

CANADIAN STATEMENT ON THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

(A statement by Mr. L. B. Pearson, Chairman of the Canadian Delegation to the Third General Assembly of the United Nations, at Paris, in the Plenary Session, December 10, 1948.)

BEFORE a vote is taken on the Draft Declaration on Human Rights in the form which it has now taken, I wish to make clear the attitude which the Canadian Government adopts, generally, towards it.

In the first place, we regard this document as one inspired by the highest ideals; as one which contains a statement of a number of noble principles and aspirations of very great significance which the peoples of the world will endeavour to fulfil, though they will make these efforts variously, each nation in its own way and according to its own traditions and political methods. In an imperfect world, it is clearly impossible to secure a perfect application of all these principles immediately. The Charter itself commits the members of the United Nations to principles which are not yet applied uniformly throughout the world. The difficulties in the way of a full and universal application of the principles of the Declaration of Human Rights will be even more complex. We must, however, move towards that great goal.

Lack of Precision

The Draft Declaration, because it is a statement of general principles, is unfortunately, though no doubt unavoidably, often worded in vague and imprecise language. We do not believe in Canada that legislation should be placed on our statute books unless that legislation can indicate in precise terms the obligations which are demanded of our citizens, and unless those obligations can be interpreted clearly and definitely in the courts. Obviously many of the clauses of this Draft Declaration lack the precision required in the definition of positive obligations and the establishment of enforceable rights. For example, Article 22 which gives the right to public employment to people irrespective of political creed might, unless it is taken in conjunction with Article 31, be interpreted as implying an obligation to employ persons in public service even if it was their stated and open desire and intention to destroy all the free institutions which this Declaration of Rights is intended to preserve and extend. Without those free institutions, which can only flourish in a liberal democratic society, there can be no human rights.

It is our view that some of the difficulties and ambiguities in this Declaration might have been removed had this document been reviewed by a body of international jurists, such as the International Law Commission, before final action was taken by the General Assembly; and we regret that the general desire to expedite this important matter has made such a reference impossible. If the Soviet Delegation had had this in mind in their amendment, we would have been able to support it. But in their speeches, Mr. Vishinsky and Mr. Manuilsky showed that, for them, a reconsideration of this Declaration would merely mean a further attempt to include in it ideas which, in our view, are far removed from human rights: as far removed as a town meeting from a slave labour parade. We do not accept—and never will accept—the doctrine that the rights of man include only those which are sanctioned and sanctified