

## From Helsinki to Human Rights Watch: How an American Cold War Monitoring Group Became an International Human Rights Institution

On September 7, 2010, George Soros gave Human Rights Watch (HRW) a \$100 million grant, the largest in its history. “I’m afraid the United States has lost the moral high ground under the Bush administration, but the principles that Human Rights Watch promotes have not lost their universal applicability,” he said. “So to be more effective, I think the organization has to be seen as more international, less an American organization.”<sup>1</sup>

Today, it is taken for granted that HRW’s scope should be international and its principles universally applicable. It seems self-evident that an organization called Human Rights Watch should strive to monitor abuses wherever they occur and to enforce universal standards on a global scale. It is also understood that to be most effective (and least vulnerable to criticism), HRW should appear to reflect the universality of its principles. In its ideal form, it would operate outside the world of particular allegiances, origins, and ideologies; at the very least, it would embody a global cross-section of particular concerns.

Of course, such perfect impartiality and universal representativeness must always remain elusive. A headquarters in New York and a significant percentage of American donors and staff risk tying HRW’s moral standing to that of the U.S. government, as Soros pointed out. And the opening of each new office, the issuing of each new report, and the acceptance of each new donation may be construed as examples of particular biases that would undermine HRW’s declared universalism. But the prevailing assumption within the organization seems to be that time and money should help it approach its universalist ideal. A concerted effort to diversify and denationalize the organization’s staff, funding, and focus could eventually make defenders of rights almost as generic as the “humans” who have them, and the subjects of HRW’s advocacy nearly as varied as the species in general.

This expectation of the future is largely based on a particular perception of the past—one that imagines the history of Human Rights Watch as a steady progression toward a greater internationalization of the organization’s makeup and scope. In the words of Kenneth Roth, executive director of Human Rights Watch, “It was always understood that the aim would be to go global . . . it was just a matter of gradually building the organization and getting the funds.”<sup>2</sup> But while HRW’s expansion has been fairly steady, its evolution has been far from linear. The organization today is not a realization of an original objective, an approximation of a revealed truth, or the

overdue offspring of international law. It is the product of persistent attempts to define and redefine a mission and mandate, to seek legitimacy and demonstrate neutrality, to balance particular concerns with seemingly universal principles.

HRW was founded in 1978 as the U.S. Helsinki Watch Committee (HW), an organization modeled after a domestic human rights monitoring group formed by a collection of Moscow dissidents.<sup>3</sup> It was connected to a specific international agreement (the Helsinki Final Act), concerned with a particular group of victims (Eastern Bloc dissidents), and founded explicitly as a U.S. citizens' organization operating on American funds (a \$400,000 grant from the Ford Foundation). In what follows here, I will argue that HRW's current global mandate is the result of a gradual shift away from a model of legitimacy based on country-specific committees monitoring domestic compliance with international norms (aided, when necessary, by better-placed colleagues abroad) to one based on a supranational human rights regime. Throughout, the organization's connection to the United States has been both a challenge to overcome and a strength to build on. It is no accident that the U.S. Helsinki Watch Committee, alone of the various Helsinki monitoring groups, can now lay claim to international status.

In recent years, a great deal has been written about the Helsinki Act and its contribution to the collapse of the Soviet Union. William Korey, Daniel Thomas, Angela Romano, Christian Peterson, and Sarah Snyder have all made versions of this claim, although they differ in the relative influence they assign to the United States and the Soviet Union, to government officials and private citizens, to NGOs and the European Community.<sup>4</sup> My own focus will be a bit different. Instead of attempting to explain how Helsinki Watch may have influenced the Cold War, I will try to show how shifting historical circumstances and ideological commitments contributed to the creation of a modern human rights NGO.<sup>5</sup> This account may also serve to illustrate a phenomenon discussed more generally in Stephen Hopgood's latest book, *The Endtimes of Human Rights*, concerning the Americanization of human rights in the 1970s and the U.S. origins of the modern human rights regime.<sup>6</sup>

In this essay, I will briefly look at the signing of the Helsinki Act and the formation of the Moscow Helsinki Group before moving on to the founding of Helsinki Watch and its members' early attempts to reconcile the legitimizing framework they had borrowed from the Moscow Helsinki Group with their own organization's very different context and aims. I then examine HW's reaction to the election of Ronald Reagan and the subsequent formation of Americas Watch and the International Helsinki Federation. In the conclusion, I will look at how the collapse of the Soviet Union signaled the end of the original Helsinki Watch mandate, allowing the organization to conceive of itself as a global and international NGO atop a larger network of national human rights activists all over the world.

Because much of the HRW archive is not open to the public—access to the records of the meetings of the board of directors, the executive committee, and the various subcommittees is closed until 2055 and beyond—the research presented in this essay is preliminary. Nevertheless, the available archival documents, the organization's annual reports, and the memoirs of some of HRW's leading figures provide enough

material to begin outlining some of the broader shifts in the organization's understanding of its mission and mandate.

### **The Creation of the CSCE and the Birth of the Moscow Helsinki Group**

The Final Act of the Conference on Security and Cooperation in Europe (CSCE)—an international agreement promoting East-West cooperation—was signed by thirty-five states in Helsinki on August 1, 1975. The text established the inviolability of frontiers, territorial integrity, and nonintervention in internal affairs as basic principles of European security. But it also declared “the universal significance of human rights and fundamental freedoms” and required the “participating States” to “fulfill their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound.”<sup>7</sup> All thirty-five signatory states agreed to meet again two years later to review progress on the CSCE agenda.

The general consensus was that the USSR had scored a major diplomatic victory. It had achieved its goal of legitimizing its *de facto* control of Eastern Europe, while making human rights concessions no one expected it to honor. The Politburo triumphantly announced, “The all-European conference is the culmination of everything positive that has been done thus far on our continent to bring about the changeover from the ‘cold war’ to *détente* and the genuine implementation of the principles of peaceful coexistence.”<sup>8</sup> At the time, many in the West found the Soviet celebration to be justified. As American congressman Dante Fascell recalled in 1978, “When the long negotiations ended at the Helsinki summit, most Western observers thought and said that the Soviets had gotten the best of the bargain.”<sup>9</sup>

The Politburo was not alone in rejoicing, however. A small group of Soviet dissidents seized on the Final Act to advance their own cause. By the 1970s, a new tradition of legalistic dissent had grown in Moscow.<sup>10</sup> The idea was to treat the Soviet constitution as if it actually mattered and to hold the government to its own laws. When the full text of the Final Act appeared in the Soviet press (at the insistence of Guy Corriden, the American negotiator at Helsinki) the physicist Yuri Orlov sensed an opportunity to test this strategy in the international arena.<sup>11</sup> On May 12, 1976, Orlov, along with ten other prominent dissidents, arrived at the apartment of Andrei Sakharov, the celebrated physicist and dissident, to announce the formation of the Public Group to Promote Fulfillment of the Helsinki Accords in the USSR.<sup>12</sup> (Sakharov himself did not join the group, but his wife, Elena Bonner, did, as an indication of his support.) The Moscow Helsinki Group, as it came to be known, declared that it would “inform the heads of all of the states that signed the Final Act of August 1, 1975, as well as the public, of cases of direct violations of the [human rights] articles” of the Final Act.<sup>13</sup> By adopting the language of human rights, the Moscow Helsinki Group helped unite different dissident movements within the USSR and gave their cause greater resonance internationally. Over the next year, similar groups were established in Poland, Czechoslovakia, and the Soviet republics of Ukraine, Georgia, Lithuania, and Armenia.<sup>14</sup>

It did not take long for the Soviet dissidents' interpretation of “Helsinki” to find a champion in the U.S. government. Just a few days after President Ford signed the

Final Act, Representative Millicent Fenwick (R-NJ) arrived in the Soviet Union as a member of a congressional delegation for a United States–Soviet Union Inter-Parliamentary Exchange.<sup>15</sup> There she met Yuri Orlov, who told her that “the West should use the Helsinki Accords to pressure the Soviet government to honor its human rights obligations, and monitor how well it honored them.”<sup>16</sup> Fenwick was so impressed by Orlov’s arguments that she returned to Washington intent on creating a government commission to monitor compliance with the Final Act. Despite opposition from the Ford administration, which had always been skeptical of the value of the human rights provisions of the Final Act (Henry Kissinger said that they could be written “in Swahili for all I care”), the “U.S. Helsinki Commission” (as it came to be known) was established in the fall of 1976.<sup>17</sup>

