

# Annales Universitatis Paedagogicae Cracoviensis

Studia de Securitate 9(4) (2019)

ISSN 2657-8549

DOI 10.24917/26578549.9.4.3

*Ruslan Siromskyi*

ORCID ID 0000-0002-6744-6379

Ivan Franko National University of Lviv

## Human rights dimension at Vienna CSCE Conference (1986–1989): Canadian and Soviet visions

### Introduction

World governments have traditionally been responsive, in a variety of ways, to external pressure in the area of domestic human rights: someone tries to listen to the criticism, and someone blatantly ignores any remarks about violations in this area. This article on the history of international relations explores two approaches to the issue of human rights: Western liberal (Canada) and Eastern Communist (Soviet Union). During the period of Gorbachev's *perestroika*, the Soviet Union became more flexible in approaching human rights debate within the country. This was especially evident in the Helsinki process. Actually, the goal of this article is to consider two diametrically opposed visions of human rights (Canadian and Soviet) at the Vienna OSCE Conference (1986–1989). The analyzed material, in particular, makes it possible to rethink the role of the Ukrainian Diaspora in defending human rights in the Ukrainian SSR.

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On 1 August 1975, the United States, Canada, and thirty-three European states signed in Helsinki the Final Act Conference on Security and Cooperation in Europe (CSCE). While not a formal treaty, this agreement pledged each signatory to follow a series of stipulations contained in three separate sections called "Baskets". Basket I contained the ten guiding principles of signatory relations, whereas as Basket II pledged each member to facilitate cooperation in the fields of economics, science, and the environment. Basket III called on each signatory to promote the free flow of information, ideas, and people among the participating states. Principle VII of this basket called for "respect for human rights and fundamental freedoms, including the freedom of choice, religion, or belief"<sup>1</sup>. Thereby, human rights were formally

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<sup>1</sup> *Conference on Security and Cooperation in Europe Final Act*, <https://www.osce.org/helsinki-final-act?download=true>, [accessed: 3.04.2019].

recognized in an international agreement as a fundamental principle regulating relations between states. The Helsinki Final Act imposed moral obligations on participating states to respect human rights, and it directly involved them as a proper subject of international undertaking.

The Final Act CSCE, in other words Helsinki Final Act, evolved out of a concern for security as well as a desire to preserve *détente* and increase cooperation. The Canadian Secretary of State for External Affairs Mitchell Sharp reiterated that the division of Europe should be overcome rather than solidified. He stressed: “Detente implies not the removal of differences in systems and ideologies, but their mutual acceptance and accommodation in the interests of greater cooperation, freer movement and more open communications among people as well as States. Competition – yes, antagonism – no. Only in this way can the division of Europe be overcome”<sup>2</sup>.

The Soviet Union had for some time sought such a conference as a means of achieving several goals: assertion of Soviet leadership in Europe; confirmation of the geopolitical *status quo*, resulting from World War II (which meant acceptance of their pre-eminent role in Eastern Europe); development of scientific and technological cooperation. Lecturer at the Diplomatic Academy in Vienna Stefan Lehne emphasized “while the East perceived the Helsinki Final Act primarily as recognition of the territorial status quo, the West saw it as a program for liberalization and reform”<sup>3</sup>. Western nations desired to limit Soviet influence in Europe and to ensure that recognition of existing territorial boundaries did not mean Western acquiescence to the Brezhnev Doctrine, to establish norms of behavior among states that would enhance cooperation and ease the restrictions of the Bloc nations, particularly as these applied to a freer flow of people and ideas<sup>4</sup>.

Finally, after signing the Helsinki Act, the Soviet Union achieved its goal of recognizing the inviolability of postwar borders in Europe; instead, the West did not receive what it insisted on: the free movement of people and ideas, and the observance of human rights. Despite the signing of the Helsinki Accords with all the commitments to respect and safeguard human and national rights in all the signatory countries, the Soviet republics, in particular Ukraine, continued to suffer from the evils that accompany totalitarian rule, such as suppression of freedom of speech, religion and cultural development, forced russification, drastic oppression of those who dare to speak up in defence of their civil rights guaranteed by the Soviet-imposed constitution<sup>5</sup>.

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<sup>2</sup> R. Fitzpatrick, *The Helsinki Final Act and Human Rights in Soviet-American Relations*, Ph. D. Political Science University of Edinburgh, 1989, p. 163.

<sup>3</sup> S. Lehne, *The Vienna Meeting of the Conference on Security and Cooperation in Europe, 1986–1989. A Turning Point in East-West Relations*, Westview Press, Boulder, CO 1991, p. IX.

<sup>4</sup> S. Gubin, *Between regimes and realism – transnational agenda setting: Soviet compliance with CSCE Human Rights norms*, “Human Rights Quarterly” 1995, No. 17, p. 281.

<sup>5</sup> Документи (меморандуми, резолюції, декларації, звернення, листи, прес-релізи, доповідь, вирізки з газет та ін.) з приводу підготовки та проведення Белградської (1977 р.) та Мадридської (1980 р.) конференції, 13 червня 1977 – вересень 1980,

After Helsinki, the countries of the West realized that all achievements remained on paper, so the next meeting is needed to draw attention to the fulfillment of obligations. So the concept of the “Helsinki process” appeared, when it is still necessary to achieve the goal, to bring the political practice in line with the signed documents<sup>6</sup>. The signatories of the Final Act agreed to consolidate the arrangements at Follow-Up meetings.

