

On Diplomatic Commitment to Human Rights

By Pablo Brum and Mariana Dambolena

Committed diplomacy is a problematic concept. Even though its exact definition is elusive, it is a practice that is backed by sufficient historical evidence to be recognized internationally. However, that does not subtract from the fact that the acts of diplomats committed to human rights beyond their call of duty are a scarce minority. As Theo van Boven, a United Nations human rights official in the 1970s said: “The diplomatic world is very unique. Each person is preoccupied with their own business; some are committed with what they are doing, but many could not care less if they were working with human rights or potatoes.” The concept of going beyond formal duty and applying a humanist perspective –not a legalist or a realist one- to international relations is nestled in the oldest traditions of that discipline. While committed diplomacy as a practice emerged in the twentieth century, a product of extreme and massive acts of violence experienced within it, the idea that there is a place for democratic solidarity in international politics precedes those events. As these examples seek to prove, the diplomatic field can obtain concrete results, which enable the recognition, assistance and even the freedom of victims of dictatorial persecution.

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Introduction

In September of 1940, Chiune Sugihara boarded a train that would take him from Kaunas (in Lithuania, then part of the Soviet Union), to his next destination, Prague. He quickly took a seat by the window, which he opened, and started swapping papers with several people outside the train. Even as the train began its slow march, these people handed him the papers, which Sugihara scribbled on and then returned. They repeated the process literally until the last minute, when the speed of the train was too high to maintain the exchange. Sugihara, working feverishly, kept on signing and throwing the slips out the window as the train sped away from the station.

Chiune Sugihara was a diplomat working for the government of Japan, more specifically as the Vice-Consul in Kaunas. His job consisted of representing his government in the cities to which he was assigned, as well as taking care of bureaucratic issues. The documents he was signing were transit visas, which allowed those who carried them to freely enter and exit Japan. The people running along the train were European Jews, and the paper they held in their hands was the difference between life and a mass grave.

Sugihara managed to deliver approximately six thousand transit permits in total. By doing so he violated orders and risked the wrath of forces vastly larger than his diminutive figure: the National Socialist government of Germany, which had a policy of hunting down and exterminating any and all Jews, as well as his own government of Japan. It is important to remember that the latter had its own slate of mass killings of civilian populations, frequently accompanied by extreme cruelty. Sugihara risked his life and, failing that, his expulsion, firing and purge on the part of a government that was a key ally of Germany – the country that militarily dominated the entire region.

Chiune Sugihara entered history as a humane and, more specifically, a diplomatic example. When the time came to take actions that most were unable to do, he chose to use the extraordinary power these government agents possess to save lives. In one of the most violent political climates in history, and surrounded by two of the most odious governments ever seen, Sugihara chose to do the right thing from a humanitarian point of view, beyond legal considerations. His example refers to an extreme case like the Second World War, but it serves as an illustration of the key point in understanding committed diplomacy: there are no excuses. Diplomats and their bosses frequently face the choice of what to do with the power they are granted by their governments in contexts where it could protect civilians from harm. In many cases, they convince themselves of their own lack of capacity or need to act – but Sugihara's name will always

be engraved in Yad Vashem, the museum that memorializes the *Shoah* in Jerusalem, to remind them of what it is possible to achieve.

Many other people have entered history, aside from Sugihara, for making similar efforts. Perhaps the most famous of all is the Swedish diplomat Raoul Wallenberg, who also used his diplomatic authority during the Second World War to rescue European Jews from the *Schutzstaffel*. Wallenberg extended the physical protection of the Swedish government to buildings packed with Jewish refugees, and also made frenzied deliveries of Swedish passports that automatically protected those who carried them. It is estimated he saved the lives of several thousand people.

Sugihara and Wallenberg are two dramatic examples that belong to a shameful period of humanity, but they are not the only ones. Therefore, it is worth reviewing some examples from the Latin American context, which has had its own cases of diplomats committed to the protection of human rights and liberties.

Why It Matters

The description of a diplomat's job does not include among its tasks a preoccupation with the fate of citizens of third countries, or of events in general that do not involve their own country.¹ Strictly speaking, a diplomat is the agent of a state, whose mission is to represent it and advance its interests.²

As a matter of fact, there are theories based on the idea that, for diverse reasons, governments should not pass judgment on the political systems of other countries. Latin America has the dubious honor of having its own version of this principle, more specifically in the case of the so-called Estrada Doctrine. This concept takes its name from Mexican Minister of Foreign Affairs Genaro Estrada, who directed his country's diplomacy at the beginning of the 1930s. Part of its inspiration came from the fact that the United States had refused to recognize the coup-established regimes of Porfirio Díaz and Victoriano Huerta in previous decades, much to the chagrin of Mexican diplomatic pride.

