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# Human Rights and BIDEN ADMINISTRATION Foreign Policy

Douglass Cassel

**H**uman rights have never occupied center stage in United States foreign policy. Since the 1970s human rights have at least found a place on the stage. Sometimes they cling to stage left or right. Sometimes they edge closer to the center. Generally, however, human rights are relegated to second or third billing—in the shadow of guaranteed box office stars such as national security, key alliances, known adversaries, economic self-interest, and domestic politics.

Human rights rhetoric, on the other hand, does occasionally gain top billing. For example, the current U.S. Administration of President Joe Biden was barely a month old when Secretary of State Tony Blinken issued a press release entitled “Putting Human Rights at the Center of U.S. Foreign Policy.”<sup>1</sup> Throughout 2021, both Biden and Blinken repeated this crowd-pleaser.<sup>2</sup>

And they did take concrete steps toward making it true. Yet when other policy priorities intruded, human rights were generally shoved aside.

## *Constraints on U.S. Human Rights Policy*

**T**he reality of competing, higher priorities is a constant in U.S. foreign policy on human rights in the last half century. In the third decade of the 21<sup>st</sup> century, however, the negative impact on protection of human rights of this enduring phenomenon is arguably greater. American power, influence, and credibility in international affairs—including on matters of democracy and human rights—have eroded.

The reasons are multiple and mutually reinforcing. One is objective and unavoidable: U.S. economic power is diminished relative to other nations, especially China. The Gross Domestic Product of China, measured by purchasing power parity, now surpasses that of the U.S.<sup>3</sup>

<sup>1</sup> Blinken, Anthony J. “Putting Human Rights at the Center of U.S. Foreign Policy.” *U.S. Department of State*, 24 Feb. 2021, [www.state.gov/putting-human-rights-at-the-center-of-u-s-foreign-policy/](http://www.state.gov/putting-human-rights-at-the-center-of-u-s-foreign-policy/). Press release.

<sup>2</sup> Simon Lewis and Humeyra Pamuk. “Biden put rights at heart of U.S. foreign policy. Then he pulled punches.” *Reuters*. September 13, 2021.

<sup>3</sup> “Gross Domestic Product Based on Purchasing-Power-Parity in Current Prices.” *Knoema*, [knoema.com/atlas/ranks/GDP-based-on-PPP](http://knoema.com/atlas/ranks/GDP-based-on-PPP).

China's global exports in 2021 nearly doubled those of the U.S.<sup>4</sup> China's Belt and Road Initiative, and other foreign investments and aid in developing countries, often exceed those of the U.S.<sup>5</sup> In this century the scope of China's foreign aid has "expanded exponentially."<sup>6</sup>

Moreover, China's "expanded strategic competition with the USA in almost all domains is also affecting policy thinking in development cooperation, ..." <sup>7</sup> And unlike the U.S., China's investments and aid come with no human rights strings attached.<sup>8</sup> The consequences for human rights are decidedly poor.<sup>9</sup>

Given the alternative of Chinese funding, developing countries in Africa, Asia and Latin America are now freer to disregard Washington's human rights (and other) importuning. Even if the old saying—"He who pays the piper calls the tune"—is oversimplified, its folk wisdom is reflected in realpolitik.

Beyond long-term economic trends, Washington's diminished clout on human rights is often due (in football lexicon) to "own goals." U.S. soft power on democracy and human rights took a huge hit when rioters were allowed to storm the U.S. Capitol in January 2021. This assault on the symbol and substance of American democracy, in turn, stemmed in large part from another self-inflicted blow: the big lie perpetrated by former President Trump and his elected cheerleaders that the 2020 election was supposedly "stolen" from Trump and gifted to Biden.

The combined effect of this violence and vitriol undercut any aspiration Washington might still entertain to be seen as Ronald Reagan's "shining city upon a hill."<sup>10</sup> Following these recent events, authoritarian leaders elsewhere can sneer at U.S. pretensions to high-mindedness.

Trump is no longer in the White House. But his followers remain in influential positions in the U.S. Congress. And Trump has launched his campaign for the presidency in the 2024 elections. These ongoing political threats undercut whatever soft power the Biden

Administration might otherwise muster on human rights. How reliable is U.S. human rights policy—and reliance on it by foreign leaders—when domestic opponents might retake power in two short years?