The election of Jimmy Carter a few months later elevated human rights to the guiding principle of U.S. foreign policy and brought the administration’s full backing to the CSCE. In his inaugural address on January 20, 1977, Carter promised to restore a moral order based on America’s founding ideals. Those ideals, he claimed, were based on a respect for human rights: “Let our recent mistakes bring a resurgent commitment to the basic principles of our Nation.”<sup>18</sup> This new foreign policy position meant an increased commitment to the Helsinki process and, more specifically, to the first CSCE Review Conference, scheduled to open in Belgrade on October 4, 1977. In order to demonstrate the importance the new administration attached to the conference, Carter appointed Arthur Goldberg, a former Supreme Court justice, secretary of labor, and United Nations ambassador, as head of the U.S. delegation. Acting on instructions from the president and Congress, Goldberg was outspoken and aggressive during the negotiations, going so far as to break a longstanding diplomatic taboo and “name names” of repressed dissidents (a tactic many of the United States’ European Allies did not appreciate).<sup>19</sup> Though the Soviets refused to make any new commitments to human rights in Belgrade, they did agree to meet again in Madrid in November 1980, ensuring that the CSCE would remain an important fixture of East-West diplomacy.<sup>20</sup>

By the end of the 1970s, human rights had burst onto the international scene. They had been embraced by a U.S. government and public desperate to shake off the legacy of Watergate and Vietnam and to reimagine America’s mission abroad; they had been taken up by Soviet and Eastern European dissidents eager to bring foreign attention to their cause; and, in the CSCE, they had escaped the confines of the UN and emerged as a legitimate issue in East-West relations.

### **The Creation of Helsinki Watch**

Goldberg returned from Belgrade convinced that public pressure was needed to keep human rights on the CSCE agenda. He had included five “public members” in the U.S. delegation to Belgrade and firmly believed that private citizens should play an important role in the United States’ approach to Helsinki.<sup>21</sup> In testimony before the government Helsinki Commission, he expressed his hope that a citizens’ monitoring group would be established in the United States:

Private individuals have a lot to do, outside of government. It's a great anomaly to me that while in the Soviet Union, in Czechoslovakia, in Poland, under conditions of repression, private individuals have had the courage to organize private groups but that in our country individuals have not organized a monitoring group. I would hope they would, as an indication that individuals in our country, in addition to government, have a great interest in the implementation of the Final Act.<sup>22</sup>

Goldberg immediately set out to correct this "anomaly" himself. His first step was to contact McGeorge Bundy, the president of the Ford Foundation, who had served as national security advisor in the Kennedy administration when Goldberg was secretary of labor. Bundy proved receptive and suggested inviting Robert Bernstein, CEO of Random House and chairman of the Fund for Free Expression (a previous recipient of multiple Ford Foundation grants), to head the new monitoring group. Bernstein's position in the publishing world provided him with the sort of contacts that would help bring attention to the group's activities, while his efforts to combat Soviet censorship through the Fund for Free Expression had demonstrated his willingness to challenge Moscow.<sup>23</sup> Bernstein agreed to form the new monitoring committee and set about collecting collaborators. Among those whose help he enlisted were Jeri Laber, an expert on the Soviet Union who worked closely with him at the Fund for Free Expression; Orville Schell, former president of the New York Bar Association; Edward Kline, founder of Khronika Press, an outlet for Soviet *samizdat* that was partly funded by the Ford Foundation; and Aryeh Neier, former executive director of the ACLU. On July 6, 1978, the Ford Foundation awarded the Fund for Free Expression \$25,000 for a six-month planning period. In January 1979, it helped establish a U.S. Helsinki Watch Committee with a two-year, \$400,000 grant designed to carry it through the start of the Madrid Review Conference.<sup>24</sup>

The ultimate objective of the newly established Helsinki Watch was to apply pressure to the Soviet Union through the human rights provisions of the Final Act. As Alfred Friendly Jr., former deputy staff director of the U.S. government Helsinki Commission and member of a short-lived HW subcommittee (the Committee on Human Rights and Fundamental Freedoms), wrote to Donald Fraser, a former U.S. congressman and chairman of the same subcommittee, "The U.S. Watch would not exist . . . if it were not for dissatisfaction in America with the civil and human rights record of the USSR and some of its allies."<sup>25</sup> HW's purpose, as he put it (presumably quoting Fraser's original formulation), was to make "the other fellow 'look bad or do good.'"<sup>26</sup> In order to accomplish this objective, the organization would conduct its own research on potential violations, pressure the U.S. government to maintain its focus on "Helsinki," and contribute to a "consciousness-raising" effort both at home and abroad, "so that the U.S. delegation to Madrid may not feel as isolated in its human rights stand as did the U.S. delegation to Belgrade."<sup>27</sup>

But Helsinki Watch was not simply a private extension of the U.S. government's efforts to target the Soviet Union at the CSCE Review Conference. In its structure and designation it was a domestic monitoring group along the lines of those founded

in the USSR and Eastern Europe a few years earlier. According to HW's first two annual reports, "The U.S. Helsinki Watch Committee [was] both a culmination of Justice Goldberg's initiative and a response to the first published document issued by the Moscow Helsinki Watch Group which called for the formation of private monitoring committees in each of the Helsinki signatory states."<sup>28</sup> Robert Bernstein created HW in 1978 (two years after the Moscow Helsinki Group had issued its call) because Arthur Goldberg, the head of the U.S. delegation to Belgrade, had decided that private citizens had an important role to play in the United States' approach to Helsinki (and in its confrontation with the Soviet Union). But it was Yuri Orlov and his fellow dissidents who had turned Helsinki into the main battleground in the fight against the Soviet state and made citizens' monitoring committees an important weapon. In his letter to Fraser, Friendly addressed the unexpected legacy of the Final Act:

Since 1976—and especially in America—the Helsinki Accord has come to be seen as an innovative international commitment that Western concepts of human rights and civil liberties must and can figure prominently in the foundation of lasting peace. The obvious fact that the Soviet Union does not share this perception does not invalidate the view or its pursuit. The less obvious fact that the perception was initially popularized by East-bloc dissenters (the Soviet Helsinki watchers, first of all) provides citizens' groups in other countries a special role in the long process of making the concept a reality.<sup>29</sup>

In 1978–79, the precise nature of HW's "special role" was still unclear. Helsinki Watch took great pains to emphasize its connection to an existing network of Helsinki monitoring committees and to stress its commitment to the dissidents who had created it. According to the organization itself, HW had been founded as "a direct response to the appeal of the Moscow Helsinki Watch Group urging creation of such groups in other countries," as "a gesture of moral support for the activities of the beleaguered Helsinki monitors in the Soviet bloc," and as an indication of "respect for the work of the brave men and women who organized the first such group in Moscow in 1976 and those who carry on the work of promoting observance with the Accords in each of the signatory states."<sup>30</sup> But the precedent set by the Moscow Helsinki Group (and followed by each of the subsequently formed monitoring groups elsewhere in the USSR and Eastern Europe) presented certain difficulties for a U.S. Helsinki Watch. The Moscow Group formulated its purpose in patriotic and legalistic terms, officially designating itself the Public Group to Promote Fulfillment of the Helsinki Accords in the USSR. Although the group's actual purpose was to turn the Helsinki Act against the state by publicizing Soviet violations abroad, its founding fiction was that it sought to cooperate with its government in implementing Helsinki at home. The transparency of this fiction (and the inevitability of an aggressive state reaction) did not lessen the group's importance. By adopting the language of human rights and focusing on the text of the Final Act, the Moscow Group was appealing to theoretically universal norms the Soviet Union had publicly accepted and referring to an international agreement whose signing it had proclaimed a great triumph.