In 1930, Estrada instructed his diplomats³ to work in the same way all dictatorships worldwide propose today: that treating a government based on its political system constitutes interference in its internal affairs. Aside from the numerous practical defects this practice has originated⁴, it sets out with two basic theoretical mistakes. The first one is that by affirming that other government systems have the same value and diplomatic legitimacy as the one from the country that originates this policy, what is being suggested is that democracy is not the only legitimate system of government. In other words, a freely elected president has the same merit as one resulting

from a *coup d'état*. This constitutes direct sabotage on the legitimacy of democracy in the very country that proposes this policy.

The second consists of eliminating the other country's citizens from the equation. According to the Estrada Doctrine, relations should strictly be conducted by agents of governments, independently of how these gained access to power. Thus, any consideration on the democratic origins of political power in a country is ignored, as are the universally recognized⁵ rights of its citizens.⁶ This hardly constitutes a reasonable premise for good relations between two societies. Even then, to this day there are people –including the Mexican government- who defend this practice: “*Founded on perennial principles of universal validity, the Doctrine remains valid*”.⁷

The Estrada Doctrine is not the only proposal of its kind. It is important to clarify that it was hatched in the context of an ideological struggle in the diplomatic field, between those who favored recognizing *de facto* governments and those who did not. In that sense, it is not directly linked with the acts of diplomats inside a country. Nonetheless, it is one of the clearest practical applications in Latin America of a certain current of foreign policy thinking.

In international relations theory, the oldest school -the one known as *realism* that traditionally designates the Athenian historian Thucydides as its first exponent- is generally associated with these ideas. The meeting point between realism and policies that refrain from committing diplomats to human rights is the way in which the world is conceived from that optic. The only relevant actors are states, and the determining factor in foreign policy is the “national interest”. Since the primary objective of a realist foreign policy is preserving the stability of the international system, it is advisable to minimize frictions between governments, particularly by abstaining from interfering in others’ “internal affairs”.

These ideas were originally expressed to guarantee international peace, and are not linked to the fight against genocide or for human rights; this is only a modern development. However, in practice it is a fact that both from the caution of democracies and from the defensive posture of dictatorships, it is common to hear that “interests” and the respect for a state-based system that has its origins in the 1648 Peace of Westfalia, must be prioritized.

One example of the continuous line drawn by this international practice appears in a paper by Mexican author Antonio Gómez Robledo, in which he analyzes the Estrada Doctrine. In that work, he uses the following quote from Samuel von Pufendorf, a German

theoretician who in 1672 wrote:

“It is not up to foreigners to examine the title by which a man has assumed sovereignty; they should merely consider the possession, and most of all if said person holds great resources”.⁸

Two hundred years later, in 1982, Mexico's Undersecretary of Foreign Affairs defended the Estrada Doctrine with dangerous ideas such as these:

*“The thesis of the legitimacy of governments, of which [Thomas Woodrow] Wilson was a paladin, has with time been discarded, and foreign authors seem to agree on legitimacy being part of the internal affairs of a state, and not a matter that should be resolved by strangers.”*⁹

These references to the “sovereignty” and “legitimacy” of governments based only on the fact that they hold power, and to the “internal affairs” of a country, are crucial in understanding the essence of the problem. The abuse of these concepts is one of the main factors in current international politics that blocks humanitarian aid to victims of violence, be it from non-governmental organizations, international aid agencies and, no less importantly, from diplomats coming from third countries.

What is frequently called committed diplomacy lies on the frontier between two fields that are compatible but naturally different. On one side stands diplomacy as a function of government. It is a salaried, subordinate and carefully delimited activity. In fact, it is one of the most protocol and legalism-smothered practices. It is surrounded by sensibilities and precautions designed to minimize the possibility of disagreements and conflicts, while at the same time maximizing agreements, acts of courtesy and compliments.

On the other side is the philosophical field, from which the concept of human rights was born. Even though said idea has also supported itself on legal instruments –such as the various liberal constitutions or the Universal Declaration that codified them-, in general it has not adapted well to the world of laws:

*“The Universal Declaration may plausibly be argued to have attained the status of customary international law. Any legal force it has, however, rests on state practice (...) and is entirely independent of the fact that it is a UN resolution. Furthermore, (...) this normative force has not been translated into strong procedures.”*¹⁰

The reason is that the labyrinthine world of treaties, sovereignties and borders has too often been used to impede actions in defense of said rights. It is precisely this barrier against action that committed diplomacy must overcome. It is often the case that a commitment to the defense of human rights goes beyond the responsibilities and powers that diplomatic law grants an individual.

American philosopher John Rawls developed some of these ideas, although not in reference specifically to diplomacy but to international politics. In *“The Law of Peoples”*, Rawls establishes the general principles that must be accepted in liberal and non-liberal, “decent” and “indecent” societies, to conduct relationships. In this sense, he draws a distinction between basic human rights and citizens’ rights in a constitutional liberal democracy. In Rawls’ opinion, the defense of human rights is a duty in the foreign policy of each state. His work debates the moral principles that should guide the delivery of help to certain non-liberal societies subjected to unfavorable conditions, and points out the moral duty of diplomacy to provide aid in those cases.

