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U.S. Policy Toward Human Rights in Latin America: A Comparative Analysis of Two Administrations*

LARS SCHOULTZ**

The purpose of this paper is to analyze two related aspects of comparative human rights behavior: the comparative level of human rights violations among twenty-three Latin American nations; and the comparative level of financial support of human rights violations in Latin America by the Administrations of Presidents Ford and Carter. The focus of the first comparison is on the advantages and shortcomings of a method which attempts to rank governments on the basis of expert evaluation of human rights performance. The latter comparison concentrates on the extent to which U.S. bilateral economic and military aid supports those Latin American governments which repress their citizens' fundamental human rights.¹

* Adapted from a presentation made at a conference on human rights hosted by the International Legal Studies Program, College of Law, and the Graduate School of International Studies, University of Denver, and the Department of Political Science, University of Colorado (Boulder), and held in Denver-Boulder in Spring 1978.

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1. For a collection of cases studies, see, CENTER FOR INTERNATIONAL POLICY, HUMAN RIGHTS AND THE U.S. FOREIGN ASSISTANCE PROGRAM: FISCAL YEAR 1978 (1977). A large body of literature exists on the relationship between U.S. foreign assistance and various other types of behavior by recipient governments. See, e.g., Alpert & Bernstein, *International Bargaining and Political Coalitions: U.S. Foreign Aid and China's Admission to the U.N.*, 27 W. POL. Q. 314 (1974); D. BALDWIN, FOREIGN AID AND AMERICAN FOREIGN POLICY: A DOCUMENTARY ANALYSIS (1966); L. BLACK, THE STRATEGY OF FOREIGN AID (1968); J. Dunn, *Military Aid and Military Elites: The Political Potential of American Training and Technical Assistance Programs* (1961) (Ph. D. dissertation, Princeton U.); G. EDER, INFLATION AND DEVELOPMENT IN LATIN AMERICA: A CASE HISTORY OF INFLATION AND STABILIZATION IN BOLIVIA (1968); H. FEIS, FOREIGN AID AND FOREIGN POLICY (1966); Griffin & Enos, *Foreign Assistance: Objectives and Consequences*, 18 ECON. DEV. & CULTURAL CHANGE 313 (1970) (for a critique, see Over, *An Example of the Simultaneous-Equation Problem: A Note on 'Foreign Assistance: Objectives and Consequences.'* 23 ECON. DEV. & CULTURAL CHANGE 751 (1975)); J. HOLCOMBE & A. BERG, MAP FOR SECURITY: MILITARY ASSISTANCE PROGRAMS OF THE UNITED STATES (1957); H. HOVEY, UNITED STATES MILITARY ASSISTANCE: A STUDY OF POLICIES AND PRACTICES (1965); Kaplan, *The Distribution of Aid to Latin America: A Cross-National Aggregate Data and Time Series Analysis*, 10 J. DEV. AREAS 37 (1975); Kaplan, *U.S. Arms Transfers to Latin America, 1945-1974: Rational Strategy, Bureaucratic Politics, and Executive Parameters*, 19 INT'L STUD. Q. 399 (1975); Kaplan, *United States Aid and Regime Maintenance in Jordan, 1957-1973*, 23 PUB. POL'Y 189 (1975); Kato, *A Model of U.S.*

In both cases, human rights are defined narrowly, encompassing only the physical integrity of the person. The human right concerned, then, is that of freedom from torture and other forms of cruel, inhuman, and degrading treatment, including prolonged detention without trial.²

The issue of United States support for repressive governments through its foreign aid program has received an extraordinary amount of attention from scholars and policy makers.³