HW could follow this path only partway. By patterning their organization after the Helsinki monitoring committees in the USSR and Eastern Europe, HW's founders

sought to maintain the fiction created by the Moscow Helsinki Group. They would join a network of private citizens, now covering both East and West, whose stated purpose was to ensure government compliance with internationally accepted norms. In fact, one of HW's first serious undertakings was to organize a joint press conference with the Moscow Helsinki Group designed to demonstrate a unity of purpose.<sup>31</sup> But Orlov's fiction was not a perfect fit for the newly formed Helsinki Watch. By borrowing the form used to legitimize the activity of the existing Eastern Bloc Helsinki groups, HW left itself with an uncertain function. It was a citizens' group allied with its state, set up according to a model meant to justify opposition to the state. HW's status as a national monitoring committee, nominally analogous to its sister organizations in Eastern Europe and the USSR, conflicted with its goal of monitoring Helsinki compliance in the Eastern Bloc. This ambiguity of purpose is evident in a letter from David Heaps (then a consultant with the Ford Foundation) to Jeri Laber a few months after the organization's founding: "The issue of the geographical focus or foci of the program seems to be uncertain. What should be the balance or relative emphasis on conditions in the United States and in other signatory nations?"<sup>32</sup>

HW's founders struggled to come up with a consistent answer to this question. The U.S. Helsinki Watch, they decided, would seek "to monitor domestic and international compliance with the human rights provisions of the Helsinki Final Act."<sup>33</sup> It would attempt to fulfill its obligations as a national monitoring group while simultaneously pursuing its international objectives. But the "relative emphasis" on domestic and international compliance still had to be resolved, and both aspects of the organization's mixed mandate required justification. How would HW explain, both to itself and to the American public, the need for monitoring the country's compliance with the Final Act? And how would it engage in international monitoring without undermining its claim to be following in the footsteps of the Moscow Helsinki Group?

Some of HW's early contributors argued that the group's primary focus should be its domestic monitoring. By taking the Moscow Group's fiction seriously and reproducing it at home, HW could realize its international goals indirectly. It would show support for its sister groups in the USSR and Eastern Europe, while demonstrating how a citizens' monitoring committee could function in an open and democratic society. The contrast between HW's role in the United States and the repression of the Helsinki monitors in the Eastern Bloc would serve as an indirect indictment of the USSR and its Warsaw Pact allies. According to the group's original proposal to the Ford Foundation:

Soviet spokesmen are continually accusing the United States of meddling in the internal human rights problems of other countries while disregarding our own human rights abuses at home. A U.S. monitoring group such as the one we envisage would not only provide an outlet for discussion in this country but also help counter such arguments. It would illustrate to the world that a free society allows private groups to investigate, report and criticize shortcomings and that the members of such groups need not be afraid of punishment or recrimination.<sup>34</sup>

In his letter to Fraser, written nearly a year later, Friendly continued this line of argument, suggesting that HW should "work with a built-in dualism of purpose,

addressing U.S. compliance when its instincts dictate the pursuit of violation in the Soviet Union and East Europe.”<sup>35</sup> According to Friendly,

The enduring problem of the Watch is to reconcile its identity as an *American* citizens’ pressure group with its goal of promoting *international* compliance with standards Americans honor and others dispute. It must be seen to be doing a serious job on its own turf and not appear an adjunct of government in order to follow the example set by the Soviet Helsinki monitors. Remembering how gradual the whole process is bound to be, the Watch can nevertheless have an influence itself and show others how to do likewise.<sup>36</sup>

This approach put a premium on HW’s symbolic effect. If it was seen monitoring domestic compliance and appeared impartial, its influence could extend beyond the borders of the United States. Marvin Frankel, a member of HW’s board of directors, seemed to favor such a strategy. In his response to Friendly’s memorandum, he stressed that groups such as HW should “demonstrate that they have used Helsinki positively and show ways in which they have furthered Helsinki goals in their own countries.”<sup>37</sup>

This line of argument was evident in HW’s first two annual reports. Though members of Helsinki Watch may have privately believed that their goal was to promote compliance with “standards Americans honor and others dispute,” HW’s first two annual reports stated that “the internationally-sanctioned principles embodied in the Helsinki Accords [could] serve as significant standards for the improvement of the United States’ human rights record.”<sup>38</sup> By 1980, HW had collected reports on a variety of domestic issues, such as free speech, freedom of religion, racial discrimination, Native American rights, sex discrimination, visa and refugee policy, prisoners’ rights, mental health, and migratory labor, and was convincing enough in monitoring “its own turf” that it was forced to defend itself against accusations of trivializing Soviet violations. One commentator, Stephen Whitfield, even wrote in a letter to the *New York Times* that an American citizens’ group monitoring the country’s compliance with the Helsinki Act “must baffle Soviet dissidents and cheer their tormentors.”<sup>39</sup> A U.S. organization seemingly set up to perform the same functions as dissident monitoring groups in Eastern Europe suggested an equivalence that could be interpreted as counterproductive or unpatriotic.

Of course, HW’s founders did not believe in a real equivalence between the United States and the USSR. They were no less proud of America’s human rights record than those who were attacking them for monitoring it. As Laber recalled, “There was a feeling at that time that we were so superior, in terms of human rights compliance, to the Soviet Union and the other East European countries.”<sup>40</sup> But HW stressed the symbolic importance of demonstrating this superiority through domestic monitoring:

The commissioning of these reports in no way implied an equation between human rights practices in the United States and the egregious violations that exist in the USSR and certain Eastern European signatories. It was an affirmation of the tradition of independent political activism in the United States, of the Helsinki principle that citizens everywhere should “know and act upon their rights.”<sup>41</sup>



HW argued that the group's "very existence" would "emphasize the importance the [United States] attaches to Helsinki principles," and that "despite enormous disparities between human rights practices in the United States and in the USSR, the position taken by the Moscow Helsinki Group is equally valid for U.S. citizens: private citizens must assume responsibility for safeguarding their own rights."<sup>42</sup>

In its first year, Helsinki Watch worked hard to demonstrate that the Moscow Group's position was "equally valid" in the United States, but its members' main focus was safeguarding others' rights, not their own. As Aryeh Neier writes in his memoir, "[Bob Bernstein's] purpose in establishing Helsinki Watch was to protest repression against dissenters in the Soviet Union" (and, by extension, elsewhere in the Eastern Bloc).<sup>43</sup> With the exception of Neier, most of HW's founders shared a connection to the USSR. Jeri Laber had studied at the Russian Institute at Columbia and had worked as the foreign editor of the *Current Digest of the Soviet Press*; Orville Schell's human rights consciousness "had been raised when he visited the Soviet Union on behalf of the Union of Councils for Soviet Jews"; and Edward Kline had "for many years funded the publication of Soviet samizdat in English translation."<sup>44</sup> The fact that they had explicitly based their watch committee on the Moscow Helsinki Group's model led them to stress the importance of HW's domestic efforts, but their longstanding interest in the fate of the Moscow Group's creators compelled them to devote ever more energy to HW's international monitoring. In fact, David Fishlow, HW's first executive director and a former colleague of Neier's at the ACLU, was forced out after only four months on the job, once it became clear that his civil rights background and domestic focus would conflict with the organization's international objectives.<sup>45</sup> In HW's second annual report, the section titled "Domestic Compliance" was listed after "The USSR and Eastern Europe" and occupied one third of the space, although the passages about the applicability of the Moscow model in the United States and the symbolic importance of domestic monitoring remained.<sup>46</sup>

In a *New York Times* op-ed, published on March 7, 1979, Bernstein and Schell argued that the group's domestic reports justified its foreign focus: "We will monitor U.S. compliance, in the belief that by holding ourselves accountable in an open and forthright manner we earn the right to hold others accountable as well."<sup>47</sup> But the exact extent of the "others" covered by this right was an issue the early HW had yet to definitively resolve. From the start, the language of human rights implied a potentially global scope. In addressing the Democratic Platform Committee as a representative of Helsinki Watch in 1980, Goldberg claimed that "what we all share is a faithful commitment to human rights both in this country and throughout the world."<sup>48</sup> But while this may have been true of HW's individual members, many of whom had contributed to Amnesty International and other human rights groups since the early 1970s, it could not describe the activity of the organization itself, which was bound by the text of the Helsinki Final Act and the framework of the CSCE review conferences.<sup>49</sup>

In the same op-ed, Bernstein and Schell identified the scope of HW's mandate with the geographical limits of the Helsinki Accords: "The purpose of our committee . . . is to document and publicize violations in *all* the countries that signed the Helsinki accords," and in an early internal report, Edward Kline listed examples of

alleged Helsinki violations for HW to consider from all over Europe and North America, ranging from the “imprisonment and extrajudicial persecution of Charter 77 signatories in Czechoslovakia” to “British treatment of political detainees in Ulster”; from the “denial of the right of emigration of Germans, Jews and others in the USSR” to “censorship in Spain.”<sup>50</sup> But, in the end, Helsinki Watch had neither the resources nor the inclination to monitor all thirty-five signatory states. Moreover, a U.S. watch committee that claimed the right to monitor Helsinki compliance everywhere undermined the ideal of a network of national committees, each made up of private citizens assuming responsibility for safeguarding their own rights.