Biden cannot be blamed for these particular setbacks, but he owns at least two other constraints on U.S. diplomacy on democracy and human rights. One is international: Biden correctly prioritizes building and maintaining a diplomatic coalition against Russia's invasion of Ukraine. However, the struggle to defend the human rights of Ukrainians leads to collateral damage to the human rights of others. In order to persuade a government to vote against Russia in the UN General Assembly, Biden is pressured to overlook its human rights failings.

A second constraint is domestic politics; Republicans accuse Biden of not doing enough to staunch illegal immigration pouring over the U.S. southern border. As a result, even as authoritarianism and corruption engulf countries like El Salvador, Guatemala and Nicaragua, Biden cannot come down too hard on them lest their governments open the floodgates to even greater waves of desperate refugees.

## 2

## Resulting Weakness

**T**he upshot of all these factors is a Biden Administration far weaker than it might be in matters of democracy and human rights. The weakness is evidenced in many examples. One of the more visible is multilateral summitry. At Biden's "Summit for Democracy" in December 2021<sup>11</sup>, most Central

<sup>4</sup> Statista Research Department. "Leading Export Countries Globally 2021." *Statista*, 5 Aug. 2022, [www.statista.com/statistics/264623/leading-export-countries-worldwide/](https://www.statista.com/statistics/264623/leading-export-countries-worldwide/).

<sup>5</sup> "What Is China's Belt and Road Initiative (BRI)?" *Chatham House*, 13 Sept. 2021, [www.chathamhouse.org/2021/09/what-chinas-belt-and-road-initiative-bri/](https://www.chathamhouse.org/2021/09/what-chinas-belt-and-road-initiative-bri/).

McBride, James, et al. "China's Massive Belt and Road Initiative." Council on *Foreign Relations*, 2 Feb. 2023, [www.cfr.org/backgrounders/chinas-massive-belt-and-road-initiative](https://www.cfr.org/backgrounders/chinas-massive-belt-and-road-initiative).

<sup>6</sup> Jingdong Yuan et al., "China's Evolving Approach to Foreign Aid." *SIPRI Policy Paper* 62. May 2022, at 2, accessible at <https://www.sipri.org/sites/default/files/2022-05/sipripp62.pdf>

<sup>7</sup> *Id.* at 9.

<sup>8</sup> See Jade Birkby. "Chinese Investment in Africa: An Analysis of Human Rights Implications and Looking for a Way Forward." 12 *Hong Kong Journal of Legal Studies* 103 (2018).

<sup>9</sup> "Human Rights Claims Undermine China's Investment Abroad, Report Finds." *Reuters*, 10 Aug. 2021, [www.reuters.com/world/china/human-rights-claims-undermine-chinas-investment-abroad-report-finds-2021-08-10/](https://www.reuters.com/world/china/human-rights-claims-undermine-chinas-investment-abroad-report-finds-2021-08-10/).

<sup>10</sup> U.S. President Ronald Reagan's reference in his Farewell Address of 1989 is quoted and discussed at "Ronald Reagan and 'The Shining City upon a Hill.'" *Our Lost Founding*, 11 Jan. 2021, [ourlostfounding.com/ronald-reagan-and-the-shining-city-upon-a-hill/](https://ourlostfounding.com/ronald-reagan-and-the-shining-city-upon-a-hill/).

<sup>11</sup> Statista Research Department. "Leading Export Countries Globally 2021." *Statista*, 5 Aug. 2022, [www.statista.com/statistics/264623/leading-export-countries-worldwide/](https://www.statista.com/statistics/264623/leading-export-countries-worldwide/).

American nations, plus Cuba and Venezuela, were not invited. In purported protest, Mexico's President Andrés Manuel López Obrador refused to attend, sending a Minister in his place<sup>12</sup>.

At the later Summit of the Americas, the presidents of El Salvador, Guatemala and Honduras declined to attend<sup>13</sup>. Even the Prime Minister of tiny Belize lectured Biden that it was "inexcusable" that some countries were not present. Rejecting any test of democracy or human rights, Prime Minister John Briceño declared, "Geography, not politics, defines the Americas."<sup>14</sup>

Restricting summit admissions to genuine democracies would be controversial even if it were consistently applied. Drawing the line is made even more difficult by apparent hypocrisy. Biden's invitees at the Summit for Democracy included the murderous Rodrigo Duterte of the Philippines and the militaristic Jair Bolsonaro of Brazil. Alliances against China, and outsized economies, evidently matter more than human rights for admission to summits.

