



SPECIAL REPORT

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ABOUT THE REPORT

The Human Rights Implementation Project of the U.S. Institute of Peace's Research and Studies Program has completed a series of country case studies on Africa. As part of a larger effort to examine U.S. foreign policy and its impact on human rights around the world, the project has critically examined the efficacy of policy to promote human rights in Rwanda, Kenya, and South Africa. The lessons learned from these three diverse cases will be instrumental in determining how best to formulate and implement U.S. human rights policy more generally.

Alison Des Forges of Human Rights Watch, Joel D. Barkan of the University of Iowa, and Pauline H. Baker of the Fund for Peace authored the papers for the Rwanda, Kenya, and South Africa case studies, respectively. The project assembled distinguished policymakers, NGO representatives, academics, and other experts to evaluate U.S. policy in these countries and to help identify ways in which U.S. human rights policy can be improved.

Written by program officer Debra Liang-Fenton, this report draws upon the three papers, and is intended to capture the main themes that emerged in the working group sessions.

The views expressed in this report do not necessarily reflect those of the United States Institute of Peace, which does not advocate specific policies.

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U.S. Human Rights Policy toward Africa

Briefly...

- U.S. foreign policy toward Africa has been one of the most daunting challenges for policymakers in the past 25 years. Inconsistency in policy formulation and implementation has had a correspondingly inconsistent effect on human rights in the region. The cases of Rwanda, Kenya, and South Africa present three highly diverse contexts in which U.S. human rights policy has had varying degrees of success.
- There has been a distinction between cases where U.S. diplomacy on behalf of human rights has been intertwined with U.S. efforts to promote democratic transitions (Kenya and South Africa, for example) and cases where human rights issues were addressed or avoided because they stood starkly on their own (as the case of Rwanda illustrates).
- In Rwanda, the United States lacked the political will to formulate and coordinate a strategy that would end the mass killings that plagued the country. Drawing upon the lessons of Rwanda, could the U.S. government contribute to the prevention of a catastrophic failure in the future?
- U.S. policy for supporting transition to democracy and protecting human rights was clearly articulated in the 1990s but implemented on an inconsistent basis, as illustrated by the Kenyan case.
- In South Africa, policy objectives remained relatively constant (ending apartheid), but the tools used varied considerably, from constructive engagement in the early 1980s to the imposition of sanctions later in the decade. Economic pressure proved to be a particularly effective tool.
- While the United States has applied a variety of tools such as quiet representations of concern, public diplomacy, sanctions, aid packages, and the combination of these mechanisms to advance its human rights agenda, it has not applied its policy effectively nor has it always been explicit about what governments must do to protect and promote human rights.
- Formulating and implementing a strong human rights strategy requires the ability to meet short- and long-term objectives. Building a solid foundation for the protection

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of rights by helping to establish democratic institutions and the rule of law, and creating a space for civil society and a free media to flourish safely, are ways in which the United States can pursue its human rights goals.

- In order to craft a successful human rights policy and to implement it effectively, the United States must recognize that Africa's policy challenges (as in other parts of the world) are rooted in its highly dynamic and in some cases violent environment. Tenuous political systems, inter-ethnic conflicts, and humanitarian crises juxtaposed against resource-rich potential create the need for both short- and long-term approaches.
- The United States should articulate and promote clear and measurable goals; it must develop sufficient means with which to carry out these goals; and it must practice a flexible, well-coordinated, and well-implemented strategy in its objective of promoting human rights in the region.

