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THE IMPACT OF THE COLD WAR ON THE ORIGINS AND EVOLUTION OF INTERNATIONAL HUMAN RIGHTS REGIMES

In this article I will be discussing not only the origins of the major international human rights regimes that emerged after the Second World War but also how the Cold War affected (or, more accurately, hindered) the implementation of those regimes. By the term “human rights,” I am referring simply to the basic political, social, and economic rights and freedoms to which all human beings are entitled.¹ These include, among others, the right to life, the right to liberty, the right to free expression, the right to own property, and the right to equal treatment before the law.

The international human rights regimes that were organized after World War II were profoundly shaped by the war itself – a war that caused vastly greater destruction and misery than any other event in human history.² The terrible bloodshed and upheavals of the war, culminating in Germany’s mass extermination of Jews in Eastern Europe, were on the minds of Western policymakers as they sought to forge postwar agreements that would guarantee basic rights and freedoms for all individuals. But the aftermath of the war had greatly complicated the prospects for the establishment of meaningful regimes on human rights. Three circumstances, in particular, are worth noting.

¹ The phrasing I use here is similar to that in the Universal Declaration of Human Rights. For a discussion of varying approaches to the concept of “human rights,” see: J. Donnelly, *Universal Human Rights in Theory and Practice*, 2nd ed., Ithaca NY 2003.

² D. Bloxham, *Genocide, the World Wars and the Unweaving of Europe*, London 2008. For a lapidary overview of the war and the carnage it caused, see: G. L. Weinberg, *A World at Arms: A Global History of World War II*, New York 2005.

First, the Soviet Union, under Iosif Stalin, not only remained a tyrannical dictatorship itself but also extended its influence through Central and Eastern Europe, setting up a bloc of repressive Communist dictatorships in the region. In the countries under Soviet domination, human rights were systematically violated.

Second, the turmoil and human dislocation in Western Europe, and the general leftward shift in European politics that resulted from the war, caused U.S. policymakers to fear that the Soviet Union would use subversion and possibly even military action to extend Communist influence into Western Europe. Later on, when Western Europe (with U.S. assistance) gradually recovered economically and came to enjoy a measure of prosperity, U.S. leaders were no longer as fearful of Soviet/Communist expansion into Western Europe. But they continued to worry that the Soviet Union would try to expand into East Asia and other parts of the so-called Third World – fears that were greatly heightened by the Communist seizure of power in China in 1949 and the North Korean attack on South Korea in 1950. As a result, the U.S. government was frequently willing to support authoritarian leaders in the Third World who would form a bulwark against Communist expansion.

The **third** circumstance that complicated the establishment of meaningful human rights regimes was the continued existence of European colonial empires. Britain, France, and Portugal, in particular, maintained sizable overseas colonies and initially were very reluctant to give them up. The difficult and often bloody process of decolonization in the 1950s, 1960s, and 1970s impeded the establishment and implementation of human rights norms.³

This context, and the incipient Cold War, ensured that the negotiation and enforcement of human rights accords after World War II would not be easy. Let me illustrate this by looking at the origins and fate of three major human rights documents – the 1948 Genocide Convention, the 1948 Universal Declaration of Human Rights, and the 1975 Helsinki Accords. All three agreements were, in some sense, products of the Cold War, and the implementation of all three was hindered by the Cold War.

Genocide convention

The term “genocide” was coined in the mid-1940s by Raphael Lemkin, a lawyer of Polish Jewish origin who escaped from Poland after the Nazis occupied the western part of the country in September 1939.⁴ Lemkin fled to Lithuania and then to Sweden before eventually reaching the United States in April 1941. In November 1944

³ On this issue, see: D. B. Abernethy, *The Dynamics of Global Dominance: European Overseas Empires, 1415–1980*, New Haven 2000.