Foreign Aid Allocation: An Application of a Rational Decision-Making Scheme, in *APPROACHES TO MEASUREMENT IN INTERNATIONAL RELATIONS* 198 (J. Mueller ed. 1969); Lefever, *The Military Assistance Training Program*, 424 *ANNALS AM. ACAD. POL. & SOC. SCI.* 85 (1976); E. MASON, *FOREIGN AID AND FOREIGN POLICY* (1964); Miller, *Underdevelopment and U.S. Foreign Policy*, in *STRUGGLE AGAINST HISTORY: U.S. FOREIGN POLICY IN AN AGE OF REVOLUTION* 136 (N. Houghton ed. 1968); Pakenham, *Political Development Doctrines in the American Foreign Aid Program*, 18 *WORLD POL.* 194 (1966); F. Pancake, *Military Assistance as an Element of U.S. Foreign Policy in Latin America, 1950-1968* (1969) (Ph.D. dissertation, U. of Virginia); Sylvan, *Consequences of Sharp Military Assistance Increases for International Conflict and Cooperation*, 20 *J. CONFLICT RESOLUTION* 609 (1976); R. WALTERS, *AMERICAN AND SOVIET AID: A COMPARATIVE ANALYSIS* (1970); A. WESTWOOD, *FOREIGN AID IN A FOREIGN POLICY FRAMEWORK* (1966); Wittkopf, *The Concentration and Concordance of Foreign Aid Allocations: A Transaction-Flow Analysis*, in *LOCATIONAL APPROACHES TO POWER AND CONFLICT* (K. Cox & D. Reynolds eds. 1974); Wittkopf, *Containment Versus Underdevelopment in the Distribution of United States Foreign Aid: An Introduction to the Use of Crossnational Aggregate Data Analysis in the Study of Foreign Policy*, in *A MULTI-METHOD INTRODUCTION TO INTERNATIONAL POLITICS* 174 (W. Coplin & C. Kegley eds. 1971); Wittkopf, *Foreign Aid and United Nations Votes: A Comparative Study*, 67 *AM. POL. SCI. REV.* 868 (1973); E. WITTKOPF, *WESTERN BILATERAL AID ALLOCATIONS: A COMPARATIVE STUDY OF RECIPIENT STATE ATTRIBUTES AND AID RECEIVED* (1972); C. WOLF, *MILITARY ASSISTANCE PROGRAMS* (1965) (Rand Corp. pub. P-3240).

For instructive studies of the use of aid to pursue public policy, see Lipson, *Corporate Preferences and Public Policies: Foreign Aid Sanctions and Investment Protection*, 28 *WORLD POL.* 396 (1976); McKinlay & Little, *A Foreign Policy Model of U.S. Bilateral Aid Allocation*, 30 *WORLD POL.* 58 (1977); and J. NELSON, *AID, INFLUENCE AND FOREIGN POLICY* (1968).

2. This definition corresponds to that found in the International Development and Food Assistance Act of 1975, § 310, 22 U.S.C. 2151n(a) (1976). After lengthy hearings by various congressional committees, Congress accepted Richard Falk's recommendation that legislation focus on the areas in which a genuine international consensus existed as to the character of the rights involved. For the most comprehensive discussion in English of the definition of human rights, see V. VAN DYKE, *HUMAN RIGHTS, THE UNITED STATES, AND WORLD COMMUNITY* 9-102 (1970). A briefer historical description of the evolution of current definitions of human rights is Claude, *The Classical Model of Human Rights Development*, in *COMPARATIVE HUMAN RIGHTS* 6 (R. Claude ed. 1976). Falk's suggestion is offered in *International Protection of Human Rights: Hearings before the Subcomm. on International Organizations and Movements of the House Comm. on Foreign Affairs*, 93d Cong., 1st Sess. 246, 247 (1973) (statement of Richard Falk).