Rwanda

Background

The U.S. government's unwillingness to thwart the 1994 genocide in Rwanda presents one of the greatest foreign policy failures in U.S. history, obscuring other failures and successes of policy toward Rwanda before and after the genocide. Historically, Rwanda has been considered unimportant to U.S. policymakers, as it has been perceived as a nation with no natural resources or economic base (the United States had no investment in the country). Fostering economic development was the primary focus for U.S. policymakers during the Cold War. According to Alison Des Forges, Rwanda was regarded as an ally, and the strategy was to keep it as such by disbursing small aid packages. There was also a perception that with economic development, the other problems, including ethnic tensions that wracked the country, might be resolved. The international community was generally satisfied with the stability of the government of Juvenal Habyarimana (who assumed power in a coup in 1973), and so overlooked the systematic discrimination against the Tutsi minority throughout his tenure. After the Cold War ended, the U.S. government more vigorously promoted a democratic system of government and the development of a robust civil society. It also promoted training for personnel of the National Assembly, study tours to the United States for leaders of new political parties, seminars for journalists, and support for human rights and women's organizations.

At the same time, gross abuses of human rights by government officials in Rwanda were escalating. The U.S. government viewed the ethnically based discrimination and killings as a by-product of the civil war launched in 1990, and attempted to address them in the Arusha Peace Accords of 1993. Even while the United States promoted democratic reform, however, Rwandan authorities committed or fomented egregious human rights abuses including discrimination against and killing of members of the country's Tutsi minority. The U.S. failure to condemn and isolate Habyarimana encouraged an expansion of the killings. Although there were ample warnings of the genocide from January 1994 on, the United States and its allies refused to enlarge and invigorate the UN peacekeeping force in Rwanda, UNAMIR (United Nations Assistance Mission in Rwanda), to protect Tutsi victims and disarm Hutu perpetrators. The diplomatic priority for the United States was to avoid another peacekeeping failure like Somalia. On April 6, 1994, the genocide was launched by the Rwandan army and extremist political parties.

Failure in U.S. Policy

There were many failures in U.S. policy toward Rwanda that contributed to the continued abuse and ultimate genocide. While the United States was not alone in its failure to

address the central issue of stopping the killings, it certainly did not distinguish itself in its perceived role as a leader in the international community.

- Throughout the Cold War and long after it ended, the United States did not regard protection of human rights as a priority in Rwanda. The U.S. government had an interest in bolstering the Rwandan economy and continued to support the government with foreign aid, including assistance to foster development and democracy programs. After the UN Special Rapporteur on Summary and Arbitrary Executions confirmed the findings of the international commission's 1993 report corroborating allegations of abuses and massacres, the United States reduced an aid package that was designated largely for humanitarian assistance, and threatened to make further cuts. The reasons cited for the reduction, however, were poor economic performance and growing war expenditures, in addition to human rights violations. Including economic performance and other criteria as reasons for a reduction in aid without clearly underscoring the unacceptability of rights abuses sent a mixed signal to the Rwandan government.
- In the spring of 1994, the United States and other nations continued to treat the Rwandan government as legitimate, and did not challenge its right to keep its seat as a nonpermanent member of the UN Security Council. When the United States refused visas to representatives of the genocidal regime who wanted to lobby U.S. officials in Washington, it was done quietly and in such high diplomatic circles that it had little impact inside Rwanda. This sanction was also carried out six weeks after the genocide had begun.
- In the months preceding and throughout the genocide, U.S. pressure was never strong or consistent enough to contribute to ending the killings, nor did the United States support international military instruments sufficient to suppress the genocide. With a few exceptions, there was no strong condemnation or moral leadership that challenged the actions taken by the Rwandan government.
- In the wake of the UN peacekeeping debacle and U.S. military losses in Somalia six months before the Rwandan genocide, the United States strongly opposed the maintenance of UN peacekeepers in Rwanda during the genocide.
- The United States also failed to engage in vigorous economic and diplomatic pressure against the genocidal regime. The French government actively supported the regime militarily.
- The United States and its allies did not act on their obligations, as parties of the Geneva Convention, to prevent the genocide and punish the perpetrators. The White House forbade the use of the term "genocide" in discussing Rwanda.
- The Executive and Legislative branches of government are heavily influenced by the U.S. public, and the public did not speak out against the inaction of the U.S. government. The international human rights and humanitarian groups and the media, while reporting on the genocide, did not sufficiently animate a large popular constituency.
- There was a failure to promote human rights and the rule of law from the ground up in Rwanda. The primary means by which the United States intended to bring about change was through economic development and democracy programs that did not sufficiently incorporate human rights or justice components.
- Rwanda was not important economically or strategically to the United States, therefore making it unlikely that an intervention would be carried out in times of crisis.