⁴ J. Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention*, New York 2007. For a valuable, concise discussion of the term *genocide* and its evolution, see: M. Kramer, *Genocide*, [in:] *New Dictionary of the History of Ideas*, ed. M. Cline Horowitz, New York 2005, Vol. 3, p. 909–913.

he published a lengthy book, *Axis Rule in Occupied Europe*, which exhaustively documented the legal basis of the Nazis' policies of mass extermination, deportations, and slave labor.⁵ The book is best remembered nowadays for Lemkin's use of the new word "genocide." He settled on that term after much deliberation and defined it as "a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves."⁶

Because the word "genocide" became indelibly associated with the Nazi Holocaust, it promptly gained wide currency as the standard by which to judge human destructiveness – a standard that might never be equaled. Lemkin himself, however, ardently believed that the term should not refer only to carnage and atrocities of the magnitude perpetrated by the Nazis against Jews. He wanted it to encompass all attempts to destroy cultural, ethnic, or political identities, regardless of whether the perpetrators were seeking to exterminate every member of the targeted group. His vision, however, was only partly realized.

Revelations at the end of World War II about the scale of the Holocaust against the Jews spurred an effort within the newly-created United Nations (UN) to set up an international legal convention that would prohibit genocide and require signatory governments to take all necessary steps to prevent or halt it. Although political leaders were initially slow in moving on the issue, Lemkin did his best to keep the issue on the UN's agenda.⁷ He repeatedly called on the world's governments to establish a legal framework that would apply to all acts of genocide, not just those committed during interstate wars. In December 1946 the UN General Assembly unanimously adopted a resolution denouncing genocide as "the denial of the right of existence of entire human groups" and describing it as "contrary to moral law and to the spirit and aims of the United Nations."⁸ The resolution also set up a committee to draft an international treaty that would formally outlaw genocide.

The result, after protracted and often arduous negotiations, was the Convention on the Prevention and Punishment of the Crime of Genocide, which was approved by the UN General Assembly on a 55-to-0 vote in December 1948.⁹ The Genocide Convention was slated to enter into force after twenty of the fifty-five UN member-states that voted in favor of it submitted their formal instruments of ratification.

⁵ R. Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, Washington 1944.

⁶ *Ibidem*, p. 79.

⁷ J. Cooper, *Raphael Lemkin...* See also: S. Power, "A Problem from Hell": *America and the Age of Genocide*, New York 2002, p. 111–187.

⁸ P. Gaeta, *The UN Genocide Convention: A Commentary*, New York 2009, p. 107.

⁹ United Nations, Department of Public Information, "United Nations Convention on the Prevention and Punishment of Genocide," December 1948, mimeograph, in Harvard Law School Library Depository.

Although some signatories of the convention, notably the United States, took many years before they ratified it, ratification by the twentieth country was completed in October 1950, allowing the convention to take effect in January 1951.

The Genocide Convention defines genocide as “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.”¹⁰ This definition diverges from the definition in Lemkin’s original draft, which included political and social groups as well as national, ethnic, racial, and religious groups as potential targets of genocide.¹¹ The reason that the political and social categories were omitted from the final version of the treaty is that Soviet delegates insisted on removing them – a change that Lemkin himself deeply regretted but did not publicly denounce.¹² The extent of Soviet pressure on this matter is now even clearer from evidence in the former Soviet archives as well as Lemkin’s own papers.¹³ The omission of political and social categories was crucial in that it essentially converted the Genocide Convention into a Soviet instrument against Germany.

The requirement that genocide is targeted against a specific cultural, ethnic, racial, or religious group omits some of the worst slaughters in the 20th century, including those perpetrated by the Khmer Rouge in Cambodia in 1975-1979 – with a death toll as high as two million. By the same token, many of the atrocities committed in the Soviet Union under Stalin or in China under Mao Zedong would not be classed as genocide if the target had to be a specific ethnic or cultural group. Although Stalin did carry out mass deportations of nationalities in the 1930s and 1940s that resulted in huge loss of life, most of his other violent abuses, affecting tens of millions of people, were not directed against ethnic groups per se.¹⁴ The same is true of most of the slaughters and systematic atrocities perpetrated in China under Mao. By excluding many of the worst abuses and crimes of the twentieth century, the requirement of a targeted cultural or ethnic group has arguably been the most controversial aspect of the Genocide Convention – an aspect that cannot be understood outside the Cold War context.