This document focuses on the issue of committed diplomacy in Latin America. To do so, there are noteworthy accounts of Latin American diplomats –as well as out-of-the-region diplomats working in Latin America- who, in doing their jobs, took action to defend human rights. The objective is to keep these stories alive, because they deserve to be remembered, as well as reminding those who have the power to help victims of violence that others have already treaded the path.

Some Noteworthy Cases

The Second World War, mainly due to its never-matched dimensions, is the conflict where the most acts of diplomatic bravery can be observed. Many, such as those of Wallenberg and Sugihara, have become models of committed diplomacy. Others, comparatively forgotten, have equal merit.

More specifically, some of these consist of Latin American diplomats taking action in Europe to save the lives of refugees, almost always Jewish victims of German persecution.

A very prominent case is that of **José Arturo Castellanos**, known as the “Salvadorian Oskar Schindler”. As his country’s Consul in Geneva, he saved approximately thirty thousand (some sources estimate even forty thousand) European Jews.

Castellanos, who had military training, designated a Hungarian Jewish refugee living in Switzerland named George Mandel-Mantello as his First Secretary in the Consulate, with the purpose of protecting him. He ordered Mandel-Mantello to produce thousands of citizenship certificates for Jews living in countries occupied by National Socialist Germany. These documents, which proved those who carried them were Salvadorian citizens, protected them from being deported and eventually executed. In 1944, Castellanos asked the Swiss government to represent El Salvador’s interests in Hungary, which by then was occupied by Germany. In that way, Mandel-Mantello managed to

authorize legal papers for Hungarian Jews through the Swiss Consulate. Just like Sugihara, Castellanos ordered these actions without the support of his government.

Castellanos’ efforts to save Jews recently came to light, and for that he received posthumous recognitions from Jewish communities, including the American Jewish Committee, as well as human rights organizations. The Consul also appears in a list maintained by the Raoul Wallenberg Foundation as one of the diplomats who acted to rescue Jews.

Gilberto Bosques was the Mexican Consul in Marseilles, France, between 1939 and 1944. During the Second World War he helped a great number of Jews, Austrian and French resistance leaders, Spanish Republicans and other victims of persecution to find refuge in Mexico. Aside from managing visas through his consulate, he *“did detective work, finding people in prisons and, sometimes, in a very Mexican fashion, used bribery so that the Germans would free those they considered ‘highly dangerous’, meaning union leaders, intellectuals, opposition militants, Italian or Yugoslavian partisans, and a long etcetera.”*¹¹ Because of his activities, Bosques and his family remained imprisoned in Germany for a year, along with other employees of the consulate. They were finally freed through a prisoner exchange agreement signed between Mexico and the Nazi regime. A street in Vienna bears his name, in recognition of his extraordinary efforts and humanitarian work.

Luis Martins de Souza Dantas was a Brazilian diplomat who, it is estimated, helped over 800 people – Jews, Communists and homosexuals-, escape from the German government. His case deserves a special mention because his humanitarian activities breached specific orders from the Gétulio Vargas government, which had taken some inspiration from Adolf Hitler.¹² The book *Quixote Nas Trevas*, by Fabio Koifman, tells his story.

Other cases worth highlighting of Latin American diplomats during the Second World War are those of the Brazilian **Aracy de Carvalho-Guimaraes**, the Chilean **María Edwards** and the Argentinean **Luis Luti**. It is important to understand that acts of commitment to the most basic human rights in diplomatic contexts are not limited to the Second World War. In fact, for Latin America there is a particular interest in those cases in which envoys from various countries saved the lives of potential victims of dictatorial violence.

The region has seen dictatorships of diverse ideological banners: from Cuba’s Communist totalitarianism to the nationalist authoritarianism of the Southern Cone. Within that wide range there are many opportunities to observe the actions of representatives of third countries

who, sometimes without the full support of their ministry, managed to save civilian lives.

One of the most dramatic stories is that of **Harald Edelstam**, a Swedish diplomat who already had a positive reputation in matters of human rights protection, after his stationing in Germany during the Second World War, as well as Guatemala during the 1950s.

In 1973, when the Chilean armed forces led by Augusto Pinochet launched a violent *coup d'état*, Edelstam was heading his country's embassy in Santiago. During those critical moments, Edelstam was decisive in rescuing the lives of unarmed civilians. In fact, "*The Western European embassy that received the most refugees was Sweden's. This was due to [Edelstam's] personal position, who decided on his own to rescue hundreds of people without previous orders from the Swedish Ministry of Foreign Affairs*".¹³

The two best-remembered instances of his actions occurred in that dramatic September of 1973. In the first one, Edelstam risked his life by showing up at the Cuban Embassy, adjacent to Sweden's, to rescue Cuban agents and civilians of other nationalities who had sought refuge in that building.

