

Can 'International Sanctions' in Foreign Policy be Ethical?

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WEI HE, AUG 27 2011

Introduction

In the new century, the norms and practices of liberalism have spread to a much wider range of the world than ever before. At the state level, what Huntington called "the third wave of democratization" in which "considerable liberalization occurred in authoritarian regimes" (1991: 21) seemed to continue, as manifested in the post communist regions.

At the international level, the influence of liberalism is reflected in the emergence of an international society led by international organizations such as the UN and EU, which emphasize the moral dimension of international life. The collective actions taken by the member states of these organizations are rooted in the belief that "humans, despite their self-interest, are able to cooperate and construct a more peaceful and harmonious society" (Russett, 2010: 96). International sanctions are one of these actions that are used to achieve those ethical objectives. However, it has been pointed out that international sanctions, rather than promoting ethics, can "produce morally reprehensible consequences that undermine their often cited moral justification" (Babic and Jokic, 2000: 87).

In analysing this controversy, I argue that, although they face extreme difficulties, international sanctions in foreign policies can still be ethical. To support this argument, this essay has the following structure. It begins by stressing the two dimensional problem of ethics and gives the reasons why the existence of international ethics is still possible. This is the theoretical basis of discussing the ethics of international sanctions. The essay will then analyze the difficulties sanctions face, and under which conditions ethical international sanctions can be realized. The approach will be the combination of theoretical explanation and the analysis of empirical cases. The conclusion will give a brief summary of the essay's core argument and discuss the prospects of establishing a higher level ethical standard in foreign policies.

Morality: A Two Level Dilemma

To explain whether international sanctions in foreign policies can be ethical, the meaning of "being ethical" must be clear. There is no doubt that morality is an indispensable factor that constitutes the spiritual aspects of social groups, and more importantly countries, no matter if the countries are ancient city-states or modern nation-states. Morality, in this sense, can be seen as the sets of principles and rules that decide the appropriateness of conduct within the group and state. This definition has a number of implications. First, morality is generated from the interactions and experiences of human beings, meaning it is socially nurtured. Second, morality decides which conducts of the group members are "right" and which are "wrong," and it is the criteria which "involves a number of prohibitions and requirements" (Harman, 1977: 57). When a conduct meets the criteria, it can be deemed "ethical" or "moral," otherwise it is "unethical" or "immoral." Third, morality largely depends on the authority of the group, which has the power to encourage or discourage certain conducts according to its perception of morality.

Clearly, ethics or morality, rather than being general, are highly diversified according to different times, spaces, and groups. As Nardin argued, "ethics involves principles, but it also involves the interpretation and application of these

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principles by particular persons in particular circumstances" (1992: 2). For example, in Ancient Greece slavery was deemed natural, while in the modern world it is immoral and prohibited. Currently, while in some countries the death penalty is still preserved by law as a necessary punishment, in many countries it is deemed immoral because of its cruelty. However, if the discussion remains at a domestic level, there will be no contradicting concepts of ethics as long as the authorities and citizens voluntarily accept their own concepts and criteria of morality.

However, when ethics in the international context is considered, several difficulties emerge. As Wright pointed out, there is a "well-known diversity of moral codes across the range of cultural, ideological and religious system in the world today" (1989: 45). In this circumstance, it is very difficult to establish a universal morality that can be accepted by all in the international community. For example, in the case of human rights, which is a central issue of morality, Hill argued that as most of its implications were developed from Western history and traditions, it is doubtful whether it can be imposed on all of mankind (1989: 5).

Moreover, at an international level, is it proper to use the concept of ethics? International society is mainly a system of states, not a system of individuals. The most important objectives of sovereign governments' foreign policies are to serve the welfare of the nation, rather than all of mankind. Sometimes foreign policies, while being ethical to its own citizens, can be unethical to mankind. As Morgenthau put it, it is problematic to "identify the moral aspiration of a particular nation with the moral laws that govern the universe" (1993: 13). Moreover, in a domestic society, there is an authority that heavily influences the members' perception of morality. However, in the international environment, "[a]narchy is an ordering principle" (Mearsheimer, 2010: 79), which means that it is "based on the notion of sovereign equality, there is no superior authority whose judgement in matters of morality can be sought and respected" (Wright, 1989: 48).

