

The Changing Human Rights Discourse and the Helsinki Final Act

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How to cite this paper: Adiban, S. (2024). The Changing Human Rights Discourse and the Helsinki Final Act. *Open Journal of Social Sciences*, 12, 279-298.

<https://doi.org/10.4236/jss.2024.129016>

Received: August 16, 2024

Accepted: September 17, 2024

Published: September 20, 2024

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Abstract

1975 Helsinki Final Act among thirty-five European and North American Nations spurred the creation of a transnational network of human rights activists who demanded compliance from participating states, especially the Socialist governments of the Eastern bloc, with the human rights provisions contained in the Final Act. However, human rights provisions in the Helsinki Final Act did not constitute groundbreaking innovations; the agreement itself was not binding according to the principles of international law as it represented a declaration of intention rather than a legally binding international treaty. As will be argued in this paper, the real achievement of the Helsinki Final Act is the transformations in the meanings and perceptions of fundamental concepts underlying the international system that the agreement itself, regardless of the process that followed it, introduced. The argument is that the Final Act, rather than transforming the content of the human rights norms or making innovations in the tradition, helped them transcend from state obligations under international law to matters of international security in that the agreement established how states treated their own citizens within their national borders are matters of legitimate concerns for other states due to their potential implications for regional and international peace and security.

Keywords

Helsinki Final Act, International Human Rights Discourse, Human Rights and International Security

1. Introduction

The 1975 Helsinki Final Act (HFA) was the outcome of the Conference on Security and Cooperation in Europe (CSCE). The conference was meant to be a substitution for the peace treaty Europe could not have at the end of World War II.

The Soviet Union sought the recognition of its own western borders and those of its allies in Eastern Europe as had been established during the war. What NATO allies demanded in return for such sweeping acceptance of the territorial integrity and international legitimacy of the Eastern Socialist countries looked modest at first. However, the provision of human rights principles and norms in the HFA, like the right of movement, information, and religion, proved to be a turning point for gradual liberalization in the authoritarian regimes of the Eastern bloc.

The final act was organized around four baskets, the first of which (the security dimension) outlined ten principles for guiding Eastern-Western relations derived from both traditional (military and political) and non-traditional (respect for human rights and fundamental freedoms) security concerns. The basket explained in more detail each of these principles. For example, the eighth-paragraph explanatory note under the human rights principle highlighted a number of salient points. While the only kinds of rights specifically enumerated were individual rights of thought, conscience, religion, and belief, the basket called for promoting a wide range of not only civil-political but also socio-economic and cultural rights. Another noteworthy point was that the principle suggested a declaration of future intents rather than an immediate legal commitment under international law. Finally, it made constant references to the United Nations human rights documents by requiring the participating states to act according to the purpose and the principles of the UN charter, its 1948 Universal Declaration of Human Rights (UDHR), and its 1966 International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights that bounded all signatories (including many of the CSCE participating states) (OSCE Documents).

Under the title “Cooperation in Humanitarian and Other Fields”, Basket Three further elaborated on the human rights and fundamental freedoms principle contained in the first basket. Sections under this basket touched upon matters of human rights such as human contacts (reunification of families, marriage between citizens of various countries, travel and tourism, youth meetings and sports activities) and the free flow of information (facilitating the dissemination of freer and wider information of all kinds, including oral, printed, film, broadcasts, etc., facilitating the publishing of newspapers and other printed publications and improving the situations under which the reporters and media personnel of each state could exercise their professional missions in the territory of other states).

The HFA did not constitute any groundbreaking innovation in the content of human rights norms and standards, as many of the subjects contained in it had already been covered on UDHR and the two 1960s UN Covenants. Furthermore, many Eastern European countries had ratified those human rights documents before the signing of HFA in 1975 and were required to implement them according to the rules of international law. HFA, on the other hand, and as discussed above, was not even legally binding under International law as it constituted only a declaration of future intentions rather than an international treaty (Robertson, 1977).

However, almost immediately after Helsinki’s signing in August 1975, a flurry

of international activism swept both Eastern European countries and NATO allies. An informal network of local human rights activists, transnational advocates, Eastern European expatriate communities, churches, journalists, diplomats, and politicians began to emerge with the intention of demanding implementation of human rights provisions in HFA on the part of Communist regimes and rigorous oversight of it by the Western governments. Members of this nascent transnational network included, among other actors, local human rights organizations in Czechoslovakia (Charter 77) and the Soviet Union itself (Moscow Helsinki Watch Group, since 1976) and Western politicians like President Carter (since 1976) who made human rights promotion an essential pillar of his foreign policy (Peterson, 2014).

A question that one might raise is that if there was nothing innovative about the human rights provisions of the HFA, why did it provoke the emergence of such a vast network that demanded Eastern Communists regimes' compliance with it, while truly novel and foundational documents of international human rights (UDHR, for example) failed to do so? In other words, what was so special about the HFA that, in the words of Lauri Malksoo (Malksoo, 2018), that made it an essential part in the chain of events that led to *Prostroika* and the fall of the Soviet Union?