It was the collapse of this network, inasmuch as it ever existed, that formed the basis for perhaps the most successful of HW’s justifications for its international monitoring. Helsinki Watch derived a great part of its legitimacy from its connection to a larger citizens’ movement and in its early months made plans to cooperate with other Helsinki monitoring groups in a joint pursuit of shared objectives. In a letter announcing its formation to existing Helsinki monitoring committees in the USSR and Eastern Europe, HW declared its intention to “monitor implementation of the Final Act both in the United States and, by working with other citizens’ groups, in other countries which have signed the Accords.”<sup>51</sup> But by 1979, many of the original Helsinki monitors had been imprisoned or exiled.<sup>52</sup> Instead of cooperating with colleagues abroad, HW spent most of its time defending them (of the nine subsections under the heading “Eastern Europe and the USSR” in HW’s first annual report, eight dealt directly with the repression of Eastern Bloc dissidents). Helsinki Watch justified this approach by appealing to the Helsinki “right of the individual to know and act upon his rights.”<sup>53</sup> Where Helsinki monitors were prevented from acting on their rights, HW would act on their behalf. The organization’s mission was thus formulated as the “process of monitoring U.S. compliance with the human rights provisions of the Helsinki Accords and of monitoring the freedom of others to do the same in their own countries.”<sup>54</sup> Arthur Goldberg emphasized the special relationship between HW and the Eastern Bloc dissidents in his 1980 testimony to the Democratic Platform Committee:

The U.S. Helsinki Watch Committee feels a special responsibility toward its counterparts in the Eastern bloc signatory states: the members of the various Helsinki Watch Groups in the Soviet Union, Charter 77 in Czechoslovakia, KOR in Poland, and others. So many of them today are in prison, labor camp, and exile for meeting and speaking out on human rights issues, activities we take for granted. The fate of these individuals and of the principles they espouse are secure only to the extent to which we—American citizens and the American government—speak up for them and reassert their right to “know and act” upon their rights.<sup>55</sup>

In its first few years, Helsinki Watch faced numerous financial, administrative, and organizational problems that it had to address if it hoped to remain relevant, even in the short term. But these obstacles were not simply a collection of hurdles to overcome on the way to a predetermined finish line. Questions of legitimacy,

mandate, and mission had to be (at least partially) resolved before it could be determined in which direction the race was to be run. And the precise orientation of the early HW was far from clear. On the one hand, it was a paternalist attempt, in close alliance with the U.S. government, to “speak up” for the victims of communist oppression in the name of the human rights that Americans took “for granted” and identified with their own country’s founding ideals. On the other, it was a reaction to the model established by the founding fathers of the Helsinki movement in Moscow—a source of legitimacy that did not translate smoothly to the American context. HW’s attempts to navigate these tensions did much to determine the direction of its initial evolution. Its further growth would depend on how it reinterpreted its role in the face of changing geopolitical circumstances.

### **From Carter to Reagan: Helsinki Watch Transformed**

During Jimmy Carter’s presidency, a general alliance between Helsinki Watch and the U.S. government (“we—American citizens and the American government”) was assumed. In his inaugural address Carter proclaimed that the United States’ “commitment to human rights must be absolute.”<sup>56</sup> In doing so, he identified American interests with what, in theory at least, were universally accepted values. The United States would stand not for a particular ideology or system of government, but for the global good: “We will fight our wars against poverty, ignorance, and injustice—for those are the enemies against which our forces can be honorably marshaled.”<sup>57</sup> The USSR, America’s geopolitical antagonist, was never mentioned. The closest Carter came to expressing the United States’ Cold War allegiances was to say that “our moral sense dictates a clear-cut preference for these societies which share with us an abiding respect for individual human rights.”<sup>58</sup> Defined in this way, America’s preferences were no different from those publicly professed by the USSR, which, in signing the Final Act, had recognized “the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among . . . all States.”<sup>59</sup>

For Carter, however, this apparent agreement did not imply a moral equivalence between the United States and the USSR. The fact that human rights held “universal significance” did not mean that they were respected everywhere in equal measure, or that some were not more qualified to promote them than others. Human rights, though theoretically universal, were at the same time essentially American, and it was the responsibility of the United States to promote them worldwide: “there can be no nobler nor more ambitious task for America to undertake on this day of a new beginning than to help shape a just and peaceful world that is truly humane.”<sup>60</sup> But because Carter expressed America’s task in terms of universal human rights, the Cold War divide could be bridged by the illusion of common ground. At least on paper, the United States and the USSR subscribed to some of the same basic principles. It just so happened that America’s particular political tradition made it better suited to abide by them.

Helsinki Watch was designed to function within this ideological framework. It proceeded from the premise that human rights were universally accepted and that the

Helsinki principles applied equally to all the signatory states. This presumption of shared values was key to HW's image of impartiality. Though its mandate was ultimately quite different from that of the Moscow Helsinki Group, HW emphasized the bond between the two organizations. It was important to show that citizens from the United States and the USSR were motivated by the same basic concerns. The fact that these concerns mostly mirrored U.S. government policy was not perceived as a major problem. HW would follow the Moscow precedent by monitoring domestic compliance with the Final Act (or at least appearing to do so), but ultimately HW thought of the government as an ally, not as an antagonist. It was taken for granted that the promotion of human rights was in the interest of the United States—of “American citizens and the American government” alike. As Carter said in his inaugural address, it was America’s “special obligation to take on those moral duties which, when assumed, seem invariably to be in [its] own best interests.”<sup>61</sup> As Jeri Laber recalls, “We were creating a ‘new’ ideology from precepts we believed had long been forgotten—a belief in the essential dignity of the human being, as defined in our own country’s founding documents.”<sup>62</sup>

The election of Ronald Reagan put an abrupt end to the alliance between Helsinki Watch and the U.S. government. When he entered office in January 1981, Reagan immediately redefined the terms of the Cold War. As Laber recalls, “‘Democracy’ became the key word in Reagan’s rhetoric, intended to replace ‘human rights.’”<sup>63</sup> Reagan’s America would stand for a particular political system, not a universal morality derived from a presumed global consensus. Reagan thus rejected any notion of a Cold War common ground based on shared values. The Soviet Union, he claimed, followed a separate set of principles dictated by the logic of communism: “as good Marxist-Leninists, the Soviet leaders have openly and publicly declared that the only morality they recognize is that which will further their cause, which is world revolution.”<sup>64</sup> In Reagan’s rhetoric, the Soviets were not hypocrites, failing to live up to global human rights standards, but principled (and “evil”) opponents, single-mindedly pursuing their communist objectives. American values may have expressed a universal truth, but they were not universally shared or understood.

This reformulation of U.S. policy undermined the model of legitimacy that HW had adapted from the Moscow Helsinki Group. Yuri Orlov and his companions had seized on the Helsinki human rights provisions as a means of universalizing their own (and their compatriots’) particular struggles, defining the wrongs that they had suffered in a way that theoretically placed them under international (read Western) jurisdiction. Bernstein and company responded to this appeal by aiming the same instrument in the opposite direction, using Helsinki and human rights to descend from universal values to particular victims (though this reversal required a number of awkward recalibrations). Reagan’s election and renewed emphasis on the Cold War divide threatened to rupture this relationship. The organization’s reaction to the sudden vulnerability of its universalist justifications was to demonstrate that they were, in fact, its guiding principles. If before, human rights had been a weapon in the defense of the Eastern European dissidents, they would now become a *casus belli* in their own right. And Reagan, for attempting to redefine the terms of the struggle, would become the organization’s key opponent.

