

JEROME J. SHESTACK

GLASNOST AND HUMAN RIGHTS

Some twenty years ago, an American poet-statesman, Archibald MacLeish, prophesied that human rights would become the "true revolutionary movement" of the twentieth century. The prophecy then seemed far-fetched.

Indeed, throughout most of the 20th century, it was not human rights, but the Marxist revolution that seemed destined to spread. There was a great deal of appeal in the Marxist utopia of a classless society in which each produced according to his abilities and received according to his needs. The Soviet revolutionaries of 1917 succumbed to the spell of this siren symphony, as did many followers around the world.

By contrast, the human rights movement - one could hardly call it a "revolution" - had earlier origins, but made slower advances. Several centuries earlier, during the Enlightenment, the powerful mind of John Locke had forged the modern theory of human rights. His concept was simple. Each human being was born autonomous and endowed with certain natural rights; the rights to life, liberty, and property. Individuals entered into a social contract with a body politic to safeguard these rights, and if that body, the state, failed to do so, it forfeited the right to govern. The Glorious Revolution of 1688, the American Declaration of Independence in 1776 and the French Rights of Man of 1789 all owe fealty to Locke's shining principle.

Despite these early declarations, human rights took hold very slowly. In his poem, "London", at the beginning of the 19th century, William Blake wrote "In every cry of every man, in every infant's cry of fear, in every voice, in every man, the mind forged manacles, I hear."

Dickens' depiction, a half century later, is hardly more hopeful. And in the United States, despite Mr. Jefferson's splendid declaration that all men are created equal, slavery was tolerated well into the 19th century, and racist laws were in force for most of the 20th.

Still, slowly, fitfully, Western democracies developed what Sir Isaiah Berlin insightfully described as the "negative rights." These are commands to government, saying: Thou shalt not restrict freedom of speech; thou shalt not curtail freedom of religion, or assembly; thou shalt not encroach upon the integrity of the person.

Marx, by contrast, had a different concept of "rights." In a society in which the capitalist class ground down the poor, Marx saw nothing natural about human rights. In words less elegant than Blake's, but no less passionate, he called for men to cast off their chains. But he replaced them with the will of the collective. He saw man, not as autonomous with natural rights, but as part of the social whole and indivisible from it. And he believed that man's potential to use his full abilities and to satisfy his needs was contingent on the realization of social goals in building a classless society.

However Marx may have visualized the outcome of his theory, its translation was left to Stalin and his progeny. In their Communist doctrine, the pursuit of the state's goals - always justified in the name of the collective good resulted in denigration of individuality and the suppression of civil and political rights.

MIRIAM ROTHSCHILD AND JOHN FOSTER HUMAN RIGHTS TRUST

Both Western and Eastern states had at least this much in common: until World War II, both, for different reasons, were indifferent to any international foundation for human rights, civil or economic. The impetus for an international commitment to human rights rose from the carnage of the Nazi experience. The Nazi purification laws, the concentration camps and the barbarism of the Holocaust were all carried out according to domestic German law. As the war drew to a close, those who gathered in San Francisco in April 1945 to establish the United Nations, were determined to protect the rights of the individual through the medium of international law. The call of the United Nations Charter for peace and human rights memorialized the cry of Holocaust survivors, "Never Again".

The Universal Declaration of Human Rights that followed in 1948, held great promise for international human rights. It was a Bill of Rights for the world encompassing civil and political and economic and social rights. But the world did not repair to its standard. In the decade that followed, much of the world was captured by dictatorships of the right and of the left. Eastern Europe became a monolith of the left in which civil and political rights were repressed. Whether through conviction or compulsion, the totalitarian left also captured much of Asia, large parts of Africa, and it exhibited considerable expansionist ambition. On the right, repression came from Idi Amin in Uganda, Somoza in Nicaragua, Stroessner in Paraguay, Salazar in Portugal, Pinochet in Chile, Marcos in the Philippines, the Junta in Argentina, and oppressive rulers in Uruguay, Brazil, Bolivia, Peru, Ecuador and many nations in Africa, Asia and the mid-east. The lights of the Universal Declaration flickered and were dim.

By the mid 1970's, however, winds of change were beginning to swirl around the globe. The communications "revolution" had brought to all corners of the world knowledge of those that enjoyed freedom and individual rights. In every repressed nation, dissidents arose displaying remarkable courage. The Helsinki Accords and Jimmy Carter's human rights policies helped catapult human rights onto the international agenda. People around the world were no longer satisfied with bread and circuses, particularly when the bread was scarce, stale or tasteless. Repression, not freedom, turned out to be unstable and human rights infectious.

