moderated discussion: The class will be divided into teams. Each team will be assigned a week during which they will moderate class discussion on the readings. By midnight on Wednesday, they will post 2-4 questions to the discussion forum opened on Blackboard for that particular week. All students will be required to make at least two postings each week, in reply to the questions and in response to each other.

2. Completion of Assignment: Assignments are on the syllabus. Graduate students must complete 6 out of 7 assignments; students receiving undergraduate credit for the course complete 5 out of 7 assignments. Assignments are to be emailed to the instructor by midnight on Sunday. Options are provided for assignments. Late work will be accepted until Wednesday, with a penalty of one full grade for each day submitted late.

IMPORTANT EXCEPTION TO SCHEDULE OF ASSIGNMENTS AND TO STRICT POLICY ON TIMELINESS OF ASSIGNMENTS –This distance learning course is designed to help students who need more flexibility in completing a course, including those who need to travel, to take care of young children or other family members, and to others with demanding personal and professional commitments. At the outset of the class, if you know that you need a more flexible assignment schedule, make this clear and a new plan can be created to suit your needs.

LEARNING OBJECTIVES:

The purpose of this course is two-fold. First, the course seeks to impart information about the nature and significance of human rights in U.S. foreign policy. For the student of human rights, the course adds a foreign policy dimension; for the student of foreign policy, the course adds a human rights dimension; and for all students, the course provides the opportunity to think about the complex, dynamic relationship between the two fields. Second, the course also teaches skills in policy analysis and provides students with an opportunity to improve their writing skills. Frequent written assignments and unusually rapid and frequent feedback from the instructor enhance the skill-building objectives of this course.

Having completed this course, students should be able to:

- Understand how human rights factor into the U.S. foreign policy making process;
- Discuss the role played by various civilian and military actors and institutions in this process;
- Identify historical trends in the relationship between human rights and U.S. foreign policy;
- Debate with authority contemporary developments pertaining to the usage of human rights in U.S. foreign policy;
- Conduct original policy analysis of contemporary problems; and
- Think creatively and effectively about whether and when the U.S. has the responsibility to address international human rights problems.

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GRADING:

Grades will be based on the following:

1. (20 points maximum): Active engagement in discussion forum
2. (10 points maximum): Facilitation of one week's discussion form (with team)
3. (10 points maximum): Participation in partner/team support.

4. (60 points maximum): Weekly assignments. (choose 6 out of 7)
5. Extra credit: students may receive 10 extra credits for volunteering to facilitate a second discussion forum or for completion of an additional assignment. Contact the professor before beginning any extra credit..

Grading criteria:

1. Demonstration of having read and understood the readings.
2. Ability to apply course materials to case studies and experiences outside of class.
3. Professional presentation, with attention to clarity and organization as well as spelling and general proofreading (note: spelling and proofing mistakes are ok on the discussion board, but not in the assignments).
4. Creativity and effort.
5. Responsiveness to suggestions and improvement over time.

Graduate vs. Undergraduate grading -- like many courses, the flexibility inherent in distance learning courses and the close relationship between student and faculty make it easier to include a wide range of students in the class. For grading purposes, however, students receiving undergraduate credit will be graded with adjusted expectations.

COMMONLY ASKED QUESTIONS:

- *Does the class meet?* No, the class never “meets” in the traditional sense of the entire class sitting down at the same time. Students do not need to log in at the same time, but you do “meet” by posting comments to each other on the “Discussion Board” provided for the course.
- *How do you make sure we participate on the Discussion Board?* I can read your postings. In addition, the system is set up so that I can always access a record of who logs in when and for what duration. The fact that a large percentage of your grade is based on participation provides incentive.
- *But what about the lectures, aren't there any lectures?* No. This class is designed more like a British tutorial. You read books and articles and respond to them, and your professor stimulates discussion and provides feedback. The twist here is that your classmates provide feedback as well.
- *I want to have contact with my professor!* You will. The way this course is set up, you actually have more individual attention from the professor than in a traditional course.
- *Do you have office hours?* There will be no in-person office hours, but I will set aside time each week for call-ins. Also, you can always email me. In addition, you may call if the issue is better addressed off line.

