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## HUMAN RIGHTS AND THE BELGRADE MEETING

*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 35 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, however, 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 the 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 the imprisonment of members of the monitoring groups and other ethnic, racial, religious and political “dissidents”.

The Belgrade meeting began October 4, 1977, and ended March 9, 1978. What did it accomplish?

In my opening address to the Belgrade meeting in October, I spoke of giving detente a “humanitarian face and a human mea-

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\* Ambassador Goldberg, former Associate Justice of the Supreme Court of the United States and former Permanent Representative of the United States to the United Nations, served as the Chairman of the United States Delegation to the Conference on Security and Cooperation in Europe, 1977-78.

sure." 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, we of the West 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.

It was a shared belief of the Western countries that governmental actions which better the lot of individuals and smooth contact between them are imperative to improve the ties between states.

Crucially, therefore, 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 of the Final Act, human rights are the direct concerns of all its 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, and at the 1980 meeting in Madrid, the proper focus of continuing comment and efforts.

The pursuit of liberty is an unending enterprise and the surest guarantee of security and of peace. What the Final Act obliged all 35 signatory States to pursue is what Aleksandr 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 are pledged to respect and promote.

We know, however, that not all of the States have fulfilled that pledge in full or in good faith. Western delegations, with varying degrees of specificity, spoke 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 and 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 other peaceful dissidents in the East—religious, ethnic and political.

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

Specifically, in the review of the implementation at Belgrade, we could not gloss over the plight of men and women of all faiths harassed or persecuted for their religious beliefs and for trying to pass those beliefs on to their children. Nor could we be silent then or now—or 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 and intrusive of the CSCE process. 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 with real shortcomings in Final Act implementation so that from our examination we could each and all move to remedial action.

The “trials,” if they can be dignified by this term, and convictions of Orlov and Scharansky 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 and Scharansky were 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 35 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 non-governmental organizations can and should play in assisting governments to implement their Final Act obligations more effectively. The Orlov group is so designed.

The Belgrade meeting ended March 9, 1978 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 trials and convictions of Orlov, Scharansky and others and the gross interference with freedom of thought, conscience, religion and belief 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 Western democracies, as signatories to the Final Act, have a legitimate interest and a responsibility in expressing this concern.

The United States and other countries of the West had their 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 respective countries to improve their record. I wish others were of equal mind.

The United States and its NATO allies at Belgrade also took careful note of the thoughtful ideas advanced by the neutral and non-aligned countries 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.

It is my strong belief that, in the days ahead, we should and must continue to be especially attentive to the question of human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief.

We should manifest our great concern about those individuals and organizations that are being denied these elementary human rights. The list of those suffering repression is far too long. And their fate arouses the greatest anxiety. Our concern cannot be limited to any one country or one set of individuals.

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

The United Nations Charter and the Helsinki Final Act enshrine 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. Detente and the Gulag Archipelago cannot co-exist.

Helsinki aroused great hopes. In some quarters it also appears to have aroused great fear. In Belgrade we, on our part, attempted 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 detente with a human face is a long and arduous one. And it has been made even more arduous by Soviet aggression in Afghanistan.

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