To help fill these crucial gaps, Barbara Harff and Ted Robert Gurr have argued that the concept of “politicide” should supplement genocide. Politicide, as Harff and Gurr define it, refers to the killing of groups of people who are targeted not because of shared ethnic or communal traits, but because of “their hierarchical position or political opposition to the regime and dominant groups.”¹⁵ This is largely

¹⁰ *Ibidem*. All citations here are from the text of the convention.

¹¹ R. Lemkin, “Genocide: Proposed Changes in the United Nations Charter,” 1946, typescript, in Harvard Law School Library Depository.

¹² L. Kuper, *Genocide: Its Political Use in the Twentieth Century*, [in:] *Genocide: An Anthropological Reader*, ed. A. L. Hinton, Oxford 2002, p. 57.

¹³ See the declassified materials in Gosudarstvennyi Arkhiv Sotsial’no-Politicheskoi Istorii, Fond 82, Opis’ 1, Dela 211, 483.

¹⁴ *The Black Book of Communism*, ed. S. Courtois, trans. and ed. M. Kramer, Cambridge MA 1999.

¹⁵ B. Harff, T. R. Gurr, *Toward Empirical Theory of Genocides and Politicides: Identification and Measurement of Cases Since 1945*, “International Studies Quarterly” 1988, Vol. 32, No. 3, p. 359–371.

in line with Lemkin's original intention. Similarly, Rudolph Rummel has suggested that the term "democide" could cover all intentional killing of unarmed civilians by governments. According to Rummel, democide includes the slaughter of cultural and ethnic groups, the massacring of politically marginal groups, and all other government-sponsored killing of unarmed civilians.¹⁶ Although neither "politicide" nor "democide" has been widely adopted by other scholars, the coinage of these terms highlights the continuing dissatisfaction with the definition of "genocide" in the Genocide Convention.

One other issue that has sparked occasional disagreement is whether genocide must be deliberate from the start. This question has been most often raised in analyses of devastating famines like the one that occurred in southern regions of the Soviet Union in 1932–1933. The famine, which killed as many as four million Ukrainians, a million Russians, and a million Kazakhs, resulted from policies adopted by Stalin to crush the Soviet peasantry and to force the collectivization of agriculture. Many scholars, such as Andrea Graziosi, Nicolas Werth, Terry Martin, and Michael Ellman, have argued that even if Stalin did not set out to kill so many people, the famines were the inevitable result of his policies.¹⁷ They also have pointed out that when Stalin learned that vast numbers of people were dying of starvation, he took steps to keep peasants from escaping the affected regions, thereby consigning them to certain death.

The Soviet famine has come up particularly often in discussions of genocide because of what some perceive as the deliberate targeting of Ukrainians. Although proportionally more Kazakhs than Ukrainians died in the Great Soviet Famine, the huge death toll from famine in Ukraine came against the backdrop of Stalin's systematic campaign against Ukrainian elites and Ukrainian culture. The combination of these destructive policies spurred Lemkin, among others, to regard the famine in Ukraine as a clear act of genocide under the Genocide Convention. Lemkin published an article to this effect.¹⁸

Moreover, some analysts have argued that even when famines do not affect concentrated ethnic or cultural groups, the deaths may still amount to genocide. Among the examples cited by those who subscribe to this view are the terrible famines in China in the late 1950s that resulted from Mao's Great Leap Forward policies. Although Mao undoubtedly did not foresee that the Great Leap Forward

¹⁶ R. J. Rummel, *Death by Government*, New Brunswick NJ 1994.

¹⁷ A. Graziosi, *The Soviet 1931–1933 Famines and the Ukrainian Holodomor: Is a New Interpretation Possible, and What Would Its Consequences Be?*, [in:] *Hunger by Design: The Great Ukrainian Famine and Its Soviet Context*, ed. H. Hryn, Cambridge MA 2009, p. 56–73; N. Werth, *A State against Its People: Violence, Repression, and Terror in the Soviet Union*, [in:] *The Black Book of Communism...*, p. 187–204; T. Martin, *The Affirmative-Action Empire: Nations and Nationalism in the Soviet Union*, New York 2001, p. 273–310; M. Ellman, *The Role of Leadership Perceptions and Intent in the Soviet Famine of 1931–1934*, "Europe-Asia Studies" 2005, Vol. 57, No. 6, p. 823–841; M. Ellman, *The Soviet Famine of 1932–1933 Reconsidered*, "Europe-Asia Studies" 2008, Vol. 60, No. 4, p. 663–675.