The Possibility of Establishing an International Ethical Standard: A Minimalist Approach

It can be appreciated that transferring moral issues from the domestic level to the international level will cause contradictions. Therefore, it is extremely difficult to put ethical judgments in foreign policies, such as international sanctions. Vincent was right by saying "[t]here is an inescapable tension between human rights and foreign policy" (1989: 54). However, the difficulties do not mean that morality should be excluded from the discussion of foreign policies. After all, there is various empirical evidence that shows ethical concerns continue to occupy large places in states' foreign policy agendas. Ranging from when member-states of the EU condemned the massacre at Tiananmen Square in 1989 in China (Baehr and Holleman, 2004: 1), to the fact that there is a human rights division in Canada's Ministry of External Affairs, in which moral concerns "was no longer the policy of one party or government; it was universally accepted parameter of Canadian foreign policy" (Mower, 1987: 3b). If ethical issues are totally discarded, the analysis of foreign policy will be incomplete.

How can we solve the difficulties of discussing morality in an international dimension so that the ethical judgements of international sanctions can be meaningful? I argue that such an ethical basis exists because a minimal international standard can be discerned. Despite the diversified meanings and criteria of being ethical, there are universal moral norms that underline the diversity. The reason is simple; as long as we agree that we are all human beings, we are actually acknowledging that we share some common moral attributes. These common attributes are ethics "transcending the moral practices of particular communities" (Nardin, 1992: 9). Therefore, no matter how diversified moral standards are, there is inevitably an area of convergence. By examining the main moral norms of the main civilizations in the world, it is clear that the area of convergence is that individuals have the right to survive in the world as long as he or she does not deprive others' of the right to do so. As Vincent put it, "progress is made if we identify as basic rights those rights that are essential to the enjoyment of all other rights" (1989: 64).

Take two important civilizations: Western civilization and Chinese civilization. Western civilization gained its modern moral implications from the period of Enlightenment, that emphasized the importance of individual freedom, which is manifested in Locke's argument about "natural rights" (1960[1689]) and the morality of the state which "is equated with the public welfare, the common good, or the public safety" (Butterheld, 1975: 17). The precondition of enjoying individual freedom, such as free speech and free media, however, is that the people have the right to live in the society. The same goes for the Chinese civilization, where the existence and safety of individuals is the basis for

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achieving Chinese style morality, such as sacrificing individual interest for the collective interest.

This minimal convergence area, which is the respect for people's right to live, is where international morality lies, and is also the source of legitimacy for international sanctions. If the government of a state is unable to guarantee its people's right to live, the international sanctions imposed on the government can be deemed ethical. This argument reaches the same point as the notion of "the Responsibility to Protect" (R2P), which is best demonstrated in the 2005 UN World Summit Outcome Document which states that "[e] Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity," and the international community "are prepared to take collective action" if the state fails to do so (UN, 2005). However, the application of ethical international sanctions is not only limited to the range of the R2P. When the targeted government not only deprives its own people of the right to live, but also threatens such rights of people in other nations, the international sanctions are still ethical. In this sense, international sanctions are "a valuable instrument in international efforts to safeguard peace and security" (Sweden Government, no date). If peace and security can be achieved, the people's right to live in the world will be guaranteed, which meets exactly the international moral requirement mentioned above.