In sum, the U.S. government lacked political will to formulate and implement a serious policy to prevent or halt genocide in Rwanda.

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The Rwandan genocide was a test for U.S. policymakers, and they failed to act commensurately with the enormity of the crisis. It was an extraordinary challenge to which the U.S. government responded with "business as usual."

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Challenges to Policy Implementation

The Rwandan genocide was a test for U.S. policymakers, and they failed to act commensurately with the enormity of the crisis. It was an extraordinary challenge to which the U.S. government responded with "business as usual." Addressing and meeting immediate challenges are essential in the successful implementation of an effective human rights policy.

Political Will. In the pre-genocide phase of the Rwandan crisis, the United States government promoted economic development and democracy programs, but insufficient funding was allocated toward their implementation. Consequently, these programs were not implemented effectively or consistently enough to make a significant difference on the ground in Rwanda. By contrast in the post-genocide period, the U.S. government was one of the biggest supporters of the International Criminal Tribunal for Rwanda, and it has demanded accountability for perpetrators of the killings. The U.S. government has also contributed nearly \$20 million to judicial and police systems since the end of the genocide. In addition, it has provided aid and training to Rwandan military courts, contributing to the improved functioning of investigations and prosecutions of abuses. Unfortunately, because of its inadequate response to the genocide, the U.S. government has been reluctant to criticize the Tutsi government that took power once the genocide was over and failed to pressure the regime to end its killing of unarmed Hutu, both in Rwanda and in neighboring Congo.

U.S. policy in Rwanda before, during, and after the genocide was not informed by the high cost of inaction. This failure also had a cataclysmic impact on the entire region. The international community's tolerance of the genocidal regime's control of massive refugee camps in neighboring Congo was a key factor in the Rwandan government's invasion of Congo and the outbreak of armed conflict involving a number of African states.

Non-State Actors. The media coverage of the genocide, particularly in its early weeks, attributed the violence to civil war or to historic ethnic hatred. Both premises were wrong, and contributed to a sense of futility among the U.S. public and policymakers.

A related problem was what is referred to as "compassion fatigue syndrome." By the time Rwanda came along, there was little energy for its problems. For this and other reasons, the NGO (non-governmental organization) community and other actors failed to raise sufficient levels of awareness. Consequently, Congress did not hear from its constituents, and there was little political impetus to take quick and effective action.

International Actors. As an international leader and a party to the Geneva Convention, the United States should have been an active participant, not an impediment, in efforts to rouse the United Nations and its agencies to respond vigorously to the genocide and encourage its allies to do the same. While the U.S. government failed to respond to the genocide in Rwanda, so too did other governments, most notably France and Belgium. In addition, the UN system either misinterpreted or ignored the true nature of the genocide, rendering an early intervention unlikely.

U.S. human rights policy will increasingly need to rely on broader multilateral efforts in pursuing its objectives. Working with other governments would provide greater credibility and influence in achieving these goals. In addition, working multilaterally could potentially reduce the human and monetary costs of intervention.

Lessons Learned

Early identification of the costs of action or inaction must be made in order to determine how best to implement policy. In the case of Rwanda, despite advanced warning of the disaster that was to occur, the context of Somalia and the speed with which the genocide unfolded undermined the political will for an appropriate response.

The period leading up to the genocide was critical in signaling to the perpetrators that mass killings would be tolerated. U.S. officials did not raise issues of accountability with

Habyarimana during his visit to Washington in October 1993. (Nor did the United States raise the issue of justice for ethnically based killings in neighboring Burundi at the end of 1993 and in early 1994.) Impunity for slaughter in both these countries sent the signal to Rwandan extremists that they could quite literally get away with murder.