3. Arlin, *The Organizers*, *FAR. E. ECON. REV.*, July 2, 1973, at 16; Baines, *U.S.*

Military Assistance to Latin America, 14 J. INTER-AM. STUD. & WORLD AFF. 469, 485 (1972); R. BARNET, INTERVENTION AND REVOLUTION: THE UNITED STATES IN THE THIRD WORLD 301-34 (1968); D. BAYLEY, PUBLIC LIBERTIES IN THE NEW STATES 2 (1964); Brewster, *Foreign Military Training Bolsters Free World*, ARMY DIG., May 1965, at 16; Clarke, *U.S. Military Assistance in Latin America*, *id.* Sept. 1966, at 18; Dunn & Jones, *Preventive Medicine Civil Action Training Program*, 18 AIR U. REV. 21 (1966); Grant, *Training, Equipping the Latin American Military*, NEW REPUBLIC, Dec. 16, 1967, at 13; Gruening, *Exporting Trouble*, 195 THE NATION 194 (1962); Gutteridge, *The Impact of Foreign Aid upon the Political Role of the Armed Forces in Developing Countries*, in THE POLITICS OF INTERNATIONAL ORGANIZATION 217, 225-26 (R. Cox ed. 1969); T. HAYTER, AID AS IMPERIALISM 97-98, 138, 152 (1971); Hughes, *The Myth of Military Coups and Military Assistance*, 47 MIL. REV. at 4, 7 (1967); REPRESSION IN LATIN AMERICA 154, 157-60 (W. Jerman ed. 1975) (report on first session of second Russell Tribunal, Rome, April 1974); Kaplan, *United States Military Aid to Brazil and the Dominican Republic: Its Nature, Objectives and Impact*, in Symposium on Arms Control, Military Aid and Military Rule in Latin America (U. of Chicago, May 1972); Lernoux, *Church Cowed by Uruguayan Military* (Jan. 18, 1977) (Alicia Patterson Foundation rep. no. PL-7); J. MONTGOMERY, THE POLITICS OF FOREIGN AID: AMERICAN EXPERIENCE IN SOUTH-EAST ASIA 252 (1962); Øberg, *Arms Trade with the Third World as an Aspect of Imperialism*, 12 J. PEACE RESEARCH 213 (1975); Payer, *Third World Debt Problems: The New Wave of Defaults*, MONTHLY REV., Sept. 1976, at 13; Powell, *Military Assistance and Militarism in Latin America*, 18 W. POL. Q. 382, 388 (1965); Rowe, *Aid and Coups d'Etat: Aspects of the Impact of American Military Assistance Programs in the Less Developed Countries*, 18 INT'L STUD. Q. 239 (1974); Schmitter, *Foreign Military Assistance, National Military Spending and Military Rule in Latin America*, in MILITARY RULE IN LATIN AMERICA 117 (P. Schmitter ed. 1973); Shestack & Cohen, *International Human Rights: A Role for the United States*, 14 VA. J. INT'L L. 673, 676 (1974); Styron, *Uruguay: The Oriental Republic*, 223 THE NATION 107, 111 (1976); THAYER, THE WAR BUSINESS: THE INTERNATIONAL TRADE IN ARMAMENTS 119-200 (1969); U.S. CATHOLIC CONFERENCE, IF YOU WANT PEACE, DEFEND LIFE 18-20 (1976); Victor, *Military Aid and Comfort to Dictatorships*, U.S. NAVAL INST. PROC., March 1969, at 43-47; Weaver, *Arms Transfers to Latin America: A Note on the Contagion Effect*, 11 J. PEACE RESEARCH 213 (1974); S. WEISSMAN, THE TROJAN HORSE: A RADICAL LOOK AT FOREIGN AID (1975); C. WOLF, THE POLITICAL EFFECTS OF MILITARY PROGRAMS: SOME INDICATIONS FROM LATIN AMERICA 38 (1963) (Rand Corp. memorandum RM-3676-ISA); M. WOLPIN, MILITARY AID AND COUNTERREVOLUTION IN THE THIRD WORLD (1972); and Wriggins, *Political Outcome of Foreign Assistance: Influence, Involvement or Intervention?* 22 J. INT'L AFF. 217 (1968).

Congressional hearings are packed with testimony on both sides of this issue. See, e.g., *Foreign Assistance Authorization: Examination of U.S. Foreign Aid Programs and Policies: Hearings before the Subcomm. on Foreign Assistance of the Sen. Comm. on Foreign Relations*, 94th Cong., 1st Sess. 424-84 (1975). For prototypic responses of the State Department, see *Treatment of Political Prisoners in South Vietnam by the Government of the Republic of South Vietnam: Hearings before the Subcomm. on Asian and Pacific Affairs of the House Comm. on Foreign Affairs*, 93d Cong., 1st Sess. 58-62 (1973); *Political Prisoners in South Vietnam and the Philippines: Hearings before the Subcomm. on Asian and Pacific Affairs of the House Comm. on Foreign Affairs*, 93d Cong., 2d Sess. 87-89 (1974); and *International Protection of Human Rights: Hearings before the Subcomm. on International Organizations and Movements of the House Comm. on Foreign Affairs*, 93d Cong., 1st Sess. 820-21 (1973) (letter containing partial transcripts of State Department press briefings by C. Barch).

While it is impossible to deny that the U.S. Government has helped to finance some of the most repressive regimes in Latin America, no comparative data are available to support the assertion that the United States *systematically* directs its foreign assistance to governments which violate their citizens' human rights. Since 1972, Freedom House, a New York-based nongovernmental human rights organization, has conducted a semiannual "Comparative Survey of Freedom" which ranks each of the world's nation states and most of their territories and dependencies on their respect for both political and civil rights. The survey, unfortunately, is based almost exclusively upon the western European and U.S. tradition of individual freedom. This, along with Freedom House's undisguised hostility toward socialist economies, renders its rankings of human rights performance somewhat inconsistent.⁴ The only other crossnational comparison of human rights behavior is James Seymour's valuable contribution which uses as its measure of human rights repression the number of political prisoners per capita.⁵ The major weakness in Seymour's analysis is that data on political prisoners do not exist for a large number of states; in the case of Latin America, Seymour could obtain reliable data on only about half of the countries in the region.