- *How do you make sure I keep up?* We have a very tight schedule and you will be heavily penalized for falling behind. Again, grades are a good motivator.
- *Is this course as rigorous as traditional courses?* Yes! You should plan to spend as much time on this class as you would on a traditional summer school course.
- *Why should I consider a distance learning course?* The flexible hours might be appealing for a variety of reasons: you work all day; you live in Japan; you will be traveling sporadically during the term; you have two small children, etc. In addition, you might also be looking for the more individualized instruction that this course provides.

WHAT TO EXPECT IN A DISTANCE LEARNING COURSE:

You should expect to find a challenging learning environment. In some respects, it will be similar to traditional classes. Your instructor will provide quality readings, exercises, and assignments; as with regular classes, what you get out of it is related to how much you put into it. Expect to spend the same amount of time and energy on an online class; in fact, online classes can take *more* time and energy than regular classes.

In three crucial respects, online learning is different from the classroom.

- Work habits: Online classes are convenient and flexible but students have to be disciplined enough to make time to study and participate.
- Learning styles: Online learning is best for those who learn by reading and writing; if you learn better by hearing lectures or making presentations, an on-campus class might be a better fit.
- Skills: The instructor can't see students and won't know if you are confused, bored, or frustrated unless you are willing to talk to her/him about it.

Successful online students are active learners who are willing to take responsibility for their own learning. Online learning is not for everyone. Please consider carefully whether it is for you before you enroll in this course.

THE LEARNING TEAM

During the first week of this course, each participant in this course will be assigned to a “learning team,” that is one to two fellow classmates. At one point in the semester, your team will facilitate the weekly discussion. However, the purpose of the teams goes far beyond the facilitation role. The purpose of this system is to:

- Provide everyone with an instant buddy, prodder, fellow traveler;
- Build community;
- Promote a positive learning experience;
- Provide an outlet for stress and anxiety;
- Establish a “fall back” option in the event that technology fails (i.e., you can call your learning partner if your system crashes and you need something that you both had on your computers);
- Provide another source of feedback.

REQUIRED READINGS:

Julie Mertus, “Bait and Switch: Human Rights and U.S. Foreign Policy” Routledge, 2004.

Debra Liang-Fenton, “Implementing U.S. Human Rights Policy,” United States Institute of Peace, 2004.

Other readings available via a direct hotlink on syllabus. In exceptional cases, readings will be posted to the class via the RESOURCES section on Blackboard.

HUMAN RIGHTS AND U.S. FOREIGN POLICY SYLLABUS:

Each week of the course will involve the following:

1. *Engaged reading: Assignments based on the reading are posted for each week. Students should complete the reading on Monday- Wednesday.*
3. *Participation in a moderated discussion: The class will be divided into teams. Each team will be assigned a week during which they will moderate class discussion on the readings. By midnight on Wednesday, they will post 2-4 questions to the discussion forum opened on Blackboard for that particular week. All students will be required to make 2-4 postings in reply to the questions and in response to each other and to further input from the instructor.*
4. *Completion of Assignment: Assignments are to be emailed to the instructor by midnight on Sunday. Options are provided for assignments. Assignments will be graded based on the grading criteria delineated at the beginning of this syllabus and in line with university regulations. Late work will be accepted until Wednesday, with a penalty of one full grade for each day submitted late.*

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Week 1 (May 14-May 20)

International Human Rights, American Style

Objectives:

Having completed this module, students should be able to:

- Analyze differences between the ways in which rights issues are framed in international human rights discourse and in U.S. foreign policy circles.
- Recognize continuities and discontinuities in the role human rights has historically played in human rights and U.S. foreign policy.
- Define and debate the role of “American Exceptionalism” on U.S. human rights foreign policy.

