

ARTHUR J. GOLDBERG

October 3, 1981

The Prime Minister
10 Downing Street
London, England

My dear Prime Minister:

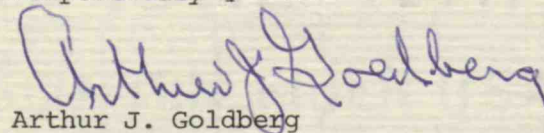
You will perhaps recall our meeting arranged by Ambassador Parsons at your Embassy during the Helsinki Conference at Belgrade during 1977-78.

In light of your official and personal interest in the implementation of the Helsinki Final Act I am taking the liberty of enclosing a copy of a Memorandum which I have sent to President Reagan.

The President was kind enough sometime ago to suggest that, although I am no longer in public office, he would welcome observations from me on important matters affecting the international relations of the United States and our allies, including, of course, Great Britain. The viewpoint of your country will, without doubt, have great influence on the attitude of our common NATO allies with respect to the conclusion of the Madrid Conference.

It is this matter which is the subject of my Memorandum on the Madrid Conference.

Respectfully yours,


Arthur J. Goldberg

Enclosure

THE MADRID CSCE REVIEW MEETING

By

The Honorable Arthur J. Goldberg^{*}

The Madrid Follow-up Conference to review implementation of the Helsinki Final Act of 1975 is in recess until October 27, 1981.

The Madrid meeting has been underway for more than a year, including the time spent at the preparatory meeting for the Conference.

The protracted nature of the Madrid meeting is entirely due to stonewalling by the Soviet Union and some of its Eastern allies. They began their filibuster at the preparatory meeting which convened on September 9, 1980. This meeting was designed to prepare the agenda and other modalities of the main gathering. At most, it was anticipated that these procedural matters would be settled in a few weeks.

But this was not to be. The Soviets and their allies, by one device or another, prolonged the preparatory meeting until the date fixed for the beginning of the substantive Conference on November 11, 1980 and they exacted a price for the Conference to commence.

This price was agreement by all participants to limit the period for implementation review of compliance with the Helsinki Accord to six weeks, in contrast to the first Follow-up Conference at Belgrade where implementation review was an open ended agenda matter throughout the entire meeting.

* Chairman of the United States Delegation to the Belgrade Meeting 1977-1978, Former Justice of the Supreme Court and United States Ambassador to the United Nations

The reason for this Soviet tactic at Madrid seems fairly obvious. The Soviets were seeking to avoid or at least to limit their accountability for violations of the human rights provisions of the Helsinki Accord. They were properly the subject of such an accounting at the Belgrade Conference to their great discomfort.

By threatening to withhold agreement to the very convening of the main Madrid Conference, the Soviets, by this form of diplomatic blackmail, achieved a measure of success by the agreement to limit implementation review to six weeks.

True, our very able Chairman of the American Delegation, Ambassador Kampelman, and other representatives of the West spoke to the subject of violations of the Helsinki Act's human rights provisions by the East with great specificity, citing numerous cases and incidents at periodic plenary meetings of the Madrid Conference. But periodic meetings where human rights are talked about cannot be equated with an open ended agenda throughout the Conference permitting discussion of human rights without time restrictions.

The Soviets at Madrid, after enduring the allotted six weeks of review of implementation then adroitly shifted the main focus of the Madrid Conference to consideration of proposals for improving security. Thus, the record of Soviet and other Eastern flouting of the human rights provisions of the Helsinki Accord for six weeks at Madrid was inevitably eclipsed by the several months of consideration of security matters.

France at Madrid tabled a proposal for a Conference to improve the existing Confidence Building Provisions of the Helsinki Final Act. The Accord provides for prior notification of troop maneuvers exceeding 25,000

forces and limits its application to the 250 kilometers of European Russia. The Helsinki Accord also urged, without mandating, that observers from all signatory states be invited to witness maneuvers. This has been honored by the East in the breach rather than realistic observance.

The French proposal, in essence, called for a CSCE Conference to consider new and more sweeping CBM measures and extension of the confidence building measures' (CBMs) geographic area "from the Atlantic to the Urals" (a favorite expression of General De Gaulle). In addition, France proposed that the Security Conference should discuss appropriate measures to ensure that improved CBMs would be militarily significant, verifiable and politically binding.

Our NATO allies agreed to the French proposal and after some pulling and hauling so did we, mistakenly in my view since it opened the way to consideration of a sweeping Soviet proposal on security.