DATA AND PROCEDURES

In order to measure the comparative level of human rights violations in Latin America, a collective assessment was made by surveying a group of individuals who have devoted their lives to the international protection of human rights. When research for this paper was initiated in early 1976, the universe of experts on comparative human rights in the Western non-communist world totaled approximately ninety-one persons. They were defined as the persons who had published widely on the subject or who occupied key positions in nongovernmental and governmental human rights organizations. Rather than sample this surprisingly small number of experts, questionnaires were sent to each of them. From among the eighty-seven

4. The director of the Freedom House survey is aware of and defends the emphasis on the Western European tradition of freedom. See Gastil, *The Comparative Survey of Freedom-VI*, FREEDOM AT ISSUE 5, 12 (Jan.-Feb. 1976).

5. Seymour, *Human Rights as a Social Science Sub-Discipline*, ANN. MEETING INT'L STUD. A. 15-16 (March 1977).

Third World nations which received U.S. foreign aid between 1962 (the fiscal year in which the Foreign Assistance Act of 1961 began to operate) and 1976, respondents were asked to rank only those nations with whose human rights record they were familiar on a scale of ascending violations of from one to four, using as a time frame the calendar year 1976.

After two letters to many potential respondents, a number of telephone calls, and six months of waiting, the response rate reached a respectable forty-two percent. As might have been expected, given the specialized nature of the subject, the thirty-eight respondents formed a fairly homogeneous group. In terms of their primary occupations, twelve were employees of nongovernmental human rights organizations (NGOs), eight were professors of international law, seven were social scientists, six were practicing attorneys, three were members of national parliaments, and two were U.S. congressional staff members. All of the attorneys, social scientists, and professors of international law were closely associated with at least one NGO. Most of the respondents had some firsthand knowledge of human rights protection in Latin America, generally gained through participation in an investigation sponsored by nongovernmental organizations. Many had participated in several investigations. As to their nationalities, thirty-two respondents were from the United States and Canada, five were from various European nations, and one was from Latin America. This disappointing distribution was the result of an extremely low response rate by experts from outside the United States. Nearly half of the potential respondents were not U.S. citizens.

In order to reduce some of the hazards of interregional comparisons, the global assessment of the relationship between U.S. aid and human rights violations was reduced in scope to consider only the twenty-three aid-receiving nations of Latin America.⁶ The dependent variable, then, was the experts' mean evaluation of the level of human rights violations by each Latin American government in 1976. This variable had a range of 2.79 (1.00 to 3.79), a mean of 2.35, and a standard deviation of

6. Latin America is defined to include all nations whose aid disbursements are wholly or partially controlled by the Department of State's Bureau of Inter-American Affairs. Included, therefore, are Guyana, Jamaica, Surinam, and Trinidad and Tobago.

.87. Table 1 presents this composite assessment of human rights performance by Latin American governments.

Table 1. Level of Human Rights Violations
(Latin America, 1976)

<u>Rank Order^a</u>	<u>Country</u>	<u>Mean Expert Assessment (N = 38)</u>
1	Costa Rica	1.00
2	Trinidad and Tobago	1.13
3	Surinam	1.36
4	Jamaica	1.43
5	Venezuela	1.48
6	Colombia	1.52
7	Guyana	1.56
8	Mexico	1.85
9	Ecuador	2.05
9	Panama	2.05
11	Peru	2.13
12	Honduras	2.19
13	El Salvador	2.35
14	Dominican Republic	2.43
15	Bolivia	2.61
16	Nicaragua	2.95
17	Guatemala	3.00
18	Haiti	3.33
19	Brazil	3.35
20	Paraguay	3.44
20	Uruguay	3.44
22	Argentina	3.59
23	Chile	3.79

^a In ascending level of human rights violations.

This technique of creating a comparative ranking of human rights violations has the advantage of producing findings which are *reasonably* valid. In general terms, the countries are more or less properly ranked. Certainly there will always be arguments among Latin Americanists in ranking the region's twenty-three nations along any dimension, but most scholars will agree that the ranking in Table 1 presents a fairly accurate comparison. The technique of expert evaluation is much more valuable in identifying the extreme cases than in accurately ranking those nations which tend to be grouped together in the middle.