On the other hand, before the end of the genocide, the United States acknowledged that holding accountable those responsible for committing the killings was one of the surest ways of stopping the slaughter. Since then, the United States has strongly supported the International Criminal Tribunal for Rwanda (ICTR). The U.S. government acknowledges the gravity of the killings and was the leading force for the creation of the ICTR. The United States has been the ICTR's leading supporter. The United States has also contributed to Rwandan judicial and police systems, although they continue to suffer inadequacies.

U.S. policy weaknesses in Rwanda have raised many questions about intervention in a country that holds no immediate economic or strategic priority for the United States, and yet there is a compelling need to end extreme violence. Given the above, recommendations on post-failure responses can be made to improve policy implementation, and may shed light on policies that would help avoid a potential catastrophe in the pre-failure stage.

- Private and public diplomacy must be used in tandem by the U.S. government to exert pressure on abusive governments.
- Private and public expressions of concern about human rights abuses must be explicitly articulated.
- Public condemnation of abuses must be backed by accountability for those who commit them.
- U.S. support of democracy programs is valuable but is not a substitute for diplomatic and other initiatives to deter ethnic killings. The United States and its allies can provide incentives but must not neglect negative pressures.
- The United States should bring to bear economic, diplomatic, and political pressure commensurate with the crime to deter perpetrators from committing crimes against humanity.
- The consequences of inaction for the entire region must also be taken into account. The international community's failure to address the genocide destabilized the entire Great Lakes region and contributed to the massive refugee flows of the war.

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Kenya

Background

U.S. foreign policy in Kenya has largely been informed by the comfortable relationship both countries have enjoyed since Kenya's independence in 1963. Throughout the Cold War and immediately after, Kenya was a loyal ally of the United States, and as such was rewarded by large aid packages and substantial military assistance especially during the 1970s and 1980s. Kenya was viewed as the key to regional stability and development, a country with a competent civil service, an adequate judicial system, and sufficient infrastructure. Kenya's central geographic location on the African continent and relative absence of egregious human rights abuses prior to the mid-1980s were both reasons for the United States to encourage a friendly relationship.

By the second half of the 1980s, however, the internal situation took a severe turn for the worse under the leadership of President Daniel arap Moi. Moi's corrupt "neo-patrimonial state" was the major cause of Kenya's steady political and economic downward

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spiral. Human rights violations increased, election irregularities emerged, and local institutions, particularly the civil service, were severely damaged. According to Joel Barkan, despite knowledge about escalating human rights abuses, the U.S. government did not publicly express concern during the Reagan administration.

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Shifts and Inconsistencies in U.S. Policy

U.S. policy in Kenya reflects a clear example of human rights concerns being subordinated to other objectives. Kenya's strategic importance during the Cold War meant that the United States was reluctant to raise concerns about human rights violations. But there were shifts in policy with the end of the Cold War that affected how the United States approached the question of human rights in Kenya.

- Despite growing awareness of human rights violations in the 1980s, the United States did not voice public concerns, nor did it speak out against increasing corruption and the steady drift into authoritarian rule.
- According to Joel Barkan, U.S. policy changed dramatically after the end of the Cold War, to support local demands for multiparty elections and an end to authoritarian rule. U.S. concerns for human rights issues were addressed in conjunction with its support for democratization. The two issues became a single effort for U.S. policymakers.
- With the renewed emphasis on democratization programs, there was more focus on supporting elections than on human rights protections.
- In the early 1990s, the international donor community, including the United States, suspended more than \$350 million in "quick disbursing" aid to the Kenyan government to mark its disapproval of corruption and the lack of political reform.
- From 1989 to 1993, the U.S. ambassador to Kenya publicly and vigorously promoted human rights and democracy. Though his outspoken denunciation of abuses roiled and discomfited some within the U.S. Department of State, it did nonetheless embolden Kenyan democrats and human rights activists.
- While the U.S. government pressed for political space for the opposition, it overestimated the Kenyan elites' capacity to work together in forming a consolidated opposition to the Moi government.
- The United States underestimated Moi's ability to manipulate the political environment.

