



CANADA

STATEMENTS AND SPEECHES

INFORMATION DIVISION

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA - CANADA

No. 68/14

TOWARDS WORLD ORDER

Address by the Secretary of State
for External Affairs, the Honourable
Mitchell Sharp, to the National
Conference of the World Federalists
of Canada, Toronto, June 7, 1968.

This conference of the World Federalists of Canada is taking place at a period when there seems to be a more serious discussion of foreign policy in Canada than at any time in my recollection. It may be that our coming of age as a nation and last year's centennial have prompted us to consider more critically our role in the world. It may also be a reflection of the intellectual ferment of our times that many Canadians are debating foreign policy questions.

Whatever the reasons for this phenomenon, I welcome it. One of my aims as Secretary of State for External Affairs is to encourage public debate about external issues and to seek the greatest possible degree of involvement by people outside the Government in the development of foreign policy. While it is the Government's duty to formulate policy and its responsibility to answer for that policy to Parliament and the people, I believe that we can come closer to reflecting the real interests of all Canadians if we have participation by a wide spectrum of the community. I therefore hope that there will continue to be a lively dialogue on this subject.

The Prime Minister issued on May 29 a major policy statement on "Canada and the world". In that statement the present Government attempted to set out its basic approach to foreign policy issues. You may have noted that the Prime Minister reiterated his commitment to undertake a comprehensive review and reassessment of Canada's role in the world. He drew attention to the changing features of Canada itself and the world around us which make such a review imperative. He indicated a few particular areas to which special attention will be paid in the reappraisal now under way.

It is my hope that the Prime Minister's statement will stimulate public debate. I should like to see organizations such as the World Federalists, which take a serious and informed interest in these matters, redouble their activities and seek to make a helpful contribution to the reassessment of Canadian foreign policy.

...I wish to say something about the development of world order in terms of enduring Canadian interests which I believe any conceivable Government of Canada would wish to pursue.

I take as my starting-point the assumption that it is in Canada's interest that there should be a stable world order. I do not mean a static and unchanging order. Profound changes are taking place in the world and in many cases it is very necessary that they take place. As long as two-thirds of mankind is still grossly under-privileged in terms of material well-being and as long as an equally large proportion of the human race is denied the full exercise of personal rights and freedoms, the existing state of affairs cannot be preserved intact.

What we must seek is a world that provides possibilities of peaceful change, of economic betterment, of liberation of the human spirit, of resolution of local disputes, without resort to war or other lapses into barbarism which cost so much in the lives of human beings.

Canadians would probably like to see on the international plane a world as peaceful and orderly as the national society we have managed to build here in our country in the past 100 years. It is true that we have experienced tension, conflict and occasional violence in Canada and I do not expect we shall ever succeed in eradicating entirely these features of human conduct. But we have succeeded in Canada in avoiding destructive upheavals that endanger the whole society. We are now engaged in a vigorous debate about our constitution. I have no doubt we shall resolve it in due course in some form of consensus and I am confident we can remove lingering injustices and adapt our Canadian institutions to whatever challenges the future brings.

How then do we help to establish on a world scale a society characterized by law and order such as we enjoy in Canada? Certainly we cannot do it by the over-simple expedient of urging the rest of the world to imitate Canada. Some elements in our experience may well have relevance elsewhere, and I am sure that Canada can play a constructive part in the world by following certain principles which have proved valid in the building of our national society. But the circumstances of the world's people are infinitely varied. We must seek to create an international order which is flexible enough and broad enough to take account of all the varieties of human experience.

Two basic features of a stable order, such as we see in a nation state like Canada, are laws and governments which enact and enforce those laws. The durability of any organized society of human beings depends very much on the interrelation of law and government. If neither exists in adequate form, there is disorder or anarchy. Therefore our search for world order should aim at the development of some counterpart on the international plane of domestic law and government.