The disadvantages of using the technique of expert evaluation to compare governments' human rights behavior are, however, considerable. One problem is the varying level of expertise among the respondents. A few were extremely knowledgeable about a single country, but their "vote on that country carried no more weight in this survey than that of any other respondent. Although the group of experts was chosen with extreme care, given the complexity and diversity of the Latin American region, it was not possible to select respondents with equal levels of expertise for each nation. An additional problem arising from this variance was the fluctuating number of countries ranked by each respondent. Some experts ranked all twenty-three Latin American nations, while others commented on just a few. This problem was resolved by selecting a totally arbitrary cutoff: the thirty-eight respondents who ranked twenty or more nations were included. All the other responses were left uncoded in a file drawer, despite the fact that some of them were by highly esteemed authorities.

A second disadvantage of the technique of expert assessment is methodological, and has its origin, perhaps, in a personality characteristic of lawyers. A brief pretest of the questionnaire demonstrated that the desired interval scale of human rights behavior could not be used with attorneys, nearly all of whom refused to rank governments by numbers alone. Although social scientists and NGO personnel were content to use only numbers, the lawyers demanded some descriptive phrase beside each number. In providing this description, the questionnaire provided the basis for creating an ordinal rather than an interval scale. A rating of "four" is still worse than a "three," but it is impossible to determine whether the experts responded in such a way that the interval between three and four can be considered equal to that between two and three. Thus, it is inappropriate to compute the mean expert assessment presented in Table 1. As a result, it is incorrect to assume, for example, that the fifty-two points between Costa Rica and Colombia are the equivalent of the fifty-two points between the Dominican Republic and Nicaragua. They might be, but there is no way to know for sure. The fact that a large majority of the respondents resorted to half points suggests that many experts did perceive the scale as interval, but this is hardly a sufficient reason to disregard the potential limitations of the data.

A third disadvantage is that the exercise tends to become trivialized. The results are challenged by such questions as "Is Argentina *really* worse than Uruguay?" or "Should Surinam be considered a part of Latin America?" Once large amounts of time have been invested in an exercise of this sort, there is a natural tendency not only for the author to defend it vigorously but also for others to attribute a greater degree of validity to the data than an objective analysis would deem proper. This is particularly true in cases which yield quantifiable results. Because the data appear to be "hard," researchers tend to squeeze them a bit too much, to use inappropriate statistical techniques, to carry calculations too far to the right of the decimal point.

Given an imperfect instrument, then, commentary revolves around an analysis of its flaws, and in this process one somehow tends to forget that the goal of all this is to contribute to a reduction in the level of torture in Latin America. If the basic method of expert evaluation is to be used in the future, perhaps what should be attempted is a gross ordinal classification similar in certain ways to the much maligned Freedom House categories. Governments should be classified as, say, extremely repressive, moderately repressive, or relatively non-repressive. Rather than judging on the basis of all human rights, however, experts could be asked to consider only the fundamental right to the physical integrity of the person. This, I believe, would effectively eliminate some of the most obvious shortcomings of the technique which produced Table 1, and would, therefore, permit us to turn to a more relevant topic: how and to what extent our government is involved in encouraging or discouraging the violation of human rights in Latin America.

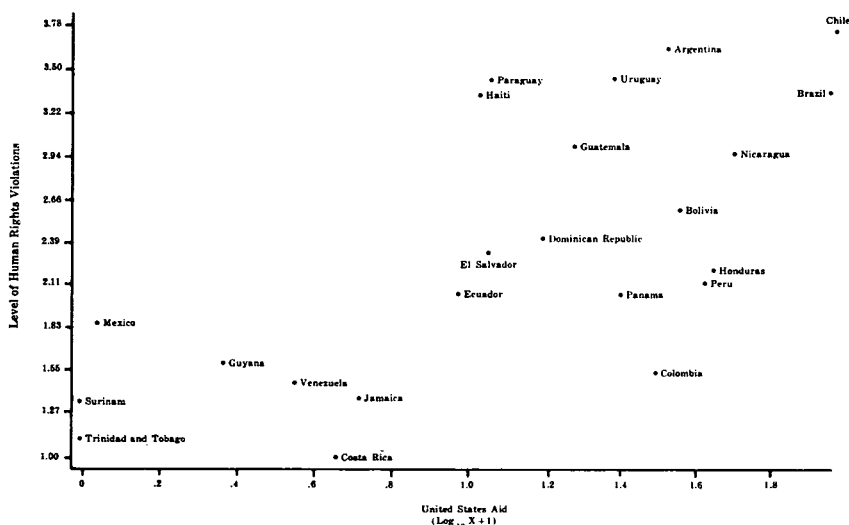
THE FORD AND CARTER ADMINISTRATIONS

The principal subject of this paper is the comparative level of support for human rights violations in Latin America by the two most recent U.S. administrations. While there are a number of ways to express this support, perhaps it is most clearly observed in the U.S. bilateral aid program. The comparisons below are based upon FY1975 and proposed FY1979 aid from the Agency for International Development (AID), the Food for Peace (PL480) program, and from four different types of military aid. The FY1975 aid distributions reflect the priorities of

the Nixon-Ford-Kissinger policy toward Latin America, while those for FY1979 are the first relatively pure reflections of the Carter administration's preferences.