In order to defend its legitimacy and prove the authenticity of its principles, HW decided to launch an attack on the Reagan administration's strategic alliances with right-wing governments in Latin America. Since American aid had been legally tied to human rights performance, Reagan was forced to deny or underreport abuses committed by these regimes. By drawing attention to such misrepresentations, the organization could demonstrate its Cold War neutrality and achieve a balance its domestic Helsinki monitoring could never provide. To do this, the organization's board established an Americas Watch (AW) as a complement to the original Helsinki Watch, "to promote human rights throughout the Americas" and protest against Washington's foreign policy.<sup>65</sup> As Jeri Laber recalled, "I liked the idea of enlarging our scope to the non-Communist world: It would underscore the fact that we were neither right nor left in our orientation but solely concerned with protesting human rights abuses—wherever they occurred."<sup>66</sup> In its first annual report, Americas Watch explained its formation as an attempt to demonstrate the evenhandedness of its approach in response to Reagan's foreign policy:

[The policy of the Reagan administration] caused the Helsinki Watch—an organization that focuses primarily on abuses of human rights in countries labeled hostile and totalitarian—to take steps to ensure that its own work should not be seen to be merely a tactic for belaboring the Soviet Union and its allies. That perception would not be helpful to human rights activists in those countries. Abuses of human rights must be opposed equally and evenhandedly, in the view of the Helsinki Watch, whether committed by nations that are hostile, neutral or friendly or by governments that are totalitarian, authoritarian or democratic. To practice what it preaches, the Helsinki Watch organized the Americas Watch as a Committee of the Fund for Free Expression. The Fund is also the parent of the Helsinki Watch.<sup>67</sup>

In order to deal with a world divided in two, HW's leaders created a two-part organization. AW would monitor human rights violations in authoritarian countries allied with the United States, while HW continued to monitor the totalitarian states of the CSCE. Helsinki Watch would retain its original mandate, but the organization as a whole would stand for human rights beyond Helsinki.<sup>68</sup>

This shift away from the Helsinki process toward a broader human rights mandate was largely driven by Aryeh Neier. Neier had been involved with Helsinki Watch since its founding and was a member of HW's Executive Committee, but it was only after Reagan's election that he came to work at the organization full time. Unlike most of the other founding members of Helsinki Watch, Neier had no prior connection to Eastern Europe and the dissident movement. As the former executive director of the ACLU, he was more comfortable protesting the actions of his own government than the Helsinki violations of the USSR and its allies. The establishment of Americas Watch, aided by his existing contacts in the Latin American human rights movement, struck him as a natural response to the Reagan administration's Cold War policies:

Adding a focus on Latin America seemed obvious to us at the time. It was the region where the new administration seemed intent on demonstrating that its

stand on human rights would differ sharply from the outgoing Carter administration's policies. If we wanted to have an impact on human rights policy, we had to establish a capacity to work on Latin America.<sup>69</sup>

The organization's geographical expansion was eventually followed by a parallel expansion in its definition of human rights. In the early 1980s, civil wars were being fought between U.S.-backed military governments and leftist rebel groups in El Salvador and Guatemala, and between the leftist Sandinista government and the U.S.-backed right-wing Contras in Nicaragua—three countries covered by the newly established Americas Watch. But human rights, as defined in international documents such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, provided no basis for monitoring these conflicts. At the time, humanitarian law, which encompassed the Geneva and Hague Conventions and governed military conduct (the “laws of war”), formed a tradition distinct from human rights and had given rise to its own private organizations, most notably the International Committee of the Red Cross. In an effort to provide legal justification for AW's monitoring in Central America, Neier decided to incorporate humanitarian law into the organization's mandate:

The declarations, agreements, and treaties that make up international human rights law and that are the standards relied upon by Amnesty International and all other groups that monitor human rights do not provide grounds for assessing many of the most abusive practices in military conflicts. I wanted a basis in international law to denounce indiscriminate attacks on civilian populations, disproportionate bombardments of population centers, forced displacement, and a host of other means by which the opposing sides in the wars then under way in El Salvador, Guatemala, and Nicaragua sought to prevail.<sup>70</sup>

An added emphasis on humanitarian law allowed AW to assess the “abusive practices” of the Central American civil wars. It also allowed AW to hold nonstate actors (who were not subject to international human rights law) to the same standard as governments. By expanding its definition of human rights to include humanitarian law, AW was able to justify monitoring rebel groups as well as governments. This allowed Americas Watch to pursue the twin objectives that had prompted its creation: to demonstrate that it favored neither the “left” nor the “right” and to provide ammunition for the organization's campaign against Reagan's human rights policies (an effort greatly aided by AW's ability to monitor the U.S.-backed Contras).

While AW monitored the civil wars in Central America, it was engaged in a conflict of its own in the United States. According to Neier, “Washington was the principal battleground for the newly established Americas Watch.”<sup>71</sup> AW devoted much of its time to lobbying the U.S. government and eventually opened a permanent office in Washington, DC. It used information gathered through its monitoring work to challenge the Reagan administration's policy of supporting right-wing governments and rebel groups in Central and South America. AW's reports, by themselves, had little effect on the human rights situation in the countries they covered, but the organization's relentless shaming of the Reagan administration prompted the U.S.

government to apply some pressure of its own.<sup>72</sup> Although AW could not hope to influence the Reagan administration's choice of which governments to support, it could have some effect on what behavior the United States demanded in return. According to Neier:

Human Rights Watch's rise to international eminence derived in part from its role as an organization based in the United States that exercised influence over U.S. policy. We exploited the power of the United States around the world to promote our own agenda. What made our efforts effective was our insistence on holding the United States accountable for abuses by governments of other countries that held power because of U.S. support. Though U.S. officials were not the authors of those abuses, in circumstances where the United States acted as an apologist for torture, disappearances, or murder, we treated our government, as noted, as a "surrogate villain."<sup>73</sup>

For the watch committees, the U.S. government proved far more useful as an antagonist than as an ally. Helsinki Watch could attempt to demonstrate "that individuals in [the United States], in addition to government, have a great interest in the implementation of the Final Act," but the organization had little discernible influence on the Soviet government and could only hope to fine-tune a Washington policy that, in essence, it already shared. Americas Watch, on the other hand, could potentially wield much greater power by providing a principled and persistent lobby against Reagan's foreign policy. By transcending Helsinki, the organization was finally able to become an effective monitoring committee domestically (though in a way that differed from the Moscow model).

In breaking from Helsinki and focusing on its own government's human rights policies, Americas Watch was able to effect immediate change in a way that its senior sibling could not. While AW waged its war against Reagan, Helsinki Watch persisted in its steady contest with the Soviet Union. It continued to issue reports on Helsinki compliance (both domestically and in Eastern Europe and the USSR) and kept a spotlight on the fate of the Eastern Bloc dissidents and imprisoned Helsinki monitors. But by 1982, the Second CSCE Follow-up Meeting in Madrid had been in session for two years without producing a concluding document. As HW noted in its third annual report, "To many it seems as if the Madrid conference may become a permanent institution."<sup>74</sup> At times, Jeri Laber worried "that Helsinki Watch would be eclipsed by its new sister."<sup>75</sup> She recalls that HW's members "were getting tired of hearing the same old unchanging stories of Soviet repression."<sup>76</sup> The same seemed true of the Soviets themselves. HW's anticommunist credentials had proven useful in AW's confrontation with Reagan, but the establishment of Americas Watch had done little to improve HW's standing vis-à-vis the Soviet Union.<sup>77</sup> The organization's New York address left it vulnerable to accusations of bias, regardless of the left-right balance displayed by its two watch committees.