During all meetings in the framework of the CSCE, the West has always highlighted the issue of violations of human rights and freedoms in the USSR. In this case, the improvement of the situation with rights was interpreted as a condition for the continuation of the Helsinki process and the expansion of cooperation between East and West. The most hard-line states were those of the United States, the United Kingdom, the Netherlands, and Canada. In particular Canadian government routinely demonstrated its commitment to promoting human rights with interventions in sessions of the Commission on Human Rights UN and other international forums<sup>7</sup>.

The first Follow-Up meeting in the Belgrade (1977–1978) did not produce a concluding document of any substance, but nevertheless saw human rights freedom in Soviet Union being brought up for discussion in the implementation debate. After the Belgrade meeting of 1977–1978, the CSCE took the transition from attempts to cooperate to a confrontation<sup>8</sup>. New commitments were not made in Belgrade, but this was different at the second Follow-Up meeting, which took place in Madrid from 1980 to 1983. This time there would be a substantial concluding document by the Meeting, containing some aspects of human rights. Subsequently, in 1980–1983 in Madrid, the focus was on human rights issues, and the „third basket” was considered to be the only thermometer of international tensions<sup>9</sup>. The Soviet Union believed that, in the provisions of the Final Act and the Final Document adopted in Madrid, there was a discrepancy between “classical” individual human rights, on the one hand, and economic and social rights, on the other hand, and tried to change the ratio in favor of the latter.

An agreement was reached in Madrid on the meeting of human rights experts. It held in Ottawa (Canada) from 7 May to 17 June 1985. The Ottawa Experts Meeting

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Центральний державний архів зарубіжної україніки, м. Київ (далі – ЦДАЗУ), ф. 36, оп. 1, спр. 48, арк. 116.

<sup>6</sup> Д. Мареска, *Наблюдатели по контролю за соблюдением Хельсинских соглашений, Хельсинский процесс, права человека и сотрудничество в гуманитарных областях*. Реферативный сборник. Отв. ред. Т. Пархалина, Москва 1988, с. 43.

<sup>7</sup> D. Clement, *Human Rights in Canadian Domestic and Foreign Politics: From Niggardly Acceptance to Enthusiastic Embrace*, „Human Rights Quarterly” 2012, No. 34, p. 770.

<sup>8</sup> Р. Сіромський, *Позиція Канади щодо порушення прав людини в УРСР на Белградській конференції країн-учасниць НБСЕ 1977–1978 рр.*, „Наукові зошити історичного факультету Львівського університету” 2016, вип. 17, р. 348.

<sup>9</sup> Р. Сіромський, *Мадридська конференція країн-учасниць НБСЕ (1980–1983 рр.): позиція Канади щодо порушення прав людини в Українській РСР* [in:] *State Security in the Contemporary World*, O. Wasiuta, J. Falecki, D. Kaźmierczak (ed.), Wydawnictwo Drukarnia Styl Anna Dura, Kraków 2019, p. 100.

1985 offered the first opportunity to discuss the human rights issue and review Eastern European compliance after Mikhail Gorbachev's rise to power. Importantly, the Soviet delegation tacitly conceded that one CSCE state could comment on the human rights situation of another, belying long-time Soviet opposition to discussion of human rights practices as interference in its internal affairs<sup>10</sup>. Experts focused mainly on religious freedom, discrimination, and harassment of those who sought to act on human rights provisions (again paid attention to the issue of family reunification)<sup>11</sup>. Canada was one of the countries that submitted the "family package" provisions. In the 1970s, Prime Minister Pierre Elliot Trudeau unsuccessfully submitted to the Soviet side a list of those who claimed to be reunited. In the late 1980s, during perestroika, Ukrainian Canadians were beginning to talk of making charter flights to Kyiv to visit relatives and renew old family contacts. The issuing of exit permits from the USSR, temporary and permanent, had increased under Gorbachev, and 35 per cent of those of concern to Canada related to the Ukraine<sup>12</sup>.

Human Rights Expert Meeting in Ottawa was a preparatory stage for the Vienna CSCE Follow-up Conference. Experts welcomed the fact that frank discussions had taken place of matters of key concern. Noting that these discussions had not led to agreed conclusions, they agreed that such thorough exchanges of views themselves constitute a valuable contribution to the Helsinki process. They also confirm that, by virtue of the principle of equal rights and self-determination of peoples and in conformity with the relevant provisions of the Final Act, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development<sup>13</sup>.

In the end, no agreements on human rights were reached at Ottawa, and it became the first CSCE meeting to adjourn without any concluding document. The Ottawa meeting gave the West the opportunity to put forward all the desired changes and commitments in the field of human rights. The result of the subsequent Vienna Follow Up meeting would show that the Western proposals were not so far-fetched as they might have seemed in Ottawa<sup>14</sup>. Canadian Secretary of State for External Affairs Joe Clark in his speech in the House of Commons on October 21, 1986 said: "... I should add that I was encouraged by my own talks on human rights with Soviet Foreign Minister Shevardnadze, when he visited Ottawa. Our discussion was frank and more open than I believe has been the case before. Canada believes progress

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<sup>10</sup> S. Snyder, *The foundation for Vienna: A reassessment of the CSCE in the mid-1980s*, "Cold War History" 2010, No. 10 (4), p. 497.

<sup>11</sup> S. Gubin, *Between regimes and realism – transnational agenda setting...*, op. cit., p. 281.

<sup>12</sup> W.M. Dobell, *Soviet Relations and Canadian Defence*, "International Journal" 1991, No. 46, p. 553, 555.

<sup>13</sup> X. Ісаїв, *Переговори на захист прав людини і дисидентів в епоху Советів. Спогади*, пер. з англ, Київ 2016, pp. 111–112.