Some argue that as sovereign equality is the most important feature of the international system, that international sanctions which trump the sovereignty of states are actually unethical, rather than ethical. But, when the state is impinging on the people's right to live, its sovereignty will vanish. The modern concept of sovereignty is based on the people's will. Reisman demonstrated that now the popular will is "the theoretical and operational source of political authority" (1990: 867). Kofi Annan, the former UN secretary-general, also claimed that "[s] States are now widely understood to be instruments at the service of their peoples" (1999: 49). Therefore, "the rights that sovereigns enjoy are conditional on the fulfilment of the states' responsibility to protect its citizens" (Bellamy, 2009: 363). In this sense, sovereignty loses its legitimacy if a states' people cannot even be alive. Also, if a state's behaviour impinges on international security, it actually endangers the sovereignty of other states, and that is why other states can legitimately overrun its sovereignty.

To sum up, our world is composed of two dimensions: the domestic level and the international level. While at the domestic level, the discussion of ethics can be easily carried on, but at the international level, it is rather difficult to do so. However, by figuring out the minimal standard of morality, which is the respect for people's right to live, which transcends the sovereignty of states, I have shown that universal ethics at the international level indeed exist, which creates the possibility of international sanctions being ethical.

The Gap between Ideal and Reality

In the previous section, I have shown that there is indeed room for states to conduct ethical international sanctions. However, this is only part of the answer to the question concerned; it tells us "why" there is a possibility that international sanctions can be ethical, but the question of "how" ethical international sanctions can be implemented has still not been answered. Considering that foreign policies are very practical issues, it is extremely important to explore the mechanism which transforms the ideal possibility to the practical realizability of international sanctions being ethical.

However, it is not easy because there is a huge gap between ideal and reality due to the nature of international politics. Anarchy still remains true in today's highly integrated world where "[n] None is entitled to command; none is required to obey" (Waltz, 1979: 88). The implication of the anarchical structure is that "states seek to ensure their survival" and "whether those units live, prosper, or die depends on their own efforts" (1979: 91). Therefore, the primary goal of foreign policies is to optimize national interests which are best characterized by states' security and survival. As long as the anarchical nature of the international system remains, the priority of national interests in foreign policies is legitimate. Therefore, in situations where ethical international sanctions can be applied, states have enough justification not to conduct such ethical policies if doing so contradicts their national interests. Even the Carter administration, which treated human rights as a central principle of foreign policy, made sure that "concern for human rights was not allowed to override security considerations" (Mower, 1987: 31). Some may argue that the UN can be the superior organization that can implement and supervise such sanctions. However, the UN is not a world

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government that has the authority to give out compulsory enforcement. The UN at best, as Milner (1991) suggests, is the symbol of an order that is to a certain degree, built on the anarchical world.

An example to illustrate this is the Rwanda Genocide in 1994. The situation in Rwanda after president Habyarimana's plane was shot down suggested that the government could no longer guarantee its citizens' right to live as the Tutsis and moderate Hutus were beginning to be systematically slaughtered. Therefore, the massacre provided ethical justification for international sanctions on Rwanda. However, the international community went in the opposite direction. The withdraw of the Belgian force perfectly demonstrates that national interests are always superior to morality when they clash. It was the death of ten Belgian soldiers, which could be seen as the loss of the Belgian people's interest, that forced the Belgian government to stop their actions to stop massacre (Burkhalter, 1994: 46). This was similar to the reaction of United States' officials, who were "unwilling to commit money and manpower to any operation because it remained outside their "interests"" [Barnett, 1997: 562].

Realization of Ethical International Sanctions: Conditions and Reasons

The discussion above seems pessimistic, but fortunately cases are not always like that. I argue that the ethical aspects of international sanctions can still be realized when fulfilling the following conditions: (1) the international sanctions will not harm the national interest or only sacrifice it to a minimal degree; (2) the international sanctions are beneficial to the national interest; (3) based on (1) or (2), the long-term consequences of international sanctions can improve the people's right to live in the targeted nations.