Not only in the Americas but elsewhere, much work is needed to reconstruct and defend democracy and human rights. According to a 2022 report by the U.S. agency Freedom House, which is formally independent but has close ties to the U.S. government:

"The present threat to democracy is the product of 16 consecutive years of decline in global freedom. A total of 60 countries suffered declines over the past year, while only 25 improved. As of today, some 38 percent of the global population live in Not Free countries, the highest proportion since 1997. Only about 20 percent now live in Free countries."<sup>15</sup>

The question is whether the Biden Administration has the muscle—or the stomach—to undertake the work of rebuilding democracy in a serious and effective way.

# 3

## Positive Steps

**I**n fairness, it must be acknowledged that the Biden Administration has taken positive steps on human rights. In his February 2021 press release placing human rights at the "center" of U.S. foreign policy, Secretary Blinken announced the U.S. intent to seek a seat on the United Nations Human Rights Council for the term beginning in 2022. In fact, the U.S. won a seat on the Council in the October 2021 elections.<sup>16</sup>

Blinken took this step with a healthy dose of realism. When the Trump Administration withdrew from the Council in 2018, U.S. Ambassador to the U.N. Nikki Haley explained that Washington's commitment to human rights "does not allow us to remain a part of a hypocritical and self-serving organization that makes a mockery of human rights."<sup>17</sup>

Blinken recognized that the Council is indeed a "flawed body, in need of reform to its agenda, membership, and focus, including its disproportionate focus on Israel." However, he added that the U.S. withdrawal "did nothing to encourage meaningful change, but instead created a vacuum of U.S. leadership, which countries with authoritarian agendas have used to their advantage."<sup>18</sup>

In another boost for human rights, the Biden Administration jettisoned the distorted human rights ideology previously imposed as a State Department policy priority by Trump's Secretary of State Mike Pompeo. In 2019 Pompeo convened a commission to advise him on "unalienable rights" grounded in "our nation's founding principles and the 1948 Universal Declaration of Human Rights."<sup>19</sup> When the hand-picked commission issued

<sup>12</sup> E.g., Feinberg, Richard E. "The Summit for Democracy: What the Media Missed." *Global Americans*, 13 Dec. 2021, [theglobalamericans.org/2021/12/the-summit-for-democracy/](https://theglobalamericans.org/2021/12/the-summit-for-democracy/).

<sup>13</sup> Solomon, Daina Beth, et al. "U.S. VP Touts \$3.2 Bln Investment Aimed at Stemming Central America Migration." *Reuters*, 8 June 2022, [www.reuters.com/world/us/us-vp-touts-32-billion-investment-aimed-stemming-central-american-migration-2022-06-07/](https://www.reuters.com/world/us/us-vp-touts-32-billion-investment-aimed-stemming-central-american-migration-2022-06-07/).

<sup>14</sup> Megerian, Chris and Josh Boak. "Biden seeks unity, finds discord at Summit of the Americas." *AP*. June 9, 2022.

<sup>15</sup> Repucci, Sarah, and Amy Slipowitz. "The Global Expansion of Authoritarian Rule." *Freedom House*, [freedomhouse.org/report/freedom-world/2022/global-expansion-authoritarian-rule](https://freedomhouse.org/report/freedom-world/2022/global-expansion-authoritarian-rule).

<sup>16</sup> "United States Elected to U.N. Human Rights Council." *U.S. Embassy in Georgia*, 3 Nov. 2022, [ge.usembassy.gov/united-states-elected-to-u-n-human-rights-council/#:~:text=The%20United%20States%20is%20rejoining,47%20nations%20composing%20the%20council](https://ge.usembassy.gov/united-states-elected-to-u-n-human-rights-council/#:~:text=The%20United%20States%20is%20rejoining,47%20nations%20composing%20the%20council).

