



Statements and Speeches

No. 81/3

HUMAN RIGHTS AND INTERNATIONAL LEGAL OBLIGATIONS

A Statement by the Honourable Mark MacGuigan, Secretary of State for External Affairs, to the Federal-Provincial Ministerial Conference on Human Rights, Ottawa, February 2, 1981

The proper study of mankind is man, said Alexander Pope. The proper study of international law is anything but man, said the international lawyers over the centuries. Fortunately for mankind, man himself disagreed with the lawyers — not for the first or last time. And that, in a nutshell, is the story of how human rights have come to occupy their present place in international law and international affairs.

There can be no doubt, today, that man has become a subject as well as an object of international law. The atrocities of the Second World War compelled governments to enshrine human rights in the United Nations Charter. In addition, more than 20 international agreements on human rights have now been elaborated in very considerable detail — indeed, more than twice that number if we include all the conventions developed under the auspices of the International Labour Organization.

We should not be too quick to congratulate ourselves, however. The concern for human rights in foreign affairs is by no means a phenomenon exclusive to our own time. Think, for instance, of the nineteenth century drive for the abolition of slavery and the slave trade, which surely represents the supreme effort and the supreme triumph for human rights in all history.

Not slavery but another denial of humanity unhappily continues to be practised even now in South Africa, in the form of *apartheid*. This rather suggests that even now we could learn much from the nineteenth century — about the force of organized public opinion, for instance, and about harnessing national power to serve a great cause. For the first 30 years of Victoria's reign, the Royal Navy's chief task was the interception of slaving ships, sometimes on the basis of international agreements, sometimes without the benefit of such agreements. Every interception was a diplomatic gamble which could provoke charges of interference in the affairs of other states, or even be considered as an act of war or piracy. But the British public forced the British government to act despite the cost and the risks involved, and so the traffic in human beings was ended.

The twentieth century has widened the scope of international concern for human rights. We have our accomplishments too. And yet even today — even in some democratic countries — some people are surprised to learn that governments are bound by international law to observe certain standards in their treatment of their own citizens. There remains a tendency to regard human rights as a peripheral or "trendy" issue, which can be turned on or off depending on the mood or master of the moment. Human rights are still seen by some as a "moralistic" preoccupation, and concern for human rights in foreign affairs is still often derided as well-intentioned but naive, an

Force of
public opinion