



America's
Waning
Influence
as an
Open Society

Two decades have now passed since the establishment of the first Soros foundation outside the United States, the Soros Foundation–Hungary. During most of that period, the foundations network's identity as an American-based institution was a substantial help in furthering our mission of establishing open societies in what had been closed or repressive societies. The United States was seen as a model open society by most persons in the countries of the former Soviet empire where our work was concentrated. The fact that many of the ideas, programs, and institutions we promoted had developed in the United States, and were particularly associated with the United States, was an advantage.

The situation in which we find ourselves today is more complex. The Open Society Institute now operates in many parts of the world where an American identity was never as advantageous as it was in the former Soviet bloc region. More importantly, two factors have arisen since September 11, 2001, that make an American identity a disadvantage in some parts of the world where we are attempting to develop more open societies. One is greatly heightened anti-Americanism. The other is the perception that the United States is itself less of an open society, and more ready to abandon some principles of an open society, than American leaders routinely proclaim.

Anti-Americanism takes a number of forms. To begin with, there is a long-standing resentment against the United States for insisting that its actions may not be constrained by international agreements or international institutions. In the human rights field, the United States took 26 years to ratify the International Covenant on Civil and Political Rights and no less than 40 years to approve the Genocide Convention of 1948. In both cases ratification was subject to so many reservations, declarations, and exceptions as to largely—but not entirely—negate the legal effect of ratification.

The Bush administration, however, has gone much further in expressing hostility to international agreements than previous administrations. The administration's attitude is exemplified by its campaign against the International Criminal Court (ICC). Ninety-two other governments, most of them democracies with which the United States normally aligns itself,

have ratified the treaty establishing the Court and bound themselves to its authority. Not only has the United States refused to do so, it has championed legislation, adopted by the Congress, that threatens the use of U.S. military force to liberate any American held for trial by the Court. The legislation is widely known as the "Hague Invasion Act."

In addition, the United States has required many countries to sign agreements banning the transfer of Americans to the custody of the Court. Many of the governments signing these agreements are not party to the treaty establishing the Court. Since the ICC lacks jurisdiction over crimes committed on their territory, the agreements are meaningless except as expressions of antagonism to the Court.

The Bush administration also has pressured governments dependent on the United States not to ratify the treaty for the Court. Even before September 11, diplomats from many countries were amazed that the United States had made efforts to undermine the operations of the International Criminal Court its top priority for bilateral relations with their governments. After September 11, rejection of the ICC came a close second to collaboration on the war in Afghanistan and, subsequently, the war in Iraq.

The administration's hostility to the International Criminal Court is hardly exceptional. The denigration of the United Nations during the period prior to the Iraq war, and particularly of the UN inspectors monitoring any attempts by Iraq to build and acquire weapons of mass destruction, was unprecedented in its venom. The fact that the intelli-

gence the United States relied upon was faulty, or that American officials grossly distorted the findings presented to them, or some combination of the two, never produced any apology or concession of error by the Bush administration to those it had targeted with unwarranted scorn. Another noteworthy example of American antagonism to multilateral approaches to solving critical issues is the administration's abrupt withdrawal from the Kyoto agreement on global warming. And the list goes on.

Preemptive war

In September 2002, the Bush administration issued a new national security strategy for the United States, asserting its right to engage in preemptive war at its sole discretion. To many in other parts of the world, this assertion and its quick implementation, in March 2003, in the war on Iraq, manifested American disdain for the entire post-World War II international system. The fact that American might makes other governments powerless to impede American actions does not diminish the anti-Americanism that such actions arouse. If anything, impotence to restrain the world's only superpower probably heightens international hostility.

The other factor that has made it more difficult for an American-based institution to be a global proponent of open society is the perception that the United States has itself turned its back on open society principles since September 11. In this case, the perception in some parts of the world probably goes beyond the reality. While the United States has committed substantial violations of civil liberties in the past three years, many of these abuses are still

being challenged in the American courts and the outcome is not yet clear. Many U.S. rights advocates are hard at work attacking the post–September 11 deprivations of civil liberties in an effort to restore protections. The Open Society Institute has played a leading role in supporting these efforts and directly challenging some violations of civil liberties. In the present circumstances, however, the damage being done goes beyond the impact on rights within the United States. It also contributes to anti-Americanism and sabotages the work of those of us who are engaged in efforts to establish in other parts of the world what once were known as American values and practices.

One reason that the violation of rights within the United States contributes to anti-Americanism internationally is that a greatly disproportionate share of the burden of abuses has fallen on aliens. They include the 650 or so persons held at Guantánamo in a legal black hole, denied the protections of American law, international humanitarian law (that is, the laws of war), or international human rights law. Others are held in similar circumstances at American military bases in various parts of the world. Aliens, primarily from predominantly Muslim countries, are now subject to special procedures for their registration, fingerprinting, and interrogation. Thousands of immigrants face secret arrests, detentions, closed hearings before immigration judges, and—even for many with well-established residences, employment, and family in the United States—secret deportations. These practices have aroused resentment, especially in the immigrants' countries of origin.

Preventive detention, denial of the right to counsel, mistreatment of detainees, the plan to substitute military tribunals for civilian courts, and other violations of civil liberties after September 11 are seen in many countries as proof of American hypocrisy. The United States has regularly denounced such practices when committed by other governments in the face of perceived security threats.