Human rights activists can look back with much satisfaction at the advances of the late 70s and early 80s. McLeish's prophecy was turning true. With the exception of Paraguay and Chile, all of South America rejected authoritarian governments and progressed toward democracy. Arnin, Bokassa, Marcos, Salazar, the Ugandan and Turkish generals, the Argentinian Junta, all fell. Of course, the successors were not all paragons of human rights virtue, and many of the new democratic governments were fragile. Still, human rights, was a movement whose time had come. There seemed to be, as one activist put it, a "moral inevitability" to human rights.

Despite such worldwide progress in human rights, the Soviet Union and most of its satellites seemed impervious to its call. Sure, for a moment, the Soviet scene as recently as December 10, 1986 - Human Rights Day; on that day, a well-known Soviet dissident, Anatoly Marchenko, died in Christopol prison. Political prisoners were suffering in Lubyanka prison, and expiring in the labour camps of Siberia. The press was censored and protests were suppressed; dissidents clogged Soviet psychiatric hospitals and Andrei Sakharov was completing his 6th year of exile in Gorky. No Sovietologist, Kremlinologist, or clever columnist then predicted what was about to come.

At the end of 1986, there suddenly began a series of transformations and developments that are staggering in concept and scope. Shortly after Marchenko's death, workmen appeared at Sakharov's door in Gorky to tell him he would soon have a telephone. The

MIRIAM ROTHSCHILD AND JOHN FOSTER HUMAN RIGHTS TRUST

telephone was in fact installed. What is more, it soon rang. On the other end was Mr. Gorbachev inviting Andrei Sakharov to return to Moscow.

Six years earlier, while serving on the UN Commission on Human Rights, I had protested Sakharov's exile, which had just then begun. Valery Zorin, the Soviet Union's representative on the Commission, expressed his outrage at my protest, shouting, "Who is Sakharov, that he should receive such international attention?" Now, Gorbachev's phone call provided a long delayed answer.

The telephone call to Sakharov was more than a toll call. It was a peal of liberty. The changes were astounding. With glasnost came a veritable deluge of self-criticism. The right of the people to know of past and present errors was a prelude to reformation. Shortly after the mea culpas, came atonements. Hundreds of political prisoners were freed from the gulags where they had been imprisoned for anti-Soviet agitation and propaganda, or defamation of the Soviet system. Long stilled voices were heard again, often in outspoken criticism of the heretofore sacrosanct communist party. The bars to emigration came ajar, and suppressed Soviet nationalities marched in the streets.

Where will all this lead? Obviously, that question must be placed in the larger context of the future of perestroika and of Gorbachev himself. Indeed, what is to be the very nature of the socialist Soviet state in the years ahead? Obituaries for perestroika are being written daily by the same pundits and columnists who were wholly incapable of foreseeing the current Soviet developments. Some hardliners, particularly in the United States, even seem nostalgic for the cold war days when one could precisely identify one's enemies. I do not join these doomsayers. My focus is on human rights. And, for a human rights activist, every gain that advances individual worth and dignity - even a short-lived one - is a victory.

Addressing the human rights changes in the Soviet Union, there is enough experience to appraise their progress and to assess the deficiencies that remain. Now, the key question appears to be - how can the Soviets institutionalize human rights and provide the foundation for their preservation?

Certainly, in central areas of human rights concern speech, assembly, religion, integrity of the person, right to emigration - the reforms are heart-warming. In April 1989, the Presidium of the Supreme Soviet eliminated two provisions of the

Criminal Code, that were the nemesis of political dissidents. One was the infamous Article 190-1 which made the "circulation of fabrications ... which defame the Soviet state and social system" a crime punishable by up to three years in prison. Another was Article 70, outlawing "anti-Soviet agitation and propaganda." Untold numbers of dissidents suffered imprisonment or internal exile because of those pernicious laws. Now they were gone, although there have been scattered efforts at revival.

On the other hand, Current Soviet criminal procedure still has many flaws that prevent a defendant from getting a fair trial. The state investigator conducts pre-trial investigation. This may be done while the defendant is held in preventive detention without the right to counsel. Defense counsel may not become involved in the case until the preliminary investigation is completed. Many cases are tried under administrative procedures with the defendant having no right to call witnesses or have counsel present. Party control of the judiciary and of the defense bar often precludes a fair trial. Compliance with the standards of the Covenant on Civil and Political Rights is still distant.