<sup>14</sup> H.J. Hazewinkel, *Religious freedom in the CSCE/OSCE process*, "Helsinki Monitor" 1998, No. 3, p. 12.

here and on regional issues is essential to enable us to establish trust on each other's intentions. This process of building trust is far from finished"<sup>15</sup>.

The Vienna Follow-up meeting took place at a time of enormous changes on European politics, when Cold War confrontation was giving way to a new and more productive phase *détente*. The conference took place under the new conditions – in the era of *glasnost* in the USSR. The CSCE acted both as a barometer, registering the changing international climate, and as a stimulus to further systemic change in Europe. In particular importance was the new understanding on human rights reached at Vienna.

The representatives of the participating CSCE met in Vienna (Austria) from 4 November 1986 to 19 January 1989 in accordance with the provisions of the Final Act relating to the Follow-up to the Conference, as well as on the basis of the other relevant CSCE documents<sup>16</sup>. Meeting included formal opening of the Follow-up Meeting, address by a representative of the host country, general exchange of views, and examination of proposals submitted, preparation and adoption of the report of the Meeting, formal closure of the Conference. The first six weeks of the conference, which took place at the Hofburg Palace, were devoted to the exchange of views on the implementation of the provisions of the Helsinki Final Act and the discussion of the next stages of the negotiations. The next stage of the Review Conference (January 27–April 10, 1987) was focused on proposals. The third stage of the meeting was scheduled as the end of the conference (September 2–December 18, 1987), but the conference was continued. While the Soviets were somewhat more willing to discuss human rights issues, progress was very slow and the talks dragged on for more than two years. It was autumn of 1988 before real progress was made in the negotiations, but the result was a significant change (and improvement) of the regime<sup>17</sup>. And only on January 19, 1989, the conference ended with the conclusion of the Final Document.

At the beginning of the Vienna conference, the Soviet Union was criticized for their human rights record. For example, the Canadian delegate said that “the Soviet human rights record remains deplorable”<sup>18</sup>. In Perm camps during the years 1984–1985 several Ukrainian political prisoners died, in particular Valeriy Marchenko (37 years old), Oleksa Tykhyi (57 years old), Yuri Lytvyn (50 years old), and Vasyl Stus (47 years old). Amnesty International described Perm camp as a “death camp”<sup>19</sup>.

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<sup>15</sup> House of Commons Debates. Official Report. 2<sup>nd</sup> session 33<sup>rd</sup> Parliament, Vol. I, Ottawa 1986, p. 554.

<sup>16</sup> *Concluding Document of the Vienna Meeting 1986 of Representatives of the Participating States of the Conference on Security and Co-operation in Europe, held on the basis of the provisions of the Final Act relating to the Follow-Up to the Conference*, Vienna 1989, p. 2.

<sup>17</sup> S. Gubin, *Between regimes and realism – transnational agenda setting...*, op. cit., p. 283.

<sup>18</sup> S. Lehne, *The Vienna meeting of the Conference on Security and Cooperation in Europe, 1986–1989...*, op. cit., p. 89.

<sup>19</sup> Ісаїв, *Переговори на захист прав людини і дисидентів в епоху Соєтiв...*, op. cit., p. 154.

Canadian Ukrainians, through their representatives in Vienna, attracted the attention of delegations from the CSCE countries to the imprisonment of a number of Ukrainian dissidents in Perm, including Levko Lukyanenko, Mykhailo Horyn', Vasyl Ovsienko, Ivan Kandyba, and Mykola Horbal. The death of another Soviet dissident Anatoly Marchenko (1938–1986), would have been devastating to the international image of the Soviet Union. When the US representatives to the Vienna Follow-up meeting requested a minute of silence in honour of A. Marchenko, the Soviet and Bulgarian delegates defiantly walked out<sup>20</sup>.

Formal recognition by the Soviet Union of a wide range of human rights after 1975, the implementation and enforcement of these rights was subject to a degree of conflict with Party-influenced government policy. The Soviet system has retained however a variety of institutionalized practices which violated the human rights. The Western countries, especially the United States, have always stressed to it. For example, the American government was particularly concerned with the violation of the right of the Soviet Jews to emigrate. American representatives drew the attention of their Soviet counterparts to cases of refusal of emigrations, also providing a list of those who were denied travel to Israel, including prisoners of conscience<sup>21</sup>.

The practices designed to repress dissent included “dissidents’ clauses”, other vague provisions of the criminal codes, closed, unpublicized trials, employment discrimination, psychiatric confinement, and abuse of penitentiary law. In many instances, these practices were not related to violations of Soviet domestic law, but they nevertheless constituted violations of human rights<sup>22</sup>. Perhaps the most disturbing human rights violation in the Soviet Union was the suppression of dissent through unlawful psychiatric confinement. Information about the violation of the human rights in the Soviet Union Western states received, in particular, from Ukrainian dissidents.

Human rights campaign in Soviet Union emphasized civil and political rights. For the purpose of promote the implementation of the Final Act CSCE the Ukrainian dissidents formed the Ukrainian Helsinki Group (UHG) in November 1976. It concerned itself largely with preserving the national and cultural traditions of Ukraine, but it also stressed individual rights. In a manner typical of numerous national human rights movements, therefore, Ukrainian activists saw no contradiction between the idea of individual rights and a primary concern for preserving Ukrainian national identity<sup>23</sup>. The Group came out strongly in support of all the rights guaranteed to the

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<sup>20</sup> R. Fitzpatrick, *The Helsinki Final Act and Human Rights in Soviet-American relations...*, op. cit., p. 492.