Challenges to U.S. Policy

U.S. promotion of human rights in Kenya was fitful—alternating between public criticism of abuses and accommodation. U.S. policymakers have irregularly voiced concern for the support for democratization, but there has been much variation in how these concerns have been translated into a coherent human rights policy. This holds true not only in the case of Kenya, but in other countries as well. During the 1980s, the United States's primary interest in Kenya was to keep it as a close ally. This precluded any public dialogue about the protection of human rights or democratization.

The series of chiefs of mission in Kenya from 1986 to 1999 also had very different policy priorities, which contributed to the inconsistency in U.S. human rights and democratization policies.

In addition, there has been a tension between short-term economic growth and long-term democracy building in Kenya. Short-term macroeconomic successes often worked against long-term political change. The Moi regime remains adept at generating largely

cosmetic changes to reinforce its legitimacy, and access to healthy aid packages has impeded the path to political change.

Getting the right information and working effectively with opposition groups on the ground and those representing the next generation of political leaders are some of the biggest challenges to effective policy implementation.

Lessons Learned

An effective U.S. human rights policy toward Kenya must be one in which the coherent and consistent articulation of human rights, accountability of abuses, protection of civil society, and the advancement of democracy are pursued. Adherence to a long-term perspective, while meeting short-term goals, is essential in ensuring that human rights will be protected and that democratic institutions take firm root.

The United States was and still is the key international actor in Kenya. As such, the United States has a responsibility to take a strong position on human rights and democracy, and encourage its allies to follow suit. In addition, coordinating efforts with like-minded nations strengthens the impact of U.S. efforts toward building a human rights protective regime and bolstering democratic reform globally.

Ultimately, while the United States can provide valuable support, both political and financial, to the process of democratization in Kenya, the process is and remains one that is inherently driven by internal events and led by internal actors.

South Africa

Background

South Africa is often perceived by U.S. policy elites as one of the success stories of U.S. foreign policy. The abolition of apartheid, the first democratic election in 1994 of Nelson Mandela to the presidency, the new constitution guaranteeing basic human rights for all of South Africa's people, and the establishment of the Truth and Reconciliation Commission, whose primary purpose is to investigate abuses committed during the apartheid regime, all represent examples of the impact of U.S. human rights policy when implemented effectively. Or do they? U.S. human rights policy in South Africa has been at times controversial, and while much credit is due to many who influenced and implemented this policy, the success of South Africa cannot be attributed to a coherent, well-designed, or well-executed American-crafted policy, but rather to the people of South Africa.

According to Pauline Baker, South Africa's success can be attributed to a long struggle among different constituencies, interest groups (both within and outside of South Africa), and U.S. and international government agencies over goals, priorities, and policy. The issue of apartheid touched basic American values, and the ensuing political activism in the United States contributed to a more robust human rights policy. The debate was divisive in the United States, however, and helped to strain the relationship between the Executive and Legislative branches of government. It contributed to partisan wrangling and exacerbated race relations in the United States. Anti-apartheid activity at state and local government levels set a precedent for challenging Executive branch control of foreign policy that continues to this day.

Positive effects of U.S. policy toward South Africa include educating the American public, reaffirming the moral tenets of U.S. foreign policy, raising the visibility of Africa, and shifting the foreign policy focus from economics to human rights concerns. Baker cites three sets of goals for U.S. policy in the 1980s:

1. *Geopolitical*: Contain communism; roll back the Soviet influence in Marxist states; continue access to critical minerals and the Cape Sea route; and open a new chapter of U.S.–South African relations based on shared strategic interests.

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2. *Regional*: Independence of Namibia from South African control was a top priority, as it was linked to the removal of Cuban troops from Angola.
3. *Human rights*: The United States was willing to work with South Africa on geopolitical and regional goals if there was a gradual domestic change. It urged an end to apartheid, but initially without any pressure. In practice, human rights was the lowest of the three priorities at the beginning of the Reagan administration.