MIRIAM ROTHSCHILD AND JOHN FOSTER HUMAN RIGHTS TRUST

In an interview published in the Moscow News, Alexander Sukharev, recently Procurator-General of the U.S.S.R., advocated significant reforms in criminal procedure and somewhat cryptically said, "Justice badly needs a mechanism of competition along the entire chain of legal procedure, and not only in the courtroom." If this portends a change from an inquisitorial system to a Western type of adversarial system, that surely will advance the rights of individual defendants. Soviet lawyers are keenly aware of the need for systemic reform of their legal system and appear committed to addressing that need.

Freedom of assembly is another right that has substantially advanced. In pre-glasnost Russia, organized protest was not tolerated. Now, we see Crimean Tartars, Lithuanians, Latvians, Estonians and Armenians engaged in massive demonstrations, calling for national rights and, indeed, for secession.

In July 1988, the Supreme Soviet Presidium enacted a new law that can, if used arbitrarily, restrict any freedom of assembly or association. It requires organizers of meetings, rallies, street marches and demonstrations to apply for a permit ten days in advance; the state may deny the permit or limit the activity. An unauthorized demonstration is punishable by heavy fine or short imprisonment. This allows Soviet officials to prevent meetings or demonstrations, and to detain those who participate in unauthorized ones. As glasnost encourages more openness, that openness is likely to find increasing expression on the streets and tolerance for protest and assembly will be put to severe test.

The test is not always the same. In April 1989, demonstrations in Tbilisi were dispersed by soldiers using shovels, guns and gas. Nineteen persons were killed and 200 wounded. That event was severely criticized in the new glasnost atmosphere and a Commission that investigated the incident condemned the illegality by the troops and by Georgian officials.

Just ten days ago, 1500 persons surrounded the notorious Lubyanka prison in a candlelight protest calling for broader political freedom. The demonstration was without incident. A different fate awaited 500 protestors marching on Pushkin Square, chanting slogans against the Soviet secret police. Claiming that this demonstration, sponsored by the Democratic Union, was "unauthorized," police waded into the crowd, swinging truncheons and dragging protestors into police buses. Sixty-nine were detained, one was jailed, and the rest fined. The sentences were mild by comparison with past punishments. It is, perhaps, a sign of the times that bystanders shouted "Shame, Shame" and some spat at a police car.

Freedom of the press, perhaps the touchstone of human rights, has also expanded enormously. Voices long stilled now speak again, criticism of government is no rarity; deviation from communist orthodoxy is frequent; and new independent spirits are heard, bold, critical, sarcastic and even irresponsible. But, as noted in a recent report by the Article 19 International Centre on Censorship, glasnost is not synonymous with press freedom. The press cannot be truly free so long as press remain controlled by state or Party. Here, too, the freedoms are tentative. Freedom of expression and publication still depend on policy, not law.

The party plays an important role in selecting editors. The official censorship organization GLAVIT is docile, but still exists. The legacy of years of official censorship is censorship by editors and widespread self-censorship by the journalists themselves.

Recently, Mr. Gorbachev removed Mr. Vladislav Starkov, as editor of *Argumenty i Fakti*, the highest circulation weekly in the Soviet Union. What excited Mr. Gorbachev's ire was the paper's rating of the members of the new Soviet Congress. Mr. Gorbachev's name

MIRIAM ROTHSCHILD AND JOHN FOSTER HUMAN RIGHTS TRUST

was not in the published rating list, but readers had no difficulty in deducing that he did not come out on top. Andrei Sakharov's dry comment was, "Evidently he wasn't prepared for such a free press." Which government leader is, one might ask? Of course, making the press the scapegoat for governmental woes is a well-established western tradition; only, western rulers cannot remove editors, much as they might like to.

Emigration policy, too, has changed. More than 100,000 Jews, Armenians, Pentecostals, ethnic Germans and others were allowed to leave the Soviet Union in 1988. This year the figure is likely to reach 200,000. The number of Jews that will depart this month is likely to be larger than the total amount during 1982-1986. However, here too, much remains to be reformed. There are still persons in labour camps or psychiatric hospitals because they attempted to leave "illegally." Hundreds of "refusniks" have waited more than 5 years for permission to leave. An oft repeated promise to enact a law guaranteeing the right to emigrate remains unfulfilled.