<sup>17</sup> Chappell, Bill. "Biden Orders U.S. to Reengage With U.N. Human Rights Council 'Immediately.'" *NPR*, 8 Feb. 2021, [www.npr.org/2021/02/08/965314723/biden-orders-u-s-to-reengage-with-u-n-human-rights-council-immediately](https://www.npr.org/2021/02/08/965314723/biden-orders-u-s-to-reengage-with-u-n-human-rights-council-immediately).

<sup>18</sup> *Id.*

<sup>19</sup> "Report of the Commission on Unalienable Rights." *U.S. Department of State*, 2020. <https://www.state.gov/wpcontent/uploads/2020/08/Report-of-the-Commission-on-Unalienable-Rights.pdf>

its draft report in 2020, Pompeo predictably exulted that the report emphasizes that “foremost among these [unalienable] rights are property rights and religious liberty.”<sup>20</sup>

Blinken repudiated this reductionism of rights. Unveiling the annual State Department reports on human rights in countries around the world in March 2021, he affirmed that human rights are “co-equal; there is no hierarchy that makes some rights more important than others,” adding, “Past unbalanced statements that suggest such a hierarchy, including those offered by a recently disbanded State Department advisory committee, do not represent a guiding document for this Administration.”<sup>21</sup>

Another welcome policy reversal by Biden and Blinken ended U.S. sanctions on the International Criminal Court. When ICC prosecutors had the temerity to investigate alleged war crimes committed by U.S. military, intelligence and other personnel on the territory of Afghanistan—a State party to the ICC—President Trump in 2020 declared a national emergency and authorized asset freezes and family entry bans against ICC officials.<sup>22</sup> Trump then made good on his threat by imposing sanctions on ICC prosecutor Fatou Bensouda and ICC official Phakiso Mochochoko.<sup>23</sup>

Eight months later, President Biden revoked the Trump order and sanctions.<sup>24</sup> He did so even as Blinken acknowledged that the U.S. continues to “disagree strongly with the ICC’s actions relating to the Afghanistan and Palestinian situations. We maintain our longstanding objection to the Court’s efforts to assert jurisdiction over personnel of non-States Parties such as the United States and Israel.”

Still, the U.S. dropped the sanctions because of “our assessment that the measures adopted were inappropriate and ineffective.” In the Biden Administration’s view, “our concerns about these cases would be better addressed through engagement with all stakeholders in the ICC process rather than through the imposition of sanctions.”

More broadly, Blinken declared: “Our support for the rule of law, access to justice, and accountability for mass atrocities are important U.S. national security

interests that are protected and advanced by engaging with the rest of the world...”<sup>25</sup>

Subsequent U.S. Administration policy has followed suit. While not joining the ICC as a State Party—a political impossibility in the U.S. at present—the Administration named a *bona fide* expert on international human rights and criminal law, Professor Beth Van Schaak of Stanford Law School, as its new war crimes Ambassador. At the Conference of States Parties to the ICC in December 2022, Ambassador Van Schaak made clear that the U.S. will cooperate with the ICC on matters such as arrests of suspects, witness protection, and complementarity. “[C]ommending the Court’s achievements over the last year,” she observed, “The impact of ICC proceedings in restoring dignity is transformative—for families grieving loved ones stolen from them; for victims of sexual violence who may have lived with a shame that rightly belongs to the perpetrators; for communities wracked by violence.”<sup>26</sup>

## 4

### *Inconsistent Steps*

Competing priorities, however, often lead the Biden Administration to act against, or to lend only half-hearted support, to the moral and legal claims of these grieving families, afflicted victims, and wracked communities.

Perhaps the most well-known example is Biden’s about-face on the Saudi Arabian Prime Minister, Crown Prince Mohammed bin Salman al Saud (“MBS”). In October 2018, Saudi dissident Jamal Khashoggi, a contributor to the *Washington Post*, was brutally murdered and dismembered in the Saudi Consulate in Istanbul. As the *Post* later editorialized, “The 15 killers included seven members of the elite personal protective detail of ... MBS, who, according to the U.S. intelligence community, ‘approved an operation’ to ‘capture or kill’ Khashoggi. His body has never been found.”<sup>27</sup>

<sup>20</sup> Michael Pompeo, U.S. Sec’y of State. “Speech on Unalienable Rights and the Securing of Freedom” (July 16, 2020), <https://www.state.gov/unalienable-rights-and-the-securing-of-freedom/>; see generally Douglass Cassel, “The Commission on ‘Unalienable Rights’: a Critique,” 11 *Notre Dame Journal of Int’l and Comp. Law* 1 (2021).