U.S. policy during the Reagan administration evolved dramatically from constructive engagement (the official policy of offering concrete incentives to Pretoria) to a “hybrid policy” in which both incentives and sanctions were invoked to promote human rights. Thereafter, the passage of the Comprehensive Anti-Apartheid Act (CAAA) in 1986 marked a new phase in U.S.–South Africa relations. This legislation included more aid, sanctions, an opening to black leaders, extensive reporting requirements, and a “roadmap” of conditions that would allow the lifting of sanctions. President Reagan vetoed the CAAA, but the veto was overridden by both houses of Congress, despite the Republican majority in the Senate. According to Baker, this was a tremendous defeat for the administration, and marked the shift that put Congress at the center of the policy process.

Successful Aspects of U.S. Human Rights Policy

The fall of apartheid and transition to democracy were due to a combination of factors that were influenced by U.S. policy, but not solely reliant on them.

- U.S. policy was largely reactive to events in South Africa, but it had an impact. U.S. policy was designed to strengthen anti-apartheid forces as they took the lead, and then to strengthen negotiations as they proceeded.
- The Soviets allowed regional diplomacy to move forward as they sought cooperation with the West near the end of the Cold War. According to Baker, after Namibia became independent (and after the fall of the Berlin Wall), the Soviet threat dissolved in the eyes of the South Africans, diminishing the apprehension of communist expansion. This meant that black rights had to be looked at not merely as a foil for communist expansion, but as a legitimate demand.
- In South Africa and the United States, public activism played a critical role.
- A visible and viable opposition existed (the African National Congress), and an alternative future was plausible.
- U.S. public support for the CAAA was widespread.
- Rifts opened within the existing power structure.
- American economic and cultural sanctions did not totally isolate South Africa. Although the law imposed selected economic sanctions, it also contained positive measures, including scholarships, legal assistance, widened political engagement with South African black political parties, and support of democratic organizations in civil society. It allowed U.S. companies already in South Africa to continue operating, prohibiting only new investment. U.S. firms were required to apply fair labor standards based on the Sullivan Principles (established by the Reverend Leon Sullivan to encourage companies to support economic, social, and political justice in South Africa). Aid was provided for black-owned businesses. U.S. trade with South Africa continued, especially in strategic minerals.
- The CAAA provided a “roadmap” to lift sanctions. As an incentive for change, the legislation set out “doable” goals aimed at creating a level playing field to promote negotiations. Sanctions terminated automatically when the government freed political prisoners, ended the state of emergency, repealed oppressive and discriminatory race laws, legalized proscribed political parties, and agreed to enter into good faith negotiations with truly representative members of the black population.

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- South Africa was not a collapsed state. Institutions stayed intact, though they were gradually transformed after the abolition of apartheid. Parliamentary traditions and the rule of law were adopted by the new post-apartheid regime. This established a foundation for accountability and did not force South Africa to build democracy from the ground up.
- Sanctions contributed to the change of attitudes in South Africa's white minority population, which perceived that continued sanctions would erode its economic status permanently. In addition, South African whites, in particular, were concerned about other non-economic sanctions, such as restrictions on sports, travel, and cultural activities.
- Over an extended period, television coverage showed images of South African government security forces brutalizing anti-apartheid activists. This fueled public debate in the United States, and strengthened mass popular support for American sanctions against the regime.

Misconceptions about Sanctions Policy

The successful application of sanctions was one of the most powerful instruments the U.S. government employed to help undermine the apartheid regime. They had an important impact not only on the white South African government, but on the South African population as well. Sanctions and the threat of sanctions were symbolic of the international community's intolerance for discriminatory and frequently brutal behavior of the white South African regime. They were also symbolically important to the liberation movement in South Africa, who then saw the United States more clearly aligned with the black majority. There are a number of misconceptions, however, about the use of sanctions that require clarification.

