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Human Rights and the Belgrade Meeting*

By ARTHUR J. GOLDBERG**

In September of 1977, President Carter asked me to take on responsibility for what is familiarly called CSCE—the Conference on Security and Cooperation in Europe. Like most Americans, I had previously thought of the CSCE in terms of the Helsinki Summit of 1975 when President Ford signed the document called the Final Act, a lengthy text, not a treaty, but an expression, at the highest political level, of the commitment of the thirty-five states of Europe and North America to respect certain principles of interstate behavior, to respect human rights, to build mutual confidence in the military sphere, and to cooperate in economic, humanitarian, informational, cultural, and educational fields.

Many in the West were understandably cynical about the practical meaning of the inclusion in the Final Act of the principle of “respect for human rights and fundamental freedoms including the freedom of thought, conscience, religion and belief.” By the formation of groups to monitor their own governments’ performance, citizens of the Soviet Union, of Czechoslovakia, of Poland, Bulgaria, and other countries in the East showed that they took seriously this pledge and also commitments to a freer flow of people and ideas that were embodied in the humanitarian provisions of what is called Basket Three of the Final Act.

That the Belgrade conference would not pass quietly as just another routine diplomatic gathering was assured by the events in Eastern Europe and the Soviet Union, including the arrest and imprisonment of members of the monitoring groups and other “dissidents.”

The Belgrade meeting began October 4, 1977, and ended March 9, 1978. What did it accomplish? What does this mean for the future of CSCE and for East-West relations?

* This Article updates Justice Goldberg’s Article published in 29 HASTINGS L.J. 887 (1978).

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In my opening address to the Belgrade meeting last October, I spoke of giving detente a "humanitarian face and a human measure." For although we were in Belgrade to represent governments, we were obligated to address the problems of people as well as of power. We deemed it essential to weigh the claims of individuals, not just the interests of states.

Thus, with the American delegation taking the lead, we explored the promises made at Helsinki to respect the role of the individual and groups in monitoring the implementation of the Final Act, to heal the wounds of divided families, to facilitate the right of free emigration, and to better the conditions in which scientists, journalists, scholars, and businessmen work.

A detente relationship which betters the lot of individuals and smoothes contact between them is imperative to improve the ties between states.

Crucially, of course, the Belgrade meeting dealt at length with the question of human rights and fundamental freedoms. A person's freedom of thought, conscience, religion, or belief, and the ability of individuals and groups to exercise their civil rights effectively raised sensitive issues at Belgrade for almost all Eastern countries. Their sensitivity was part of their significance. The Belgrade meeting was the first to put those questions prominently and legitimately into the framework of multilateral East-West diplomacy.

That idea is a powerful one and at Belgrade it won support from the Western democracies. It also aroused strong opposition from the East. We heard the contention that human rights are purely internal affairs, that to discuss their observance in another nation is to violate that nation's sovereignty, to interfere in matters that are no outsider's concern.

The Final Act refutes that reasoning. The Belgrade meeting has made it untenable.

By virtue of Principle VII, human rights are the direct concerns of all Final Act signatories. Under the terms of the United Nations Charter, the Universal Declaration of Human Rights and the International Covenants—as well as the Final Act—they are the subject of international undertakings. They were then, without question, the proper subject of the diplomatic examination and debate we had in Belgrade and they will remain, after Belgrade, the proper focus of continuing comment and efforts.

For the pursuit of liberty is an unending enterprise and the surest guarantee of security and of peace. What the Final Act obliged all thirty-five signatory states to pursue is what Aleksander Pushkin defined long ago as a "better kind of freedom." That, he wrote, is the freedom "not to bow your conscience, thought or neck to rank or power"

That concept of individual dignity is still the vision offered us by the Helsinki Accord, the vision all participating states pledged to respect and promote.

We know, however, that not all of these states fulfilled that pledge in full or in good faith. The American delegation spoke forthrightly at Belgrade of the broken and unfulfilled promises of Principle VII and Basket Three, the human rights and humanitarian provisions of the Helsinki Final Act. We expressed our concern, our regret, and at times our outrage at the incidents which occurred in the East in direct contravention of the Final Act and in profound disregard of its provisions in the area of human rights and fundamental freedoms.

The Belgrade meeting could not overlook such grave violations of human rights, especially when unwarranted repression is directed against men and women whose only offense seems to be that they have merely sought to monitor, enforce, or implement the provisions and the promises of the Helsinki Final Act. Their activity is encouraged by the Final Act. It needs to be protected, not punished.

Thus, for example, we protested vigorously against the arrest and confinement of Orlov, Scharansky and Ginsberg, members of the Helsinki Watch Committee in the Soviet Union, Mykolo Rudenko and Oleksei Tykhy, founders of the Ukrainian Helsinki Monitoring Group, and the trial of the Charter 77 dissidents in Czechoslovakia and the repression of other dissidents in the East.

