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Human Rights — An Issue For Our Time

By ARTHUR J. GOLDBERG^o

Our time is a time of maturing sensitivity to human rights. Human rights has become a preeminent global issue encompassing economic, social, and political issues which transcend national and ethnic boundaries. Human rights is a principal theme of President Carter's foreign policy and has been a guiding force behind the participation of the United States in the follow-up meeting to the Conference on Security and Cooperation in Europe (CSCE) that has taken place in Belgrade, Yugoslavia.

The current concern with human rights can be viewed as part of an ongoing revolution, a central concept of which is that human rights transcend the laws and domestic jurisdiction of states and are rightfully the concern of all men. This is a decisive development in international law and a positive step for mankind that has evolved alongside the chaos and horror of our century.

Of course, the United States has been concerned with human rights for most of its history, and our heightened concerns today are consistent with earlier traditions. Human rights are part of the fabric of the Bill of Rights and the Declaration of Independence. Such concerns motivated President Lincoln, who led the Union in the bloodiest war in our national history, the Civil War, in an effort to rid our nation of the terrible scourge of slavery. Human rights concerns also animated the four freedoms proclaimed by President Franklin Roosevelt — freedom from want and fear, freedom of speech and religion — for which many Americans lost their lives in the Second World War.

Human rights are not a partisan matter in our country, but the concern of Republicans and Democrats alike. At Helsinki, in re-

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ferring to human rights, President Ford noted, "the founders of my country did not merely say that all Americans should have these rights, but all men everywhere should have these rights."¹ And, on many occasions this year, President Carter also has reaffirmed our commitment to the continuity of American policy in the area of human rights. At the United Nations in March, 1977, President Carter stressed, "The search for peace also means the search for justice . . . [and] [t]he search for peace and justice also means respect for human dignity."²

Not only in our country, through progressive social and civil rights legislation, but also in the international arena, the United States has supported many initiatives designed to make observance of human rights more universal. United States law, tradition, and leadership were instrumental in the creation of the Universal Declaration of Human Rights, a milestone in the progressive evolution of mankind. The Universal Declaration was approved by the United Nations General Assembly on December 10, 1948, and it is this landmark event and the evolution for mankind which it in part symbolizes that we are marking through our observation of Human Rights Day this year.

An important recent development in our support of human rights as a matter of international law is our firm commitment — as noted by President Carter in his remarks at the United Nations on October 5, 1977 — to ratification of the International Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights. American adherence to these covenants has been a matter of personal concern to me and to many others for a decade, and I was particularly gratified to learn of President Carter's desire to press for ratification.

Our concern for human rights abroad, however, does not blind us to continuing problems in our own country. The United States recognizes that its human rights record is not perfect and is willing to listen thoughtfully to criticism. For example, at the Belgrade Conference, when unjustified criticisms have been made, we have rebutted them forcefully. When criticisms were justified, we have admitted them and stated we would push for further improvement.

1. President Ford's Address to the Conference, 73 DEP'T STATE BULL. 304, 306 (Sept. 1, 1975); 11 WEEKLY COMP. OF PRES. DOC. 809, 812 (Aug. 11, 1975).

2. 13 WEEKLY COMP. OF PRES. DOC. 397, 400-01 (March 21, 1977).

In our own country we must make every effort to ensure that fundamental rights and equal opportunities are guaranteed to all, regardless of race, sex, or ethnic origin. Certain civil rights abuses remain to be curbed, and much remains to be done in ensuring that the poor and impoverished are brought into the mainstream of American life and offered the possibility of bettering their lives through adequate job and educational opportunities and through better local, state, and federal services. Nonetheless, perhaps the key conceptual difference between the United States and certain other nations is that our government is seeking to better our human rights record whereas other governments often aid abuses and do little or nothing to correct them.

There are, in fact, three broad categories of interdependent human rights. The first category relates to the integrity of the person and the dignity of the human being. Torture, bodily mutilation, electric shock treatment, summary execution, and other cruel and unusual punishments would fall within this category and should be prohibited. The second category, touching upon economic and social rights, concerns the fulfillment of vital human needs such as work, food, shelter, health care, and education. The third category relates to civil and political liberties and encompasses freedom of speech, thought, association, religion, the press, freedom to move within a country and to pass freely beyond its borders or to emigrate, and freedom to participate in civil and governmental affairs.

We cannot agree with those who would place undue emphasis on economic and social rights, important as they are, at the expense of political and civil liberties. Too often, as Walter Laqueur wrote recently, giving priority to economic and social rights is an "alibi for states that practice oppression at home, and whose record even in the economic and social field is anything but brilliant."³ And, as Dr. Laqueur notes, among the most vociferous proponents of economic and social rights there are few if any states that permit the existence of free trade unions.⁴ In our view, there is and must be balance among our human rights concerns, between protection of fundamental or individual rights and economic and social rights.

We recognize that we cannot remake the world in our own image, but we can help make the world a more humane place for

3. Laqueur, *The Issue of Human Rights*, COMMENTARY, May, 1977, at 30.

4. *Id.*

all of us. In working toward this goal, we must properly take into consideration human rights abuses in other countries in formulation of our own policies and must seek to encourage others to improve their human rights records.

We can do this in a variety of ways. In one circumstance, a combination of economic and political incentives may be most effective in moving a country towards a more humane policy. In another circumstance, a well-formulated and persuasive diplomatic representation at an appropriate level may be best. In my view, each approach must be tailored to specific circumstances in the country we wish to influence. While our overall human rights policy should be an expression of the best in the American character, we should realize that, to be most effective, such a policy must be applied in a way that is most characteristically American — that is, applied pragmatically. We must avoid the most serious temptation in this area, the temptation to preach to others, to conduct a crusade of sorts, and to carry out a policy that would be, ultimately, counter-productive.

At Belgrade, where human rights abuses in the Soviet Union and some other countries of Eastern Europe have been a focus of our concern, we have chosen to express our concern in a variety of ways. We have spoken in open plenary session and in closed working groups, citing specific countries and cases where appropriate, and we have had private bilateral contacts with the East. We have sought to encourage the East to implement more fully the provisions of the Final Act by engaging all signatories to the Act in a frank accounting of progress registered since its signature in August 1975. In pursuing our human rights objectives, we are aided by the Final Act itself, which contains specific provisions relating to humanitarian contacts and to human rights.

Human rights has become a preeminent global issue for our time, not by chance, but by combination of circumstances. The world has grown smaller for all of us, and we have become more interdependent. Today, truly, no man is an island. To a greater extent than ever before, we cannot escape awareness of the plight of others, wherever they may be, in our country or elsewhere. Nor can governments whose practices in human rights are woefully deficient pretend that others have no legitimate right to examine their records. This stance is belied by the Universal Declaration of Hu-

man Rights, by the International Covenants on Human Rights, and by the Helsinki Final Act.

So, in many ways we are moving into a new era. The difference is palpable. The content of what we read and see, the way we feel about peoples in the other countries, and the way we conduct ourselves in the diplomatic arena are changing. It is my conviction, as one who has championed the liberation of the human spirit for many years, that the changes we are sensing are for the better. From them a more humane world may result — one in which, with hope for the future, the errors and chaos of the past may be avoided.