<sup>21</sup> Ch.P. Peterson, *Wielding the Human Rights Weapon: The United States, Soviet Union, and Private Citizens, 1975–1989*, A dissertation presented to the faculty of the College of Arts and Sciences of Ohio University. In partial fulfillment of the requirements for the degree Doctor of Philosophy, 2009, p. 252.

<sup>22</sup> J.T. Evrard, *Human Rights in the Soviet Union: The Policy of Dissimulation*, “DePaul Law Review” 1980, Vol. 29, Issue 3, p. 855.

<sup>23</sup> A. Rhodes, *Human rights concepts in the OSCE region: changes since the Helsinki Final Act*, “Central Asian Survey” 2017, No. 36 (3), p. 316.

Ukrainians by the Constitution of the Ukrainian SSR, among them the right to secede from the USSR. By 1980 all ten original members of the UHG have been either jailed, sent to labor camps or to internal or external exile (for example Major General Petro Hryhorenko and microbiologist Nina Strokata). Despite a threat of arrest and imprisonment other people have joined the Group and continued its work<sup>24</sup>.

In the circles of Ukrainian human rights activists, the new Soviet policy of publicity (*glasnost'*) was met with disbelief. In the statement by the members of the Ukrainian Human Rights Movement, signed by Leonid Plyusch, Nadia Svitlychna and Raisa Moroz in 1987, stressed: "The so-called *glasnost* ignores such painful subjects as the high-handedness and lawlessness of the KGB, which is so closely linked to the system of political gulags, the great governmental chauvinism of imperialistic politics (both internal and foreign), the unbridled monopoly of the party in the area of ideology"<sup>25</sup>. As readiness for real change, human rights activists wanted to see freedom of religion and the separation of Church and State, legalization of the Ukrainian Greek Catholic and the Ukrainian Autocephalous Orthodox churches, freedom for all religious groups (Christian and non-Christians)<sup>26</sup>. Members of the Ukrainian Human Rights Movement supported the thesis that without freedom and the guarantee of human rights there can be no dialogue among nations. They called for the immediate and unconditional release of all prisoners of conscience<sup>27</sup>. Human rights activists also drew attention to the need not to create artificial impediments to the emigration of Jews and to facilitate the return of deported Crimean Tatars: "The Crimean Tartars must have the right to return to the Crimea as citizens of a Crimean Tartar Autonomous Republic"<sup>28</sup>.

In an open letter dated December 30, 1987, to the participants of the Vienna Follow-up Meeting CSCE, the editorial board of the restored independent journal "Ukrainian Bulletin" (*Ukrains'kyi visnyk*) drew attention to the fact that the public policy proclaimed by the new leadership generated considerable hopes for democratic change, but in the Ukrainian SSR these changes are stubbornly slowed down. The signatories, including Vasyl Barladyanu, Mykhailo Horyn', Pavlo Skochok, and Vyacheslav Chornovil, reaffirmed their commitment to the principles of the Helsinki process and announced the "Ukrainian Bulletin" as a printed matter from the UHG<sup>29</sup>.

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<sup>24</sup> Б. Захаров, *Нарис з історії дисидентського руху в Україні (1956–1987)*, Харків 2016, р. 161.

<sup>25</sup> Документи (листи, звернення, плани зустрічей, заяви звіти, пресові повідомлення, вирізки з газет та ін.) щодо діяльності Караванських С. та Н., Шухевича Ю, Шабатури С., Чорновола В., Попадюка З., Марченка В., родини Січко та ін., 5 січня 1980 – 29 липня 1989, ЦДАЗУ, ф. 36, оп. 1, спр. 45, арк. 186.

<sup>26</sup> Документи..., ЦДАЗУ, ф. 36, оп. 1, спр. 45, арк. 186зв.

<sup>27</sup> Ibidem, арк. 188.

<sup>28</sup> Ibidem, арк. 189.

<sup>29</sup> Документи (листи, прес-релізи закордонного представництва, статті, вирізки з газет та ін.) Української громадської групи сприяння виконанню Гельсінських угод, 10 січня 1980 – 15 лютого 1989, ЦДАЗУ, ф. 36, оп. 1, спр. 47, арк. 120–121.

According to the “Smoloskyp” Ukrainian Information Service, up to 10 Ukrainian organizations and groups from the United States, Canada, France, Belgium and other European countries sent representatives to Vienna<sup>30</sup>. The Human Rights Commission (HRC) of the World Congress of Free Ukrainians, whose representatives were in Vienna during the CSCE conference, was the main representative of the protection of human rights in the Ukrainian SSR. The key role in this delegation was played the executive director of the HRC Chrystyna Isajiw. Besides her, members of the Ukrainian representation included: Ivanka Jaciw and Mykola Moroz (WCFU’s Human Rights Commission, based in Toronto), former political prisoners Nadia Svitlychna and Leonid Plyushch (External Representation of the Ukrainian Helsinki Group), Andrew Sorokowski (“Smoloskyp”), Bozhena Olshaniwska, Luba Jowa and Maria Demtschuk (“Americans for Human Rights in Ukraine”), Natalia Pavlenko (Ukrainian American Coordinating Council), Alex Neprel (Organization of Democratic Ukrainian Youth), Volodymyr Malynovych (Conference of Ukrainian Political Parties and Organizations), Danylo Dzvonyk (Federation of Ukrainian Students of Canada) etc.<sup>31</sup> The improvised HRC headquarters was located in the Vienna Marriott Hotel. Certain organizational and material assistance to these delegates was provided by the Ukrainian community of Vienna, which was grouped around the Church of St. Barbara<sup>32</sup>.