A critical aspect of the answer to this question may relate to the role of transnational human rights activism. Transnational non-governmental organizations and advocacy networks emerged in the 1960s and 1970s and made promoting human rights consciousness and awareness a significant element of their agendas (Moyn, 2010). Their success could be attributed to a number of both material and ideational factors, chief among them were the growing globalization and communication on a global scale and the rapid delegitimization of earlier ideologies of Nationalism and Socialism that defined and shaped the ideas of post-World War's generation of a better, just world. The decisive impact of 1970s transnational human rights advocacy networks on the path "Helsinki process" took in the years after the signing of HFA has already been the subject of several studies (Snyder, 2011).

Another (perhaps less studied yet more relevant to the HFA itself) aspect of the answer may be related to the broader issue of international norms and the way particular norms gain increasing acceptance among international actors at any given time. By 1970, the post-World War II arrangements had already introduced a strong human rights element into conceptions of international order. The United Nations and its affiliated bodies claimed to offer universal rights and liberties to all men regardless of their nationality and citizenship. The emerging international human rights regime centered around international organizations and promised transnational governance through international law. To go back to the question posed above, however, it failed to provoke any strong action to demand compliance from national governments with the "rising human rights norms". HFA, on the other hand, became a turning point in the triumph of human rights

that culminated in the fall of the Berlin Wall and the collapse of the Communist regimes in Eastern Europe.

The dominant narrative of the Cold War asserts that Western countries took advantage of Détente and HFA to convince repressive socialist states of Eastern Europe to respect human rights. In this narrative, HFA is the beginning of the end for Communism in Europe and the Cold War. A network of diplomats, journalists, human rights activists, ethnic rights activists, etc. fought for years to hit the Eastern European countries with a “boomerang” effect and make their citizens aware of their rights and freedoms; their efforts led to the rise of Eastern European nations and the demand that socialist governments respect their citizens’ human rights (Risse & Sikink, 1999).

Documents of international Human rights, whether UNHD, the two 1960s covenants, or HFA, do not possess a power in themselves to affect international politics. It is through human agency and efforts in order to promote those rights that the language contained in international documents becomes a tool of statecraft. Ideas play a critical role in explaining and analyzing historical events, and trying to understand the fall of Communism at the end of the 20th century would be meaningless if one does not take into account the element of human rights struggles. What made HFA such a turning point for the history of the Cold War was a fight, between the East and the West, over the meaning, interpretation, and enforcement of international human rights that it caused. At the center of this new form of the Cold War’s ideological conflicts laid two fundamentally different socio-economic and political systems and what they understood of human rights.

Furthermore, their disagreements over the meaning of underlying political concepts should be considered alongside a much broader geopolitical project: European integration. In their efforts to prevent a repetition of the mid-20th-century catastrophes, a generation of European leaders advanced a unity project that sought to guarantee ever-lasting continental peace by dissolving national identities into a newly forged European one. The newly established interpretation of human rights as individual civil-political rights independent from their former national contexts (the rights of citizens) lay at the center of the European integration project and its definition of the European identity. HFA and the struggle over the meaning and the transnational enforcement of human rights happened simultaneously and in parallel with the developments on the European integration front.

In the following section, I will engage with the historical trajectory of the human rights tradition and diverging Eastern/Western interpretations of them. The section after that deals with the negotiations leading to the signing of the HFA in August 1975 and the text of the agreement itself. The paper employs a content analysis approach using the text of HFA and also documents pertaining to the proceeds of the negotiations among the participants of CSCE as are available both in online platforms and a number of publications by the state parties. While the paper considers the positions of the Eastern Socialist governments, the main focus

will be on the Western governments negotiating tactics and postures as they were the main agents who pushed for the inclusion of human rights norms in HFA and demanded compliance monitoring mechanisms.

2. Eastern vs. Western Human Rights

The history of human rights has been narrated as linear progress from the ancient period to our present time, which culminated with the Universal Declaration of Human Rights in 1948 and the rise of the international human rights movement of the 1970s. In reality, however, the idea of human rights has seen huge variations from time to time, influenced in radical and even paradoxical ways by the different socio-political agendas of human rights activists. Despite what the contested contemporary human rights historiographies are trying to establish, various items in the constellation of rights and freedoms known as human rights each have their own distinct history of evolution. It makes today's dominant understanding of human rights the latest socio-political manifestation of an unfixed idea rather than the eternal culmination of a spatial and temporal universalism rooted in the great ethical and philosophical traditions of the past centuries—whether Greco-Roman and Judeo-Christian civilizations of the West or other ethical traditions around the globe, or both (Moyn, 2010; Richarson-Little, 2020).

One crucial link in the long chain of this alleged pedigree of international human rights is the legacy of the late 18th century Transatlantic democratic revolutions (Henkin, 1978; Hedley, 2008; Stourzh, 2007; Wright, 1997). According to one stream of contemporary human rights historiography, the constellation of rights and liberties that form today's human rights and contained in documents such as UDHR and the 1960s covenants on civil and political and socio-economic rights are, in most parts, derived from the tradition of the rights of man as proclaimed by the democratic revolutions of the late 18th century. It reached its climax in the context of the international human rights movement of the 1970s that argued all human beings are entitled to individual rights that exist and must be protected beyond nation-states.