In an attempt to minimize HW's American profile and to re-energize the Helsinki side of the organization's operations, Neier resurrected the idea of an international network of Helsinki monitoring committees. This time, Western European human rights groups would take the place of their Eastern European predecessors. Laber

recalls Neier's initial suggestion: "I think we should form an association with groups in Western Europe, in countries that have more leverage with the USSR than the United States now has. We should find out what groups are in existence and want to work with us. Where they don't exist, we should create them."<sup>78</sup> Between February and June 1982, Neier and Laber crisscrossed Western Europe in search of potential members for the proposed umbrella organization.<sup>79</sup> When the International Helsinki Federation for Human Rights (IHF) was finally established on September 9, 1982, it comprised a total of eight national committees, representing Austria, Belgium, Canada, France, the Netherlands, Norway, Sweden, and the United States.<sup>80</sup> HW's recruitment efforts were not entirely successful, however. As Laber writes, "There were now eight national groups in the West, on paper at least. Four of them were merely one-person operations, but we didn't advertise that fact."<sup>81</sup>

In its 1982 annual report, HW claimed that "while the U.S. Helsinki Watch Committee has acted as a catalyst in this project, it has not imposed its own model upon the other groups."<sup>82</sup> This point needed to be emphasized because the national committees were supposed to be acting in accordance with the Helsinki spirit, not American values. IHF's official mandate, however, corresponded closely to HW's own. Press releases announcing the formation of the IHF stated that the committees would "have a broad mandate enabling them to investigate violations within their own countries and elsewhere," and that the IHF's purpose was "above all to demand that citizens monitoring compliance with the Helsinki agreement must be freed from prison if the Helsinki process is to continue meaningfully."<sup>83</sup>

The IHF was an attempt to legitimize Helsinki Watch by creating Western European groups that could function as allies within a network of national Helsinki citizens' committees. Helsinki Watch could not be accused of spreading American values if its aims were shared by the French, Belgians, and others. According to HW's 1982 annual report, the IHF would "demonstrate that concern for human rights is neither ephemeral nor a peculiarity of the United States and will reaffirm the faith of those in Eastern Europe whose lives are now being spent in prison and exile because they attempted to defend Helsinki principles."<sup>84</sup> And since, in its founding document, the Moscow Helsinki Group had called on the citizens of the other signatory states to form their own monitoring committees and expressed a hope that "in the future, an appropriate international committee [would be] formed," the IHF could be framed as a response to the Moscow group's original call.<sup>85</sup>

The IHF established an International Secretariat in Vienna and acquired its own staff and executive director, but it was permanently underfunded and never became fully independent of HW. Though it theoretically stood above HW, it often looked to New York for leadership, especially in its early years. According to Jeri Laber,

The Vienna staff lacked experience and needed guidance on a daily basis. They turned to me, across the ocean, for advice. I found myself spending many hours on the phone with Vienna—helping to compile mailing lists, editing newsletters, planning meetings, drafting agendas, providing background materials, and, all too often, settling tearful disputes. The staff even asked *me* for permission to close the office on an Austrian national holiday.<sup>86</sup>



The IHF eventually acquired a bit more independence and transformed itself into an effective European human rights instrument in later years, but it never fully subsumed HW into its federation of equal national committees (and was officially declared bankrupt in 2007, after its financial manager “confessed to having embezzled a large amount of money over several years”).<sup>87</sup> In the end, it was the various U.S. watch committees, not the different national Helsinki committees, that would come together to form one of the world’s premier international human rights NGOs.

Of HW’s two responses to Reagan’s revolution in foreign policy, one proved far more productive than the other. The attempt, on the Helsinki side, to demonstrate the group’s impartiality by placing it within a larger international movement was only slightly more successful than similar efforts at the time of the organization’s founding. The Helsinki monitoring model did a poor job of distinguishing between national movements that invited foreign interference and those that primarily sought to provide it. It also failed to account for the national committees’ varying ability to influence great-power behavior. The creation of Americas Watch, on the other hand, signaled the start of a far more successful long-term strategy. By extending its mandate beyond Helsinki, the organization transformed its American connection from a potential limit on its international ambitions into the foundation of its future growth. By focusing on the human rights violations of America’s allies, as opposed to the Helsinki violations of its Cold War enemies, AW was able to shift the organization’s attentions from Moscow to Washington, DC, where it had a much easier time influencing policy. And since AW did not derive its legitimacy from membership in an international network, it was not held back by the need to feign equality with other monitoring committees.

Another consequence of establishing Americas Watch was to set the organization on a path of limitless expansion. By separating human rights from the Helsinki framework, it cut the tether that had previously limited its scope. Instead of adapting its model of legitimacy to justify its interest in the fates of specific individuals, the organization began to choose its subjects to fit the principles it professed. In order to demonstrate its impartiality, the organization expanded its geographical coverage and legal base to include abuses committed by the left and right, during war and peace, by government and rebel forces. Since there were no natural boundaries to contain this search for balance, the organization’s scope continued to grow. According to Laber, “Once Americas Watch became established, it just seemed natural to try to go on and deal with other parts of the world as well.”<sup>88</sup> The organization as a whole had come to stand for human rights in general, and by the end of the 1980s, it covered the entire globe. As Neier writes, “We established Asia Watch in 1985, Africa Watch in 1988, and the last of the regional Watch Committees, Middle East Watch, in 1989. With that, there were no longer any geographical limits on our capacity, so we started using the name Human Rights Watch to establish our identity as an organization with global reach.”<sup>89</sup>

### **The Abandonment of the Helsinki Monitoring Model**

By the late 1980s, Human Rights Watch had become a global organization dedicated to defending human rights around the world, but its mandate was not uniform. The

regional committee responsible for Europe remained peculiar. Helsinki Watch, as it was still called, retained a number of commitments that the other watch committees, established according to a simplified version of its mandate, did not have. Its geographical scope was defined by the extent of the Final Act; its activities continued to revolve around the CSCE review conferences; and its relationship to the Eastern European dissidents, and the Moscow Helsinki Group in particular, remained central to its self-perception. HW's 1988 annual report (and nearly all those that had preceded it) emphasized the organization's connection to the Moscow group and the importance of the precedent it had set: "We were following in the footsteps of the pioneer group of Moscow Helsinki monitors that included Elena Bonner Sakharov, Natan Sharansky, Yuri Orlov, Ludmilla Alexeyeva, Anatoly Marchenko and Sergei Kovalyov."<sup>90</sup> But the Moscow Helsinki Group was much more than a template for the U.S. watch committee. The individuals listed, as well as their counterparts in other Eastern European countries, such as Vaclav Havel and Adam Michnik, acquired a special aura of their own. Their names were recited endlessly, both as the Helsinki movement's pioneers and as its principal martyrs. They were the focus of HW's work and the justification for its international monitoring. By the end of the 1980s, the organization's mandate may have grown to encompass all humans, but HRW's Helsinki Watch division continued to feel "a special responsibility toward its counterparts in the Eastern bloc signatory states."

The collapse of the Soviet Union and the end of the Cold War transformed this relationship. The organization's original antagonist had fallen, and the dissidents who had inspired HW's formation had escaped repression and, in some cases, entered the new governments. Rachel Denber, who had recently been hired as the first director of HRW's Moscow office, thought "for about thirty seconds, that maybe everything was on the right course in Russia and there wouldn't be a need for our kind of work."<sup>91</sup> But HW's job was not yet finished. As it turned out, former dissidents were fallible and fledgling democracies were fragile. An HW document from 1992 bemoans the loss of old allies: "Many of the dissidents with whom we formerly worked have gone into the new governments. Some have turned out to have views antithetical to our concept of human rights. Almost no one is truly impartial."<sup>92</sup> And the new governments, having corrupted the old dissidents, were themselves in danger of destruction. According to the 1989 annual report,

In much of Eastern Europe there has been little or no experience with democracy. The new governments are fragile, sometimes compromised, and generally inexperienced. The security police may be operating secretly, autonomously. The possibility of a coup or a military takeover is always present. Beset by economic and social problems of great magnitude, by the resurgence of long-suppressed ethnic hostilities and yearnings for independence, there is a danger that even those governments with the best of intentions may succumb to pressures beyond their control.<sup>93</sup>

The Soviet Union may have collapsed, but HW still had a role to play in assisting the "new and needy independent states that to one extent or another want our blessings and approval as they reaffirm their own uniqueness."<sup>94</sup> HRW's 1989 annual report

pledged that “as before, Helsinki Watch will be there—to observe, to report and to help. The struggle for human rights in Eastern Europe is far from over. To the contrary, it is just beginning.”<sup>95</sup> It was, however, still supposed to have an end. An HW grant proposal from 1992 stated that “by training human rights monitors and defenders throughout the region, Helsinki Watch will be contributing to the development of civil society as well as seeking to establish a system of citizen enforcement that is intended to ensure that rights spelled out in newly adopted constitutions are meaningful.”<sup>96</sup> HW’s mission would end as soon as it had helped produce an independent domestic human rights movement: “We would not attempt to organize these groups into any formal federation. Nor do we see our role as permanent. This will be a limited project: as the local activists develop expertise, they will take over the training sessions and we will withdraw. Our plan is to operate over a three-to-five-year period after which our work will be continued by the people we have trained.”<sup>97</sup>