¹⁸ R. Lemkin, *Soviet Genocide in Ukraine*, reproduced in "Journal of International Criminal Justice" 2009, Vol. 7, No. 1, p. 123–130.

would cause tens of millions of people to die of starvation, he failed to take any remedial action even when he became aware of the scale of the suffering. Hence, scholars such as Jean-Louis Margolin have argued that the death toll during the Great Leap Forward should be added to the millions of other victims whom Mao deliberately set out to kill.¹⁹

This latter controversy points to one aspect of the Genocide Convention that was directly affected by the Cold War. The Convention, in specifying the type of “acts” it encompasses, suggests that genocide can occur even if no one has carried out (or intends to carry out) “mass killings.” The aspect of the definition is largely in keeping with Lemkin’s own preference for a broad scope and his belief that the motives of the perpetrators are irrelevant. Although the convention stipulates that genocide is deliberate and purposeful (reflected in the phrase “intent to destroy”) and includes “conspiracy to commit genocide” and “incitement to commit genocide” as well as the destruction itself, it does not require the signatories to determine *why* the perpetrators are seeking to wipe out the targeted group. Under the convention, genocide can occur irrespective of motive, in peacetime or in war.

Nonetheless, Cold War animosities prevented any cooperation between Western countries and the Soviet Union to bring charges under the Genocide Convention against countries during the Cold War that would seem to have fallen within its scope, such as Burundi in the early 1970s.²⁰ Thus, even though the Convention did lay groundwork for charges against various perpetrators during the Cold War, it remained an ineffective document apart from its original application against Germany. In that sense, the Convention during the Cold War lived up to what Stalin had sought – an instrument to wield against Germany but one that would not threaten the Soviet Union or its allies.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights was issued on 10 December 1948, the day after the Genocide Convention was signed. The UN Human Rights Commission that shaped this document in 1947 and 1948 under the chairmanship of Eleanor Roosevelt was frequently buffeted by the Cold War. Diplomats from many countries contributed to the final text.²¹ The original proposal for a statement concerning human rights was put forth by the Panamanian representative to the UN’s initial meeting in May 1945, Ricardo Alfaro, who believed that the statement should be incorporated into the UN Charter. Alfaro’s proposal was based on his contacts with

¹⁹ J.-L. Margolin, *China: A Long March into Night*, [in:] *The Black Book of Communism...*, p. 468–557.

²⁰ R. Lamarchand, *The Burundi Genocide*, [in:] *A Century of Genocide: Critical Essays and Eyewitness Accounts*, eds. S. Totten, W. S. Parsons, New York 2009, p. 321–338.

²¹ M. A. Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*, New York 2001.

American and British legal specialists and intellectuals who had been calling in recent years for an international proclamation of basic human rights. The assembled leaders decided to form a Human Rights Commission that would be responsible for drafting an international declaration. Eighteen countries were represented on the Commission.

No sooner had the Commission begun its work than disagreements emerged about the type of statement to draft and the specific rights to mention. These disagreements were exacerbated by the deepening Cold War and by the inception of decolonization, including the mass bloodshed that ensued with the partition of India and Pakistan. The legal scholar John Humphrey, with assistance from René Cassin and numerous others, hammered out the basic text, which was then scrutinized by the Commission against the backdrop of Cold War tensions over Czechoslovakia, Berlin, and the Soviet-Yugoslav split. The impetus for including socioeconomic rights in the declaration came not from the Soviet bloc but from several Latin American countries.²² Later on, the Soviet Union and other Communist governments were fond of claiming (falsely) that they were champions of socioeconomic rights over civil and political rights, but in fact they were not the ones who promoted this concept in the Declaration. Instead, the Soviet-bloc countries wanted mainly to ensure that the Declaration would have no binding effect on them and would not infringe their sovereignty – a portent of why the Declaration subsequently proved to be of such limited effect.