Yet, Samuel Moyn writes that: “the history of the natural rights, like that of the rights of man after it, is the history of the very state that human rights [of the 1970s] would later attempt to transcend” (Moyn, 2010: p. 310). In the history that Moyn relates, the “rights of man” tradition were deeply associated with the construction of the modern nation-states. The rights promised were entitlements afforded to not every man, but only those who were members of a national political community, in other words, citizens of nation-states. The liberal-nationalist notion of sovereign state introduced following the late 18th century's democratic revolutions attempted to build political order upon principles of rights (Moyn, 2010).

Recent decades' criticisms of the “rights of man” tradition have highlighted how the concept of “human” in human rights was not meant to be applied to every human being (Mignolo, 2009). As mentioned above, the rights and freedoms

promised following Transatlantic democratic revolutions were entitlements afforded to members of the newly-established political organizations known as nation-states. Until 1948 and the Declaration of Universal Human Rights, and arguably even after that, human rights remained largely confined to a Western context. In all these periods, the law could act, in regard to outsiders to the dominant order, not as a protection but as a means of violence and repression. In fact, SMKPD Dezfuli demonstrates in two papers how the law itself and legal means wielded by nation-states justify and even enforce solutions that produce violence, and repression (Dezfuli, 2023, 2024).

At any rate, one implication of the interconnectedness between the rights of man and sovereign states was that there was no judicial authority above national states to indict them for their transgressions against the rights of their citizens. The rights belonged to human beings because of their integration into the framework of nation-states; thus, it could be argued that there was no right (or authority to protect them) beyond or above sovereign national states that could be resorted to in the case of states' violation of the rights of man.

The post-World War II human rights regime might have provided international enforcement through states' obligations under international law. The UN Charter, despite confirming the sanctity of non-intervention in the internal affairs of other states, which was an implication of the Westphalian notion of sovereignty, had called on all states to uphold their commitments according to international treaties and conventions that they had ratified, including those regarding human rights. There were some arguments in the years after establishing the United Nations that the organization, under the authority invested in it by the binding agreements among member states, could investigate the alleged violations of international law in any given state as exemplified in the case of the racial situation in the Union of South Africa (United Nations Blue Book Series, 228-231). Still, the elevation of the question of states' treatments with their own citizens into a matter of international law was not enough to guarantee effective compliance from many national governments with international human rights norms. In many cases, the arguments in favor of international monitoring and enforcement met the dead-end of power politics considerations of the Cold War competing camps.

Ever since the collapse of Communism and with the benefit of hindsight, historians have been preoccupied with the question of why the Soviet Union so foolishly signed an agreement in 1975 that was so obviously against every tenet and principle of its political system and practice (Ferraris & Barber, 1972). The question itself and various answers given to it are based on a fundamental assumption that the Socialist regimes had no doubt that international human rights norms and rules were threatening for them, but they were forced to accept and sign HFA for some other reason totally irrelevant to human rights. However, in the minds of the Socialist leaders, there was a strong, unbreakable link between socialism and human rights or the international treaties governing and guaranteeing the right

to self-determination, national sovereignty, economic development, and socio-economic rights.

In the 1950s and 1960s, the prevalent ideologies of Communism and Nationalism promoted more attractive, collective ideals of emancipation than Western individualized human rights. It constitutes an important aspect of the Cold War's ideological contests that must be taken into account in narrating the history of human rights and its role in the collapse of Communist regimes in Eastern Europe. At the center of the 1970s ideological debate between the two rival camps laid a different understanding of what formed human rights and the state's role in its guarantee.

In the aftermath of the Second World War, the Communists were at the forefront of international activism to promote human rights based on principles of social justice, development, and the right of political and economic self-determination, including for the Third World nations. In the 1950s and 1960s, an anti-colonial narrative of human rights demanding racial, social, and economic justice decidedly overwhelmed Western alternative human rights drawing upon more individualistic notions of civil and political freedoms. In this collectivist narrative, the citizens' fundamental social, cultural, and economic rights and their collective responsibilities and obligations came before personal rights and freedoms.

Although much of the drafting work on the UN Covenants on civil-political and even parts of the social, economic, and cultural rights were carried out by Western countries, the Soviet Union ratified them without any serious challenge in the 1970s. In its official propaganda, the Soviet Union insisted that its domestic laws were based on the most advanced human rights standards, while it claimed a progressive, historical role in developing international human rights laws. What was called the Socialist human rights drawing upon the philosophical, legal, and political tenets of Marxism-Leninism, actively supported the inclusion of human rights provisions in the UN Charter at the end of World War II (Bokor, 1966). The minor challenges that the Soviet Union and its allies raised against the 1960s UN Covenants were due to their claim that Socialism promotes a unified approach to human rights in which there is no division between the two series of civil-political and socio-economic rights. They were accusing the Western countries of not being sincere about the social and economic rights while the Socialist countries, being aware of the fact that civil-political rights would remain unattainable without proper socio-economic foundations, were among the main promoters of them (Malksoo, 2018; Richardson-Little, 2020).