The Soviet Union and its Warsaw Pact allies, as to be anticipated, made a proposal for CSCE multi-stage security conference - the first stage to deal with CBMs and the second disarmament. Further, in the Soviet's proposal, they rejected the French guidelines.

After many months of discussion of the two proposals, President Brezhnev recently during the Madrid recess, at a Moscow press conference, announced willingness to compromise on the geographic issue. The Soviet leader reiterated willingness to discuss at a CSCE security conference geographic extension of CBM measures to all of European Russia (from the Atlantic to the Urals). Soviet representatives at Madrid apparently already had agreed that CBM measures subject to negotiations at a Security Conference should be militarily significant, verifiable and politically

binding, as France had proposed. In turn, the Soviets privately demanded that since Russia was willing to discuss extension of CBMs to European Russia, the West should agree to include the United States and Canada in the CBM umbrella.

This geographic ploy was promptly rejected by the West on the ground that the Final Act by express terms is limited to Europe.

The West and the United States in the negotiations which followed at Madrid then offered a compromise. The Western offer, in essence, proposed an enlargement of the Helsinki CBM Final Act provisions to include adjacent air and sea maneuvers linked to land movements, beyond what is now required in the Final Act. As a further concession to the Soviets, the West also agreed to consider the possibility of a multi-stage security conference - first to discuss CBMs and then disarmament, provided that the Soviets would agree upon a definite date and place for the next Follow-up Meeting and progress in the CBM area at the first stage of the security conference. In diplomatic usage, agreement to discuss the possibility of a multi-stage conference on a stated condition indicates a willingness to agree once the condition is met.

On September 17, during the current recess of the Madrid meeting, according to press reports from Moscow, President Brezhnev, in a conference at the Kremlin detailed the terms of the geographic compromise acceptable to the Soviets and told Michael Foot and Dennis Healey, British labor party leaders, that he would be willing when the Madrid Conference reconvenes in late October to drop Soviet insistence that CBM measures be applied to North America, and to limit their application to all of Europe, its coastal waters and contiguous airspace.

Whether Mr. Brezhnev is accepting the Western formulation on this point is not clear from published accounts.

During the current recess there have been a spate of articles in the Soviet press to the effect that since there now is virtually a meeting of the minds between the parties, no obstacles remain to a successful and prompt conclusion when the Madrid Conference reconvenes in late October.

This optimistic view is shared by some Western representatives who have stated that there is 80% agreement and that the principal unresolved issue is the geographic reach of the CBM provisions which President Brezhnev has said he is now prepared to compromise.

According to informed sources both in the West and East an acceptable concluding document of the Madrid Conference is at hand providing for:

1. A CSCE security Conference in two stages - first CBMs with the French guidelines and then disarmament.
2. An experts meeting on human rights.
3. Liberalization of the human contacts provisions of the Helsinki Accord under which, among other provisions, the Soviet Union and other Eastern countries would undertake to process applications seeking family reunion expeditiously.
4. Reaffirmation of the commitment in the Helsinki Final Act to human rights in express terms.
5. Better cooperation in the field of science and technology, commercial exchanges, business contacts and facilities, more industrial cooperation, promotion of tourism and access to information.

6. An agreed upon date for the next Follow-up Conference about three years hence.

It is my view that an agreement on these terms would be neither desirable nor balanced.

Soviet forces still occupy Afghanistan. A concluding document at Madrid ignoring this flagrant violation of the norms of international law and the express provisions of the Helsinki Accord would be widely interpreted as a signal that the West is ready, if not to forgive, to forget this dangerous extension of the Brezhnev doctrine.

The Soviet Union since Solidarity was organized more than a year ago has on a number of occasions, and recently, threatened political, military and economic reprisals against Poland, in violation of international law and the Helsinki Accord. Just the other day, the Soviet Union conducted maneuvers on the Polish border involving 100,000 troops, the largest maneuvers since the signing of the Helsinki Accord. And although notice was given that a maneuver was to occur, the notification did not "contain information of the general purpose of ... the maneuver ... the type or types of numerical strength of the forces engaged...." This information is, as the foregoing quote from the Final Act shows, required.

The questions which require answers are: What is the point of a Security Conference to consider improvements in security when the existing provisions of the Helsinki Accord against the use or threat of force, non-intervention in the internal affairs of or economic or political coercion against any state, are blatantly violated? What is the purpose of a Security Conference to consider requiring notification in the case of military maneuvers involving a lesser number than the present 25,000 when the Soviets have just maneuvered 100,000 troops without giving the proper notification required by the Helsinki Accord?