Among the major events for journalists, it’s worth mentioning the press conference on December 10, 1986, dedicated to the 10<sup>th</sup> anniversary of the formation of the UHG. Along with the Ukrainians, the expelled members of the Lithuanian and Moscow Helsinki groups took part in this event. The press conference raised issues of free contact between people, reunification of families, and freedom of religion. The Ukrainian and Baltic groups, jointly with a Canadian interreligious committee on human rights, organized a news conference on the rights of the ill and dying in the USSR who desire to travel to the West for medical treatment<sup>33</sup>. Moscow interpreted these issues as political rather than individual, and believed that in this way certain circles would complicate the work of the Vienna congress. In addition to communicating with journalists, visitors should have attracted the exhibition of documents, photographic materials and other things in Messe Wien Exhibition & Congress Center (Messeplatz) that demonstrated violations of human rights in the Soviet Union<sup>34</sup>.

There was close cooperation with Head of the Canadian Delegation to the Vienna Follow-up Meeting of the CSCE William Bauer. The executive director the HRC described the CSCE Coordinator from Canada as follows: “He was an excellent choice

<sup>30</sup> *Ukrainians at Vienna conference rally for human, national rights*, “The Ukrainian Weekly”, November 16, 1986.

<sup>31</sup> *Ibidem*.

<sup>32</sup> Ісаїв, *Переговори на захист прав людини і дисидентів в епоху Советів...*, *op. cit.*, p. 152.

<sup>33</sup> *Ukrainians at Vienna conference rally for human, national rights*, “The Ukrainian Weekly”, November 16, 1986.

<sup>34</sup> Ісаїв, *Переговори на захист прав людини і дисидентів в епоху Советів...*, *op. cit.*, p. 154.

for such a position... He also had the talent to deal with the delegation of the Soviets. Over the years we have seen Bill Bauer use logic, sarcasm and veiled criticism to achieve positive results"<sup>35</sup>. It was this Canadian representative who made efforts to organize a meeting between Chrystyna Isajiw and Genya Intrator with Soviet delegates in Vienna, Vladimir Morozov and Yuri Kolosov (deputy head of the Department for Humanitarian and Cultural Relations and head of the Human Rights Department of the Ministry of Foreign Affairs of the USSR). The meeting raised the need for changes in the Soviet Criminal Code, the release of all dissidents, the granting of freedom of religion, the resolution of emigration issue, etc. The Soviet representatives not only reacted acutely to all the accusations, but also began to blame for violating human rights in Canada itself. Ch. Isajiw recalled: "We stressed that the Canadians were concerned about the issues of «publicity» and the lack of apparent compliance with the Helsinki Accords... I raised the issue of Canada's proposal for national minorities and, hearing this, Morozov... pointed out as a counter argument that Canada has its own problems with such groups in relation to national minorities, as «Eskimos» [Inuit – R.S.]. He then began to tell that the Soviet Union had published much more publications about national minorities than Canada"<sup>36</sup>.

It should be noted that the criticism of Canada, the Soviet delegation responded by their own attacks. Its representative on December 2, 1986 accused Canada of growing anti-Semitic sentiment on its territory, linking it to nationalist-oriented post-war immigrants from Europe (Lithuanians, Latvians, Ukrainians), whom Moscow treated as Nazi criminals. In the Soviet statement, in particular, it was said: "The Canadian representative's explanations do not convince us that his country does not grossly violate the provision of the seventh principle of the Final Act... In order to square accounts with our Canadian colleague, we observe in passing that in the Soviet Union synagogues are not blown up, nor are Jews insulted; these things only happen in countries which call themselves part of the «free world»... A sense of unease arises when the distinguished Canadian colleague fails to react to our statement that in his country groups of war criminals who have the blood of European people on their hand live freely..."<sup>37</sup>.

And it should be noted that such statements appeared in the context of the declared new approaches in Soviet foreign policy. The changes initiated by Mikhail Gorbachev made the Soviet system open to more domestic and international pressure. With the return of former ambassadors Alexander Yakovlev (Canada, 1973–1983) and Anatoly Dobrynin (US; 1962–1986) to Moscow, Gorbachev has experienced advisors to guide his internal and external policies on human rights<sup>38</sup>. When Chancellor of Austria Freud Sinowatz met M. Gorbachev in April 1986, Soviet

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<sup>35</sup> Ibidem, p. 107.

<sup>36</sup> Ibidem, p. 172.

<sup>37</sup> *Soviet Public "Greatly Concerned" About "Anti-Semitic Acts" in Canada, Social and Economic Rights in the Soviet Bloc: A Documentary Review Seventy Years after the Bolshevik Revolution*, edited with introduction by G. George, R. Urban, New Brunswick 1989, p. 248.

<sup>38</sup> R. Fitzpatrick, *The Helsinki Final Act and Human Rights in Soviet-American relations...*, op. cit., p. 455.

leader expressed full support for the Helsinki process<sup>39</sup>. The USSR began to speak for the “human dimension” of international relations. Soviet Foreign Minister Eduard Shevardnadze traveled to Vienna in November 1986, January and March of 1987 and October of 1988 and it says a lot about it. During the Vienna Follow-Up CSCE meeting he became the first Soviet official to announce his government’s commitment to respect the human rights provisions of the Final Act. He also proposed that Moscow host a Final Act conference dealing with humanitarian affairs once this meeting ended. E. Shevardnadze later described the Vienna Meeting as a “watershed” and said: “Europe had never known such a dialog-intense, at times dramatic, but purposeful and democratic in a way that was without precedent”<sup>40</sup>.