Equally important is two diametrically opposed interpretation of the role of the state that lay at the heart of Western-Eastern ideological conflict over human rights. The Soviet Union and its satellites in Eastern Europe were arguing that the socio-economic rights could not be attained without the state's direct intervention—through subsidies or direct provisioning of people's basic needs, including in areas such as transportation, occupation, education, recreation, and cultural opportunities—(Moyn, 2010). In their opinion, human rights protection would

have been unimaginable without the existence of a caring state apparatus that stops the exploitation of man by man and provides for the basic needs of its citizens. The view that only a Socialist governing system can rescind all forms of exploitation led to a statist attitude toward human rights in which the rights of individuals or social groups to freedom of speech and assembly were seriously curtailed. The Socialist countries were reluctant to accept free, competitive elections and socio-religious freedoms; they believed that mass surveillance was both normal and necessary if the people were to enjoy the real human rights that the state is obliged to provide for them as the citizens of a Socialist country (Richardson-Little, 2020).

Thus, disagreements over the content and implementation of human rights evolved into a dispute over political philosophy as Western human rights insisted on limiting the state's powers and authority. For the Socialist states, no human rights could be conceivable outside the confines of national states. Individuals were entitled to the rights and freedoms accorded to them by constitutions and ordinary laws of states, and there was no international authority who could challenge national competence in such matters (Malksoo, 2018). Thus, the main point of contention between the East and the West was over questions of implementation and the extent of international competence over cases of human rights violation.

Yet, philosophical discords over the meaning of concepts such as national sovereignty need to be linked to geopolitical and security agendas to leave their mark on international politics and history. Socialist human rights drew upon an intransigent defense of the rights of national sovereignty and independence. At the same time, the Westerners had begun a normative revisiting of the notion of sovereignty by delegating some of the rights therein to international organizations and regional federations as a more appropriate means of upholding international order in a complex, interdependent, and globalized world. Desperate to avoid the bloodbath of the first half of the 20th century, a generation of Western European leaders in the aftermath of the Second World War tried to guarantee ever-lasting peace by transcending national boundaries and forging a common continental identity. European integration began in earnest during the 1950s with the efforts to create one common economic market between various countries in the Western half of the continent. However, the idea of a politically unified Europe was older than that and found its first expression in the creation of the Council of Europe in 1949. The European integration process was tightly associated from the very beginning with human rights, exemplified in the ratification of the European Convention on Human Rights in 1950, which established the European Court of Human Rights. The idea was that a transnational authority (the European Court) was competent to hear individuals' complaints against state parties' alleged violations of human rights. The effectiveness of the Convention and the Court has its own critics (Greer, 2018; Abdelgawad, 2017; Glas, 2019), yet, the fact remains that the process of European integration as a security agenda to prevent another continental war

was going to be based on forging a new European identity created around the emerging notion of human rights protection beyond national boundaries.

Conference on security and cooperation in Europe, which was convened in July 1973, became the first significant effort to expand the newly emerged transnational European institutions eastward by establishing conflict resolution mechanisms and human rights protection between all European countries then divided between Cold War ideological camps. It aimed both to manage the political and military tensions in Europe to avoid another continental war and to promote the new idea of common European identity by encouraging economic, social, and cultural exchanges between both Capitalist and Socialist nations and also by encouraging respect for human rights and transnational surveillance over cases of their violation.

The late 1960s and early 1970s were when Communism, post-colonial nationalism in the Third World countries, and even the traditional liberalism of the European and North American societies all lost their appeal due to popular frustrations over their failures (Vietnam war, the youth culture, and the new moralities of the late 1960s and 1970s, economic setbacks in the Eastern bloc countries and finally the fiasco of nationalistic development promises in many Third World countries are just a few historical backgrounds relevant to these trends). As Moyn argues, this provided a ripe ideological ground for the emergence of networks of transnational social advocacy groups composed of ordinary citizens (mostly from advanced nations of the West) to promote an ideology of protecting individualized human rights against state transgressions on an international level. The international human rights movement of the 1970s offered another utopian project to build a new, better world in which humankind's dignity would enjoy international protection and presented the newly-constructed discourse as a convincing alternative to the failed utopias of the previous decades. Again, the practical scope of this international movement, during the 1970s and even beyond, remained largely focused on a European and American context. Other parts of the world developed their own specific reactions to the crisis of nation-states, as perhaps was exemplified by the rise of political Islam in the Middle East and North Africa from the late 1970s onwards. However, at least on a rhetorical level, the international human rights movement of the 1970s applied a universal language and assumed universal applicability in regard to human rights norms that claimed to go beyond earlier national or cultural confines.

Thus, the key in understanding the novelty of international human rights norms of the 1970s lies in the challenges that it represented not only for the institutions of citizenship and nation-states but also for the aborted promises of internationalism of the post-World War II period that had been overcome by the persistent logic of sovereignty in an environment of intensified Cold War contests among national states. It emerged in the form of an anti-political utopia and individual rights-based notion of international order and domestic good governance that offered to protect human dignity beyond national states' borders and the

sovereign prerogatives they claimed.

