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THE RULE OF LAW IN INTERNATIONAL AFFAIRS

Speech by the Honourable Mitchell Sharp,
Secretary of State for External Affairs,
at Osgoode Hall, Toronto, March 4, 1969.

...You will not be surprised to learn that a high proportion of the Canadian delegates and advisers to each session of the United Nations General Assembly are lawyers, and I believe the same is true of all other delegations. The significance of law and legal skill in the work of the United Nations is particularly impressive. It is only a slight exaggeration to say that the development and application of the rule of law, in its widest sense, is what the United Nations is all about.

Over the years substantial progress has been achieved through the United Nations in setting international objectives and standards, particularly with regard to the intrinsic worth and treatment of the human being. We are continually being distressed and disheartened at the vast suffering and loss of life caused by the armed conflicts that plague the international community. But we can take some encouragement from the successful efforts of the United Nations to place the dignity of every man in an incontestable legal context. The Universal Declaration of Human Rights, the 1966 International Covenants and many other similar declarations and agreements on human rights together constitute what amounts to an International Bill of Rights.

Where the United Nations or, more correctly, the international community at large, moves far too slowly is in the development of machinery for enforcement of these rights. Contemporary international law is still bound up with outdated conceptions of national interest, which hinder the effective settlement of disputes by peaceful means. In spite of the lack of international enforcement machinery, however, states do increasingly adhere to the generally recognized principles of international law, particularly those constituting treaty obligations. The vast interlocking network of bilateral and multilateral treaties now in effect represents the progress that has been made toward placing contemporary international relations within a legal framework. A similar advance in compulsory third-party settlement of disputes is, however, still to come.

The vigour and range of United Nations law-making activities are not always fully appreciated. At the present moment, various U N bodies are studying and elaborating legal principles in the following fields: human rights, which I have already referred to; the law of treaties; the definition of aggression;