We also made explicit objection to the harassment and expulsion from the Soviet Union of Robert Toth, a distinguished reporter of the Los Angeles Times, for interviewing dissident groups; to the denial of work visas for Murray Seeger, of the Los Angeles Times, and Eric Bourne, of the Christian Science Monitor, by Czechoslovakia because of their refusal to agree not to interview Charter 77 dissidents; and to the expulsion of Paul Hoffmann, of the New York Times, and Leslie Collitt, of NBC, for similarly seeking to carry on their work in Czechoslovakia.

We expressed our deep concern about repression of Jews in the Soviet Union, about measures taken against political dissidents there and in other Eastern European countries, about the jamming of radio broadcasts, about the failure to permit adequate dissemination of Western newspapers and books, and about the harassment of the Nobel Prize winner and esteemed scientist and champion of human rights, academician Andre Sakharov.

Similarly, in the review of implementation at Belgrade, we could not gloss over the plight of men and women persecuted for their religious beliefs and for trying to pass those beliefs on to their children. We could be silent neither then nor now—nor in the future—when numbers of minorities are denied their equality, particularly in their

efforts to preserve the language and culture which are essential to their special identity.

We cannot pretend that such questions are irrelevant to the implementation of the Final Act, intrusive of the CSCE process, and injurious, if discussed, to the development of detente. We live in the real world, not one of make-believe. We cannot make our world a better one if we turn a blind eye to its faults, including our own.

Those faults—just as much as our accomplishments and opportunities—were the legitimate subject of the Belgrade review. That review dealt productively with real shortcomings in Final Act implementation so that from our examination we could each and all move to remedial action.

The recent "trials," if they can be dignified by this term, and conviction of Orlov, Scharansky, Ginsberg, and other Helsinki Monitors are a gross violation of the Helsinki Final Act.

It is apparent that these trials and sentences are a direct result of their activities in connection with the Helsinki Final Act. Orlov, Ginsberg, and Scharansky, the founders of a group of Soviet citizens who in 1976 came together to do studies and issue reports on the Soviet Union's implementation of commitments undertaken at the 1975 summit meeting of the thirty-five states of Europe, the United States, and Canada, who participated in the Conference on Security and Cooperation in Europe. The Helsinki Final Act specifically recognizes the role that individuals acting on their own or through nongovernmental organizations can and should play in assisting governments to implement their Final Act obligations more effectively. The Orlov group is so designed.

The group's activity was directed at identifying areas, particularly involving the seventh principle of the Final Act's Declaration of Principles, "respect for human rights and fundamental freedoms, including the freedom of thought, religion, conscience or belief," and the Basket Three provisions on humanitarian cooperation, including the facilitation of family contacts and reunification, where his government's performance does not yet reach the pledged standard.

As head of the U.S. Delegation, I raised the situation of the Soviet and other Eastern, Helsinki-monitoring groups on a number of occasions at the recently concluded Belgrade review meeting of the CSCE participating states. That meeting ended March 9 with a pledge by the participants, including the Soviet Union, "to implement fully, unilaterally, bilaterally and multilaterally, all the provisions of the Final Act." The trial and conviction of Orlov, Ginsberg, Scharansky and others bring Soviet and other Eastern countries' good faith, with respect to this pledge, strongly into question.

Harassment, including arrest, trial and conviction of individuals for their efforts to encourage their government to improve its compliance with its international commitments, is a clear violation of the Helsinki Final Act. The United States Government, as a signatory to the Final Act, has a legitimate interest and a responsibility in expressing concern. Moreover, Soviet disregard for important aspects of the Helsinki Final Act is bound to make it more difficult for the Congress and people of the United States to give their support to other important agreements, such as SALT II, which are in the joint interest of our two countries but whose successful effectuation requires mutual confidence and trust.

Our country had its performance questioned at the Belgrade meeting, and some of the questioning was constructive, for our own record of performance is by no means perfect. Questioning should aid our country to improve its record. I wish others were of equal mind.

The American delegation at Belgrade also took careful note of the thoughtful ideas advanced by many delegations for action consonant with the thrust and spirit of the Final Act. Some such proposals can be set in motion by unilateral action or bilateral agreement; many can be refined and readied for decision in Madrid.

The United States, in the days ahead, should continue to be especially attentive to the question of human rights.

I continue to be greatly concerned about those individuals and organizations that are being denied elementary human rights. The list of those suffering repression is far too long. And their fate arouses the greatest anxiety. Our concern is not limited to any one country or one set of individuals.

"Injustice anywhere," said Dr. Martin Luther King, "is the enemy of justice everywhere."

The Final Act enshrines the concept of justice—not privilege or power—ruling the affairs of men and the relations between states. The Belgrade meeting reaffirmed that central tenet in the context of detente in Europe. Peace, we have seen, depends on the just conduct of nations to each other and to their own citizens.

Helsinki aroused great hopes. In some quarters it also appears to have aroused great fear. In Belgrade we, on our part, attempted forthrightly to discuss both the hopes and the fears of governments and peoples. We recognize that some hopes may not be as high as they might have been when we went to Belgrade, but the road to peace, security, and cooperation is a long and arduous one.

President Kennedy, some fifteen years ago, put the ultimate question and stated the answer: "Is not peace, in the last analysis, a matter of human rights?"