The consolidation of international human rights as the new language of international legitimacy brought about a number of political and security implications. One that is particularly relevant to what comes in the next section is the development of a political agenda based on moral claims and changing structure of the international system (the European integration project, the rise of non-state actors, and subsidence of Cold War military-ideological rivalries) that called for the injection of human rights norms and principles into states' security and foreign policies.

3. Helsinki Final Act and the Changing Human Rights Discourse

CSCE negotiations were a tough, long, contentious process that lasted almost for three years and was characterized by competing ideas not only about the objectives of talks but even about the very meaning of the old-established concepts underlying the international system. The negotiators acted according to the principle of consensus on all points among 35 participating European and North American nations. This procedure brought about the constant danger of stalemate in the negotiations but gave the final results a kind of political weight that would not have been imaginable if the principle of majority vote had been followed.

3.1. Peace and Security: Inviolability of the Borders vs. Human Rights

The conference's primary focus and a major theme of its first basket was security; it became clear, however, that the two sides have largely conflicting notions of security and its requirements. The Soviet Union and its allies in Eastern Europe, bearing in mind the reasons behind the wars of the past decades in the continent, believed that security would be threatened through the instability of the existing state borders and rivaling territorial claims; forbidding any political or territorial change, in their view, would have guaranteed long-term peace in Europe. The Warsaw Pact countries, in one of their opening statements in the Conference, called on all Europeans to take a principled stance on the question of borders, which they believed would make a historical contribution to the maintenance of peace in the continent (Selected Documents Relating to Problems of Security and Cooperation in Europe). The principles of inviolability of national frontiers, refraining from intervention in other states' internal and external affairs, and forswearing any political scheme to initiate a change in the status quo were the cornerstones of the Warsaw Pact countries' grand plan for peace in Europe.

A legally binding agreement on European borders would recognize the Eastern Socialist regimes as full, legitimate members of the international and European community of nations. Thus, the Conference could have achieved something for the Soviets that their victories in World War II had failed to do: a lasting peace based on the recognition of the political and territorial status quo. Furthermore,

at a time when the Communist ideology of the Soviets had lost its capacity for social mobilization and expressing the popular will of the masses due to the intellectual and cultural developments of the 1960s and 1970s, it was believed that associating Socialism with the idea of peace (the primary demand of the new social movements in Western Europe) can revive the appeals of the Soviets' ideology (Savranskaya, 1975).

When the Western allies rejected the ideas of their Eastern counterparts, arguing instead that not only the possibility of changes in the governmental systems and states' alliances should be accepted, but also the concerns of sovereignty must be balanced by imperatives of the universal principles of human rights, a war of words ensued over the preserving or reexamining the fundamental rules of the international system and the concept of political legitimacy.

Through much of the preparatory negotiations, Western Europeans refused to accept the permanency of state borders. In the final analysis, the kind of security they sought in their continent entailed replacing rather than consolidating the political status quo. Besides the vexing question of Germany's division and the strong opposition by influential expatriate communities of the Eastern European nations in the West who resisted any idea that paved the way for the legitimization of the existing borders in the East, the European Community (EC) insisted that recognizing the existing borders should not curtail the European integration project (Morgan, 2018).

However, behind the scenes, many Western nations, including the United States and even West Germany, had more or less accepted the European borders. Simultaneously, the Americans engaged in sensitive arms control negotiations with the Soviets, largely refrained from getting actively involved in CSCE preparatory talks. Their stance cleared the way for Western Europeans to take the lead and push for an agenda focused on an expansive notion of security, one that could address human as well as state security. In return for freezing borders, Western Europeans demanded a corresponding advantage in the shape of an increase in human contacts and greater respect for human rights in the Eastern bloc (Snyder, 2011).

While the Soviets and their allies were pushing for their conceptions of European security, the EC countries remained adamant that no progress could be reasonably expected unless both sides could agree on tangible results on the question of human rights. It led to prolonged negotiations, with each side blaming the delay on the other side's lack of determination to strike the deal. The strategy EC countries adopted in order to challenge the Soviets' conception of security based on the inviolability of frontiers was built on two principles. First, inviolability only excluded the possibility of redrawing the frontiers by using military force, not by peaceful means. Second, EC countries targeted the contradictions in the Soviets' position toward international law and sovereignty questions. They accused the Soviets of acting according to double-standards by clinging to privileges associated with sovereignty when it came to their own internal affairs while denying Eastern

European countries of the same privilege by constantly intervening, even through outright military means, in the internal affairs of their satellites in the name of communist internationalism (Morgan, 2018).

Nevertheless, the real objective that Western Europeans were pursuing by challenging the Soviets' position was to force it to concede that human rights norms constitute one of the core issues of international security. In their views, CSCE could only guarantee lasting peace and security in the continent by establishing the standards for good conduct, which entailed the recognition of human rights norms as fundamental components of security in Europe. Strict respect for the rights of one's own citizens would create an atmosphere of confidence that the Europeans felt was necessary for genuine *détente* (Morgan, 2018).