Reading:

Julie Mertus, *Bait and Switch: Human Rights and U.S. Foreign Policy*, Chapters 1 and 2

Eleanor Roosevelt, “Making Human Rights Come Alive,”

<http://www.udhr.org/history/frbioer.htm>

The Declaration of Independence <http://www.archives.gov/national-archives-experience/charters/declaration.html>

The U.S. Bill of Rights http://www.archives.gov/national-archives-experience/charters/bill_of_rights.html

Charter of the United Nations (1945) <http://www.un.org/aboutun/charter/>

Universal Declaration of Human Rights (UN 1948)
<http://www.un.org/rights/50/decla.htm>

Bill March, "Anti-American Feeling Abroad," *The New York Times*, December 31, 2006.
[<http://www.nytimes.com/imagepages/2006/12/30/weekinreview/31marsh.ready.html>]

Assignment:

Choose one of the following:

1. With direct reference to the course readings, write a brief essay addressing the following questions:

Does the American conception of "human rights" diverge from the international view? How so? What is American exceptionalism on human rights? Is it fair to speak of the United States policy as monolithic and linear in its evolution? What are the sources of American foreign policy? Did the United States develop into an imperial power? Why or why not? Why do any American leaders speak about democracy and human rights?

2. Draft an imaginary conversation between Eleanor Roosevelt and at least two American presidents (your choice) on the role of the U.S. in promoting international human rights.

Week 2 (May 21-May 27):

National Interests vs. Human Rights during the Cold War

Objectives:

Having completed this module, students should be able to:

- Explain the manner in which human rights were read as either in support of or opposition to "national interests" during the Cold War.
- Identify major turning points in U.S. human rights policy during the Cold War.
- Analyze the impact of the human rights foreign policy of U.S. presidents on political developments in totalitarian and authoritarian states during the Cold War.

Reading:

NSC 68: United States Objectives and Programs for National Security (April 14, 1950) <http://www.mtholyoke.edu/acad/intrel/nsc-68/nsc68-1.htm>

Debra Liang-Fenton, *Implementing Human Rights*, chapter 3, 6, 8, 9, 10.

Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, Staff Report: Covert Action in Chile 1963 – 1973, 94th Congress, 1st Session, 1975. <http://www.fas.org/irp/ops/policy/church-chile.htm>

The Carter Era

<http://www.statecraft.org/chapter13.html>

Assignment:

Select one of the case studies from the Liang-Fenton book. The paper should include the following:

- a). A clear analysis of the particular human rights and/or democracy issues with respect to the country/(ies) in question -- including a description of the problems, the major contributing factors to the problems, the major actors and their interests;
 - b) A description and analysis of the U.S. policy responses, including the role of Congress and an analysis of the rationale and political dynamics of policy selection, and an analysis of the strengths and weaknesses of the U.S. policy; and,
 - c) A conclusion that suggests how the case study could be compared with at least one other case study in either the Liang-Fenton book or the other readings.
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Week 3 (May 26-June 3rd) :

The “Softer” Tools of Human Rights and Foreign Policy: Diplomacy and Foreign Aid

Objectives:

Having completed this module, students should be able to:

- Argue persuasively on either side of the foreign aid/human rights debate.
- Understand how and why has the use of foreign aid to advance human rights changed during the 1990s and observe its continuing importance today. .
- Explain when the U.S. can effectively engage with abusive regimes and when it should shun them.

Reading:

“The United States (2006), DAC Peer Review: Main Findings and Recommendations” published by the Organization for Economic Co-Operation and Development.