During the Vienna CSCE conference, for the first time, the Soviet delegation began organizing a Western-style press conference, engage in discussions with private individuals (including members of the families of dissidents), participated in the analysis of the results of the Helsinki process<sup>41</sup>. In fact, engagement in the debate on human rights and freedom of movement can be considered as the main goal of the West. That is why the West sought to avoid adopting general declarations and focus on concrete reality. It was about how to achieve the fulfillment of previous obligations, and in case of their failure to attract public attention<sup>42</sup>. The USSR initiated the convening of a conference on the development of cooperation in the humanitarian sphere (the West agreed, but instead demanded openness). Yuri Kashlev, the head of the Soviet delegation to Vienna, commented that the new aim “to make humanitarian cooperation one of the Soviet Union’s priority foreign policy lines, made it possible for our delegation to act in Vienna and put forward a number of serious initiatives rather than hugging the defensive”<sup>43</sup>.

Gorbachev would like to hold a human rights conference in Moscow to improve the USSR’s image abroad and to showcase his program for domestic reform. In CIA special report stressed: “At the same time, his [Gorbachev – R.S.] desire to bring the Vienna meeting of the Conference on Security and Cooperation on Europe to quick close to allow conventional arms talks to begin may give the West additional leverage in holding out for further liberalization of human rights”<sup>44</sup>. In view of the

<sup>39</sup> W. Mueller, *A Good Example of Peaceful Coexistence? The Soviet Union, Austria, and Neutrality 1955–1991*, Vienna 2011, p. 262.

<sup>40</sup> S. Snyder, *The foundation for Vienna: A reassessment of the CSCE in the mid-1980s...*, op. cit., p. 504.

<sup>41</sup> В.-И. Гебали, *СБСЕ в эпоху Горбачева, Хельсинский процесс, права человека и сотрудничество в гуманитарных областях...*, op. cit., p. 34.

<sup>42</sup> Дж. Мареска, *Наблюдатели по контролю за соблюдением Хельсинских соглашений*, Хельсинский процесс, права человека и сотрудничество в гуманитарных областях..., op. cit., p. 42.

<sup>43</sup> L.I. Shelley, *Human Rights as an International Issue*, “The Annals of the American Academy of Political and Social Science” 1989, Vol. 506: Human Rights around the World, p. 51.

<sup>44</sup> *The Moscow Human Rights Conference: How Serious Is Moscow?*, USSR Review, December 1988, <https://www.cia.gov/library/readingroom/docs/CIA-RDP89T00992R0001-00240001-9.pdf>, [accessed: 15.04.2019].

systematic violations of human rights in the Soviet Union, the Western response varied from skepticism to suspicion. Only at the very end of the Vienna Meeting, the Western States consented to the holding of one of the Human Rights Dimension meetings in Moscow, although the USA, Canada and the United Kingdom made their consent conditional: they would decide upon their participation in the Moscow meeting in the light of the current human rights record of the Soviet Union<sup>45</sup>.

One of the reasons for doubting the sincerity of the Soviet position was the situation with freedom of religion in the USSR. Generally, the issue of religious freedom in the Soviet Union was in the 1980s better than it was in the 1970s, but still left much to be desired. In particular, “unofficial” churches, such as Roman Catholic Church in Lithuania and Greek Catholic Church in Western Ukraine were encountering difficulties. This led in the Canada to pressure on the government from parliamentarians and public organizations (for example, Ukrainian Canadian Congress) to remedy this, invoking the Final Act. At the Vienna meeting a number of proposals on religious freedom were made, most notably one by Italy, Norway and Austria. The situation in respect of the non-registration of the Ukrainian Catholic Church (Uniate) in the USSR was specifically raised by the UK but there was no Soviet response at all.

In the Helsinki Final Act religious freedom finds its place in Principle VII as well as in the Third Basket (respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief): “The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion”<sup>46</sup>. This paragraph was the result of a proposal by the Holy See and it bothered the USSR. Dutch delegate Harm J. Hazewinkel wrote about this: “The Soviet Union accepted this, but then tried by all possible means to prevent the commitments in this paragraph – as already stated in the title of the Principle – from being extended to forms of conviction other than religious ones. It was difficult for this country to accept a third appearance of religious freedom, after the title and the first paragraph, so it wanted to limit religious final compromise text, as it found its place in the Final Act, was ultimately reached after a series of contacts between the delegates of the Soviet Union and the Holy See”<sup>47</sup>. Further-reaching proposals made by the Holy See were blocked by the Soviet Union. Moscow had no interest in enhancing the influence of the Vatican in the Baltic States and Ukraine.

However, an incident that inspired optimism occurred during the Vienna Conference. After his release from prison fighter for freedom of religion and legalization of the Ukrainian Catholic Church Joseph Terelia (1943–2009) arrived in late

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<sup>45</sup> A. Bloed, *Moscow Meeting of the Conference on the Human Rights of the CSCE: A Critical Analysis*, „Helsinki Monitor” 1992, Vol. 3, No. 1, p. 5.

<sup>46</sup> *Conference on Security and Cooperation in Europe Final Act*, <https://www.osce.org/helsinki-final-act?download=true> [accessed: 3.04.2019].

<sup>47</sup> H.J. Hazewinkel, *Religious freedom in the CSCE/OSCE process*, “Helsinki Monitor” 1998, No. 3, p. 9.

September 1987 to Canada. He served a total of 24 years in a variety of prisons, labor camps and psychiatric hospitals. He was accompanied by his wife and their three children. During a press conference at Pearson International Airport, J. Terelia said he was happy to be in Canada, but he expects to return some day to the Soviet Union to continue to fight for the freedom of the Ukrainian Catholic Church, which is not allowed to exist there: "We hope that the central authorities in Moscow will move in a positive direction in terms of its relations with our Church. If perestroika (reconstruction) is to be real in the USSR then the Communists in Moscow must overcome their fears and legalize our Church; so that our faithful may have the same rights as those of legal religious communities in the USSR"<sup>48</sup>.