Condition (1) means that when national interests contradict morality, it is always the case that national interests enjoy the higher priority, however, when the national interest is not harmed by the international sanctions with ethical aims, or the sanctions only require acceptable costs, these sanctions can be implemented to fulfil their moral duties. Some may doubt this argument by demonstrating that if the international sanctions have no relevance to their national interests, the states will lack the motivation to bother themselves.

There are two responses to this. First, human nature is not entirely selfish. As Harman argues, people have consciences that "care about other people that does not arise from considerations of self-interest" (1977: 69). Once their own safety and interests are secured, the consciences of individuals will propel them to help others. It is the same with states; as long as the national interest has been secured, the consciences of a states' policy makers will allow them to "actually decide in favor of a particular policy action at least in part because of its moral significance" (McElroy, 1992: 43). That is why after severe natural disasters happen in certain nations, such as after the earthquakes in China in 2008 and Japan in 2011, a large number of sovereign states offered substantial official assistance.

Second, international reputations matter. The interactions among different nations are a main feature of the international system, and we already know that there exists at least a minimum universal moral standard at the international level. Therefore, state's behaviours will be judged by each other according to that standard. It is natural that every state prefers to be judged as a "good state" when possible, rather than gaining a notorious image. A state with a good international reputation will facilitate its affairs in international society, as well as satisfying the national pride of its citizens. Also, a bad international image will be detrimental to the flexibility of conducting such affairs, as well as undermining the government's impression on its citizens' minds. In a democratic government, this will endanger their hope in elections. Therefore, on the precondition that the national interests are secured or states are willing to suffer an acceptable sacrifice, states have strong momentum to conduct ethical international sanctions.

One example illustrating condition (1) is the EU's support of UN sanctions against North Korea. Although the potential threat of nuclear weapons can be a global one, the possibility of the EU's security being harmed is extremely low. If North Korea really succeeds in owning nuclear weapons, its primary targets will be its main regional enemies, such as South Korea and Japan, and its global enemy, the United States. So in this case the EU's security is actually not in real danger. The EU's implementation of the sanctions, such as the prohibition of the exportation of arms and nuclear-related material and technology to North Korea (EU, 2006) is ethical because it contributes to containing North Korea's potential ability to deprive ordinary citizens of their right to live in related regions. As the EU

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itself claims as the representative of "sustainable peace, freedom, democracy, human rights, rule of law, equality, social solidarity, sustainable development and good governance" (Manners, 2008: 46), it is highly possible that the EU members' consciences, flowing from these values and their desire to build a brilliant international reputation on those moral bases, became the strong catalyst to help realize these ethical sanctions.

Condition (2) suggests that the convergence of national interests and the ethical elements of international sanctions make the final realization of the sanctions highly possible. Logically, this point is easy to understand. However, the controversy occurs when national interests become involved, and whether the ethical sanctions can still be called "ethical." After all, when the convergence happens, people can argue that the ethical elements "are merely being used as a political weapon" (Hill, 1989: 10) to justify the use of sanctions, behind which the real intention is to defend national interests. This rationale means international sanctions are "black and white" choices; either they are deemed national interest-oriented or a purely moral issue. Following this logic, the United States' intervention in Iraq is essentially a realistic strategy to maintain the US's control of the oil there, rather than promoting human rights and democracy as a way of externalizing American's traditional political moralities, such as "the theory of just rebellion" of Libertarianism (Mayall, 1986: 167).

This absolutist mindset is not convincing. There is no logical reason why the motivations of foreign policies should be interpreted in only one dimension. As Brown argued, "[t]he notion that action can only be described as ethical if motives are absolutely pure and untainted by self-interest is bizarre, and unsupported by any plausible moral philosophy" (2001: 23). Actually, in many occasions national interests and international morality intertwine with each other so tightly that one cannot separate them. The minimum international moral standard is defined as respect for peoples' right to live, so when the state adopts sanctions to protect its national interest, which is the security of its citizens, while not harming such rights of other states' citizens, the sanctions are ethical.