In late September 1948, after the final text had been agreed in the Commission, the UN General Assembly directed one of its committees (the so-called Third Committee) to review the declaration carefully, article by article. Consideration of the document took far longer than initially anticipated, in part because of numerous amendments submitted by the Soviet Union and a few other countries. Each amendment had to be debated and voted on.²³ One of the Soviet Union's proposed amendments is especially worth noting – a proposal to dilute the ban on torture by referring to the need to uphold local culture and customs. The Soviet proposal was supported by several Arab governments but was vigorously opposed by the delegate from the Philippines, backed by the United States, who argued that any weakening of the ban would open the way for the types of practices endorsed by the Nazis. Ultimately, the amendment was rejected, and torture is expressly prohibited in Article 5.

Another interesting illustration of how Cold War politics entered into the deliberations was the Soviet Union's efforts to embarrass the United States on questions of racial equality. Article 2 of the Declaration affirms that "everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction

²² J. Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent*, Philadelphia 1999, p. 215–218. See also: M. Glen Johnson, J. Symonides, *The Universal Declaration of Human Rights: A History of Its Creation and Implementation, 1948–1998*, Paris 1998, p. 17–18.

²³ J. Morsink, *The Universal Declaration of Human Rights...*, p. 188–257.

of any kind, such as race.” The Soviet delegation sought to include provisions for penalties against countries that engaged in racial discrimination.²⁴ Although this amendment was rebuffed, the embarrassment it inflicted on the United States was one of the factors that caused U.S. State Department officials to realize that an end to racial segregation in the United States would be crucial for U.S. foreign policy by eliminating an issue that could otherwise be exploited by the Soviet Union. Indeed, in subsequent years, State Department officials repeatedly testified before Congress that civil rights and an end to segregation would be highly beneficial for U.S. foreign policy.²⁵

When the full UN General Assembly convened on 10 December 1948 to consider the Declaration, most of the disagreements had been overcome. Although the Soviet Union and its East European allies as well as Saudi Arabia and South Africa abstained on 7 of the 30 articles of the Declaration, 48 countries voted in favor of the full Declaration and none were opposed.

The non-binding nature of the Declaration ensured that it had no practical effect on the signatory countries that were most inclined to violate it, including the Soviet Union. By the time two follow-up Covenants were negotiated in the 1960s – one the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) – the original goal of achieving binding commitments had fallen by the wayside.²⁶ The changing complexion of the UN, which was increasingly dominated by Third World countries that wanted to resist any infringements on their sovereignty (a goal shared by the Soviet bloc), did not permit the establishment of binding agreements. Hence, the two Covenants, when they were adopted and opened for signature in December 1966, provided only for the submission of periodic reports on human rights performance. Earlier proposals for intrusive UN investigations into suspected violations, the submission of complaints by individuals and NGOs, and mandatory referral of violations to the World Court were all dropped. Even though an Optional Protocol to the ICCPR was drafted in 1976 to empower the ICCPR’s Human Rights Committee to receive complaints and review cases, the committee in practice has done little if anything to redress (or even try to deal with) some of the worst human rights abuses.

In a telling example of path-dependence, the Cold War tensions that had led to a non-binding Declaration in December 1948 created a framework that was hard to escape, setting the stage for the largely toothless covenants of 1966. Even though the two Covenants were adopted unanimously and, together with the Universal Declaration, became the three preeminent documents of international human

²⁴ *Ibidem*, p. 211–213.

²⁵ M. L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy*, Princeton 2000.

²⁶ “International Covenant on Civil and Political Rights,” adopted December 1966 and entered into force March 1976; and “International Covenant on Economic, Social, and Cultural Rights,” adopted December 1966 and entered into force January 1976.

rights, they did not enter into force until 1976 when 35 countries ratified them. Even when in force, however, they had little if any concrete effect on the signatories' behavior.