Freedom of religion, also, has benefited from glasnost. Many of the bans on religious organization and instruction are no longer enforced. In 1988, some 1,600 religious congregations were registered, mostly Russian Orthodox but including Roman Catholic, Baptist, Islamic and even Hare Krishna. Ukrainian Catholics, long forced to worship in secret gatherings, now pray in the open and have reason to hope that their Church will be legalized. However, as the International League for Human Rights recently reported, a mass of legal rules restricting religion are still in effect; these rules need to be definitively repealed. It is considered a good omen for religious freedom that the Kremlin recently invited the Pope to come to Moscow.

Perhaps the most important overall advance is that ruling power has begun to shift from the Party to state bodies. A genuine legislative body has been created -- the Supreme Soviet. A new U.S.S.R. Congress of People's Deputies has been elected. Roughly half the seats were contested and many conservatives were defeated. The legislative proceedings that followed were lively and, in invective, closely matched that of Parliament's back benchers. An independent and outspoken legislature can exert an enormous influence on the Soviet reform process. However, the free legislative process is still uninformed by experience, is deficient in procedures and staff, and lacks machinery for implementing its enactments. Good laws that are ignored are no laws.

Surveying the Soviet horizon, the human rights advances are enormously encouraging. Of course, there is still much to reform before the standards of the international human rights covenants are met. But one should hardly expect a country - that during its twentieth century history has chiefly known Czarist and Stalinist rule - to achieve in just three years, the level of human rights observance developed in western democracies over the course of generations.

With all of its progress, however, human rights in the Soviet Union are fragile. One of the chief reasons for the fragility is that many of the human rights advances are due to executive fiat executive decisions to allow protests; executive decisions not to censor; executive decisions to allow immigration; or encourage party criticism - whatever.

Human rights cannot depend on the benevolence of a ruler. What the ruler gives can also be taken away. Human rights in the Soviet Union, relies in large measure on Mr. Gorbachev's philosophy and policy determinations. Human rights advocates worry whether his avowal of human rights is permanent or a temporary political strategy. Does he advance individual rights for their own sake? How does he reconcile the underlying tenets of human rights based on the individual's autonomy with still prevailing concepts of

socialism as designed to serve the collective interest? Is he propelled by international law? Or does he regard human rights as merely a placebo to sweeten the bitter dose of a failed economy and a people thirsty for consumer goods? (The system failed in giving bread; is he now enlivening the circus?)

Human rights observance must depend, not on executive will, but on its prescriptions being protected and institutionalized under a Rule of Law. What does a Rule of Law entail? The question is complex, but in general, a legal system exemplifying the Rule of Law must observe the following standards: (i) Rules are prospective, not retroactive; (ii) Rules are duly promulgated and accessible to all; (iii) Rules are clear and coherent with one another; (iv) Rules are sufficiently stable to guide people by knowledge of their content; (v) administrators and judges administer the Rules consistently, without discrimination and in accordance with their tenor, and are accountable for failure to do so; and (vi) the people subject to the Rules have confidence in the independence and fairness of those who apply them. Of course, the Rules must be substantively just and perceived as such.

Does such a concept of the rule of the law exist in the Soviet Union? As of now, it does not for a number of reasons.

Unlike Western legal systems where no one is above the law, Soviet law recognizes the primacy of the state and occupies an inferior position in relation to government, and indeed, to the Party.

Under a Rule of Law, law may not be a manager directing other people how to carry out tasks set by a superior, but must rather serve as guardian of the integrity and fairness of the system.

Second, the Soviet law leaves a wide range for the exercise of arbitrary bureaucratic power. Administrative decrees and decisions are treated by Soviet authorities as part of the law, yet many are still secret and arbitrary and therefore neither uniform nor accessible. Last year, a new law authorized appeals against unlawful acts by Soviet officials. But the law is full of uncertainties as to its scope. Whether it will serve as a check on arbitrary exercise of official power is itself uncertain.

Third, the Soviet system for resolving conflicts has serious impediments. The judiciary regards itself as an arm of the state. In the Soviet Union, procedural rules involving defence of fundamental rights are nonexistent, arbitrary, or ignored. Fair procedures are needed to pave the substantive road to justice.

Of course, a Rule of Law does not establish itself overnight. In England and America, the Rule of Law is built on long tradition, strengthened by the genius of the common law, and nourished by an independent judiciary with powers of judicial review. Those elements are missing in Russia. Yet, the portents are hopeful. In a remarkable speech, Mr. Gorbachev put it well:

There can be no observance of law without democracy. At the same time, democracy cannot exist and develop without the rule of law because law is designed to protect society from abuse of power ... and we know from our own experience what happens when there are deviations from these principles.