This approach followed the logic dictated by the original Helsinki interpretation of the organization’s mandate. External interference had to be justified within a framework that presupposed the primacy of national rights defenders. Ideally, human rights would be guaranteed by civil rights, and all states would become like the United States. HW’s mission in Eastern Europe, then, would be to help create stable and self-sufficient democracies according to the American model. In the foreword to the 1989 annual report, Bernstein wrote,

That is why this is such an important moment for human rights in the United States. We Americans are proud of our institutions—our hospitals, our universities, our museums, our cultural groups—and we are generous in supporting them. But somehow we do not realize that our greatest institution is our ideas, the human rights ideas embedded in our constitution, and that this is the moment when we must persuade others to devise ways to protect ideas in their own societies.<sup>98</sup>

From the first year of its existence, Helsinki Watch had been guided by the principle that citizens of certain states were justified in intervening in the affairs of others in the name of higher values they were all supposed to share. “The human rights embedded in [the American] constitution” gave HW reason to defend Eastern Europe’s dissidents and train its would-be activists. Implicit in this logic was the idea that international human rights work was necessitated by specific conditions—that it had a center and a periphery, an agent and a patient, a beginning and an end. In other words, HW’s limited international scope was supposed to be the temporary product of particular political and historical circumstances.

In its 1990 World Report, HRW announced that it would cease reporting on Czechoslovakia, Hungary, and Poland because “by and large we consider that they have changed to a point where domestic efforts to protect human rights no longer require support through the sustained external campaigns that are our *modus operandi*.”<sup>99</sup> But by 1993 HRW had resumed work in the Czech Republic, Slovakia, and Hungary, and no similar announcements of domestic self-sufficiency were made elsewhere. The organization’s scope had become global and its mission had become open-ended. In this context, the monitors it trained in Eastern Europe were simply a

necessary component of an international human rights movement that the organization itself would oversee. Though only a few would work directly for HRW, the rest would fulfill a vital role in the organization's efforts to monitor human rights worldwide: "Because our work depends on the existence of reliable human rights sources within each country, we have been forced to seek out, encourage and train new people who have the potential of becoming human rights monitors within their countries."<sup>100</sup>

In the aftermath of the Soviet Union's collapse, the organization's self-perception was still shaped, to some extent, by the logic of the Helsinki framework of national monitoring committees. As the years passed, however, the importance of this model declined, and the organization embraced a more universalist mandate. Nevertheless, echoes of a previous perspective persisted. As recently as 2009, Robert Bernstein wrote an op-ed in the *New York Times* that publicly condemned the organization he had founded for abandoning its "original mission" and disregarding the distinction between open and closed societies:

As the founder of Human Rights Watch, its active chairman for 20 years and now founding chairman emeritus, I must do something that I never anticipated: I must publicly join the group's critics. Human Rights Watch had as its original mission to pry open closed societies, advocate basic freedoms and support dissenters. But recently it has been issuing reports on the Israeli-Arab conflict that are helping those who wish to turn Israel into a pariah state.

At Human Rights Watch, we always recognized that open, democratic societies have faults and commit abuses. But we saw that they have the ability to correct them—through vigorous public debate, an adversarial press and many other mechanisms that encourage reform.

That is why we sought to draw a sharp line between the democratic and nondemocratic worlds, in an effort to create clarity in human rights. We wanted to prevent the Soviet Union and its followers from playing a moral equivalence game with the West and to encourage liberalization by drawing attention to dissidents like Andrei Sakharov, Natan Sharansky and those in the Soviet gulag—and the millions in China's laogai, or labor camps.

When I stepped aside in 1998, Human Rights Watch was active in 70 countries, most of them closed societies. Now the organization, with increasing frequency, casts aside its important distinction between open and closed societies.

Nowhere is this more evident than in its work in the Middle East. The region is populated by authoritarian regimes with appalling human rights records. Yet in recent years Human Rights Watch has written far more condemnations of Israel for violations of international law than of any other country in the region.<sup>101</sup>

Bernstein's distinction between "open" and "closed" societies reflected an "original mission" that had, by that time, lost much of its relevance. For an organization that had come to stand for human rights in general, any attempt to limit its purview was potentially problematic. From the moment the organization decided to respond to Reagan's particularism by seeking to prove the universality of its own principles, it headed down a path of continually expanding the scope of its monitoring activities.

It started documenting abuses committed by “the right” in order to balance its monitoring of “the left”; it added humanitarian law to traditional human rights law; it began issuing reports on “open” societies despite Bernstein’s concerns and expanded its mandate to include social and cultural rights over Neier’s objections.<sup>102</sup> In these cases and others, strategic, moral, and legal arguments could be made for and against an expansion of the organization’s monitoring scope. But the fact that HRW’s main focus had become the protection of universal human rights, as opposed to the defense of a particular subset of humans, clearly favored one path over the other in the long run.

HRW’s evolving mandate affected its relationship with its American base. The organization was founded explicitly as an American Helsinki Watch made up of “U.S. opinion leaders.”<sup>103</sup> Because they came from an “open society” known for its “tradition of independent political activism,” they were justified in supporting their colleagues in countries “where independent civil rights groups [were] suppressed and remedies [were] seldom available.”<sup>104</sup> The subsequent establishment of Americas Watch lessened the importance of the national committee model, but the organization’s relationship to the U.S. government was central to its growing influence. AW was an American organization that benefited from conflict with a superpower whose fundamental values it shared: its fight against Reagan served to raise its profile, allowed it to demonstrate Cold War neutrality, and provided it with a degree of foreign policy leverage.

After the collapse of the Soviet Union, the organization contributed significantly to the institutionalization of a worldwide human rights regime. But this period of promise soon faded as the states responsible for the implementation of this system began to pull their support, the United States foremost among them. Just as HRW was trying to transcend its American connection in favor of a truly transnational position, the American origins that had made its growth possible became a source of vulnerability. Given time and money, HRW may overcome this difficulty. The organization has worked hard to diversify its funding and membership and does a careful job of grounding its work in international law. But the challenges implicit in the organization’s original bifurcation remain. What will it take for HRW “to be seen as more international, less an American organization”? And what are the ultimate consequences of transforming the pursuit of impartiality and universality into an end in its own right?

## NOTES

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1. Stephanie Strom, “George Soros to Donate \$100 Million to Human Rights Watch,” *New York Times*, September 7, 2010. HRW’s critics seem to agree with its most important supporter. In a May 12, 2014 open letter to HRW’s executive director, the Nobel Peace Prize Laureates Adolfo Pérez Esquivel and Mairead Maguire, along with more than one hundred others, charged the organization with maintaining “close ties to the U.S. government” that “call into question its

independence.” They did not, however, question HRW’s internationalist mandate or the universal applicability of its principles. Champions and critics of HRW may differ in their evaluation of its current moral standing and effectiveness, but their understanding of its goals seems to be more or less the same.

2. Kenneth Roth, in discussion with the author, August 11, 2010.

3. The Fund for Free Expression, HW’s parent organization, received a six-month, \$25,000 planning period grant from the Ford Foundation in July 1978, followed by a two-year, \$400,000 grant in January 1979. For a more detailed discussion of the Ford Foundation’s involvement in the founding of Helsinki Watch, see William Korey, *Taking on the World’s Repressive Regimes: The Ford Foundation’s International Human Rights Policies and Practices* (Basingstoke: Palgrave Macmillan, 2007).