- *Misconception 1: Sanctions were multilateral.* The Comprehensive Anti-Apartheid Act had the greatest impact of all international sanctions enacted by law. It was unilaterally imposed by the U.S. Congress, not by the United Nations.
- *Misconception 2: Sanctions were the only U.S. human rights policy tool.* Other tools, such as innovative aid programs, diplomacy, and outreach to the opposition and civil society contributed to the ultimate objective of ending apartheid.
- *Misconception 3: Sanctions were designed to isolate South Africa.* Sanctions were mainly intended to pressure the white regime to negotiate with the black majority for full democracy and human rights. They were not intended to isolate the country totally, cause a violent upheaval, or overturn the government. Sanctions were used in combination with a broad engagement strategy with South African black leaders and the South African people. Moreover, engagement with the South African government continued diplomatically, following a short period of strained relations. The United States resumed working with Pretoria on important regional security issues, successfully obtaining the linked agreement by which South Africa granted independence to Namibia and Cuba withdrew its troops from Angola.

Lessons Learned

The South Africa campaign is the single greatest example of a popular, nationwide movement, including support from Republican and Democratic legislators alike, rallying for a human rights policy to override other U.S. policy interests. This was a movement that, over time, completely reversed U.S. policy, shifting from "constructive engagement" and quiet diplomacy to concrete pressure and open criticism of the apartheid government, plus aid to non-violent opposition groups working toward democratization. Coalitions and alliances were formed across sectoral borders and partisan lines, balanced legislation was enacted, and the private sector also became involved in the effort to push for change.

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Indeed, a year before congressional sanctions were enacted, the private sector sent a strong message of its own when American banks led creditors to call in government loans, a blow to the South African economy, which depended heavily on capital imports. The implementation of U.S. policy toward South Africa, however, did not occur overnight. It evolved over a long period and with heated debate, both in the domestic and international arenas.

The case of South Africa has shown that a successful human rights policy must incorporate a package of instruments that is both punitive and rewarding. This is not enough, however, for a human rights strategy to succeed. Other factors must be present to strengthen the likelihood of a successful policy.

- There must be a capable state that is able to withstand the pressures of a transition, with competent and dedicated leaders who can deliver their constituencies (by standing up to militants who might want to play the role of spoiler, for example) when compromises are made.
- Key state institutions, particularly the civil service, the police, the justice system, and the military, must be resilient and independent. They must be able to participate in power sharing while remaining loyal to a legitimately elected government.
- The United States must have an understanding of what motivates elites. In South Africa, both black and white elites cared about a strong economy, which was vital to ensure white economic well being and black economic growth. Hence, smart sanctions made a difference. Elites elsewhere may not regard sanctions as affecting them personally or care about how their own people suffer.
- Sanctions and incentives must work together, be managed carefully, and be timed to be in sync with internal events.
- In pursuing a policy of engagement with an authoritarian government, the United States must have strongly articulated human rights goals if such a policy is to gain popular support domestically.
- Although there are limits on its influence, the business community can be an important actor in the promotion of human rights goals. It can do this by conducting its own affairs in ways that are consistent with human rights principles; by influencing the government, when possible; by protecting basic freedoms (for example, free movement of labor, freedom of information, free association, free assembly, and free press); and by protecting its own economic interests by promoting the rule of law and open societies.

Sanctions and incentives must work together, be managed carefully, and be timed to be in sync with internal events.

U.S. human rights policy in Africa has been mixed in terms of scope, application, and outcome.

Conclusions and Recommendations

U.S. human rights policy in Africa has been mixed in terms of scope, application, and outcome. In the three cases that the Human Rights Implementation Project has examined, the United States has implemented a host of varied policies with differing results. What does this mean for U.S. foreign policy and its impact on human rights in the region? What are some of the key cross-cutting issues that determine effective implementation of human rights policy? Below is a list of policy options that are not only applicable to Africa, but to other regions as well.