His declaration justifiably received loud applause. Apart from applause, the best and brightest among Soviet lawyers, jurists and scholars are seriously wrestling with their legal system and are determined to reform it, both procedurally and substantively.

MIRIAM ROTHSCHILD AND JOHN FOSTER HUMAN RIGHTS TRUST

Brooding over perestroika's horizon, is the omnipresence of the Soviet nationalities. The developing demands of these nationalities pose a severe test for glasnost and for human rights, as well. The key events of the past two years are well known. The upsurge of nationalism in the Baltic States, the conflict between Armenia and Azarbijan over Nagaro-Karabakh, the demonstrations by one national group after another, have created enormous tension for perestroika.

In some instances, turmoil represents backlash against Russification and drives for increased political, cultural and language rights for nationalities. These rights are being enlarged under perestroika and, if that were the only issue, the problems would be resolved. But it is not the only issue. The key issue is deeper; it is independence on a scale far greater than the central government is prepared to give.

The International Covenants, ratified by the USSR in 1973, give nationalities the right of self-determination and the Soviet Constitution (Art. 72) even guarantees each of the 15 Soviet Union republics the right to secede if it so wishes. In the past, no one dared. Now, however, self-determination is the burning issue in many union republics, particularly in Latvia, Lithuania and Estonia. It has even spread beyond the Baltic States and Central Asia to the Ukraine, a republic larger in size than most European countries.

Further confrontation between the central government and the nationalities seems inevitable, and may impact adversely on the course of democratization in the Soviet Union. From a human rights viewpoint, it is far from clear that independence of the Union Republics will not conflict with human rights. Self-determination is an important right, of course, but history tells us that the altar of self-determination is often laden with sacrifices of minority rights.

Within each of the Republics there, are minorities with their own languages and culture. The zeal of the Republics to establish their independence may trigger language, residence and voting laws that are restrictive of minorities' rights within those Republics. A Baltic State that now blames the Russians for its problems might soon blame other minorities. Intense nationalism often turns out to be incompatible with tolerance of non-nationals. The questions here are complex and sensitive and one should not be optimistic that constructive solutions will be found that are compatible with the rights of all concerned.

One of the most troubling aspects of the new human rights revolution is that it has emerged during, and likely out of, a failure of the economic system in the Soviet Union and in most of the Eastern Bloc. It has been axiomatic in the human rights movement, that civil and political rights and economic and social rights or achievements are interdependent. An oppressed human being with a full belly is still oppressed, and a hungry human being cannot be deemed free. In the West, some human rights theorists hold that if civil and political rights are secured, economic and social progress will follow. That theory has more or less worked out in the industrialized West, but not in many Latin American countries where civil and political rights exist, but poverty is enormous, and inflation frightening.

Nor has it yet worked in the Soviet Union. Glasnost and perestroika have brought human rights reform, but the economic picture is discouraging. Some of the reforms, such as those enabling workers to strike, have actually increased the nation's economic woes; the winter coal reserves, for example, are low because of the July miner's strike. Indeed, the economic prospects are so bleak that many are saying: "To what effect is the increase in liberty, if the standard of living remains so dismal?"

MIRIAM ROTHSCHILD AND JOHN FOSTER HUMAN RIGHTS TRUST

Soviet analysts claim that the economic failure stems from years of massive secrecy which covered-up the gross inefficiency of an economic system operating under a corrupt and bureaucratic party apparatus; in this respect, they say the openness resulting from glasnost will enable major reforms to be demanded and effected. Western economists, for the most part, take a different tack, claiming that economic progress will not be made until the Soviets adopt a market economy. It is striking that Soviet spokesmen have increasingly recognized the right of individuals to own property as a human right and new laws allowing limited property ownership are underway. (To the teachings of Marx and Engels it appears, there have been added the lessons of Marks and Spencer.)

Whatever the causes of the economic disaster, Mr. Gorbachev has made clear that a complete restructuring of the Soviet economic system is needed. Whether that restructuring will be in a socialist mode or follow Western economic structures is not yet known. But whatever the restructuring, it will take considerable time. But is there time?

Unfortunately, a real danger exists that unless economic conditions improve in the near future, conservatives in the party, unhappy at their decline in power, will seek to reverse perestroika and revert to old authority. This may also mean return to old repression, perhaps, in fact, more rigid than before. The conservative movement is strong in lower and middle level bureaucracy, but it has exponents at top echelons as well, and this conservative trend is fed by the economic plight of the masses. As Bill Keller of the New York Times recently said, "The loosening of economic and political controls has disrupted the old order before a new one has been fully invented and the sentiment for tactical retreat is growing."