Using the data on human rights from Table 1 and the FY1975 aid disbursements, Figure 1 presents the relationship between the level of human rights violations in Latin America in 1976 and the receipt of U.S. aid during FY1975. This scatterplot describes quite vividly the limited extent to which human rights considerations were included in the Ford administration's foreign assistance decisionmaking.

FIGURE 1. Scatterplot of the Relationship between U.S. Aid to Latin America in FY 1975 and the Level of Human Rights Violations by Recipient Governments in 1976.

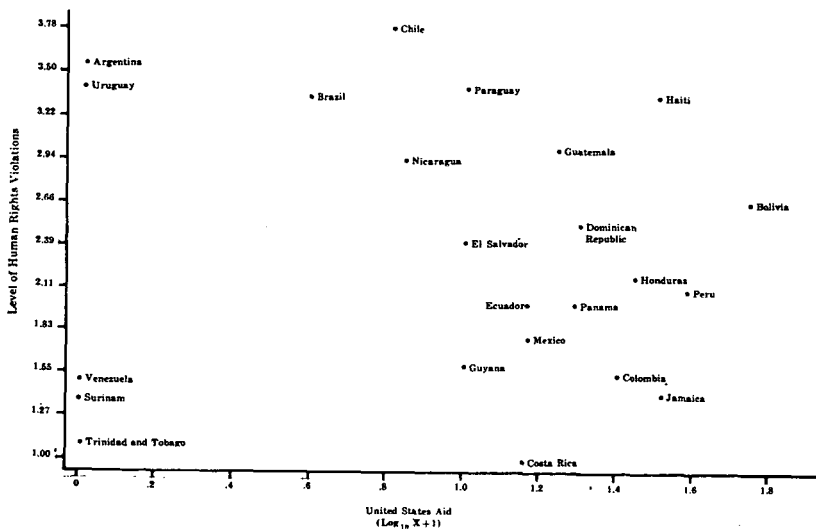


It is clearly evident that U.S. aid at this time tended to flow disproportionately to those Latin American governments which tortured their citizens. The Pearson correlation for Figure 1 is $+0.68$. Even given a low N and an imperfect instrument to measure human rights violations, a correlation of this magnitude is highly unusual in studies of other aspects of the U.S. foreign aid program. Although it is incorrect to use these findings to make causal analyses, if in 1975 one were interested in making a safe bet on how the Ford-Kissinger administration would distribute its foreign aid, perhaps the best available indicator would have been the level of recipients' violations of human rights.

The scatterplot is composed of two clusters of nations. One group of seven countries was ranked relatively low in its level of repressiveness and received relatively little, if any, economic or military assistance from the United States. The other sixteen nations are all ranked higher in their repression of human rights, and all received relatively large amounts of U.S. aid. The only major exception among the twenty-three nations is Colombia. While Figure 1 describes the relationship between human rights and absolute levels of aid, the relationship holds for relative (per capita) aid levels as well. Most of the twenty-three nations do not change their position in the scatterplot when population is considered, and those few that do change are replaced by other nations with similar human rights records. Very populous Brazil, for example, drops precipitously when per capita rather than absolute aid levels are considered, but Nicaragua makes a commensurate rise and thereby cancels the potential decline in the positive relationship between U.S. aid and human rights violations.

The relationship between Latin American governments' repression of human rights in 1976 and the Carter administration's proposed aid distributions for FY1979 is presented in Figure 2. Between 1975 and 1979 some very substantial changes occurred in the distribution of U.S. economic and military assistance.

FIGURE 2. Scatterplot of the Relationship between U.S. Aid to Latin America in FY 1979 and the Level of Human Rights Violations by Recipient Governments in 1976.