4. See in particular Sarah Snyder, *Human Rights Activism and the End of the Cold War: A Transnational History of the Helsinki Network* (New York: Cambridge University Press, 2011), for an in-depth account of HW’s place within the larger context of Helsinki activism. See also William Korey, *The Promises We Keep: Human Rights, the Helsinki Process and American Foreign Policy* (New York: St. Martin’s, 1994); Daniel Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton, NJ: Princeton University Press, 2001); Christian Peterson, *Globalizing Human Rights: Private Citizens, the Soviet Union, and the West* (London: Routledge, 2011). For a more specific focus on the role of the European Community, see Angela Romano, *From Détente in Europe to European Détente: How the West Shaped the Helsinki CSCE* (Brussels: Lang, 2009). For an account of the rise of human rights in the Soviet Union, see Paul Goldberg, *The Final Act: The Dramatic, Revealing Story of the Moscow Helsinki Watch Group* (New York: William Morrow, 1988); and Benjamin Nathans, “Alexander Volpin and the Origins of the Soviet Human Rights Movement” (working paper, NCEEER, 2006). For a more general background, see Aryeh Neier, *The International Human Rights Movement: A History* (Princeton, NJ: Princeton University Press, 2012); Barbara Keys, *Reclaiming American Virtue: The Human Rights Revolution of the 1970s* (Cambridge, Mass.: Harvard University Press, 2014); Stefan-Ludwig Hoffmann, ed., *Human Rights in the Twentieth Century* (New York: Cambridge University Press, 2011); and Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, MA: Harvard University Press, 2010).

5. For a particularly good example of this type of narrowly focused study of a single organization and the evolution of its mandate, see Stephen Hopgood, *Keepers of the Flame: Understanding Amnesty International* (Ithaca, NY: Cornell University Press, 2006).

6. Stephen Hopgood, *The Endtimes of Human Rights* (Ithaca, NY: Cornell University Press, 2013).

7. N.A., “Appendix: Extract from the Final Act of the Conference on Security and Cooperation in Europe,” in *Human Rights and American Foreign Policy*, ed. Donald P. Kommers and Gilbert D. Loescher (Notre Dame, IN: University of Notre Dame Press, 1979), 145–46. Also see the electronic copy of the Helsinki Final Act, accessed December 9, 2013, <http://www.hri.org/docs/Helsinki75.html>.

8. Thomas, *Helsinki Effect*, 94.

9. Ibid., 121; Snyder, *Human Rights Activism and the End of the Cold War*, 32–33.

10. Benjamin Nathans, “Alexander Volpin.”

11. Edward Kline, in discussion with the author, April 30, 2014.

12. Goldberg, *Final Act*, 45.

13. Moscow Helsinki Group, "Ob obrazovanii obshchestvennoi gruppy sodeistviia vypolneniiu Khel'sinkskikh soglashenii v SSSR, Moskovskia khel'sinkskia gruppy," accessed March 29, 2011, <http://www.mhg.ru/history/14454FE>.
14. U.S. Helsinki Watch Committee, "The First Fifteen Months: A Summary of the Activities of the U.S. Helsinki Watch Committee from its founding in February, 1979, through April, 1980," Human Rights Watch Records: Helsinki Watch, 1952–2003 [Bulk Dates: 1978–1994], Columbia University Library, Rare Book and Manuscript Library (hereafter HRWR), Series VIII: New York Office Files, 1975–1996, box 1, folder 1–14: Annual Report, 1979–1993, 3.
15. Snyder, *Human Rights Activism*, 40.
16. Ibid., 41. The quotation is from Sarah Snyder's interview with Yuri Orlov on March 27–28, 2008.
17. Henry Kissinger, as cited in Moyn, *Last Utopia*, 150; for a more in-depth discussion of the creation of the Helsinki Commission, see Snyder, *Human Rights Activism*, 38–52.
18. Jimmy Carter, "Inaugural Address," in Burton Kaufman, *Presidential Profiles: The Carter Years* (New York: Facts on File, 2006), 552.
19. Thomas, *Helsinki Effect*, 147.
20. For more on the Belgrade Follow-up Meeting and Jimmy Carter's turn to human rights, see Snyder, *Human Rights Activism*, 81–114; and Peterson, *Globalizing Human Rights*, 45–65.
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22. Thomas, *Helsinki Effect*, 150.
23. Korey, *Repressive Regimes*, 97–98.
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26. Ibid., 1.
27. The Fund for Free Expression, "Request for a Planning Grant to Establish a U.S. Helsinki Watch Committee to be Administered by the Fund for Free Expression, Inc.," 3, personal archive of Edward Kline.
28. U.S. Helsinki Watch Committee, "First Fifteen Months," 3; U.S. Helsinki Watch Committee, "Second Annual Report: A Summary of the Activities of the U.S. Helsinki Watch Committee from February, 1980, through January, 1981," HRWR, Series VIII: New York Office Files, 1975–1996, box 1, folder 1–14: Annual Report, 1979–1993, 1–2.
29. Friendly, "Proposed Agenda," 2.
30. Robert Bernstein and Orville Schell, "New York Times, Op Ed Page, March 7, 1979," HRWR, Series I, box 51, folder 17; U.S. Helsinki Watch Committee, "First Fifteen Months," 4; U.S. Helsinki Watch Committee, "Second Annual Report," 2; "Helsinki monitors: First mailing (establishment of HW), 1979," HRWR, Series I, box 51, folder 12, 2.
31. "Joint Statement of the Moscow and American Helsinki Watch Groups, 1979," HRWR, Series I, box 53, folder 8.
32. David Heaps, "Response to Al Friendly, Jr.," March 26, 1979, HRWR, Series VIII, box 1, folder 18: Hearings, 1978–1979, 2.
33. U.S. Helsinki Watch Committee, "First Fifteen Months," 3.
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38. U.S. Helsinki Watch Committee, "First Fifteen Months," 3.
39. U.S. Helsinki Watch Committee, "Second Annual Report," 11; Stephen Whitfield, letter to the editor, March 5, 1979, as quoted in Bernstein and Schell, "Op Ed Page."
40. Jeri Laber, in discussion with the author, August 10, 2010.
41. U.S. Helsinki Watch Committee, "Second Annual Report," 11.
42. U.S. Helsinki Watch Committee, "First Fifteen Months," 3–4.
43. Aryeh Neier, *Taking Liberties: Four Decades in the Struggle for Rights* (New York: Public Affairs, 2003), 149.
44. Laber, *Courage of Strangers*, 35, 98, 75.
45. Korey, *Repressive Regimes*, 105. In her memoir, Jeri Laber claims that Fishlow left the organization voluntarily, but a 1980 Ford Foundation memo discovered by Korey states that "Bernstein hired a Committee staff director before functions and objectives were defined. This proved harmful because he was a specialist on American minority problems whereas the Committee subsequently developed largely along international lines. As a result, conflict arose and the director was fired several months after he began work."
46. U.S. Helsinki Watch Committee, "Second Annual Report."
47. Bernstein and Schell, "Op Ed Page."
48. Arthur Goldberg, "Testimony and statement (before Democratic Platform Committee), 1980," HRWR, Series I: Jeri Laber Files, box 54, folder 5, 1.
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51. "First mailing," 2.
52. Moskovskaya Helsinskaya Gruppa, "English Language Page," accessed July 30, 2012, <http://www.mhg.ru/english/18E49C2>. By 1979, seven of the ten founding members of the Moscow Helsinki Group had been arrested or forced to emigrate. In September 1982, the group's dissolution was finally announced.
53. "Final Act of the Conference on Security and Cooperation in Europe."
54. U.S. Helsinki Watch Committee, "First Fifteen Months," 9.
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56. Jimmy Carter, "Inaugural Address," in Kaufman, *Carter Years*, 552.
57. Ibid., 553.
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60. Ibid.
61. Ibid.
62. Laber, *Courage of Strangers*, 103.
63. Ibid., 128.
64. Ronald Reagan, "The Evil Empire," in *Words of a Century: The Top 100 American Speeches, 1900–1999*, ed. Stephen E. Lucas and Martin J. Medhurst (New York: Oxford University Press, 2009), 559.
65. Americas Watch Committee, *The First Year* (New York: The Committee, 1982), 1–2.



66. Laber, *Courage of Strangers*, 129.
67. Americas Watch, *First Year*, 1.
68. The Ford Foundation provided \$180,000 to the Fund for Free Expression to help establish Americas Watch and “create an influential constituency for the Latin American human rights movements in the United States.” The Foundation also supported the turn away from an exclusive focus on Eastern Europe in order to avoid “the danger of [human rights] being submerged within ‘cold war’ politics.” As quoted in Korey, *Repressive Regimes*, 83.
69. Neier, *Taking Liberties*, 153.
70. Ibid., 166.
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