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UNITED STATES GOVERNMENT

Memorandum

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TO : Honorable Samuel W. Lewis

DATE: July 9, 1976

FROM : Leonard Garment

SUBJECT: Human Rights/General Assembly



1. This responds to your memorandum of June 10 on human rights issues in the Thirty-first General Assembly. More importantly, it is an attempt to suggest a basic US posture for the entire General Assembly agenda.

2. During the past year the position of the United States on human rights issues has been, as you suggest, firm and assertive. It was not an easy year, but it taught an important lesson--that the issues involved are too important for the US to retreat to a passive role. The confrontations that developed came when others attacked values and policies of the US in the hope that we would weaken. We did not. You mention various specific subjects, and I will give some reactions to them before moving to more general observations, and a recommended overall strategy for the United States in the General Assembly.

- a. Torture. No one is ready to oppose recommendations that torture not be an instrument of government policy. Yet, as we saw last fall during the General Assembly, and this Spring at the Commission on Human Rights, only a minority of countries--perhaps thirty--



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support any program aimed at exposing the use of torture. Most countries would rather keep the reality of the problem an official secret even while it is widely reported in the press. In any event the matter has been sent to the Sub-Commission of the Human Rights Commission and would be difficult to raise for full discussion during the General Assembly.

- b. Political Prisoners. Sweden will take the lead on this item. My understanding is that we plan to play a supporting role while arguing for a formulation that places greater emphasis on amnesty. This seems the correct approach.
- c. High Commissioner for Human Rights. The General Assembly is unlikely to go along with any plan to improve the Commission (e.g., making it a body of experts) that does not come from the Commission itself. The majority there will automatically oppose whatever the West wants. One point we should look into, as you suggest, is the chance (remote) of having the situs of the Commission meetings moved back to New York (at least in alternate years) to allow for more effective participation by non-governmental organizations, and especially to put its activities back before a vigilant press corps.



- e. The Sub-Commission and 1503. There is no practical chance of doing anything in the General Assembly to make 1503 a viable procedure. In actuality very few countries would support us, and we now know how reluctant some of our closest allies are to make this procedure work, at least in specific cases that have arisen so far. There may be some policy reason to go through the motions of validating the myth of incremental progress, but let's not make the mistake of believing what we say. 1503 is a hopeless case of institutionalized hypocrisy.
- f. Declaration on Religious Intolerance. Unmistakably and inexorably the draft before the Human Rights Commission is becoming a justification for states to restrict the rights of religious minorities. In its present form the US has nothing to gain from its adoption, and we should no longer concentrate our efforts in this area. Rather, we should consider proposing a damage-limiting "moratorium" on this exercise. But more on this later.
- g. Southern Africa. The changing situation in Southern Africa makes this potentially the most productive area. The complexities of the nature and scope of that change makes it difficult for me to formulate any precise suggestions, but it would appear clear



that at the least our position on key issues in this area should be reviewed. Out of that review could come positions that we might discuss with selected African states before the General Assembly.

These consultations would at a minimum have two objectives. Optimistically, to find a modus vivendi on these subjects, reduce the tendency of Africans to coalesce behind radical leadership, and weaken the link between Middle Eastern and Southern African issues at the UN; less optimistically, the attempt alone would tend to reinforce belief in the sincerity of our attempts to resolve our differences with moderate African regimes.

2. But I am convinced we need something more for the General Assembly. Human rights issues are bound to dominate the session again (at least in the public perception) and the West is likely to be on the defensive again unless it can unify its strategy better than it has in recent years. A starting point is for the US policy analysis to define as precisely as possible the theory of our case, then decide how to present it.

3. The theory of the case flows quite naturally from the fact that this year's General Assembly will coincide with the US bicentennial and with the national elections, both celebrations of the American idea of democratic self-determination. That idea--in easily-demonstrated contrast to the totalitarian perversion of self-determination (exercised

once and then gone forever)--involves open, regular and genuinely free elections. The appropriateness of the occasion, the drama of the setting, the positive turn the American mood has taken this summer, all support the conclusion that we have a unique opportunity this year to take the General Assembly by surprise. We have an opportunity that is inescapably and historically right to make the UN a forum in which to argue the case for freedom against totalitarianism; for the regularly-renewed consent of the governed against the tyranny of the self-perpetuating state; for the rights of minorities against the cruelty or indifference of the majority; for the rule of law against the rule of terror. It doesn't matter that the agenda is dull and predictable--that fact works to our advantage. I doubt that there are any items on the agenda that cannot be argued, and argued effectively, in the terms of debate set out above; and it doesn't matter whether we are considering initiatives or rejoinders. It only matters that the values are sound and clearly defined, that an outstanding delegation is chosen, and that its discretion is generously defined. The US should then be able to handle itself to good effect, for the General Assembly is one "parliament" where ideas are more important than votes.

4. The point of all this is simply to offer a general approach and to suggest that if there is interest in it, someone has to begin answering a number of questions: At what level should



the debate be conducted? Liberty against tyranny? The free West against the unfree East? Or should the emphasis be on specific proposals, e.g., to protect the rights of "minorities" such as political prisoners and ethnic groups? Shouldn't we raise the Soviet violations of the Helsinki Agreement? How do we avoid fragmentation on issues and among our allies? Assuming this framework, what formal initiatives can be formulated? What contingent rejoinders? (E.g., if the Soviets support observer status for the Puerto Rican independence movement, should we do likewise for the Baltic representatives?) What is the framework for consultation with our allies? With the moderates of the third world? And so on.

5. The idea is only worthwhile if it is exercised with precision and focus, if it has the support and participation of the President and Secretary of State, and if it utilizes the best skills available to the US to argue the values of the West without condescension but with immense confidence and at the highest level of language and intellectual authority. The delegation should symbolically represent the US to the world, distinguished internationally by achievement, but capable also of expressing the central idea of democratic life, doing so in speech and debate and in ways that will be heard and remembered. Men and women like Archibald MacLeish, Theodore White, James Reston, Barbara Jordan, Andrew Young, Hannah Gray, Lane Kirkland, Arthur Goldberg, Beverly Sills, Irving Kristol, Archibald Cox, Maya Angelou, Daniel Boorstin, Vernon Jordan, Leonard Bernstein, Henry Steele Commager.



Democracy's bicentennial is beginning to generate excitement. Why not try to make some of it rub off on the United Nations? If this sounds theatrical, that is precisely the intent. There is an imperative need to dramatize the ideology of the West, to clarify our beliefs and intentions for our own people and for the world. Given a unifying theme and strong voices, the UN can be a magnificent forum. I repeat: This is a time when eloquent and reasoned expressions of our commitment to freedom, may, like the tall ships, find a surprisingly warm response.

6. Charles Malik said much of this in 1972 in a splendid essay--"The U. N. as An Ideological Battleground," likewise Archibald MacLeish in last week's New York Times. They are part of a contemporary "reading list" I am putting together for Governor Scranton. I trust I've said enough here to suggest the size of the opportunity.