Fortunately the world is not in a state of anarchy, although there is still a considerable amount of disorder. This suggests that some form of law does exist internationally. We do not, however, have anything like a world government. We do have the United Nations, which could perhaps perform certain functions analogous to those of a national government if we gave it the requisite authority. I shall say something more about the United Nations in a moment. Let us first look at international law.

Because of the different nature of the subjects of the two legal systems, the domestic and the international, it is highly improbable that we shall ever have an international replica of the institutions that promulgate and enforce

domestic legal systems. However, we are closer to having a comprehensive legal framework for international dealings than many people suspect, and the similarities between the domestic and international bodies of law are greater than many suspect.

Let us consider the sources of international law. Domestically, law-creating goes on at many levels. The legislature, the missing element on the international plane, is a prolific source of law. But so also are contracts (by which individuals consent to be bound by rules of conduct they themselves establish), custom, the decisions of the courts, and the opinions of great writers on law. All these have parallels in international law.

Treaties, whether they be bilateral or multilateral, are the counterpart of contracts, for they create law by consent among nations. Custom is often a source of international law and, in fact, some of the great conventions, like that on diplomatic relations, are codification of years of custom. The importance of custom is given formal recognition by the Statute of the International Court of Justice, which permits the Court to apply "the general principles of law recognized by civilized nations". Even countries other than those which are parties to disputes are influenced by the decisions of the International Court of Justice and may consider themselves bound by decisions which define the nature and scope of principles of international law. And then there is the work of the writers on international law, whose contributions are just as significant as those in the domestic sphere.

There is even some international parallel to domestic legislation. The great multilateral conventions bear many of the marks of legislation. They embrace the largest part of the world community in their scope and the terms in which they are couched are a reflection of the majority will, achieved very often by compromise, debate, and a vote. And surely the regulations being generated by the Specialized Agencies of the United Nations bear many of the characteristics of legislation.

While the systems that have developed for promulgating international law are certainly not the most orderly or effective that can be devised, they do clearly serve the function of producing rules which are useful and which are given very wide recognition. The increased flexibility that arises from the less formal procedures may ensure that the rules correspond to existing conditions and change with them more readily than might otherwise be the case. This more haphazard method of promulgating rules of international law may provide a measure of insurance that states, the subjects of international law, will be able to regulate their affairs more effectively than would be the case under a more rigid system.

Granting, therefore, that there is a relatively well-organized procedure which produces international law, can the system of international law work without a formal system of enforcement? Undoubtedly, if the parallels between international law and domestic law were exact, then an organized system of enforcement would be the most effective method of ensuring compliance with the law. However, to the extent that international law does exist, it is with the consent of the overwhelming majority of all nations and it therefore has the best teeth of any law system in the world.

There is no greater assurance of the enforceability of the law than that its subjects wish it to be enforced and, however tempting the prospect,

will not breach it. Let us remember, when we think of systems of domestic law which are so often regarded as valid because they carry with them sanctions, that when the sanctions need to be applied the rule of law has broken down. In the international field, the sanctions are weak and imperfect. But, just because they are weak and sometimes not applied, the extent to which the law is followed is made more significant.

I do not wish to sound complacent about the state of international law today. There is certainly not enough of it. The machinery producing it is not smooth. There are many other criticisms that may be levelled against our body of existing international law. But laws are enforceable only to the extent that they reflect the will of the community. As nations accelerate their relations with one another and as they grow more dependent on one another, there arises an ever-increasing need for rules and regulations to govern their relations. There does exist in the international community a growing and profound recognition of the need for the development of the rule of law.

Admittedly, for the foreseeable future, states are not likely to surrender any more of their sovereignty to the United Nations organs or to the International Court of Justice than they consider to be necessary for the protection of their interests. It follows, therefore, that the effectiveness of international law depends, in large measure, upon the general consent of the international community, as it finds expression in formal principles of law.

Let us now consider the United Nations as a possible instrument for world order.

The purposes of the United Nations according to its Charter are to maintain international peace and security, to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights, and to be a centre for harmonizing the actions of nations in the attainment of these common ends.