There is much ferment among Soviet reformers and intellectuals as to how to insure the irreversibility of glasnost and perestroika. I hope they will succeed. But history gives scant comfort for believing that repression can not resurrect.

Still, we must seize the day. I believe western nations should generously assist Mr. Gorbachev's enterprise with resources, technology, investment, encouragement and wisdom. The West may not be able to alter the outcome of the struggle to make perestroika and glasnost irreversible, but it would be a great tragedy if the West failed to help those engaged in the struggle for reform and the end of the cold war. What may be at stake is not only the fate of the East, but the West as well.

Earlier, I observed that human rights travel well; and they have travelled exceedingly well in Eastern Europe under the Gorbachev visa. Poland and Hungary are leading the Eastern Bloc's human rights revolution. In East Berlin, the new leadership is beginning to decipher the handwriting on the Wall, whether written in German, Cyrillic or graffiti. Indeed, the handwriting is not likely to disappear until the Wall itself comes tumbling down.

Just this past Saturday (Nov. 4), the following headlines all appeared on one page of the New York Times: "Thousands in Bulgaria Rally to Urge Shift to Democracy"; "Poles End Political Subsidies" to Communists; "Ranks Thin Out in Hungarian [Communist] Party"; and, "Soviets Televisé Dubcek Interview" in "New Look at the Crackdown of the '68 Prague Spring." The rulers in Bucharest, Sofia and Prague are still unyielding but a healthy glasnost virus has infected their lands and their people's human rights demands accelerate daily.

The international impact of glasnost is being felt in the United Nations as well. At the UN, human rights standards are well established, but their implementation has failed for lack

of consensus among the member nations. In the past, the Eastern bloc defeated various initiatives to improve human rights implementation machinery at the Commission on Human Rights and in other UN bodies. This has been enormously frustrating to Western nations and to non-governmental human rights organizations. But, in the last year or so, an encouraging new cooperative approach has been shown by the skilful and talented Soviet delegation to the UN. They have clearly signalled an intention to be a joint venturer in the international public order enterprise. Last Friday (Nov. 3), for the first time in the 44 year history of the United Nations, largely a history of deadlock, the two nations co-sponsored a resolution to work together to preserve peace, restore order, and promote reform in the United Nations.

In their first-time joint statement, the United States and the Soviet Union promised to set aside the "tendentious politics" of the past. "Today is the end of confrontation," said Soviet Deputy Foreign Minister, Vladimir F. Petrovsky. That is a consummation devoutly to be wished. The end of confrontation, however, does not necessarily mean advances. Much needs to be done to make the human rights machinery of the United Nations truly effective, its working groups, its complaint procedures, its rapporteurs, its secretariat, its response to human rights emergencies. Given the constituency of the UN, cooperation between East and West may not be enough to accomplish the task. But it is a seminal and thrilling step forward.

I have left for last, a brief word on the impact of the human rights developments on the cold war that has marked East-West relations since World War II. Long ago, John F. Kennedy said "What is peace, but a matter of human rights." That may be a simplification in a nuclear age, but there is no doubt that human rights values with their emphasis on human worth and dignity promote the environment of peace. Whether the new Soviet response to arms control and disarmament is a concomitant of perestroika and glasnost, or vice versa, one is struck by Mother Theresa's recent observation, "It's a miracle."

Many Western diplomats, however, remain wary. In the current issue of Foreign Affairs, Mssrs. Henry Kissinger, Valery Giscard d'Estang and Yasuhiro Nakasone warn that, "Relations with the Soviet Union and its allies will remain a mixture of confrontation and cooperation, containment and dialogue" and that "an overall reconciliation of conflicting interests," particularly on regional disputes, is still distant. Perhaps so; nonetheless, whether inspired by God, Kant or Gorbachov, for the first time in the post-war era, the prospect of peace and human rights in a system of world order seems at last possible. That indeed, is a modern day miracle for which we must be deeply grateful.

The human rights community is grateful - and hopeful - and exceedingly worried. I used to think that human rights were akin to Sisyphus, who rolled a stone up a mountain each day, only to see it crash back into the valley each night. Perhaps in our day, we shall reach the top of the mountain. When the "mind forged manacles" are all removed, then we shall rejoice.