In 1987, there were positive developments in the Canadian-Soviet relations towards the reunification of divided families. During the Vienna CSE Conference, the Zablotsky family was united (in November 1987). Mother, Olga Zablotska, as a landed immigrant, has been able to reunite with her children in Winnipeg – Irene and Peter, after lengthy petitions, assistance from the CHR and the Canadian government<sup>49</sup>. Zablotsky family was among the 22 families that the Soviet government allowed to leave to reunite with relatives in Canada. This list in the autumn of 1987 to the Minister of Foreign Affairs of the USSR E. Shevardnadze handed Joe Clark<sup>50</sup>. Also Canadian External Affairs Minister J. Clark led the diplomatic campaign for Danylo Shumuk's emigration. Ukrainian 72-year-old dissident spent over 40 years in Soviet prisons, concentration camps and internal exile. D. Shumuk (1914–2004) named the world's senior prisoner of conscience by Amnesty International. He immigrated to British Columbia, Canada, in May 1987 and settled in his nephew, Ivan Shumuk. In his letter on the Shumuk's release, J. Clark stated: "Your struggle for the last half a century has become a symbol of the battle – be it in the Soviet Union, or elsewhere – for freedom of thought, freedom of expression and freedom of choice. You will find these freedoms in Canada"<sup>51</sup>.

The West believed that the USSR should solve problems not using empty words, but with specific cases. The most urgent position was on the part of the US (Jews emigration from the Soviet Union), Canada and the United Kingdom (violations of human rights in the countries of the socialist camp and the Afghan problem)<sup>52</sup>. The United States and Canada believed that there was a real link between the practice of exercising human rights within the state and its conduct on the international scene. A regime that restricts the freedom of its citizens was considered potentially dangerous for other peoples; there was no belief in respecting international obligations to one who violates his own constitutional norms. On June 21, 1988 Member

<sup>48</sup> M. Vociurkiw, *Terelia welcomed to Canada*, "The Ukrainian Weekly", October 4, 1987.

<sup>49</sup> *Мату і діти з України об'єдналися*, "Свобода", 20 листопада 1987.

<sup>50</sup> Ісаїв, *Переговори на захист прав людини і дисидентів в епоху Советів...*, op. cit., p. 180.

<sup>51</sup> M. Levytsky, *Shumuk welcomed to Canada*, "The Ukrainian Weekly", May 31, 1987.

<sup>52</sup> *Права человека и процесс БСЕ, Хельсинский процесс, права человека и сотрудничество в гуманитарных областях...*, op. cit., p. 29.

of the Canadian Parliament Reginald Stackhouse submitted report Committee on Human Rights concerning human rights behind the Iron Curtain. The report noted that the people of countries in the Eastern Europe do not have many fundamental rights. The report stressed: "The committee has examined the human rights situation behind the Iron Curtain and has concluded that there is still much headway to be made. The real litmus test of the genuineness of glasnost and perestroika will be soon in the degree of real change in relation to freedom of religion, the rights of national minorities, and immigration for family reunification"<sup>53</sup>. On 19 January, 1989 in its closing statement at the Vienna Follow-Up Meeting of the CSCE, Canada continued to emphasize deficiencies in the human rights practices of the Soviet Union<sup>54</sup>. However the Vienna Accord's provision for a human rights meeting of governmental experts in Moscow in 1991 was interpreted as an incentive for greater progress to the recognition of human rights in the USSR<sup>55</sup>.

During the Vienna meeting, it became clear that the discussion of human rights should not be turned into an academic dispute, but rather focuses on the fate of specific people. The feature of the meeting in Vienna was the lack of "closed" topics for discussion and a fairly open discussion. Actually, the lack of openness was the biggest problem in meetings in Belgrade and Madrid. The most outspoken CSCE conference in history took place in Vienna, the most constructive exchange of views. It was believed that if there were any agreements in Vienna, they should not contain any new commitments until the objectives of the Helsinki Act and the Madrid Final Document remain unfulfilled<sup>56</sup>.

In the concluding document of the Vienna meeting 1989 the representatives of the participating States reaffirmed their commitment to the CSCE process and underlined its essential role in increasing confidence, in opening up new ways for co-operation, in promoting respect for human rights and fundamental freedoms and thus strengthening international security<sup>57</sup>. The participating States expressed their determination: "to build on the current positive developments in their relations in order to make detente a viable, comprehensive and genuine process, universal in scope; to assume their responsibility fully to implement the commitments contained in the Final Act and other CSCE documents; to intensify their efforts to seek solutions to problems burdening their relations and to strengthen safeguards for international peace and security; to promote co-operation and dialogue among them, to ensure the effective exercise of human rights and fundamental freedoms and to facilitate contacts and communication between people; to exert new efforts

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<sup>53</sup> House of Commons Debates. Official Report. 2<sup>nd</sup> session 33<sup>rd</sup> Parliament, Vol. XIII, Ottawa 1988, p. 16632.

<sup>54</sup> W.M. Dobell, *Soviet Relations and Canadian Defence...*, op. cit., p. 547.

<sup>55</sup> P.H. Juviler, *Guaranteeing Human Rights in the Soviet Context*, "Columbia Journal of Transnational Law" 1990, No. 28 (1), p. 146.

<sup>56</sup> *Права человека и процесс СБСЕ, Хельсинский процесс, права человека и сотрудничество в гуманитарных областях...*, op. cit., p. 24.