[http://www.oecd.org/document/27/0,2340,en_2649_201185_37829787_1_1_1_1,00.htm
l]

Neil A. Englehart, "Picking Winners: The Millennium Challenge Accounts," *Dissent*, Fall 2004, pp. 74-77. [<http://www.dissentmagazine.org/article/?article=320>]

Jeffrey D. Sachs, "How Aid Can Work," *New York Review of Books*, December 21, 2006, pp. 97. <http://www.nybooks.com/articles/19721>

Kim Cragin and Peter Chalk, *Terrorism & Development: Using Social and Economic Development to Inhibit a Resurgence of Terrorism*, RAND, 2003, pp. ix-xiv. [<http://www.rand.org/publications/MR/MR1630/MR1630.pdf>]

Dennis Jett, "Democracy is More Than Just a Soundbite," *The Christian Science Monitor*, March 16, 2005. pp. 9. [available at <http://www.csmonitor.com/2005/0316/p09s02-coop.html>]

Robert McMahon, "Central Asia: Uzbek Developments Present US Policy Dilemmas," *Radio Free Europe*, August 5, 2005. [http://www.rferl.org/features/features_Article.aspx?m=08&y=2005&id=661772E9-FCE4-4FC8-8DDA-0315B1E28AD9]

Noah Feldman, "Why Not Talk? The case for speaking with our enemies," *The New York Times Magazine*, October 1, 2006, pp.15-16 and graphic.
Senator John McCain, "When Decency and Expediency Clash," *Financial Times* (London), June 14, 2005. pp. 19

Assignment:

Develop a ten to fifteen minute powerpoint presentation identifying the main arguments for and against using foreign aid as an inducement for states to improve their human rights record. You may make an argument for one side or the other, but be sure to do so after a presentation of all the main issues on both sides.

For those who are technologically advanced, you may make and record a video or i-cast of yourself giving the talk.

Those of you who are unable to create a powerpoint may, as an alternative, complete the talk as a speech.

Week 4 (June 4-10): The "Hard" Tools of Human Rights and Foreign Policy

Objectives:

Having completed this module, students should be able to:

- Critically analyze incidents in which human rights justifications are given for U.S. military intervention.
- Identify continuities and discontinuities in U.S. policy toward “humanitarian intervention.”
- Compare the United Nations position on coercive human rights measures with that taken by the U.S. government in specific time periods.

Reading:

Julie Mertus, *Bait and Switch*, Chapter 3

Kenneth Roth, Human Rights Watch, on the U.S. Intervention in Iraq
<http://hrw.org/wr2k4/3.htm>

Kofi Annan, 1999 Interview on Intervention
http://www.pbs.org/newshour/bb/international/july-dec99/annan_10-18.html

Kofi Annan, 2005 Statement on the Responsibility to Protect and the Use of Force
<http://www.globalpolicy.org/empire/humanint/2005/0321largerfreedom.htm>

David Clark, “Iraq has wrecked our case for Humanitarian Wars,” *The Guardian*

(London), August 12, 2003. pp. 20 [available at

Assignment:

Choose one of two assignments:

a) Write imaginary dialogue between two activists representing opposite sides on the matter of U.S. Military interventions for human rights. Don’t peg it to any particular case, but in the argument refer to specific a specific conflict or a series of conflicts (i.e., Rwanda, Kosovo, Iraq and Afghanistan).

b) Write imaginary dialogue between two U.S. military officers representing opposite sides on the matter of U.S. Military interventions for human rights. Don’t peg it to any particular case, but in the argument refer to specific a specific conflict or a series of conflicts (i.e., Rwanda, Kosovo, Iraq and Afghanistan).

Week 5 (June 11-17): U.S. Human Rights Foreign Policy Under the Bush Administration

Objectives:

Having completed this module, students should be able to:

- Understand the substantial shifts in U.S. foreign policy during the Bush administration before and after September 11th.
- Debate why the Bush Administration has tried to justify American action in Afghanistan and Iraq in terms of human rights.
- Compare policy statements of the Bush administration and their critics over time.