In the second case, Edelstam "*pulled 54 Uruguayans who were to be executed on the following day all at once*" at the National Stadium, the Chilean dictatorship's venue of choice for murdering its first groups of victims.¹⁴

On December 5 1973, the military regime decreed Edelstam *persona non grata*—in spite of his diplomatic credentials— and expelled him from the country.

Today, there is a Harald Edelstam Foundation in Chile, which seeks to "*highlight and reward with the 'Edelstam Prize' those individuals who in their work as government representatives (...) have displayed courage in carrying out unconventional humanitarian acts to save persons suffering from repression (...) against international law and human rights*". As a case study on Edelstam indicates in terms that are often applicable to all cases of committed diplomacy, "*His character, sometimes excessively brash, made his colleagues at the Ministry of Foreign Affairs uncomfortable when he skipped diplomatic rules in occasionally acting on his own, without previously making consultations*".¹⁵

Another military dictatorship that committed extensive violations of human rights was the one that took over Argentina between 1976 and 1983. During that period, a small group of American diplomats acted with intents contrary to those of the Secretary of State at the time, the notorious Henry Kissinger.

The *Chargé d'Affaires*, **Franklyn "Tex" Harris**, made approximately 13,500 claims of disappearances and human rights violations during the Argentinean dictatorship. He based his reports on the accounts of

family members of the victims he welcomed in his office. As the National Security Archives (a Washington-based project dedicated to divulging declassified information) revealed, Harris carefully informed his bosses of what was happening in Argentina, with details on the hierarchy and the names of the military officers involved.¹⁶

In recognition of his work in Buenos Aires, which according to the Argentina Observatory at New York's New School "*saved hundreds of lives*", Harris was granted the Distinguished Honor Award by the Department of State, the highest prize handed by that institution. Tex Harris was also decorated by the Argentinean government in 2004.¹⁷

Afterwards, under the James Carter Administration, **Patricia Derian**, Human Rights and Humanitarian Affairs Coordinator at the Department of State, undertook a personal incrimination of high-ranking members of the regime. Derian, who began her career fighting for equal rights in the Southern United States, remembers telling Emilio Massera, during a meeting at his office in Buenos Aires, that "*You and I both know that as we speak, people are being tortured in the next floors*".¹⁸ According to statements made to the newspaper Clarín in 1998, Massera's reaction was "*(...) the gesture of washing his hands, as if he had soap, and then flashing an enormous, horrible grin. Next he said: You remember the story of Pontius Pilatus, don't you?*"¹⁹

Derian's role was paramount in summoning a condemnation of the Argentinean dictatorship on the part of the United States.²⁰ In 1978 Derian testified to her country's Congress on Argentinean failures in freeing prisoners, stopping disappearances and inviting the Inter-American Commission on Human Rights, as had been agreed in private negotiations, for a fact-finding mission. "[The Argentinean government makes] *systematic use of torture, summary execution of political dissidents, the disappearance and the imprisonment of thousands of individuals without charge, including mothers, churchmen, nuns, labor leaders, journalists, professors and members of human rights organizations*".²¹

Additionally, her work was fundamental in promoting the deployment of a mission by the Organization of American States' Inter-American Commission on Human Rights in 1979. During its stay in Argentina, the ICHR received 4,153 new claims against the government.²²

Patricia Derian's commitment to human rights led to her being given the Libertador General San Martín award, which she received in New York on March 24th 2006.

The American ambassador in Buenos Aires between 1974 and 1977, **Robert Hill**, also became notorious for his regular messages to Washington informing on

criminal actions by the Argentinean regime. This was even after Kissinger had held conversations with members of that government green-lighting a national campaign to hunt down opposition figures. In spite of being received poorly by the local press due to his nationality and his links to the Department of Defense, “Hill sent Washington reports warning of the murderous actions of the Triple A, which he defined as ‘right-wing terrorism’, or a ‘vague collection of death squads’ with elements of the state’s intelligence services and Federal Police ‘involved’. While critics linked him to the ideologues of the paramilitary groups, in 1974 Hill condemned the possibility of responding to the guerrillas with illegal methods”.²³

Lastly, the Italian Consul in Buenos Aires at the time, **Enrico Calamai**, also took action towards rescuing people from the Argentinean regime. Calamai had already spent a few months in Santiago, where he witnessed the key role of diplomatic delegations in rescuing refugees during a *coup d’état*. In Argentina, during 1976-7, Calamai arranged passports and airplane tickets to Montevideo and Rio de Janeiro, to enable the escape of potential victims of violence. In order to achieve this he even produced fake documents. Later on his career would collapse with punitive deployments to Afghanistan and Nepal. One of the reasons explaining his loss of support within his own government, which he cited in a 2006 interview with *Página/12*²⁴, were Soviet orders to Communist parties around the world, including the Italian affiliate, to begin cultivating good relations with the Argentinean regime, a brand new supplier of grain to the Soviet economy.