Helsinki accords

The Helsinki Final Act was a direct product of the Cold War, but ironically it proved to play at least a minor role in the end of the Cold War. The Helsinki accord, which was negotiated among 35 countries from 1973 to 1975, was originally sought by the Soviet Union to provide international codification of the postwar boundaries in Europe. Western governments were willing to go along with it in return for Moscow's agreement to enter into talks on limiting conventional forces in Europe – talks that ultimately led nowhere. The West European governments also sought to balance the territorial provisions of the Helsinki accords, which the Soviet Union favored, with specific provisions for human rights.²⁷

The U.S. government joined the West European governments in seeking human rights provisions but was less enthusiastic about it. Under the administrations of Richard Nixon and Gerald Ford, Henry Kissinger played a dominant role in U.S. foreign policy as both Secretary of State and National Security Adviser. He believed that the United States should not give any significant emphasis to human rights. This was especially true in the early to mid-1970s with the advent of a *détente* between the United States and the Soviet Union.²⁸ At a time of warmer relations between the two superpowers, Kissinger did not want the relationship to be jeopardized by “extraneous” considerations of human rights. U.S. diplomats during the Helsinki negotiations worked with their West European counterparts to arrange far-reaching provisions on human rights and human contacts, but they knew that Kissinger was relatively cynical about this part of Helsinki.

Nonetheless, the Helsinki Final Act, signed by the 35 leaders on 1 August 1975, included numerous provisions regarding human rights in the first main part of the Act (the part titled “Questions Relating to Security in Europe”) – specifically, in Section VII of Part 1(a), titled “Respect for Human Rights and Fundamental Freedoms, including the Freedom of Thought, Conscience, Religion, or [sic] Belief.” A later main part of the Act, titled “Cooperation in Humanitarian and Other Fields,” included provisions for family contacts, family reunification, foreign travel, information, and other areas. The provisions on human rights did not go beyond what was already in the Universal Declaration and the two International Covenants, but

²⁷ Among many useful accounts of the origins of the Helsinki accords are A. Romano, *From Détente in Europe to European Détente: How the West Shaped the Helsinki CSCE*, New York 2009; *Origins of the European Security System: The Helsinki Process Revisited, 1965–75*, eds. A. Wenger, V. Mastny, Ch. Nuenlist, New York 2008; O. Bange, G. Niedhart, *Helsinki 1975 and the Transformation of Europe*, New York 2008.

²⁸ M. Cotey Morgan, *The United States and the Making of the Helsinki Final Act*, [in:] *Nixon in the World: American Foreign Relations, 1969–1977*, eds. F. Logevall, A. Preston, New York 2008, p. 173–192.

they did establish a human rights framework specifically for East-West relations. At the time the Helsinki Accords were signed, the human rights provisions gained relatively little attention and were overshadowed by the controversy surrounding the Western governments' seeming recognition of the territorial status quo in Europe. President Ford's decision to go to Helsinki to sign the accords came under strong protest, and many newspapers ran editorials criticizing the decision. The signing of the Helsinki Final Act even became a factor in the 1976 Presidential campaign. Ford's main Republican rival, Ronald Reagan, denounced the Helsinki agreement as a "betrayal of American principles." Ford defeated Reagan in the primaries, but the controversy weakened Ford's standing.²⁹

The Democratic candidate, Jimmy Carter, echoed much of Reagan's criticism, charging that Ford had "betrayed American values" with the "sell-out at Helsinki."³⁰ But Carter also criticized the Ford administration for having given short shrift to human rights in U.S. foreign policy. After Carter narrowly defeated Ford in the November 1976 election and took office as president in January 1977, he elevated human rights to a central role in his administration's foreign policy. Over time, he came to be a strong supporter of the Helsinki Final Act's human rights provisions – the very agreement he had denounced Ford for signing.

The Soviet-bloc governments in 1975 hailed the Helsinki Final Act for its confirmation of the territorial status quo in Europe, and they made no mention of the human rights and human contacts provisions. Nonetheless, some human rights activists and dissidents in the Soviet Union and other Communist countries, upon seeing the full published text, took the Final Act seriously. Starting with the formation of the Moscow Helsinki Group in 1976 (an initiative of eleven leading dissidents, including Yurii Orlov, Lyudmila Alekseeva, Yelena Bonner, Anatolii Marchenko, and Anatolii Shcharanskii), an array of small informal groups arose in the Eastern bloc to monitor compliance with the human rights provisions of the Helsinki Final Act. The best known of these, in addition to the Helsinki Watch Groups, was Charta 77 in Czechoslovakia, a small group of dissidents who signed their landmark statement in January 1977.³¹

Because the Helsinki Final Act included provisions for follow-up meetings, these gave the Western governments (including the Carter administration) and the new human rights NGOs an opportunity to press the East-bloc governments on their violations of human rights. These meetings became an important source of international pressure.³²

²⁹ *U.S. Presidents & Foreign Policy: From 1789 to the President*, eds. C. C. Hodge, C. J. Nolan, Santa Barbara 2007, p. 326–327.