Their insistence on the question of human rights derived from a number of sources. Apart from the UN Charter, 1948 UDHR, and the 1960s covenants, most of the Western European countries participating in the CSCE preliminary negotiations were members of EC that had been advancing a European integration project, since the conclusion of the Treaty of Brussels in 1948, based on respect for human rights. In the early 1970s, EC intensified its efforts to establish human rights as one of the main components of the emerging European identity and unite the continent under a single code of conduct (European Foreign Policy: Key Documents: 127). A more profound source was the intellectual, cultural, social, and technological transformations in the Western societies in the 1960s and 1970s that placed human rights at the center of their moral ideals. A new human rights discourse emerged, as discussed above, in reaction to the Cold War and the ideological frustrations of the previous decades that demanded the revival of the human rights language during World War II. The rise of transnational human rights advocacy networks and the formation of several non-governmental activists' organizations dedicated to promoting human rights as the global consciousness of a new world provided further social impetus (European Foreign Policy: Key Documents; Morgan, 2018).

A new understanding of peace and security emerged as a result of these factors. While the Soviet Union and its allies had still clung to traditional concepts of peace conceived of as the external behaviors of states, non-aggression in an international setting, and respect for national borders and sovereignty of other states, Western Europeans were developing a new conception of peace and security that required respect for human beings and their "universal" rights and liberties. In their view, "only the pairing of security and liberty can enable the construction of fruitful and lasting cooperation" (Morgan, 2018).

In this perspective, the protection of peace was not only related to the external behaviors of states but also to their domestic conduct, and the security of people gained equal importance as that of states. Accordingly, by framing respect for human rights as a core issue of international security, the Western Europeans could argue that every state has a right to monitor other states' domestic conduct and how they treat their own citizens since it is necessary for maintaining peace.

Of course, the Western vision of an international peace founded upon human rights suffered from some embarrassing contradictions, for example, regarding the dictatorial nature of some of the Western allies both in Europe (Spain, Portugal, and Greece) and elsewhere in the world (Iran, Chile, among many more). More important than that, the Western concept of linking human rights with international security inevitably challenged the state sovereignty as it could provide justifications to intervene (even militarily) in the internal affairs of other states at the same time that Western Europeans insisted that the Soviet Union should stop similar policies in regard to its satellite states in Eastern Europe. As Cotey Morgan explains:

“The [Western] Allies had to find a way to reconcile their objectives. They needed a concept of sovereignty that would be robust enough to forbid the USSR from invading its allies but flexible enough to justify pressuring communist governments to change their domestic ways ... they wanted to ban military action in the name of ideology, which threatened peace, but authorize diplomatic action in the name of morality, which strengthened it” (Morgan, 2018: pp. 128-129).

Toward the end of Helsinki’s preparatory negotiations, the two sides faced an impasse over both contentious items in the agenda: the inviolability of the frontiers and the inclusion of human rights language in the guiding principles of the relations between East and West. It was Swiss intermediation through a trade-off proposal that broke the stalemate and convinced both sides to include the inviolability of the frontiers (as an independent principle not tied to the use of force) and respect for human rights among the guiding principles of the first basket. Interestingly, the Americans who had been contacted behind the scene by the Soviets took a position in favor of a compromise and scolded their European allies for their exacting demands (Hanhimaki, 2004).

The final agreement’s wording spoke of the inviolability of the borders in a military term; however, the language was still not enough to prevent differing interpretations of the compromise solution that had been achieved. The Western governments continued, in the years to come, to insist that the inviolability of the frontier principle in the HFA’s first basket referred exclusively to refraining from military assaults against neighbors, while the Eastern Europeans remained adamant until the end that it entails absolute immutability of the borders (Snyder, 2011: p. 31). Furthermore, debates continued to rage on the subject of the possibility of a change in the frontiers with peaceful means and through the mechanisms recognized in the international law that the West Germans were insisting on.

Another setback for the negotiations’ progress occurred when the Western governments proposed that all the principles contained in the first basket shall be treated as interrelated, which meant that all the principles would make sense alongside, not separate from, each other. EC countries insisted that each principle should be interpreted within the context of others by which they meant that the inviolability of the borders must be understood within the context of refraining

from the use of force, while the respect for human rights must constrain non-intervention. By treating all the principles as a unity, Western Europeans hoped to tie the concept of “security in Europe”, irreversibly to the protection of basic human rights and liberties. The Soviets understood that the Western proposal was tantamount to the denial of each principle’s equal, independent significance by depending on the effectiveness of each to the others. They took an uncompromising position on the issue to make sure that the final wording would be satisfying. Finally, the final agreement affirming the primary significance and equal, unre-served applicability of all principles still called for them to be interpreted “taking into account the others” (Morgan, 2018: pp. 134-1355).

3.2. Peace and Security: National Sovereignty vs. Human Rights

According to a classic definition, sovereignty refers to the idea of final, supreme authority in a political community and the absence of any form of authority beyond that. A sovereign state has an unchallenged right to determine, within its own territory, what is permissible and what is not and to prohibit foreign powers to meddle in such decision-making (Philpott, 2020).

However, the classic formulation of sovereignty faced severe challenges when the post-World War II international law required all states to observe human rights conventions and agreements to which they were parties and began to justify the right of other states to hold them accountable for them. Also, on a material level, the globalization processes of the 1960s and 1970s and the irresistible flow of goods, capital, information, and ideas beyond national frontiers ensured that old concepts could not stop an irreversible trend toward undermining state sovereignty (Agnew, 2018; Vernon, 1971; Krasner, 1999).