A case with different characteristics from the previous ones, which is in fact rather unusual, is that of Cuban diplomat **Lorenzo Menéndez**. The reason why the case is so unique is that generally speaking, diplomats serving totalitarian dictatorships are carefully selected based on their loyalty to the regime, and even after being allowed to serve they are still monitored by agents inside their own embassies.

Menéndez fell out of favor with Havana when it was discovered that, working from the embassy in Mozambique, he had provided official documents to a “deserting” Cuban doctor. Menéndez explained his conduct towards this and other Mozambique-based Cubans in an interview with a Spanish journalist:

“Some of them are in a desperate situation, so I took it upon myself to write down guarantees and recommendations so that they could find jobs. I did it for free and for multiple reasons, mainly humanitarian: because everyone has the right to earn a living, independently of their ideas, including political ones, and because you cannot deny a Cuban his nationality

*and consider him a proscribed person or a traitor for ideological reasons. His rights are etched in the Human Rights Charter, which Cuba has signed.”*²⁵

This was not the first time Menéndez collaborated with the Cuban opposition. According to Spanish newspaper *El Mundo*, “Menéndez is a deserter of strong patriotic convictions (...) his way of serving Cuba consists of invisibly gnawing at the Castro regime from the inside.”²⁶ Menéndez spent 26 years inside the Communist Party, working for the government. A career diplomat, he was stationed at delegations to UNESCO, Mexico and Angola. It was during these missions when he preserved relations with exiled Cuban dissidents and opposition figures. He granted work permits to dissident and counter-revolutionary academics, doctors and construction workers who had escaped from the island. Lorenzo Menéndez was forced by circumstances in December 2007 to seek refuge in Spain, after being summoned back by the Cuban Supreme Tribunal. The head of the embassy had discovered Menéndez’s activities and denounced him to the authorities in Havana.

Not all cases are linked to state violence. **Francisco Sierra**, president of a Colombian company before becoming a diplomat, took over his country’s embassy in Japan in January 2003. His objective was to promote commercial relations between Colombia and Japan. However, he was simultaneously aware of the problem of illegal Colombian immigrants and human trafficking in the Asian country.

In an interview with *International Press*, Sierra explained his efforts against the smuggling of human beings: “When we arrived here we noticed many Colombian women undergoing sexual exploitation –which is the slavery of the modern world-, and none of them had any protection. They were the victims and they were the ones who were punished, not those who smuggled them. We began investigating and it turned out there was no law in Japan that criminalized human trafficking. In cooperation with the American Department of State and its Embassy, we managed to have the Japanese government pass through the Diet a law that criminalized traffickers. From that moment on, human trafficking from Colombia to Japan has diminished.”²⁷

In 2004, Sierra was recognized by the US Department of State for “the dedication he has devoted to assisting, along with the Colombian embassy in Tokyo’s employees, victims of human trafficking who have been taken from Colombian territory to that Asian capital”. In the document that makes the distinction official, which was granted in time for the presentation of an annual report on human trafficking, the Department of State ascertains that “the Ambassador has engaged the local police

authorities and the Japanese Government on the issue and has encouraged Colombian officials to make it a greater priority at home. He has fostered cooperation in Japan with the embassies of some Southeast Asian and Latin American countries.” John Miller, Director of the Office to Monitor and Combat Trafficking in Persons, said: “You are an example of what diplomats should do”.²⁸

Conclusions

Committed diplomacy is a problematic concept. Even though its exact definition is elusive, it is a practice that is backed by sufficient historical evidence to be recognized internationally. However, that does not subtract from the fact that the acts of diplomats committed to human rights beyond their call of duty are a scarce minority. As Theo van Boven, a United Nations human rights official in the 1970s said: “The diplomatic world is very unique. Each person is preoccupied with their own business; some are committed with what they are doing, but many could not care less if they were working with human rights or potatoes.”²⁹

The concept of going beyond formal duty and applying a humanist perspective –not a legalist or a realist one– to international relations is nestled in the oldest traditions of that discipline. While committed diplomacy as a practice emerged in the twentieth century, a product of extreme and massive acts of violence experienced within it, the idea that there is a place for democratic solidarity in international politics precedes those events.

In terms of specific countries, the United States serves as an example of that rich internal debate. The ideas just described are not new to the American political tradition, even when the opposite ones –associated to realism– also had numerous adherents at the governmental level. In the same “*Notas sobre la doctrina Estrada*” mentioned previously, Antonio Gómez Robledo quoted Thomas Jefferson, who ordered his envoys to France to recognize the Republican government that had toppled the constitutional monarchy in 1792:

“It accords with our principles to acknowledge any government to be rightful, which is formed by the will of the nation substantially declared”.