Readings:

Lorne W. Craner, Assistant Secretary for Democracy, Human Rights, and Labor; “The Role of Human Rights in Foreign Policy,” Remarks to the Heritage Foundation, Washington, DC, October 31, 2001.

<http://www.state.gov/g/drl/rls/rm/2001/6378.htm>

President George Bush, Graduation Speech at West Point, June 1, 2002.

[<http://www.whitehouse.gov/news/releases/2002/06/20020601-3.html>]

U.S. National Security Strategy, September 2002 (pre-September 11th)

<http://www.whitehouse.gov/nsc/nss.html>

U.S.: ‘Hague Invasion Act’ Becomes Law, Human Rights News, Human Rights Watch, August, 03, 2002, <http://www.hrw.org/press/2002/08/aspa080302.htm>

President Bush Addresses United Nations General Assembly, (September 23, 2002)

<http://www.whitehouse.gov/news/releases/2003/09/20030923-4.html>

The Bush Doctrine, September 21, 2002, <http://www.whitehouse.gov/nsc/nssall.html>

George W. Bush, "Remarks at the 20th Anniversary of the National Endowment for Democracy, November 6, 2003", *The White House*, November 6, 2003.

[<http://www.state.gov/p/nea/rls/rm/26019.htm>]

President George W. Bush’s 2nd Inaugural Speech, <http://www.whitehouse.gov/inaugural/>

Assignment:

In early September 2002, the Bush administration released *The National Security Strategy of the United States of America*, outlining the guiding principles of its foreign policy. Prominent in the text was a re-interpretation of the right of self-defense to include pre-emptive military action against those states that it views as threats to U.S. national security. The document refrained from use of the term “human rights,” preferring instead the terms “freedom” or “non-negotiable demands of human dignity.”

Specifically, Chapter II, “Championing aspirations for human dignity,” provided that

America must stand firmly for the nonnegotiable demands of human dignity: the rule of law; limits on the absolute power of the state; free speech; freedom of worship; equal justice; respect for women; religious and ethnic tolerance; and respect for private property.

In outlining the actions that it would take to defend human rights, the Bush administration stated that it would:

 speak out honestly about violations of the nonnegotiable demands of human dignity using our voice and vote in international institutions to advance freedom;

 use our foreign aid to promote freedom and support those who struggle non-violently for it, ensuring that nations moving toward democracy are rewarded for the steps they take;

 make freedom and the development of democratic institutions key themes in our bilateral relations, seeking solidarity and cooperation from other democracies while we press governments that deny human rights to move toward a better future; and

 and take special efforts to promote freedom of religion and conscience and defend it from encroachment by repressive governments.

Write an answer to one of the following questions:

1. Given all that you have read thus far in this course, analyze this document. What does this document mean? Is it extraordinary when compared to the conceptions of human rights held by other administrations? How does it resonate with the other documents in this module? Explain how U.S. policy on human rights developed from document to document in this section.
2. Create a time line illustrating the shifts in U.S. human rights foreign policy from, the beginning of the administration of George W. Bush administration through the Iraq war. Use the documents in this module (extra Web research might be helpful, but it is not required).

Week Six (June 18-24): The Human Rights Implications of the War Against Terror

Objectives:

Having completed this module, students should be able to:

- Explain how human rights were deemed relevant to fighting terrorism in the aftermath of 9/11 and examine how American perspectives on the national interest may have changed.
- Identify the impact of the war in Iraq on U.S. human rights policies.
- Argue either side of the debates on: (a) steps taken by the U.S. government to prevent the trying of U.S. soldiers before international criminal courts; (b) the impact of security assistance on human rights and security; (c) the mistreatment of prisoners by U.S. troops and U.S. manipulation of international prohibitions on torture.