<sup>21</sup> CNN March 30, 2021.

<sup>22</sup> Executive Order 13928 on “Blocking Property of Certain Persons Associated with the International Criminal Court (ICC).” June 11, 2020.

<sup>23</sup> “International Criminal Court officials sanctioned by US.” *BBC News*. September 2, 2020.

<sup>24</sup> “Ending Sanctions and Visa Restrictions Against Personnel of the International Criminal Court.” *United States Department of State*, 2 Apr. 2021, [www.state.gov/ending-sanctions-and-visa-restrictions-against-personnel-of-the-international-criminal-court](http://www.state.gov/ending-sanctions-and-visa-restrictions-against-personnel-of-the-international-criminal-court).

<sup>25</sup> Id.

<sup>26</sup> “Statement of the United States at the 21st Session of the Assembly of States Parties of the International Criminal Court.” *United States Department of State*, 7 Dec. 2022, [www.state.gov/statement-of-the-united-states-at-the-21st-session-of-the-assembly-of-states-parties-of-the-international-criminal-court](http://www.state.gov/statement-of-the-united-states-at-the-21st-session-of-the-assembly-of-states-parties-of-the-international-criminal-court).

<sup>27</sup> “Mike Pompeo’s revolting embrace of MBS after the Khashoggi murder.” Editorial Board. *Washington Post*. January 24, 2023.



Alejandro Giammattei, President of Guatemala / Photo: Gobierno de Guatemala

During the 2020 presidential campaign, citing the gruesome Khashoggi murder, Biden pledged to turn Saudi Arabia into a “pariah.” By July 2022, however, Biden was photographed greeting MBS with a “fist bump” at Al Salam Royal Palace in Jeddah. Biden supposedly raised the murder in private talks with MBS. However, when asked by a reporter whether he could be sure a similar murder would not happen again, Biden demurred: “What a silly question. How can I possibly be sure of any of that?”

If Biden’s tone was deplorable, his policy reversal was understandable. In mid-2022 Russia threatened to restrict world oil and gas supply in order to drive up prices and punish Western defenders of Ukraine. Biden needed Saudi Arabia—the world’s largest supplier of crude oil—to push supplies up and prices down. (As it turned out, MBS double crossed Biden by later agreeing to restrict supply, but a relatively mild European winter in 2022-23, among other factors, eased price pressures anyway.)

Less well-known globally is the Biden Administration’s failure to take effective action against

mounting corruption and authoritarianism in Central America. Guatemala is an example. During the Trump Administration, after then President Jimmy Morales and his family were targeted by the United Nations mission to investigate corruption and impunity in Guatemala (CICIG), Morales expelled CICIG from the country<sup>32</sup>. CICIG, however, left a legacy of trained and motivated Guatemalan anti-corruption judges and prosecutors. They continued to investigate alleged high-level corruption—including by new President Alejandro Giammattei—during the first two years of the Biden Administration.

Giammattei and his corrupt colleague, chief prosecutor María Consuelo Porras<sup>33</sup>, responded by systematically harassing, threatening, reassigning, and investigating the anti-corruption prosecutors and judges. Some prosecutors were themselves prosecuted, others even imprisoned. A complicit Supreme Court also set about lifting the judicial immunity of anti-corruption judges. As a result, at least 25 former anti-corruption

<sup>28</sup> Quint Forgy and Kelly Hooper. “Biden fist bump with MBS triggers backlash.” *Politico*. July 15, 2022.

<sup>29</sup> Id.

<sup>30</sup> Amoros, Raul. “Visualizing the World’s Largest Oil Producers.” *Visual Capitalist*, 9 Aug. 2022, [www.visualcapitalist.com/visualizing-the-worlds-largest-oil-producers](http://www.visualcapitalist.com/visualizing-the-worlds-largest-oil-producers).

<sup>31</sup> Aura Sabadus. “Russia is losing the energy war as Putin’s winter gas attack backfires.” *Atlantic Council*. January 27, 2023.

<sup>32</sup> Elizabeth Malkin. “Guatemala Expels U.N.-Backed Anti-Corruption Panel, Claiming Overreach.” *New York Times*. January 7, 2019.