For more than a quarter of a century, the U.S. State Department has published country reports on human rights violations and practices. The Bush State Department has continued to issue country reports condemning rights violations elsewhere even as the administration has initiated and excused such practices in the United States itself. In 2004, release of the report had to be delayed because of the Abu Ghraib prison scandal. The contrast between what the United States preaches to the rest of the world and what it practices itself is not helpful in getting other governments to respect human rights or to respect the United States as an avatar of rights.

Setbacks for open society

Because America has discredited itself in the eyes of many persons in other parts of the world, the causes with which America is associated are also discredited. In those respects, the open society cause has been set back—and so has the work of the Open Society Institute in building open societies.

Again, the situation is not the same in all regions where we operate. America's reputation is still an advantage in the region where OSI's work was long concentrated, the former Soviet bloc.

Having suffered for so long from oppression under the Soviet Union, which publicly proclaimed America the enemy, many people still regard the United States as the liberator and the embodiment of their aspirations.

Today, however, OSI is as engaged in other parts of the world—substantial parts of Africa, Latin America, the Middle East, and Asia—as in the former Soviet bloc. In Asia and the Middle East, we encounter the greatest disadvantage from being seen as an American institution. Anti-Americanism is most pronounced in these regions, and people originating from there have suffered most from violations of civil liberties in the United States. Yet if the global struggle for an open society is to prevail, it is hardly possible for OSI to turn its back on places where it is difficult to promote the open society agenda. We consider the efforts in Asia and the Middle East crucial. Indeed, we expect to step up our activities in these regions in the years ahead.

OSI's activities in Asia began more than a decade ago with the establishment of the Burma Project. Over the years, OSI has been the main source of support for those inside and outside Burma attempting to move the country in a democratic direction. We have also devoted extensive effort to assuring that when a democratic transition does take place, there will be well-qualified Burmese to deal with the country's vast array of problems. Burma probably devotes a smaller portion of its national resources to educating its citizens than any other country in the world. Not only does a greatly disproportionate share of the national wealth go to the armed forces, but Burma's military government

appears to consider an educated citizenry as a threat to its hold on power and, therefore, deliberately avoids expenditures on education.

OSI began working in Indonesia during the Suharto regime, initially by supporting independent media persecuted by the government. After Suharto, we supported the establishment in Indonesia of an independent foundation, Tifa, that is now beginning to attract support from other donors in addition to OSI. Elsewhere in the region, we have supported nongovernmental organizations concerned with such issues as human rights and corruption, and have attempted to promote press freedom in several countries.

China, Afghanistan, and the Middle East

In 1986, George Soros established the second of his foundations outside the United States in China. That foundation had to be closed in 1989 because the principal Chinese official who helped establish it was imprisoned for attempting to prevent the crackdown that followed the Tiananmen Square demonstrations, and because the foundation was thoroughly infiltrated by the Chinese secret police. For many years, OSI stayed out of China. Recently, however, we have supported a number of projects in China, including a training program and back-up services for public defenders, a fellowship program for journalists, and an advocacy program focused on HIV/AIDS. Despite contradictory developments in the country, a number of signs of increased openness encourage us to believe that OSI can play a larger role in years to come.

OSI has established a substantial program in Afghanistan. Our efforts include support of a governmental program to enlist highly qualified Afghans living abroad to return to the country to enter government service, and support for programs concerned with women's rights, education, human rights, and the establishment of independent media. We have also undertaken preliminary efforts in Pakistan that we expect will lead to a funding program focusing on improving public education, women's rights, and economic development through microcredit and the establishment of small and medium-sized business enterprises.

In the Middle East, OSI has established a well-functioning foundation in Turkey and is supporting projects covering a range of issues in Egypt, Lebanon, Israel, Jordan, and the occupied Palestinian territories. In Iran, we are exploring the possibility of assisting efforts to reduce the harmful consequences of the country's huge problem of injecting heroin use and playing a role in intellectual exchanges and scholarships.

Though we are not ready to establish a general funding program in Iraq, we have undertaken a number of activities there. We supported the translation into Arabic of a number of books concerned with the laws of war and arranged for the Arabic edition of a book for journalists, *Crimes of War*, to be published on the Internet on the first day of the Iraq war. We participated with Iraqi jurists in deliberations on transitional justice issues and are ready to be helpful in trials of those charged with the great crimes that were committed during the regime of Saddam Hussein. With the United Nations

Foundation, OSI published a report, *Reconstructing Iraq: A Guide to the Issues*, and, subsequently, established Iraq Revenue Watch, a monitoring project based in the United States with representation in Baghdad. Iraq Revenue Watch, which has become an important source for the media, has published several reports on the expenditures for reconstructing Iraq and the systems for arranging contracts.

In any international political climate, the task of promoting open societies in Asia and the Middle East would be difficult. In the circumstances created by the international and domestic policies of the Bush administration, it is even more daunting. Yet we plan to persist, and we expect OSI's role in these regions to grow. We believe our efforts would achieve greater success if the policies contributing to anti-Americanism and cynicism about America's own commitments to open society values were to be altered.

Aryeh Neier June 2004