The notion that diplomats may –and perhaps should– provide assistance to the victims of illegitimate government persecution is a direct consequence of this school of thought, once transported to contemporary times.

As an example, in recent years, Senator and former presidential candidate John McCain proposed institutionalizing these principles in a League of Democracies. This would be an alternative and

compliment of sorts to the United Nations, which would act where the latter failed to do so:

“We should go further and start bringing democratic peoples and nations from around the world into one common organization, a worldwide League of Democracies. This would not be like the universal-membership and failed League of Nations’ of Woodrow Wilson but much more like what Theodore Roosevelt envisioned: like-minded nations working together in the cause of peace. The new League of Democracies would form the core of an international order of peace based on freedom. It could act where the UN fails to act, to relieve human suffering in places like Darfur (...) It could bring concerted pressure to bear on tyrants in Burma or Zimbabwe, with or without Moscow’s and Beijing’s approval. It could unite to impose sanctions on Iran and thwart its nuclear ambitions. It could provide support to struggling democracies in Ukraine and Serbia and help countries like Thailand back on the path to democracy.

*This League of Democracies would not supplant the United Nations or other international organizations. It would complement them. But it would be the one organization where the world’s democracies could come together to discuss problems and solutions on the basis of shared principles and a common vision of the future. If I am elected president, I will call a summit of the world’s democracies in my first year to seek the views of my democratic counterparts and begin exploring the practical steps necessary to realize this vision”.*³⁰

It is precisely the reference to Theodore Roosevelt which complicates matters, because that president was one of the main pushers of foreign policies linked to power games, much unlike the one McCain imagines. The permanent duality between ideals and “interests” is a dispute both at the macro level, where foreign policy is formulated, and the micro level, which includes the diplomatic activities this report covers.

The examples are stark. On the one hand, it is possible to observe facts like Henry Kissinger’s order as Secretary of State to suppress any criticism of the Pinochet regime in government interactions with the OAS during the same tragic period considered in some of the cases. According to Kissinger, “*This is not an institution that is going to humiliate the Chileans (...) It is a bloody outrage*”.³¹

On the other hand, James Carter, an American president known for making some efforts in the area of human rights, said the following in 1977:

“First, we have reaffirmed America’s commitment to human rights as a fundamental tenet of our foreign policy (...) This does not mean that we can conduct our foreign policy by rigid moral maxims. We live in a world that is

imperfect and which will always be imperfect—a world that is complex and confused and which will always be complex and confused.

I understand fully the limits of moral suasion. We have no illusion that changes will come easily or soon. But I also believe that it is a mistake to undervalue the power of words and of the ideas that words embody”³²

These two cases, which refer to the same country and are separated by less than a year, illustrate how difficult it is to retain commitment to these issues. It is a significant fact that in spite of saying something so reasonable at the time, Carter’s presidency was a great failure, including many aspects of the defense of human rights. Kissinger’s government service is usually considered to have at least been skillful.

Concern with which criteria to adopt in the foreign policies of democratic countries is not exclusive to the United States. In fact, just as the Estrada Doctrine existed, Latin America also gave birth to a diametrically opposed proposal, known as the Larreta Doctrine.

It refers to Uruguayan Chancellor—or Minister of Foreign Affairs- Eduardo Rodríguez Larreta, who directed that institution between 1945 and 1947. The main proposition of the doctrine has been summarized as a “parallel between democracy and peace”, a Kantian idea which sustains that an international system composed of democracies is the best guarantee against war. The Uruguayan Chancellery under Rodríguez Larreta was involved in an important post-war controversy: the possibility that members of the old German National Socialist regime would find refuge in Latin America, particularly in Argentina. It is concerning that specific situation when the Minister formulates broader foreign policy ideas, almost always anchored in the inter-American context:

“[The Minister] wishes to establish that, while recognizing the significance and importance of the non-intervention principle—a victory achieved during the last decade of inter-American relations-, he does not think it may be extended towards unlimitedly sheltering notorious and reiterated violations on the part of a Republic of the most elemental rights of men and citizens (...)”³³

Strengthening his belief in the necessity of liberal democracy as a fundamental pillar in guaranteeing individual rights and international peace, Rodríguez Larreta stated the following to the press:

“If before the war the reality of a parallel between democracy and peace was a value understood within inter-American relations, after the tremendous experience of the war this concept has acquired the strength of absolute truth.”

