



DEPARTMENT OF STATE
BRIEFING MEMORANDUM

S/S

November 18, 1977

TO: The President
FROM: Arthur J. Goldberg, Ambassador-at-Large *AGG*
SUBJECT: Interim Report on the Belgrade Conference

The Belgrade Conference is the latest stage of an East-West negotiation whose origins go back at least to the 1954 efforts by the Soviet Union to conclude a post-war treaty fixing and legitimizing Communist political and territorial acquisitions in Europe. The actual work of the Conference on Security and Cooperation in Europe only began in July, 1973, with a Foreign Ministers' meeting in Helsinki, after the East had been obliged to agree to the participation of the U. S. and Canada, had concluded the Four-Power Agreement on Berlin and had begun the MBFR talks in Vienna. The actual negotiation of the Final Act took place in Geneva from September, 1973, through June, 1975, when West European diplomats carried the heavier load of pressing the East for commitments to a freer flow of information and people as part of the structure of ongoing detente. The Final Act (or Helsinki Accord) was signed by top representatives of 35 states--including President Ford and Secretary General Brezhnev--in Helsinki, August 1, 1975. It provided, among other specific commitments, for prior notification of military maneuvers, improvement of conditions for commercial, economic, educational and scientific activities and liberalization of safeguards for human rights, including eased restrictions on family reunification and contacts and expanded flow of information and culture. It also called for a meeting of the 35 signatories in Yugoslavia in 1977.

The Belgrade Conference began with a preparatory meeting in June-July which set the agenda for the main round underway since October 4. The agenda--the result of determined Western negotiating--provided for a review of Final Act implementation, the consideration of new initiatives, and agreement on the time and place of the next "similar meeting." The preparatory round insured as much as possible that Belgrade will be but the first of such review proceedings.

The present Belgrade Conference is precedent-setting. The most important and difficult precedent to establish has been that set forth in the President's instructions to me to vigorously pursue a full review of implementation of all provisions of the Final Act, including particularly those provisions concerning humanitarian contacts and human rights. This raising of the human rights issue has been strongly resisted by the Soviets and their allies. I decided to initiate the implementation review with general references to broad problem areas, then to proceed to discuss specific abusive practices without directly naming the countries in question, then to proceed to name the countries violating the specific provisions of the Act, and, finally, to cite the names of actual individuals in named countries when the treatment of those individuals typifies or illustrates continuing conduct contrary to the Final Act's provisions.

The procedure has the full endorsement of the NATO delegations at Belgrade. With respect to U. S. and Allied insistence that human rights questions be fully discussed, the Soviets and their allies have not been responsive. Basically, the Warsaw Pact delegations took the position that governments could not comment at Belgrade on other states' domestic conduct without violating Principle VI's guarantee of non-intervention in internal affairs. There is no foundation to this position. The inclusion of Principle VII in the Final Act makes human rights a clear question of international accord, no longer purely a matter of domestic competence.

It should be noted that a limited dialogue on other matters, such as economic, scientific, and cultural exchanges has taken place. In response to Soviet

arguments, I and other members of the U. S. delegation have always presented the U. S. record of human rights performance as one which we know to be far from perfect, as the President and the Secretary of State have frankly stated on many occasions, but one in which our effort to redress wrongs lays the foundation for our concern about wrongdoing elsewhere. It was in that context and because they are leading members of a group to monitor the Helsinki Accords, a procedure sanctioned by the Final Act, that I specifically raised the cases of the Soviet Helsinki monitors Shcharansky, Ginzburg, and Orlov.

The process of periodic review of implementation and consideration of new proposals to improve performance in all aspects of the Final Act has great intrinsic value and importance.