- *Define realistic goals.* U.S. policymakers must put forward a consistent and clearly defined strategy for meeting human rights goals. These objectives, however, must be realistic in meeting both short- and long-term policy aims. Defining human rights objectives in realistic terms will help to ensure that short-term objectives are compatible with long-term human rights goals.
- *Articulate human rights policy in a clear and consistent manner.* Human rights, while often stated as being a top priority for policymakers, must be balanced against other

objectives and interests. In order to maintain credibility and influence on the effective promotion of human rights, the U.S. government must speak out consistently about its human rights concerns and objectives in tandem with other policy goals. Human rights goals need not be subordinated by other so-called “competing” interests. The United States must also speak with one voice on its human rights goals, which requires coordination among U.S. agencies and greater consensus between the Legislative and Executive branches of government.

- *Use an effective package of tools.* A combination of instruments must be designed to have the greatest impact on a target country. Using public and private diplomacy and sanctions and incentives in the right combination will lend the United States more flexibility in promoting human rights goals. Encouraging democracy and rule of law programs and supporting local actors on the ground are also effective tools in building a strong base on which to encourage the protection of rights.
- *Consider the regional context.* The effective implementation of U.S. human rights policy requires an acute understanding of the regional context. A long-term strategy to human rights promotion will be the most successful means by which to achieve adherence. This will require the strengthening of institutions on the ground, and the political will to carry out a long-term policy objective.
- *Calculate proper timing.* Determining when to implement policy is a challenge for any policymaker. Careful assessment of what is happening on the ground and in the region is critical—it is important to get the right information and assess it properly in order to have the greatest impact. This will require an adequate and well-trained U.S. presence on the ground that will reach out to a wide swath of society. It will also require coordination among U.S. agencies in Washington and the embassy in country.
- *Work with non-state actors—the media, non-governmental organizations, and the private sector.* The United States must learn to work more effectively in country with the media and the NGO community in building a domestic consensus on its human rights objectives. It must help to create an open space for the media on the ground to disseminate information about human rights abuses. As was the case in South Africa, the business sector has the potential to be an extremely influential actor in the promotion of human rights.
- *Work in a multilateral setting.* The United States must work more effectively with other like-minded countries in encouraging the enforcement of internationally recognized human rights standards. Particularly in the case of Africa, the United States should work with countries in the region to help bring about peace processes to end the ethnic conflicts that currently plague so many countries, support relief programs that address famine-stricken areas, and build infrastructure—all of which will enhance human rights protections.
- *Balance short- and long-term objectives.* Establishing a human rights protective regime takes perseverance and commitment not only on the part of the country in question, but on the part of U.S. policymakers as well. At the same time, short-term policy responses are necessary to end immediate human rights abuses. Sustaining a long-range human rights policy objective while managing immediate human rights violations will have lasting impact on the target country. In addition, ensuring that on-the-ground institutions are viable and stable is important in setting the foundation for sustaining the protection of human rights.

Using public and private diplomacy and sanctions and incentives in the right combination will lend the United States more flexibility in promoting human rights goals.

Sustaining a long-range human rights policy objective while managing immediate human rights violations will have lasting impact on the target country.

For more information on this topic, see our web site (www.usip.org), which has an online edition of this report containing links to related web sites, as well as additional information on the subject.

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SPECIAL REPORT 73

Human Rights Implementation Project

In 1999, the U.S. Institute of Peace's Research and Studies Program launched a new initiative on human rights implementation. This project seeks to critically examine human rights policies implemented by the U.S. government in order to identify ways these policies might be improved.

The Human Rights Implementation Project is exploring the following questions:

- What role do human rights issues play in the formulation of U.S. foreign policy?
- How successful or unsuccessful has the U.S. government been in improving human rights practices abroad?
- What are the key challenges to implementing an effective human rights policy?
- What roles have the Executive Branch, the Congress, other governmental agencies, and the non-governmental and business communities played in promoting human rights?
- How can policymakers maximize their impact on human rights protection and promotion?

The Institute is exploring these broad questions from the vantage point of a nonpartisan, congressionally funded institution committed to expanding the understanding of international conflict and the means to prevent, manage, and resolve it.



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