The United States' participation in UN sanctions on international terrorism, with sanction 1373 being an example of just such an ethical sanction (UN, 2001). This sanction, which aims to freeze the assets of Usama bin Laden and Al-Qaida, as well as prohibiting the supply of arms and related equipment to them, are ethical because in this case the United States' national interest and moral aspects are combined together. The large casualties of the 911 attack showed that the United State's national interest, which is the security of its citizens, was largely damaged, and the international moral standard, which is people's right to live, was severely breached in the attack. Therefore, this sanction reflects the "very real need to deprive terrorist of the ability to finance the attacks" (Fitzgerald, 2001: 957). In this sense, the need to defend national interests does not shade the ethical aspects of this international sanction against terrorism.

Condition (3) presents a higher requirement to judge the degree of morality of international sanctions. The purpose of sanctions is important, and so are the consequences. I argue that when both the purpose and the consequence of a sanction are ethical, the whole sanction is entirely ethical. If the intention of the sanction is ethical, but its consequence is not, this sanction can, at best, be described as weakly ethical. The logic is that the essence of ethical sanctions is to meet the minimal moral standard; to respect people's right to live in the world. This is the ultimate judgment of a sanctions' morality. If sanctions do not improve such a right or even further endanger it, then the sanctions do not actually meet the criteria, no matter how ethical their original plans are.

Unwanted consequences from ethical intentions are not unusual. Sanctions may backfire when their effects are transferred largely from the sanctions' targets to innocent civilians. That is why realists sometimes claim that "avoiding excessive moralism in foreign policy leads to more moral results" (Smith, 1989: 42). Military sanctions may result in large scale civilian casualties and economic sanctions may endanger civilian's livelihoods. NATO's military interventions in the Kosovo war, which were partially aimed at stopping the Yugoslav army's ethnic cleansing, resulted in severe civilian casualties. The United States' economic sanctions on Burma, with the ethical hope to save more lives from the repressive military government, actually worsened the conditions of people there because it "denied Burmese citizens the benefits of increased investment by American multinational companies—investment that brings technology, better working conditions, and Western ideas" (Hadar, 1998). Therefore, these two sanctions can hardly be deemed entirely ethical.

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One more point needs to be stressed. The consequences of sanctions can be divided into short-term and long-term. The ideal condition is that both the short-term and long-term can be ethical. But, if the short-term consequence is not ethical while the long-time is, the whole sanction can still be deemed ethical because compared with the long-term systematic and consistent improvement of rights to live; the short-term sacrifice may be inevitable and acceptable. For example, if in the long-term Libya can become a stable democratic regime where dissidents and civilians will not be killed by the government, then the current NATO military intervention aimed at stopping Gaddafi's killing of protesters can be deemed ethical and the sacrifice of casualties during the intervention may be acceptable, otherwise, the morality of the intervention will be doubtful.

Conclusion

In this essay I have discussed the position of morality in international sanctions. I pointed out that due to the differences between domestic and international dimensions, it is extremely difficult to establish high common moral standards in international society. However, by identifying the convergence area of all human beings' moral codes, I conclude that a minimum universal morality, which is the respect for people's right to be alive, firmly exists, which provides the room for international sanctions to be justified as ethical.

I continued to point out that while the national interest is still at the heart of foreign policies, the ethical element of international sanctions can be realized when the sanctions do not harm national interests or when the two converge. To be completely ethical, both the intention and consequence of international sanctions should stand the judgment of the international moral standard mentioned above.

Fortunately, as Baehr and Holleman noticed, nowadays "more and more states felt the responsibility for the life and well-being of people in other countries" (2004: 17). One should note that the strongest candidate of higher level international moral norms is the Western notions of liberalism, such as human rights and democracy. But, considering the diversity and conflict in today's world, whether these international sanctions that carry these liberal ethic norms can be universally accepted by all mankind is unclear. To achieve a Kantian high level ethical standard of "universal hospitality" (1988 [1795]: 439), human beings still have a long way to go.

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