Some participants in Madrid point to Soviet agreement that CBMs to be discussed at the Security Conference should be militarily significant, verifiable and politically binding, as the French proposal requires. What is overlooked is that all the Soviet Union has tentatively agreed to is that these subjects are to be discussed. Further, any participant in the SALT talks who has wrestled with the subject of verification can predict the result of such discussion - national means of verification and no more. Further, the Helsinki Accord, as it now stands, while not a treaty, is politically binding and all major troop movements are militarily significant whether 25,000, 20,000 or 100,000 troops are involved.

The reason why the Soviets are pressing at Madrid for a Security Conference would seem to be obvious. They want, as far as possible, to soft pedal the commitments they made in the Helsinki Accord to respect human rights and fundamental freedoms.

It is argued that the experts meeting on human rights which the East has tentatively agreed upon will provide balance and frustrate this Soviet design. But an experts meeting is not the equivalent of a full fledged Security Conference. The experts meeting on human rights, judging by experience with past CSCE experts meetings, will be shunted off to an out of the way place like Montreux, Switzerland, learned papers presenting differing views will be presented by scholarly experts and both the proceedings and conclusions of the experts ignored and soon forgotten.

A Security Conference, on the other hand, because of the nature of the subject, disarmament, will take center stage. It will be a propaganda exercise which the Soviets intend to use to their advantage. It has been said that if the Russians engage in propaganda so can we. But under CSCE rules, the cards are stacked against us. Under the Helsinki Final Act each of the 35 signatory states has an equal voice and vote. This means that at a disarmament conference, some of the small states without responsibility for maintaining the balance of power essential to ensure peace, undoubtedly will make unrealistic proposals which we would have to reject. The Soviets are adept at exploiting such a situation.

There is an even greater danger. At a CSCE Security Conference, the Russians will seek to promote division between the U.S. and our allies. Ambassador Kampelman has been successful in maintaining NATO unity at Madrid. This is a unity limited to Madrid considerations rather than at large. On the subject of disarmament, differences are already apparent between members of the NATO alliance - witness present disagreements on the neutron bomb - cruise missiles and the level of military spending.

Also, some of the leaders in NATO countries face increasing domestic political opposition on security matters. You can be sure this would be grist to the Soviet mill.

Further, we are not lacking in disarmament conferences. The subject is too important to be ignored. But, if anything, we are burdened with too many disarmament conferences already in place. We surely need sensible and balanced disarmament agreements with the Soviets. What we do not need is another disarmament conference which by its very nature can only be propagandistic and not substantive.

The number of existing disarmament conferences is proof of this point.

The United Nations Conference of the Committee on Disarmament, a negotiating body, meets periodically at Geneva. It now consists of 40 U.N. members, having been enlarged to include some neutral and non-aligned countries to overcome their complaints of exclusion from the smaller body which existed previously.

Additionally, the United Nations has provided for periodic Special Sessions of the General Assembly on Disarmament at which all member States participate. The first Special Session on Disarmament was held in 1978. The next will take place in 1982.

Further, the United Nations has created a Disarmament Commission of all members which meets twice each year. And the First Committee of the United Nations General Assembly which meets annually, now by an adopted General Assembly resolution, deals exclusively with disarmament. The First Committee is composed of representatives of the entire membership.

All of these U.N. bodies are empowered to consider the state of security and CBMs are not excluded, whether in Europe or elsewhere.

In Vienna, the NATO States and the Warsaw Pact Nations have been meeting regularly to negotiate mutual balanced force reductions in Europe.

And just the other day, Secretary of State Haig for the U.S. and Foreign Minister Gromyko for the USSR agreed, after meeting in New York, that negotiations on intermediate nuclear weapons will take place at Geneva this forthcoming November. And most importantly, in terms of human survival, the SALT talks, under a different acronym, Start, between the United States and the Soviet Union on the subject of ICBMs and related nuclear weapons will resume according to Eugene Rostow, head of the Arms Control and Disarmament Agency, early next year.

Realistically, if there is to be nuclear arms control it will have to be negotiated bilaterally between the Soviet Union and the United States. And if there is to be a conventional arms control agreement, it will be negotiated between NATO and the Warsaw Pact.

I repeat, however, what we really need is disarmament and not additional disarmament conferences.