³⁰ *Ibidem*, p. 327.

³¹ See the invaluable three-volume collection edited by V. Prečan, *Charta 77: Dokumenty, 1977–1989*, Prague, Ústav pro soudobé dějiny AV ČR, 2007, which consists of Charta 77 materials, declassified Czechoslovak State Security documents, informational tables, and commentaries.

³² On this point, see: S. B. Snyder, *The Helsinki Process, American Foreign Policy, and the End of the Cold War*, Washington DC 2006.

Nowadays, scholars and journalists often argue that the Helsinki Accords, through the rise of these informal human rights NGOs and the pressure brought to bear on the Communist governments, accelerated the end of the Cold War. Appealing as that argument might be, it is too simplistic and indeed erroneous. Neither the Helsinki Final Act nor the initial follow-up meetings in Belgrade and Madrid nor the rise of Helsinki Watch Groups prevented the Soviet authorities from ruthlessly cracking down on the Soviet dissident movement, essentially destroying it by 1982.³³ Similar crackdowns occurred in the other Warsaw Pact countries, largely putting an end to the human rights movements in all Communist states by the early 1980s.

That trend might well have intensified had it not been for a change of leadership in Moscow in 1985 and Mikhail Gorbachev's subsequent decision in 1988 to move in the direction of political liberalization and, a year later, toward democratization. The fundamental change in the political climate in the USSR allowed human rights to emerge as a genuine factor in Soviet politics for the first time in history. Even though the celebrated dissident Anatolii Marchenko died after a prolonged hunger strike in Chistopol Prison in December 1986, that same month marked the release of Andrei Sakharov. By 1989, with the formation of the new Congress of People's Deputies, Sakharov won election to parliament and until his death in December 1989 was able to ensure that human rights considerations were accorded greater prominence, often against the better judgment of the government.

Gorbachev's decision to move in this direction did not occur because he admired the Moscow Helsinki Watch Group or other dissidents. Declassified transcripts of Soviet Politburo meetings from the mid- to late 1980s underscore Gorbachev's contempt for Yelena Bonner and his loathing of the entire dissident movement.³⁴ Nonetheless, Gorbachev's disdain for the human rights activists did not prevent him from gradually coming to embrace much of their agenda, if only reluctantly and grudgingly. By the end of the 1980s, the Helsinki Final Act's human rights provisions were lending additional impetus to Gorbachev's political reforms. The Soviet leader could argue that the USSR would have to live up to its international obligations if it wanted to reap the benefits of greater interaction with the West. Hence, some specific legislation was introduced in the new Soviet legislature (the Congress of People's Deputies) to comply with the Helsinki Accords.³⁵

In that sense, the Helsinki Final Act played a minor, though helpful, role in the Cold War's end. For more than four decades after World War II, the Cold War stymied efforts to ensure greater compliance with human rights and prevented the

³³ *Dokumenty Moskovskoi Khel'sinskoi Gruppy, 1976–1982*, eds. D. I. Zubarev, G. V. Kuzovkin, Moscow 2006.

³⁴ For some of the relevant documents, see: *The KGB File of Andrei Sakharov*, eds. J. Rubenstein, A. Gribanov, New Haven 2006. Other materials are available in Fond 89 of the Russian State Archive of Recent History (Rossiiskii Gosudarstvennyi Arkhiv Noveishei Istorii).

³⁵ For an interesting, albeit self-serving, account of this dynamic, see: A. Adamishin, R. Schifter, *Human Rights, Perestroika, and the End of the Cold War*, Washington DC 2009. Adamishin was a senior official in the Soviet Foreign Ministry during the Gorbachev era.

major human rights regimes from having any real bite. But the political dynamic in Moscow that led to the end of the Cold War elevated the importance of human rights in the Soviet Union and gave the issue a genuine place on the international agenda.