No serious observer would deny that the United Nations is not fulfilling these purposes as well as it might. But we tend to make two mistakes in judging the United Nations performance. The first is to believe that the organization is actually a hindrance to the achievement of its purposes. I think the record of achievement, if judged as a whole, demonstrates that much has been done, even though not enough, to attain "these common ends". The second mistake is to assume that any falling-short of the goals outlined in the Charter is evidence of failure and of the need for a new Charter.

The United Nations has had its failures and its successes. But no one should expect it to operate as though ideals could be translated into realities before a lengthy period of experiment, false starts and slow progress. There is really no substitute for time. To quote Dag Hammarskjöld: "Just as the first temptation of the realist is the illusion of cynicism, so the first temptation of the idealist is the illusion of Utopia".

Criticism of the United Nations most frequently relates to the maintenance of peace and security. It is said that the United Nations is rarely able to settle disputes peacefully and that, when it does have a role

(for example, by sending peacekeeping forces), United Nations intervention may tend to prolong a dispute rather than shorten it. Yet in the history of United Nations involvement in disputes there are many occasions where the action taken by the United Nations has been instrumental in saving the situation and in preventing or controlling hostilities.

Conversely, there have been some disputes which the United Nations has not been able to deal with for reasons inherent in its organization and nature. It was never expected that the United Nations could deal with disputes between the great powers, for example; the veto reflects this reality. When one great power, China, is not even represented at the organization, disputes involving China are usually outside the political capacity of the United Nations to influence or control.

Nevertheless, more attention and effort does need to be given to the settlement of disputes at an early stage, before they develop to the point where some form of peace-keeping becomes the only alternative to violence and war. The Charter states that the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall first of all seek a solution by negotiation, enquiry, mediation, conciliation, etc. The United Nations, in other words, is a secondary resource for dispute settlement, and is chiefly concerned with disputes which threaten the maintenance of peace and security. Whether it can act or not depends on the willingness of the parties to find a settlement and sometimes on the willingness of the permanent members of the Security Council to co-operate in recommending or deciding what is to be done.

The Canadian Government has been particularly conscious of these matters over the past 18 months, when we have been serving our third term of office on the Security Council.

I think, in particular, of the Council's efforts to bring about peaceful conditions in the Middle East and to settle the dispute in Cyprus.

Since May 23, 1967, when Canada and Denmark called for a meeting of the Council to consider the situation in the Middle East, the Council has met more than 50 times on this subject alone. The main United Nations presence in the area, the United Nations Emergency Force, has been withdrawn, but some 200 United Nations observers watch over the Israel-Syria and Israel-U.A.R. cease-fire lines, and a United Nations representative has been asked to examine with the parties the basis for a possible settlement. If the Security Council can build on the basic common interest of all concerned, to prevent the situation from becoming a serious threat to world peace, then there may be some hope for a successful outcome. However, the United Nations cannot offer or find a magic formula if none exists. What it has done and can do again is to offer its services as a third-party presence and conciliator. If there is a willingness to co-operate, it can help to work out a solution. If there is no such willingness, the answer to the riddle will have to be found elsewhere.

The situation in Cyprus has also been a special cause of concern to the Security Council in recent months. Last November there was a menacing threat of war between Greece and Turkey, averted only by the timely intervention of representatives of the President of the United States and of the Secretary-General of the United Nations. Fortunately, since the crisis there have been

renewed efforts between the parties to find a settlement, which I hope may soon bear fruit.

The United Nations Force on Cyprus, in which Canada participates, has been there now for more than four years. There is no doubt that it has helped to keep the island relatively peaceful and that its presence during that time, and particularly last November, helped to provide a way out for those who might otherwise have felt compelled to use force. That is one of the main purposes of a United Nations presence -- to act as a face-saving device, a diplomatic hurdle which is conveniently too high to seem worth jumping. Nevertheless, I should hope that UNFICYP would remain a hurdle and not become a fence, for another function of a United Nations presence is that it should encourage, not discourage, a political settlement. I hope the time may be soon approaching in Cyprus when the United Nations can best encourage a settlement by setting in motion the procedures of gradual disengagement and withdrawal, thus signifying both its confidence in the improvement that has already taken place on the island and its serious expectation of further progress toward settlement.