With regard to the principle of non-intervention, the diplomat thought that it was necessary to “harmonize it

with others whose permanence gather fundamental importance in preserving international peace and security.” He simultaneously directed the following to the critics he foresaw in the horizon at the time of announcing his policy: “(...) *they may advise us to adopt a passive attitude, but it would then turn out that this [pan-] American mission will have become a different one: one in which we would become a haven for execrable doctrines, practices and interests, and the propitious field for their future rebirth”.*

It did not take long for the storm of criticism to arrive, and it came both from domestic political opposition (including the very Partido Nacional of which the Minister was a member) as well as other Latin American ministries. Some accused him of naiveté, others of being a “diplomatic spearhead” for American interventionism. There were few adherents to the Uruguayan proposal. Among the remarkable ones were newspapers like the Buenos Aires-based *La Nación*, as well as a few governments which included the United States, Guatemala, Costa Rica, Panama and Venezuela. However, those who were against the new doctrine included the Soviet Union, Mexico, Chile, Brazil, Colombia, the Dominican Republic, Honduras, Ecuador and, naturally, the Argentinean military regime.

In the end, the Rodríguez Larreta Doctrine did not have a major impact. As *The Washington Post* correctly predicted on the 27th of November of that 1945:

“A long time will pass before this principle becomes an accepted rule in inter-American affairs, and there will be those who will hold that under no circumstances should that point be arrived to, no matter the magnitude of the provocation. It has already been proven that the first important step in the road to external aggression can be the suppression, within the borders of the country that is to become the aggressor, of the rights and liberties of its citizens.”

The latter quote draws greater importance when considering what would really happen in Latin America in the decades that followed.

On a more current note, there are increasingly numerous voices demanding rectitude on the part of democracies in regards to the international promotion of human rights, of which committed diplomacy is but one aspect. For example, the Executive Director of Human Rights Watch, Kenneth Roth, thus began the latest edition of his organization’s annual report:³⁴

“A government’s respect for human rights must be measured not only by how it treats its own people but also by how it protects rights in its relations with other countries.”

Roth expands on this idea further down the text: *“In their foreign policy, these governments should*

promote human rights as even-handedly as possible. That means criticizing not only pariah states but also friends when they commit serious rights violations. They should also elevate the importance of human rights in their relations with other governments, assigning the issue to senior officials, insisting on human rights occupying a prominent place on the agenda during bilateral discussions, and establishing clear benchmarks for change with specific consequences for indifference or retrenchment.”

Even though the subjects of Roth’s statement are the governments of the most powerful democracies, the principle is universal.

It is important to note that the diplomats who acted in defense of human rights almost entirely came from countries that respected Rawls’ *law of peoples*. This is why they are part of the “society of peoples”: because they follow that law in their mutual relations. They are actors who belong to liberal democratic “decent” peoples; countries where constitutional democracy is reasonably established, such as the United States, Sweden, Italy or Colombia. All of these presently possess democratic systems, periodic elections and participation in the international system. The aforementioned diplomats, as members of those peoples, complied with the familiar and traditional principles of justice between free, democratic peoples. This leads not only to the

respect of human rights but also to the duty of assisting peoples living under unfavorable conditions that hinder them in having a decent socio-political regime.³⁵

It is in this context that interventions by other peoples – in this case of their diplomatic emissaries- are justified. If the conceptions of political liberalism are just, then decent and liberal peoples have a right not to tolerate criminal states, seeing as they are aggressive and dangerous to the entire international system. Therefore, this diplomatic intervention is made as a fulfillment of their civic duty, oriented towards an idea of justice as a common good. As the aforementioned Theo van Boven says: “*one cannot be neutral when it comes to human rights*”.

These ideas could be criticized –as they often are with no small amount of reason- for being attractive to the eye but impossible or too difficult to exercise in practice. To that retort stand in contrast the historical facts narrated here, which envelop the great reason why, even though it is difficult to carry out, committed diplomacy must be increasingly the norm: innocent lives, saved by diplomatic action. As these examples seek to prove, the diplomatic field can obtain concrete results, which enable the recognition, assistance and even the freedom of victims of dictatorial persecution. No diplomat should feel out of bounds when doing so. Quite the opposite.

Notes:

¹ In fact, Article 41 of the [1961 Vienna Convention on Diplomatic Relations](#)—which regulates the establishment of diplomatic missions—says that “*it is the duty*” of those who enjoy diplomatic privileges “*not to interfere in the internal affairs of that State.(...) The premises of the mission must not be used in any manner incompatible with the functions of the mission as laid down in the present Convention*”.

² The Convention limits diplomatic activities to “(a) *Representing the sending State in the receiving State; (b) Protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law; (c) Negotiating with the Government of the receiving State; (d) Ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State; (e) Promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations;*”

³ “*Mexico does not express itself in the sense of granting recognitions, because it considers that to be a denigratory practice that, in hurting the sovereignty of other nations, puts them in the position of having their internal affairs commented on by other governments who, in fact, adopt a critical attitude in deciding on the legal qualifications of foreign regimes*”

⁴ Which generally consist of *post facto* discoveries of horrors such as famine in North Korea, the *holodomor* in Ukraine or Tiananmen, as well as violence originating in unmonitored authoritarian states, which ranges from the Great War to September 11th.

