

# **UCLA**

## **National Black Law Journal**

### **Title**

The Belgrade Conference and International Human Rights

### **Permalink**

<https://escholarship.org/uc/item/3kz3517m>

### **Journal**

National Black Law Journal, 6(2)

### **Author**

Goldberg, Arthur J.

### **Publication Date**

1979

### **Copyright Information**

Copyright 1979 by the author(s). All rights reserved unless otherwise indicated. Contact the author(s) for any necessary permissions. Learn more at <https://escholarship.org/terms>

Peer reviewed

# THE BELGRADE CONFERENCE AND INTERNATIONAL HUMAN RIGHTS

Arthur J. Goldberg\*

*The participating States [to the Helsinki Accord] recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves as among all States. . . .*

## *Principle VII, The Helsinki Final Act*

Our time is one of maturing sensitivity to human rights. It has become a pre-eminent global issue, encompassing economic, social and political questions that transcend national and ethnic boundaries. Human rights is a principal theme of President Carter's foreign policy, and was a guiding force behind the role played by the United States delegation at the meeting held in Belgrade, Yugoslavia from October 4, 1977 to March 8, 1978, to review progress in implementing the Helsinki Accord. Formally known as the Follow-up Meeting to the Conference on Security and Cooperation in Europe (CSCE), the Belgrade meeting was the continuation of a process which was initiated with the signing of the Helsinki Final Act in August, 1975 by Chiefs of State of 33 European countries, Canada, and the United States.

The Final Act, which established the basis for the deliberations at Belgrade, consists of three main sections, called "baskets". Basket I enumerates ten key principles of interstate relations and also includes certain military confidence building measures. Basket II is designed to further cooperation in the field of economics, science and technology and the environment. Basket III contains provisions relating to humanitarian contacts, such as reunification of families, marriage between citizens of different states, and provisions encouraging greater freedom of information and journalistic contacts.

At the follow-up meeting in Belgrade, human rights abuses in the Soviet Union and some other Eastern European countries were a key focus of our concern, which was expressed in a variety of ways. We spoke in open plenary session and in closed working groups citing specific countries and cases where appropriate. In addition, we had private bilateral contacts with the East. We sought to encourage the East to implement more fully the provisions of the Final Act by engaging all signatories in a frank accounting of progress registered since its signature in August, 1975.

In pursuing human rights at Belgrade we were aided by the Final Act itself. While all ten principles of Basket I are of primary significance, the United States placed special emphasis on Principle VII. In its reference to

---

\*J.D., Northwestern University School of Law; U.S. Ambassador-at-Large; Chairman, U.S. Delegation to the 1977-78 Follow-up meeting to the CSCE; Associate Justice, U.S. Supreme Court, 1962-1965.

the Universal Declaration of Human Rights and the International Covenants on human rights, Principle VII binds the participating states to observe several specific commitments to respect the rights "to life, liberty and the security of person," to equality before the law and due process in the workings of the law, and to "freedom of movement" and "freedom of association". Reinforcing those rights are the protections against "torture or . . . cruel, inhuman or degrading treatment or punishment" as well as against "arbitrary arrest, detention or exile". But central to the confirmation of those rights which CSCE governments are obliged to respect is the link Principle VII recognizes between the "inherent dignity of the human person" and "the effective exercise" of fundamental freedoms.

At Belgrade, some delegations asserted that the exchange of criticism among participants would, in fact, contravene the Principles themselves. Specific reference was made to the protections in Principle I (Sovereign Equality) of each state's "right freely to choose and develop its political, social, economic and cultural systems" and in Principle VI (Non-Intervention in Internal Affairs), of each state's "right freely to choose and develop its political, social, economic and cultural systems" without intervention in that process by another state. In my view, this position is a fundamental misconstruction of the relationship among these principles. These protections of sovereignty enjoyed by a state in no sense limit its obligations with respect to human rights, even as it has defined them, or the right of other states to comment on its performance. Quite the contrary, at Belgrade we were dealing with complementary, interlocking parts of great agreements of the post-War era, reflected in the United Nations Charter, the Helsinki Final Act, and a large and growing number of other international instruments.