<sup>57</sup> *Concluding Document of the Vienna Meeting...*, op. cit., p. 2.

to make further progress to strengthen confidence and security and to promote disarmament"<sup>58</sup>.

The Vienna concluding document marked a turning point in the consideration of human rights within the CSCE framework. According to the results of the meeting for the first time, all its participants agreed on a mechanism for continuous monitoring of human rights. The existing Vienna mechanism consists of four phases: the exchange of information; bilateral meetings; notification of all CSCE States; and the discussion of issues, raised under the mechanism, at meetings of the Conference on the Human Dimension<sup>59</sup>. "Human Dimension" of the Helsinki Process, a new term introduced in the Vienna Document. Conference on the Human Dimension was established at the CSCE Follow-up Meeting in Vienna in January 1989. Its general purpose was "to achieve further progress concerning respect for all human rights and fundamental freedoms, human contacts and other issues of a related humanitarian character"<sup>60</sup>. Despite some skepticism, the West agreed to hold such a conference in Moscow in 1990.

Human rights ideals have shaped and infused the nonviolent protest in Central and Eastern Europe against authoritarian Communist regimes. Democratic changes have led to a rethinking of the weight of human rights in the face of a departure from the communist past. The CSCE process, especially as a result of the Vienna Meeting, set minimum standards in respect for human rights and promotion of democratic changes in the Central and Eastern Europe. For example, on January 1, 1988, an independent Office of the Human Rights Defender (Ombudsman) was established in Poland. After the collapse of the Soviet Union, the transition to democracy and human rights in post-communist states was difficult. Profaned democratic institutions and gross human rights violations are the hallmarks of many post-communist states.

No doubt, Vienna CSCE Review Meeting (1986–1989) was a turning point in the Helsinki process. The close of the Vienna Meeting represented an end to the East-West divide that had characterized Europe since 1945. An open and frank discussion was held about the application of and respect for the principles of the Final Act. Concern was expressed about serious violations of a number of these principles. In particular, questions relating to respect for human rights and fundamental freedoms were the focus of intensive and controversial discussion. The participating States agreed that full respect for the principles, in all their aspects, is essential for the improvement of their mutual relations.

Canada played a role in promoting human rights abroad and facilitating the promotion of human rights as a cornerstone of international politics. Ukrainian Canadians lobbied the issue of human rights protection in the Ukrainian SSR before

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<sup>58</sup> Ibidem, p. 4.

<sup>59</sup> A. Bloed, *Moscow Meeting of the Conference on the Human Rights of the CSCE: A Critical Analysis...*, op. cit., p. 12.

<sup>60</sup> Ibidem, p. 4.

the officials of their country, sent open letters to Canadian parliamentarians and ministers to receive their support. This activity was quite successful. The Canadian delegation in Vienna was one of the most focused on systematic violations of human rights in the Soviet Union and in the Ukrainian SSR in particular.

It was in Vienna that the Soviet Union demonstrated some gesture in order to convince the West that its human rights policy had become more flexible. The Soviet Union agreed to provisions more encompassing than those of the Helsinki accords, granting greater religious freedom, reunification of families, and the right to emigration. For the first time in a considerable period of time, the Soviet Union demonstrated willingness to cooperate by pursuing specific actions in the field of human rights. An unconditional gain in this direction was the permission to immigrate to Canada of former political prisoners Danylo Shumuk and Joseph Terelia, the unification of a number of separated families. Since 1991, the Government of Canada has continued to monitor the human rights situation in the post-Soviet space within the CSCE.

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### **Human rights dimension at Vienna CSCE Conference (1986–1989): Canadian and Soviet visions**

#### **Abstract**

Vienna Conference for Security and Co-operation in Europe (CSCE) 1986–1989 was intended to deepen interstate cooperation within the framework of the Helsinki process. It took place under the new conditions associated with the introduction of *glasnost* policy in the Soviet Union. Despite this, there was some distrust towards the sincerity of the Soviet leadership, which was based on further violations of human rights in the country including the persecution of dissidents. The issue of human rights was, in particular, at the focus of the Canadian delegation, which called the Soviet side to positively solving the family unification, freedom of religion and freedom of thought. Ukrainian Diaspora organizations, such as the Human Rights Commission of the World Congress of Free Ukrainians, played a key role in lobbying for the protection of human rights in the Ukrainian SSR. The real achievement of Ukrainians at the CSCE Vienna Conference was to draw attention to the Ukrainian question in the USSR, accelerating the process of family reunification (only one in 1987 – more than 20 families). At that time, the Soviet government allowed to immigrate to Canada some Ukrainian political prisoners – Joseph Terelia and Danylo Shumuk. The participants of the Vienna review meeting welcomed the favorable development of the international situation and expressed their satisfaction with the fact that the CSCE process contributed to this.

**Słowa kluczowe:** Wiedeńska Konferencja Bezpieczeństwa i Współpracy w Europie (KBWE), Kanada, prawa człowieka, Związek Radziecki, Komisja Praw Człowieka Światowego Kongresu Wolnych Ukraińców, Ukraińska Grupa Helsińska

**Key words:** Vienna Conference for Security and Co-operation in Europe (CSCE), Canada, human rights, Soviet Union, Human Rights Commission of the World Congress of Free Ukrainians, Ukrainian Helsinki Group

#### **Ruslan Siromskyi**

Ivan Franko National University of Lviv, Chair of Modern and Contemporary History of Foreign Countries, 1 Unversytetska str., Lviv 79000, Ukraine. E-mail: sir.ruslan@yahoo.com