Belgrade Objectives:

Key questions to be answered:

- 1) Have we defined our expectations for progress in the post-Belgrade period? Will we be able to make these expectations clear to Belgrade delegates in prepared statements, committee proceedings, private discussions? What about the Final Document: should our hopes be registered there?
- 2) What are the best tactics regarding the style of our presentation? Are there different US images appropriate for the different committees, the post-committee "drafting groups," and the last month of plenary sessions. What about our presentation in plenary during committee work? Will our presentations convincingly register the gaps we perceive between the Helsinki promise and actual performance?
- 3) Have we ourselves defined, generally and with statistics if appropriate, the different levels of progress in each of the Basket III Human Contacts categories? Can we begin our commentary on other countries' compliance by emphasizing the pluses? Will this help calm fears that the United States intends to be unduly critical in human rights Belgrade discussions?
- 4) What would the allies wish to see the United States say in Principle VII/Basket III presentations? How about the New Nine? Are they planning to register views -- apart from specific "new proposals" -- on their expectations in the post-Belgrade period?
- 5) What bilateral efforts should be made during the course of the Conference to encourage further Basket III progress?

Belgrade Items:

-- U.S. Compliance with Principal VII/Basket III: pre-empt accusations by self-examination, plus presentation of projected U.S. government plans to stimulate better compliance. Invite comment suggest each state disclose similar plans (opening window for U.S. comments on others' non-compliance)

-- U.S. Criticism of Other Countries: This should flow from context of committee multilogue. Our inscription on speakers' list should be based on best estimates of what others will say and whether our criticism will be logical extension of discussion.



-- U.S. body to reply to compliance inquiries: set up a small interagency group (one principal, one worker from State, Justice, Defense, Commerce, HEW, HUD) to respond to foreign signatory inquiry about US compliance. State feeding out to other agencies the incoming request, passing the answer back to the foreign government. We announce this during Fall conference, as evidence that, as we ask other governments bilaterally about their compliance intentions, we are institutionally prepared to respond to their questions.

-- Human Rights Expert Group? The Conference will not witness agreement on a wide variety of human rights proposals, though many ideas may be tabled. Perhaps the solution is agreement on a post-Belgrade experts' group, mandated: to collate all proposals tabled during the Conference into measures states might adopt unilaterally, to do this within a given time period (6, 9, 12 months), to pass them to CSCE states noting the decision is theirs whether to implement the measures, and to then go out of existence. Implementation of these proposals could be legitimate subject for future follow-up discussion.

-- Avoid US image as participant in Soviet-US conference brokering. Back our allies, even where we're lukewarm to particular allied notions. If we are flatly opposed, use time before Belgrade to move allies to different positions.

-- New Nine: Poll their embassies here (even better: send someone to capitals) before Belgrade. What do they want from us?

-- Romanian Role: There is tactical advantage we can exploit to the extent Romanians separate themselves from WP. Soviets view France in this context visa-vis NATO.

-- US opening in Basket I and Basket III Committees: B III opener will precede first US statements on P VII. Patt should make the B III statement, and perhaps the P VII as well. (NOTE: FRG may prevail on allies to make "human rights" presentations in connection with P VII; B III will take up only the four "Human Contacts" sections.)

HUMAN RIGHTS STRATEGY FOR BELGRADE

1) Disclose in opening plenary our interpretation of Principle VII and Basket III obligations on all states. No names.

2) At first opportunity in Principle VII Committee:

a) disclose USG evaluation of US compliance; minimal comments on where we have complied, maximum emphasis on USG perceptions of own shortcomings.

1) Cite US private sector calls for USG action to resolve these issues;

2) Disclose (Justice Department, HEW/HUD) plans for next two/three years for Federal Government efforts to improve matters;

3) Distribute for all delegations summary of the USG plans.

b) remind delegates that Final Act calls for government action; point to our government efforts, state desirability that, during Conference, other governments should table their plans

This would be our definition of positive contributions to a "full and frank" discussion of Principle VII/Basket III debate without polemics;

c) invite comments from any delegation, at any time, on our plans; note that we'll be commenting on what other countries will be saying during committee.

This US initiative will establish a minimum standard of positive discussion most delegations will find hard to match. It does not require any U.S. statement about any other country. In fact, we can take explicit note of other countries previous insistence that each country talk about itself, primarily -- its past and future and what it intends to do.

A modified version of this approach should be used for our introductory presentation in Basket III work. The focus should be to stress unilateral intentions and to limit our initial remarks to the Human Contacts/Free Flow Basket III provisions.