Reading:

Research Center for the People and the Press, “America’s Place in the World,” Council on Foreign Relations, November 17, 2005. pp. 9-15. <http://people-press.org/reports/display.php3?ReportID=263>

American Servicemembers’ Protection Act of 2002 ,
<http://www.state.gov/t/pm/rls/othr/misc/23425.htm>

Harvard Journal on Legislation, Commentary on the American Servicemembers’ Protection Act, http://www.law.harvard.edu/students/orgs/jol/vol40_2/faulhaber.pdf

Joan Fitzpatrick, *Speaking Law to Power: The War Against Terrorism and Human Rights*, 14 *European J. Int’l L.* 2413 (2003)
(summary edited by the author; most footnotes omitted)
<http://www1.umn.edu/humanrts/intlhr/preface.html>

Tamar Gabelnick, Security Assistance After September 11th, *Foreign Policy in Focus*. May 2002
<http://www.fas.org/asmp/library/articles/fpif-911.htm>

Frida Berrigan and William D. Hartung, with Leslie Heffel, “U.S. weapons at war 2005: promoting freedom or fueling conflict? U.S. Military Aid and Arms Transfers Since September 11, A World Policy Institute Special Report June 2005 , <http://www.worldpolicy.org/projects/arms/reports/wawjune2005.html>

August 1, 2002 memo to Alberto Gonzalez, <http://www.washingtonpost.com/wp-srv/nation/documents/dojinterrogationmemo20020801.pdf>

Pentagon Draft Report on Interrogation Methods, March 6, 2003,
<http://news.findlaw.com/wp/docs/torture/30603wgrpt2.html>

Amnesty International, Report on Secret CIA Detention facilities – USA and Yemen,
<http://web.amnesty.org/library/Index/ENGAMR511772005>

Human Rights Watch, Summary of International and U.S. Laws Prohibiting Torture
<http://www.hrw.org/english/docs/2004/05/24/usint8614.htm>

Ghost prisoners <http://hrw.org/reports/2007/us0207/>

Walsh, Joan. “The Abu Ghraib files,” Salon.com.

[http://www.salon.com/news/abu_ghraib/2006/03/14/introduction/index.html] *See Abu Ghraib Files in left column of website page . SKIM*

Assignment

Choose one of the following two assignments.

1. (You must do both “a” and “b” for number one).

a) Write imaginary dialogue between Bush Administration lawyers and their critics on the treatment of prisoners at Guantanamo. Be sure to address the issue: Does international humanitarian law apply to the actions of the U.S. in this case?

b) Use the Web to find op-eds and letters to the editor on all sides of this issue. Make a “portfolio” of “snippets” of these documents by piecing them together in an organized fashion. You may add lines of explanation and headings.

or

2. Analyze one of the following two problems emerging from post-September 11th human rights policies: (a) steps taken by the U.S. government to prevent the trying of U.S. soldiers before international criminal courts; (b) the impact of security assistance on human rights and security. The paper should include the following:

a) A clear description of the problems, the major contributing factors to the problems, the major actors and their interests;

b) A description and analysis of the U.S. policy responses, including the role of Congress and an analysis of the rationale and political dynamics of policy selection, and an analysis of the strengths and weaknesses of the U.S. policy.

Week Seven (June 25-29)

The Future of U.S. Foreign Policy

(Note: The discussion session for this week is moderated by the professor and it is the same as the assignment.)

Objectives:

Having completed this module, students should be able to:

- Think creatively about the future of human rights and U.S. foreign policy.
- Review the main concepts introduced in this course.
- Discover ideas that were previously overlooked and integrate learning into previous educational and professional experiences and future goals.

Assignment:

Review the readings and your notes from all previous cases. By Wednesday at noon, post a paper to the discussion board answering two of the following three questions (by Friday at noon, post at least two replies to fellow students).

1. Choose two readings from classes 1-5 that you overlooked and identify the main ideas that you now recognize as important for understanding contemporary trends in U.S. foreign policy. Be sure to explain why you originally overlooked them.
2. Choose one assignment from classes 1-6 that you skipped and now complete it.
3. Write a list of the top five things you learned in this class.