Most of the extremely repressive governments in Latin America now receive substantially less aid than in earlier years. Indeed, two countries, Argentina and Uruguay, were completely omitted from the Carter administration's request to Congress, although to some extent the aid "pipeline" is still open to Argentina. Along with these two nations, Brazil, Chile, and Nicaragua declined dramatically in the receipt of U.S. aid between FY1975 and FY1979. It must be emphasized, however, that much of the credit for these aid reductions should go to Congress, especially in the cases of Chile, Nicaragua, and Uruguay. And in the case of Nicaragua, there was some evidence that the Administration might yield to pressure from the potent Nicaraguan lobby and free a large amount of previously blocked aid funds for the Somoza dictatorship.⁷

Two further points underline the differences between U.S. aid policies under the Ford and Carter administrations. First, several nations with high levels of respect for human rights—Costa Rica, Guyana, and Jamaica—are now receiving much more aid from the United States than they have in the past. During the Kissinger era it was rumored that Guyana and Jamaica were considered as targets for "destabilization" programs because of their governments' slight tilts to the left of center. In 1979 they are scheduled to be among the region's major aid recipients. Second, those Latin American nations with very repressive governments which nonetheless remain major aid recipients—Bolivia, Guatemala, and Haiti—are among the neediest in the region, and U.S. aid programs in these countries are designed to reach only the neediest social sectors.⁸ This is also true of the much reduced Food for Peace program in Chile, where all commodities will now be channeled not through the Pinochet government but rather through private voluntary organizations, such as Catholic Relief Services. Congress approved of these "needy people" exceptions when it inserted clauses in human rights sections of economic assistance legislation permitting the President to ignore a recipient

7. Wash. Post., May 16, 1978, at A1, col. 6; and *id.* at A18, col. 1.

8. An exception to this is an unexplained request for \$6.5 million in foreign military sales credits for Bolivia.

government's abuses of human rights so long as the provision of U.S. aid will directly benefit needy people.⁹

Overall, even the most unrelenting critics of U.S. foreign policy will have to admit that the performance of the Carter administration in dissociating the U.S. bilateral aid program from unusually repressive Latin American governments is impressive.¹⁰ At the very least, the values displayed by the FY1979 aid request are far different from those of four years earlier. In 1975, human rights activists were attacking the entire direction of the U.S. aid program, including such notorious cases as the distribution of eighty-five percent of Latin America's Title I PL480 funds to the Pinochet regime in Chile. In 1978, the same groups were attacking the exceptional cases. In fact, the best indication of how much change has occurred is the datum that in 1978 human rights groups concentrated their energies upon a miniscule \$150,000 grant to Nicaragua for military training.

A FURTHER COMPARISON

Comparatively speaking, there is much to praise about the Carter administration's aid-related policy toward human rights in Latin America. But bilateral aid to Latin America is a restricted area of U.S. foreign policy, and it might be wise to compare this area with other aspects of the Administration's efforts to promote human rights. One of these areas should be U.S. bilateral assistance to non-Latin American countries. Here those who would reduce to a bare minimum all U.S. aid to repressive regimes are less than euphoric with the current Administration, for its FY1979 budget request suggests that a number of repressive governments continue to be favorites of our national security planners. South Korea is scheduled for \$336 million, Indonesia for \$228 million, and the Philippines for \$143 million from the various U.S. bilateral aid programs in FY1979. These three nations, with unusually repressive regimes, are programmed to receive more than twice the total aid

9. See, e.g., 22 U.S.C. § 2151n(a) (1976).

10. The only unmentioned major change in Figure 2 is an increase in aid to the increasingly repressive Mexican Government. It should be noted, however, that all U.S. aid to Mexico is for the purpose of narcotics control. The program therefore should not be considered foreign aid in the strict sense of the word, since the paraquat purchased with these funds eventually lodges in the lungs of U.S. citizens.

to all of Latin America's twenty-three nations. The protestations of AID notwithstanding, it is ludicrous to suggest that the governments of these three countries are going to use much of this money to help their poverty stricken masses. The purpose of our aid is variously said to be support for "friendly" governments (the Indonesia argument), national security (the Philippine bases argument), the sanctity of our word as expressed in earlier Cold War commitments (the South Korea argument), or some other argument which cannot mask the fact that under the current Administration the U.S. aid program continues to support some of the world's most egregious violators of human rights. It is relatively easy for aid decisionmakers to be tough with Latin America's repressive governments. The true test of the Carter administration's human rights mettle is in areas where competing values challenge that of the protection of human rights. In these areas, human rights have been subordinated to a variety of traditional foreign policy concerns.