<sup>33</sup> See U.S. Dept. of State, Press Statement. “Designation of Attorney General Maria Consuelo Porras Argueta de Porres for Involvement in Significant Corruption and Consideration of Additional Designations.” May 16, 2022.

jurists have now fled into exile, many seeking political asylum in the U.S.<sup>34</sup> (Disclosure: this writer represents many of them in cases pending against Guatemala before the Inter-American Commission on Human Rights.)

In response, the Biden Administration responded with relatively meaningless individual sanctions. In 2021 the U.S. State Department named 20 Guatemalans on the “Engel list” of corrupt and undemocratic actors who are denied visas to travel to the U.S.<sup>35</sup> In 2022 the Department added Guatemala’s chief anti-corruption prosecutor and two Supreme Court Justices, among others. The U.S. Treasury Department also named a few corrupt actors in Guatemala under the Magnitsky Act, blocking their property in the U.S.<sup>37</sup>

These sanctions had no visible effect. Kleptocrats have no need to open U.S. bank accounts when other countries happily harbor their wealth. And corrupt officials have no need for visas to vacation on Miami beaches when resorts like Cancun offer sun-baked alternatives. Indeed, after the supposed sanctions were imposed, Guatemala’s embezzlers and cronies cracked down even harder on beleaguered anti-corruption jurists.

Not only were the sanctions ineffective, but the Biden Administration sent mixed messages. In June 2022 U.S. Vice President Kamala Harris announced more than \$1.9 billion in new private sector commitments for “economic opportunity” in northern Central America, bringing the total to over \$3 billion in response to her “Call to Action.”<sup>38</sup>

Any negative message from the weak sanctions was thus eclipsed by financial largesse toward Guatemala and its neighbors. The reason is not hard to discern. In fiscal year 2021 U.S. Customs and Border Patrol encountered over 1.7 million people attempting to cross the U.S. southern border; in 2022 the figure rose to well over two million would-be immigrants. Most were from Mexico, Guatemala, Honduras, and El Salvador.<sup>39</sup>

Republicans have hammered Biden for his failure to staunch this flow.<sup>40</sup> Harris’ Call to Action was explicitly “part of her role addressing the root causes of migration from Central America.”<sup>41</sup>

Whereas Biden fist bumped in Saudi Arabia to maintain a flow (of oil), his investment in Guatemala was to slow a flow (of migrants). His tactics differed, but the root explanations were the same: Washington has higher priorities than human rights.

A third example—U.S. sanctions on China over forced labor and other human rights violations in Xinjiang<sup>42</sup>—might at first glance seem to be a counter example. After all, the sanctions purport to defend human rights. To a large extent they do. Goods produced by forced labor in Xinjiang cannot enter the U.S.

However, the human rights message and impact are part of a larger package of measures taken by the Trump and Biden Administrations against their perceived geopolitical rival in Beijing. Biden maintains Trump’s tariffs on selected Chinese goods<sup>43</sup>. Blinken calls China’s treatment of the Uyghurs in Xinjiang “genocide”<sup>44</sup>—a

<sup>34</sup> See Jonathan Blitzer. “The Exile of Guatemala’s Anti-Corruption Efforts.” *The New Yorker*. April 29, 2022.

<sup>35</sup> “U.S. Releases Section 353 List of Corrupt And Undemocratic Actors For Guatemala, Honduras, And El Salvador.” *United States Department of State*, 2 July 2021, [www.state.gov/u-s-releases-section-353-list-of-corrupt-and-undemocratic-actors-for-guatemala-honduras-and-el-salvador/36](http://www.state.gov/u-s-releases-section-353-list-of-corrupt-and-undemocratic-actors-for-guatemala-honduras-and-el-salvador/36).

<sup>36</sup> “Section 353 Corrupt and Undemocratic Actors Report.” *United States Department of State*, 3 Aug. 2022, [www.state.gov/reports/section-353-corrupt-and-undemocratic-actors-report-2022](http://www.state.gov/reports/section-353-corrupt-and-undemocratic-actors-report-2022).