During CSCE negotiations, the Soviets confronted a complicated dilemma. On the one hand, they were trying to force the Westerners to accept the principle of non-intervention in the internal affairs of Communist countries, but on the other hand, they had to be careful not to undermine the Brezhnev Doctrine that allowed the Soviet Union to protect the Socialist regimes in Eastern Europe, even though the use of force. The Western governments had to deal with contradictions in their position toward sovereignty, as well. They were invoking the classic concept of sovereignty in demanding that the Soviets should refrain from military interventions in Eastern European countries. However, the novel idea of “legitimate sovereignty” they presented to tie political authority to respect for human rights undermined the very same notion of state sovereignty.

The Soviet Union resolved the dilemma by asserting that CSCE principles only govern East-West relations, while Communist Internationalism’s principles could manage the relations among the countries in the Socialist bloc. However, the Western governments insisted that the agreed-upon principles of CSCE govern all forms of relations among European states regardless of their ideological commitments (Morgan, 2018: p. 136). The quarrel suggested a fundamental disagreement over the purpose of the Conference itself among two sides. For the Soviets, CSCE was

supposed to establish the legitimacy of Communist regimes in Eastern Europe and to give them equal rights in the political and security arrangements of the Continent, while for EC countries, the ultimate objective was to advance the idea of European unity; thus they were pressing for a common set of rules based on a single concept of political legitimacy under which a United Europe could be achieved.

Initially, the Soviet Union accepted that CSCE principles should govern all European states' relations without exception. However, they changed their minds very soon and insisted that the final agreement should recognize the validity of all states' obligations according to the previous treaties and commitments made under international law. Emphasizing this clause, the Soviets intended to legitimize their position as the defender of Socialism and preserve their ability to intervene to protect the Communist regimes in Eastern Europe. Finally, it was another case of outside influence and intermediation that resolved the dispute. The final wording assuaged the concerns of EC countries by requiring all participants to follow the same rules in their relations with all states, "irrespective of their political, economic and social system" (Makko, 2016).

During the early stages of CSCE negotiations, when the Europeans put forward the idea of including human rights principles in the final agreement, the Soviet Unions' first reaction to a compromise between respect for human rights and inviolability of borders was favorable. Human rights, albeit with a meaning vastly different from what the Western Liberal tradition understood, had deep, long-established roots in Socialist ideology. The Soviet legal system, including its 1936 Constitution, gave each citizen the right to employment, healthcare protection, social security, assembly, and free speech. Obviously, many of these rights, especially those related to individual or even collective civil and political freedoms, had remained mostly unobserved in the Soviet Union. However, the prevalent understanding of human rights as collective socio-economic rights of citizens under the legal-political framework of sovereign national states until the 1970s was not something unusually at variance with the Soviet Union's dominant ideology. As a matter of fact and as can be discerned by the episode mentioned above regarding South Africa's racial situation in the UN commission of human rights in the early 1950s, during the early stages of the post-World War II period, the Soviets frequently used the rhetoric of human rights to criticize Western Imperialism and racism or to promote socialist human rights like free access to education and pension. Furthermore, the Soviet Union and its allies were actively involved in drafting the UN Covenants on the socio-economic rights of 1966 (Normand & Zaidi, 2008).

What concerned the Soviets and their Warsaw Pact allies was giving content to the form. While they were not concerned at all with a cursory reference to the principle of respect for human rights in the final act, they feared that Western Europeans' insistence on a comprehensive statement on the issue in the shape of an independent, detailed basket would undermine the authority of their domestic legislative systems which they believed were well-equipped to deal with such

issues. Furthermore, as the negotiations between the two sides progressed toward the questions of implementation and monitoring of each side's compliance, The Soviets and its allies became sensitive toward the way EC countries turned the question of respect for human rights into a matter of international concern and interest. They believed that every state has the right to retain its supreme authority in matters related to its domestic jurisdiction and everything that happened inside its territory, and such matters could not fall within international competence (Morgan, 2018: p. 139).

On the other hand, the Western governments adhered to a novel notion of legitimate sovereignty, which became popular in recent years, according to which sovereignty could not be invoked to justify curtailing the rights of citizens. With their insistence on accommodation with the universal scope of human rights, the EC countries emphasized in the CSCE negotiations that human rights should be recognized as one of the essential bases upon which continental security and cooperation among European states could be built. In their arguments, the mere absence of conflict was not enough to achieve lasting peace. They proposed a positive notion of peace in the Conference that would give every state a right to voice its concerns over human rights in other countries. Furthermore, they were not content with a verbal promise of respecting the freedom of thought and other individual liberties as they pushed, during negotiations, for a more explicit guarantee that Eastern European regimes would abide by their commitments under the final agreement. In the end, the Soviets, anxious to finalize an agreement that would give its satellites in Eastern Europe international legitimacy and recognition, backed down on questions of human rights and compliance mechanisms. The triumph of Western views on the meaning of peace and human rights gave them ammunition, in the years to come, to press Eastern European regimes to reform their domestic conducts.