There is also an overriding consideration vital to the Helsinki process. The Final Act provides that at CSCE Follow-up conferences, such as Madrid, there is to be a thorough exchange of views both on the implementation of the provisions of the Final Act, including human rights and the improvement of security.

Isolating security matters for consideration by a conference restrained from dealing with other aspects of the Helsinki Accord, such as human rights and human contacts, jeopardizes the balance of the Final Act. The Accord provides for review and possible improvements of both matters at a Follow-up Conference ensuring against bifurcation of this balance.

It has been argued by some that inclusion of express language in the concluding document about human rights will, in some measure, result in a balanced document. The Soviets agreed to such language in the concluding document of the Scientific Forum last year and despite having sentenced Sakharov to internal exile in Gorki. To the credit of our scientists, they recognized that actions speak louder than words and voted to boycott official exchanges because their fellow scientists, Sakharov, Shchransky, Orlov and others, were imprisoned or exiled.

Furthermore, inclusion of human rights language in the Madrid concluding document would be nothing less than a travesty. During the Madrid meeting, the Soviets have arrested, imprisoned, sent to psychiatric institutions, forced labor camps or exiled 52 men and women who sought to promote human rights. Many of these dissidents' only "crime" was that they sought to monitor Russian compliance with the Helsinki Final Act's provisions - a right specifically guaranteed by the Accord. Only three members of the original Moscow monitoring group are still at liberty.

The Soviets have also during the Madrid meeting reduced Jewish emigration to a trickle; just a few hundred were permitted to depart last month. And while talk is going on at Madrid about improving procedures to expedite reunion of families, the Soviets, without justification, have been during the Madrid meeting, refusing exit visas

in many cases and thereby preventing reunification of families, in violation of the present provisions of the Helsinki Accord.

Also, during the current recess, the Soviet Union has continued to harass, arrest, exile and imprison human rights activists, including writers whose books are published in the West and are regarded by Soviet censors to be "subversive."

And Czechoslovakia has followed the same pattern of arresting and imprisoning human rights activists, both during the Madrid meeting and the present recess.

Romania, which is a leading candidate for the next Follow-up meeting, has not relaxed its harsh restrictions against dissidents nor has East Germany or Bulgaria.

With respect to the tentative agreement apparently concluded at Madrid on Second Basket matters (Cooperation in the field of Economics, of Science and Technology and of the Environment) it would appear that the Soviets are the ones who would benefit most from scientific and technological exchanges. True, our businessmen are promised better facilities and economic information but it is the Soviets who need our goods more than we need theirs.

It is argued that if we deny consensus to the package deal which seems to be shaping up at Madrid, the Soviets will refuse to agree to further Follow-up CSCE meetings endangering the future of the Helsinki process, as they have indeed threatened to do in past months.

This threat, in my opinion, is a negotiation bluff. After all, the Helsinki Accord is the product of a Brezhnev initiative reflected in the trade-off reached in 1975 - the Western acceptance of Post World

War II boundaries in Europe for Eastern human rights commitments.

It is difficult to conceive that the old men in the Kremlin would abrogate their leader's "achievement."

Moreover, they made the same threat at Belgrade along with warnings that if we vigorously pursued the implementation review, the SALT talks would be imperilled. Notwithstanding, when we brushed aside these threats, the Soviets agreed to the Madrid Follow-up meeting and negotiated SALT II.

If my assessment that the substance of what is shaping up as an agreement at Madrid is neither desirable or balanced, what should be done at the resumed session in October?

It appears to me that there are two viable options. The Madrid meeting could be suspended indefinitely, without abrogating the Final Act, to be resumed when the political climate is more favorable than it is at present. Or the Madrid Conference could end with a concluding Belgrade type document acknowledging the differences which exist between the parties, reaffirming the provisions of the Final Act and setting the date for the next Follow-up meeting about three years from now. I personally favor this latter option.

The Belgrade Concluding Document was an honest and realistic reflection of the state of relations between the West and the East at the time of its adoption in 1978.

A similar Madrid Concluding Document would likewise reflect the state of such relations now.

Either option would serve to preserve the Helsinki process, hopefully for a better day. It would also demonstrate that the West remains united in refusing to disregard the invasion of Afghanistan, the continuing threats of force against Poland, Soviet and other Eastern violations of the human rights provisions of the Helsinki Final Act and the brushing

aside of the provisions of the existing Confidence Building Measures.

Perhaps the ultimate lesson of Madrid is the same as the one learned at Belgrade: A lasting detente must have a human face and requires observance of the norms of international law.

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