⁵ Thus described in the [Universal Declaration of Human Rights](#), the mother treaty on the subject: “*All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood (...)* Everyone has the right to life, liberty and security of person (...)

Everyone has the right to freedom of thought, conscience and religion (...) Everyone has the right to freedom of opinion and expression (...)

⁶ As an example, in an [article published in 2001 in the Houston Journal of International Law](#), Christopher Gadoury describes the Estrada Doctrine in the context of a possible recognition of the Taliban government of Afghanistan as legitimate: “*Under the Estrada Doctrine, the recognition of governments that come to power through extraconstitutional means is for all practical purposes eliminated from diplomatic practice. Only new states are recognized; when a new government comes to power either through constitutional means or otherwise, its relations with outside states remain unchanged.*” A few months later, Islamic terrorists trained and financed in Afghanistan launched the greatest terrorist attack in history.

⁷ *La Doctrina Estrada y el principio de la no-intervención*, Jorge Palacios, Nuestra Comunidad Magazine, Nº 117

⁸ The quote comes from *De Iure Naturae et Gentium*, which Gómez Robledo resurrects in his “*Notas sobre la doctrina Estrada*”, published in 1986.

⁹ [Cómo entiende el gobierno de México la doctrina Estrada](#), José Maximiliano Alfonso de Rosenzweig Díaz.

¹⁰ *International Human Rights: A Regime Analysis*, Jack Donnelly, International Organization, Vol. 40, No. 3, 1986

- ¹¹ *La Dignidad de la Añeja Diplomacia*, Marta Durán de Huerta, La Jornada, 23/3/2003
- ¹² *Luis Martins de Souza Dantas*, The International Raoul Wallenberg Foundation
- ¹³ *Los asilados de las Embajadas de Europa Occidental en Chile tras el golpe militar y sus consecuencias diplomáticas: El caso de Suecia*, Fernando Camacho, European Review of Latin American and Caribbean Studies, N° 81, October 2006
- ¹⁴ Idem
- ¹⁵ Idem
- ¹⁶ Note by Harris on August 11th 1973, part of the study "*The Pentagon and the CIA Sent Mixed Message to the Argentine Military*". National Security Archive, 28/3/2003
- ¹⁷ *Tex Harris Decorated, 25 Years On*, Michael Soltys, Buenos Aires Herald, 24/11/2004
- ¹⁸ Meeting between Derian and Massera on August 15th 1973, comprised in the same project by the National Security Archive
- ¹⁹ *Patricia Derian y las mentiras de Massera*, Marina Aizen, Clarín, 29/11/1998
- ²⁰ *Una ex funcionaria de Jimmy Carter reivindicó la política de Derechos Humanos del presidente Kirchner*, Télam (official news agency of the Argentinean government), 25/3/2006
- ²¹ "*The Pentagon and the CIA Sent Mixed Message to the Argentine Military*". National Security Archive, 28/3/2003
- ²² *Annual Report 1979-1980*, OAS Inter-American Commission on Human Rights
- ²³ *Los informes del embajador de EE.UU. que cuestionó en secreto a la dictadura*, David Cox y Damian Nabot, Perfil, 23/3/2008
- ²⁴ "*Los militares habían dicho que no reconocerían el asilo político*", Alejandra Dandan, Página/12, 18/6/2006
- ²⁵ *Menéndez Echevarría: "Cooperar con el Gobierno de Cuba no es bueno"*, Antonio Golmar, Libertad Digital, 18/2/2008
- ²⁶ *Un importante diplomático cubano solicita asilo político en España*, Rubén Amón, El Mundo, 16/12/2007
- ²⁷ *Entrevista: "El problema del idioma es grandísimo"*, Luis Álvarez, 31/12/2006
- ²⁸ *Ambassador Francisco J. Sierra Is Honored By The U.S. State Department Secretary As A Hero*, Embassy of Colombia in Tokyo, 6/15/2004
- ²⁹ "*No se puede ser neutral en los derechos humanos*", Werner Pertot, Página/12, 8/5/2006
- ³⁰ *Speech to the Hoover Institution in Stanford, California*. 1/5/2007
- ³¹ Phone conversation on June 16th 1976, also [published](#) by the National Security Archive.
- ³² [Speech on May 22nd 1977 at Notre Dame University](#)
- ³³ This and the other quotes referring to the Rodríguez Larreta doctrine are taken from *La doctrina Larreta*, Álvaro Casal, Ediciones De La Plaza, 1997
- ³⁴ *Taking Back the Initiative from the Human Rights Spoilers*, Kenneth Roth, Human Rights Watch
- ³⁵ Nonetheless, it is necessary to point out that cases like Sugihara's or Menéndez's refer to individuals who came not only from authoritarian regimes, but some of the most oppressive types. These and other exceptions are an important illustration of the importance of individual character and morality, which are simply enhanced when they emerge in a liberal democratic culture.



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