4. Conclusion

In 1975, the overwhelming judgment of the Western audience regarded HFA as a quid pro quo in which the West conceded much on the continent's borders to achieve vague or totally shallow objectives regarding human rights (Fink, 2014). Later events, however, showed that the final act prepared the stage for not only revising the political status quo but also securing the West's ultimate victory in the Cold War.

The Soviet Union, in its rash to force Western ratification of the European borders, consolidating its World War victories and gaining international recognition for its satellite states in Eastern Europe, acceded to many concessions in the realm of underlying concepts of international order. To be fair, they could not have possibly predicted how CSCE developments would unfold in the future; the prospects of gaining Western recognition for the legitimacy and the frontiers of Socialist states in Eastern Europe looked so attractive.

The declaration of principles contained in HFA's first basket and the detailed

agreements under the third basket made their impacts on the very foundations of the international system by reexamining the meaning of underlying concepts such as peace, security, sovereignty, and international jurisdiction in matters related to human rights. The two sides in CSCE negotiations presented their competing ideas and worldviews; they fought over the rules of international legitimacy that put the novel human rights discourse of the 1970s at the center of international diplomacy.

The Socialist states were not so vehemently against the idea of including human rights provisions in the Final Act because, relying on their past decades' practices and propaganda, they believed themselves to be the champions of international human rights, not their violators. The Socialist human rights discourse had championed the anti-colonial rights of self-determination, rejecting foreign domination, the creation of independent states, resisting the unequal political and economic relations, and had emphasized national sovereignty and an anti-hierarchical, non-imperial international order that paves the way for economic development and redistribution of global wealth in favor of the non-Western world in decades leading to the 1970s.

The 1970s, however, witnessed the rise of a neoliberal narrative that challenged the Socialist monopolization of the language of human rights and its emphasis on socio-economic rights. The neo-liberal human rights condemned the collectivist claims of Socialist human rights as morally objectionable and empirically failed. It gave the Western countries an excellent ideological weapon to criticize Soviet Union's human rights practices and interfere in the internal affairs of its satellites in Eastern Europe by taking advantage of the follow-up meetings of the Helsinki process and their monitoring mechanisms. Furthermore, the neo-liberal human rights gave the vast array of disgruntled social groups both in the Soviet Union and Eastern European countries a new language to formulate and express their socio-political demands.

While the question of human rights internationalization was not new in the 1970s as the post-World War II arrangements had insisted that states' obligations under international human rights conventions and agreements could be matters of international law (and not within their exclusive domestic competence), it was following the 1975 HFA that a clear association was established between human rights and international security. HFA tried to strike a balance between Eastern and Western competing moral viewpoints about international peace and security, but in introducing the universality and global applicability of principles of Western individualized human rights as constituent parts of international security and in laying down surveilling and monitoring mechanisms of the conducts of sovereign states within their domestic jurisdictions, contributed in the ultimate victory of Western notions of legitimacy and security.

HFA, while bereft of any significant innovation in the content of human rights norms, both inspired and was inspired by the developments in the dominant discourse of human rights. These transformations distinguished the language and

the narrative of the 1970s human rights from its predecessors both before and after World War II by setting it free from its previous confinement to a national context and by elevating respect for human rights norms into constitutive parts of international peace and security. In other words, HFA transcended human rights norms from state obligations under international law to international security matters.

Still, it could be argued that the international human rights discourse of the 1970s and its promise of linking respect for human rights to international security remained to be Eurocentric. HFA, the golden achievement of the 1970s détente between Cold War's competing military-ideological blocs, meant to govern their relationships in just one theater (Europe). The strategic rivalries between them in the Third World countries remained as tense as before. Furthermore, HFA's innovation in linking external security to internal human rights conduct largely received its driving force from European integration and the European identity that it claimed to represent. As can be seen in the proceedings of the CSCE negotiations, in laying out their vision for peace and security in Europe, Western European diplomats were not just reexamining the underlying concepts of the international system, but they were also advancing their project of European integration to include, over time, the Eastern half of the Continent as well. This vital link between CSCE and the European integration project and the way insistence on respect for human rights norms was associated with the identity that Western Europeans were creating for the Continent has not been, to the best of my knowledge, considered as an independent theme in the scholarly literature on the subject.

As mentioned above, Samuel Moyn argues that the "right of man" tradition is meant to be the rights of the citizens of modern nation-states. For two centuries, the "man" referred almost exclusively to the citizens of European and North American states. Despite its strong association with the European integration project, and the securitization of human rights norms and principles as established in HFA, it is probably not reasonable to argue that the security framework that emerged following Helsinki was meant to be restricted to the relations among European and North American nations. Future developments of the link that was established between respect for human rights and international security, especially after the end of the Cold War, showed that at least some components (both social and governmental) of international human rights discourse are committed to universalizing the framework in cases that a gross violation of human rights, like genocide, happens in every regional context. Their efforts, however, have been offset by the lack of political motivation due to the persistence of power politics considerations (or other reasons) on the part of Western governments and the absence of necessary material and ideational infrastructures in each local context. But these are subjects for likely future studies.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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