<sup>37</sup> “Recent Actions | Office of Foreign Assets Control.” *Office of Foreign Assets Control | U.S. Department of the Treasury*, [ofac.treasury.gov/recent-actions/](http://ofac.treasury.gov/recent-actions/)

“Treasury Sanctions Current and Former Guatemalan Officials for Engaging in Corrupt Activities.” *U.S. Department of the Treasury*, 18 May 2023, [home.treasury.gov/news/press-releases/jy0147](http://home.treasury.gov/news/press-releases/jy0147).

<sup>38</sup> “FACT SHEET: Vice President Harris Announces More Than \$1.9 Billion in New Private Sector Commitments as Part of Call to Action for Northern Central America.” *The White House*, June 2022, [www.whitehouse.gov/briefing-room/statements-releases/2022/06/07/fact-sheet-vice-president-harris-announces-more-than-1-9-billion-in-new-private-sector-commitments-as-part-of-call-to-action-for-northern-central-america](http://www.whitehouse.gov/briefing-room/statements-releases/2022/06/07/fact-sheet-vice-president-harris-announces-more-than-1-9-billion-in-new-private-sector-commitments-as-part-of-call-to-action-for-northern-central-america).

<sup>39</sup> Christopher Sabatini. “Hegemony in the Americas Has Been Turned on its Head.” *Foreign Policy*, October 11, 2022.

<sup>40</sup> E.g., Simon Hankinson. “Senate Republicans’ Report Condemns ‘Biden’s Border Crisis,’” *The Daily Signal*, June 24, 2022, accessible at <https://www.risch.senate.gov/public/index.cfm/2022/6/senate-republicans-report-condemns-biden-s-border-crisis>

<sup>41</sup> “FACT SHEET: Vice President Harris Announces More Than \$1.9 Billion in New Private Sector Commitments as Part of Call to Action for Northern Central America.” *The White House*, June 2022, [www.whitehouse.gov/briefing-room/statements-releases/2022/06/07/fact-sheet-vice-president-harris-announces-more-than-1-9-billion-in-new-private-sector-commitments-as-part-of-call-to-action-for-northern-central-america](http://www.whitehouse.gov/briefing-room/statements-releases/2022/06/07/fact-sheet-vice-president-harris-announces-more-than-1-9-billion-in-new-private-sector-commitments-as-part-of-call-to-action-for-northern-central-america).

<sup>42</sup> See e.g. Uyghur Human Rights Policy Act of 2020 at <https://www.congress.gov/bill/116th-congress/senate-bill/3744>

<sup>43</sup> See Chad Bown. “Four years into the trade war, are the US and China decoupling?” Peterson Institute for International Economics. October 20, 2022.

<sup>44</sup> Colm Quinn. “Blinken Names and Shames Human Rights Abusers: The U.S. State Department labeled China’s actions in Xinjiang as genocide in an annual human rights report.” *Foreign Policy*. March 31, 2021.



President Joe Biden signs two executive orders on healthcare Thursday, Jan. 28<sup>th</sup>, 2021, in the Oval Office of the White House. / Foto: Official White House Photo by Adam Schultz

*The human rights message and impact are part of a larger package of measures taken by the Trump and Biden Administrations against their perceived geopolitical rival in Beijing*

debatable legal call that goes beyond the more restrained finding of the U.N. High Commissioner for Human Rights of “[s]erious human rights violations” in Xinjiang.<sup>45</sup>

In this context, impartial observers might well wonder whether U.S. foreign policy toward China is in the service of human rights or, instead, whether human rights are in the service of U.S. foreign policy toward China. A test question, for example, is whether Blinken would label the repression of the Uyghurs “genocide” if China were an ally rather than an adversary. Skepticism of Washington’s motives is among the costs of a foreign policy in which rhetoric on human rights outstrips reality.

<sup>45</sup> “OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China.” 31 August 2022. 143.

5

*Conclusion*

**T**he Biden Administration is not an historical outlier when it comes to U.S. foreign policy on human rights. All U.S. Administrations weigh human rights concerns in the context of other, often overriding national interests. If anything, the Biden Administration accords greater weight to human rights than did most earlier U.S. Administrations, and certainly far more than Biden’s immediate predecessor.

Even so, the claims by Biden and Blinken that human rights are at the “center” of U.S. foreign policy cannot be taken at face value. Human rights in the current Administration may be a weighty and constant consideration, but not one that necessarily prevails over important countervailing interests.