Peaceful settlement and peaceful change clearly must have priority in our thinking about United Nations peace-keeping, even though these are difficult conceptions to translate into practice in specific circumstances. Nevertheless, it is important for the United Nations to prepare for future peacekeeping responsibilities. If we cannot settle a particular dispute and if it is likely to threaten the peace, the United Nations may be the only agency which can intervene in order to stop the conflict or threat of conflict from spreading or escalating. This is because the United Nations usually has both the political impartiality and the military capacity to be of practical service. For these reasons, it should be our objective to extend the area of United Nations control to disputes (the most obvious example is, of course, the situation in Vietnam) which are now outside this area. Regional organizations may be able to do something where disputes are relatively minor and where all the members of the organization have an equal interest in settlement. But many disputes will be beyond the capacities of regional bodies to manage.

Canada has given strong support to all efforts at the United Nations to prepare in advance for peacekeeping emergencies -- by the earmarking of military or civilian personnel, services and facilities, by the preparation of standard operating and training procedures, by the standardization of equipment, and so on. These efforts have not yielded much result so far because there has been political disagreement about how the United Nations should authorize and control peacekeeping forces; until this argument is settled there has been a reluctance to make the technical military preparations which are desirable. However, I am glad to note that in the past few weeks there has been some willingness on both sides of the argument to put it to one side while work goes forward on the other aspects of peace-keeping I have mentioned. The log-jam is not yet entirely broken. But I am encouraged by the signs of progress.

I hope that the United Nations can substantially improve upon the practices of the past. We should emphasize the importance of a peacekeeping operation having a clearly defined and feasible mandate; of obtaining full co-operation from the host government; of spreading the responsibilities for peace-keeping as equitably amongst the international community as circumstances

will allow in each case; of dividing the costs fairly; and of making as efficient as possible the lines of communication and authority between the Council, the Secretary-General and the force commander.

There are, of course, a number of other very important areas of functioning for the United Nations besides peace-keeping and peaceful settlement of dispute. Canada is equally active in these areas. In a world where confrontation between the "haves" and the "have-nots", between the developed "North" and the underdeveloped "South", is perhaps even more dangerous than that between the nuclear giants, the obligation on all governments and peoples to unite in a massive assault on poverty and under-development is clear. This is why in a time of some financial stress we are maintaining the growth of our aid programme unimpaired.

It is equally essential that, as citizens of the world, we maintain our respect for the rights of man as an individual. The recent conference on human rights at Tehran has focused attention on the United Nations accomplishments over the past 20 years -- the Declaration of Human Rights, the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and the Convention on Racial Discrimination, as well as the conventions of the International Labour Organization and other Specialized Agencies. These are particular cases of the development of international law which I spoke about in general terms a moment ago.

I have chosen to emphasize the growth of international law and the development of the United Nations role in the peaceful settlement of disputes as critical but promising bases for the evolution of a stable world order. These are matters in which Canada can make a worthwhile contribution, in which we have been playing an important role and in which I hope we shall be increasingly active in a constructive way.

My own view is that the achievement of world order based on the rule of law is a gradual process and that Canadian policy should be based on that premise. The international community may be able to take some major steps forward from time to time -- the establishment of the United Nations was one of them -- but I doubt the possibility of a giant leap from the nation state to world government. I realize, however, that the World Federalists would like to see the Canadian Government espouse the establishment of a supra-national authority as a specific aim of Canadian foreign policy. Let us agree to have a dialogue on this subject. If you would consider what I have said tonight as the opening round, we might arrange a further engagement sometime after June 25.

S/C