A second area to which U.S. bilateral aid to Latin America can be compared is that of multilateral aid. With the strong support of Congress, the Carter administration has worked to incorporate human rights considerations into multilateral aid policies. Nevertheless, its activities in this area cannot yet be described as vigorous, except perhaps in the Inter-American Development Bank. The Administration officials responsible for U.S. participation in international financial institutions (IFIs), Treasury Secretary W. Michael Blumenthal and Assistant Secretary of the Treasury for International Affairs C. Fred Bergsten, have actively opposed efforts by Congress to add human rights sections to legislation authorizing U.S. participation in IFIs.¹¹ Their argument, like that of Henry Kissinger in the case of human rights and bilateral aid, is that the Administration requires "flexibility" in the conduct of foreign relations. In addition, loan requests from a number of very repressive governments continue to receive "yes" votes from U.S. directors of multilateral banks. While a growing list of negative

11. See Blumenthal's statement in 124 CONG. REC. H1403, H1406 (daily ed. Feb. 23, 1978) (letter of Sec. Blumenthal) and Bergsten's testimony in *Foreign Assistance and Related Agencies Appropriations for 1978, Part 1: Hearings before the Subcomm. on Foreign Operations Appropriations of the House Comm. on Appropriations, 95th Cong., 1st Sess. 139, 206, 513-14 (1977)* (statement of Ass't Sec. Bergsten).

votes is encouraging, the overworked staff of the State Department's Bureau of Human Rights and Humanitarian Affairs has not yet been able to exert its influence over loans to a sufficiently wide range of nations.¹² Specifically, the Bureau simply does not have the human resources needed to counter claims by other, more experienced bureaucratic entities that a given loan to a repressive government will directly benefit needy people. The Bureau, therefore, tends to flag loans to certain governments for special attention by the Christopher Committee and to sputter ineffectually at others. This, of course, may change as the Bureau matures, but in the meantime human rights considerations are less regularly incorporated in U.S. multilateral aid policy than they are in bilateral aid to Latin America.

In a third area, that of commercial transactions by U.S.-based corporations, the Carter administration has failed to use its full influence to promote human rights. In 1978 the Administration chose to support neither a general human rights amendment to the Export-Import Bank authorization bill nor a specific one which would restrict Eximbank participation in financing the investments of multinational corporations in South Africa. In addition, it has been alleged that the Commerce Department is carrying on an active program of encouraging the export of "gray area" armaments to repressive governments. One example involves the sale of military aircraft components to Brazil for eventual resale to Chile. Turned down by the Arms Export Control Board, it is alleged that the Department then contrived to have the weapon redefined so that it could be removed from the Munitions List and exported without the Board's approval.¹³ Finally, it is the Congress and not the Administration which has taken the lead in attempting

12. The Deputy Assistant Secretary of State for Human Rights, Mark Schneider, stated in 1978 that during 1977 the United States opposed twenty loans by IFIs on human rights grounds, and that at least a dozen loan requests were withdrawn when the U.S. made clear its opposition to them. For a list of seventeen opposing votes, six of which were against Argentina, see *Human Rights and U.S. Foreign Policy: A Review of the Administration's Record: Hearings Before the Subcomm. on International Organizations of the House Comm. on International Relations*, 95th Cong., 1st Sess. 2, 14 (1977).

13. Arnson & Klare, *Pipeline to Pinochet: Law or No Law, the Arms Flow*, 226 *THE NATION* 502 (1978).

to curtail major corporate investments and loans by private banks to repressive governments which have been declared ineligible for U.S. aid. When Rep. Henry Reuss (D-WI) of the House Banking Committee asked six New York banks to explain why they were undermining U.S. foreign policy by continuing to loan unusually large sums of money to the Chilean government, the Carter administration decided to ignore the issue.¹⁴

Initially, many members of the Carter administration seemed not to have received the message that human rights are to be promoted aggressively. However, an active alliance between nongovernmental human rights groups and human rights activists within the Administration is perhaps responsible for conveying the message to persons such as the former Assistant Secretary of State for Inter-American Affairs, Terence A. Todman, who was moved to the U.S. Embassy in Madrid. Overall, however, it would be a grave error to underestimate the number of U.S. foreign policy officials who are waiting quietly for the human rights issue to disappear. The plea of these people, whether it concerns IFI loans or Food for Peace allocations, is that they must be allowed to "de-politicize" the U.S. aid program. Most of them are sufficiently sophisticated to realize that the global distribution of resources will always be political. Their aim is not to "de-politicize" aid but to "defuse" human rights considerations. It would be lamentable if human rights activists, looking at encouraging data from the U.S. bilateral aid program to Latin American, were lulled into a complacency which permitted these officials to succeed in their efforts.

14. Wash. Post., Apr. 12, 1978, at A9, col. 1; and *id.*, Apr. 13, 1978, at A19, col. 1. See also the study by I. Letelier & M. Moffitt, *Human Rights, Economic Aid and Private Banks: The Case of Chile* (The Transnational Institute, April, 1978 (mimeo)).