Sovereignty and non-intervention proscribe any effort by one state to coerce another into changing its system or—equally important—refraining from doing so, as it may wish. And none of us at Belgrade were trying to change anyone else's system. Diversity reigned. But the other side of the coin is that, *in exercising* our right to choose and develop our own systems, each state can be held accountable by other members of the international community for conforming that development to certain minimum international standards of individual justice in the field of human rights as well as social and economic problems. To that extent, the treatment of individual people by any signatory state is the legitimate concern of every other signatory.

Principle VII likewise establishes an interrelationship between the "universal significance of human rights" and the prospects for international "peace, justice and well-being necessary to ensure the development of friendly relations." Principle VII thus mirrors the view that government respect for human rights is an "essential factor" of detente. Having made the question of a government's treatment of its own citizens a matter of international concern in the Final Act, the participating states in particular agreed to the proposition that government action to assure individual freedoms is not exclusively an internal matter for each state to consider by itself. Thus, a central concept of the Final Act is that human rights are rightfully the concern of all men. This is a decisive development in international law and a positive step for mankind.

Of course, our concern for human rights abroad should not blind us to continuing problems in our own country. As I stated in my opening address to the Belgrade Conference, the United States recognizes that its human rights record is not perfect and we were willing to listen thoughtfully to criticism of our own record. Where unjustified, we rebutted these criticisms, and where justified, we admitted them and stated we would push for further improvement. 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 better local, state and federal services.

The United States claims neither a monopoly of wisdom on the meaning of the commitments undertaken by governments in Principle VII, nor a perfect record of implementation. The American standard of respect for human rights has been reached, despite our constitutional commitments, only as a result of a complex and difficult evolution, after painful and sometimes incomplete corrections of abuses, and as a consequence of seeking a progressive enlargement of individual freedoms. From time to time, the United States has fallen short of the human rights targets we have set for ourselves and our people, and at Belgrade we did not object to an examination of our record. 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 many other governments often abet 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—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. The second category touches upon economic and social rights. The concern here is for 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.

At Belgrade, the United States delegation rejected the idea that economic and social rights, important as they are, should be emphasized at the expense of political and civil liberties. As one commentator noted, giving priority to economic and social rights is an “alibi for states that practice oppression at home”. Indeed, many of these states have less than brilliant records in the economic and social field. Thus, 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. In working toward this goal, we must properly take into consideration human rights abuses in other countries in formulation of our own policies and also must seek to encourage others to improve their human rights records. This principle guided us at the Belgrade Conference, and is consistent with our earlier traditions.

Human rights are part of the fabric of the Bill of Rights. Such concerns motivated President Lincoln, who led the Union in the bloodiest war in our national history in an effort to rid the 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. The United States has supported many initiatives designed to make observance of human rights more universal through domestic social and civil rights legislation, and in the international arena as well. For example, *United States law, tradition and leadership were instrumental in the creation of the Universal Declaration of Human Rights, a milestone in the progressive evolution for mankind.* An additional development coincided with the beginning of the Belgrade conference when, on October 5, 1977, President Carter signed the International Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights.

The Helsinki Final Act aroused great hopes. In some quarters it also appears to have aroused great fear. On our part, in Belgrade we attempted forthrightly to discuss both the hopes and the fears of governments and peoples. Because the Concluding Document to that meeting was not as substantive as we would have liked, some hopes may not be as high as they were when the Belgrade conference opened. But the Helsinki Final Act remains unchanged, and the review process will continue in Madrid in 1980. From our own experience of gradual progress towards higher human rights standards, we in the United States understand that positive action can be difficult to set in motion or to be attained. Similarly, the international road to peace and security and cooperation is a long and arduous one. Belgrade was a beginning, not the end.

The United States will continue to be especially attentive to the question of human rights. Between now and Madrid, and thereafter, we will seek further implementation of all of the provisions of the Final Act, and to do all in our power to keep the hopes of Helsinki alive.