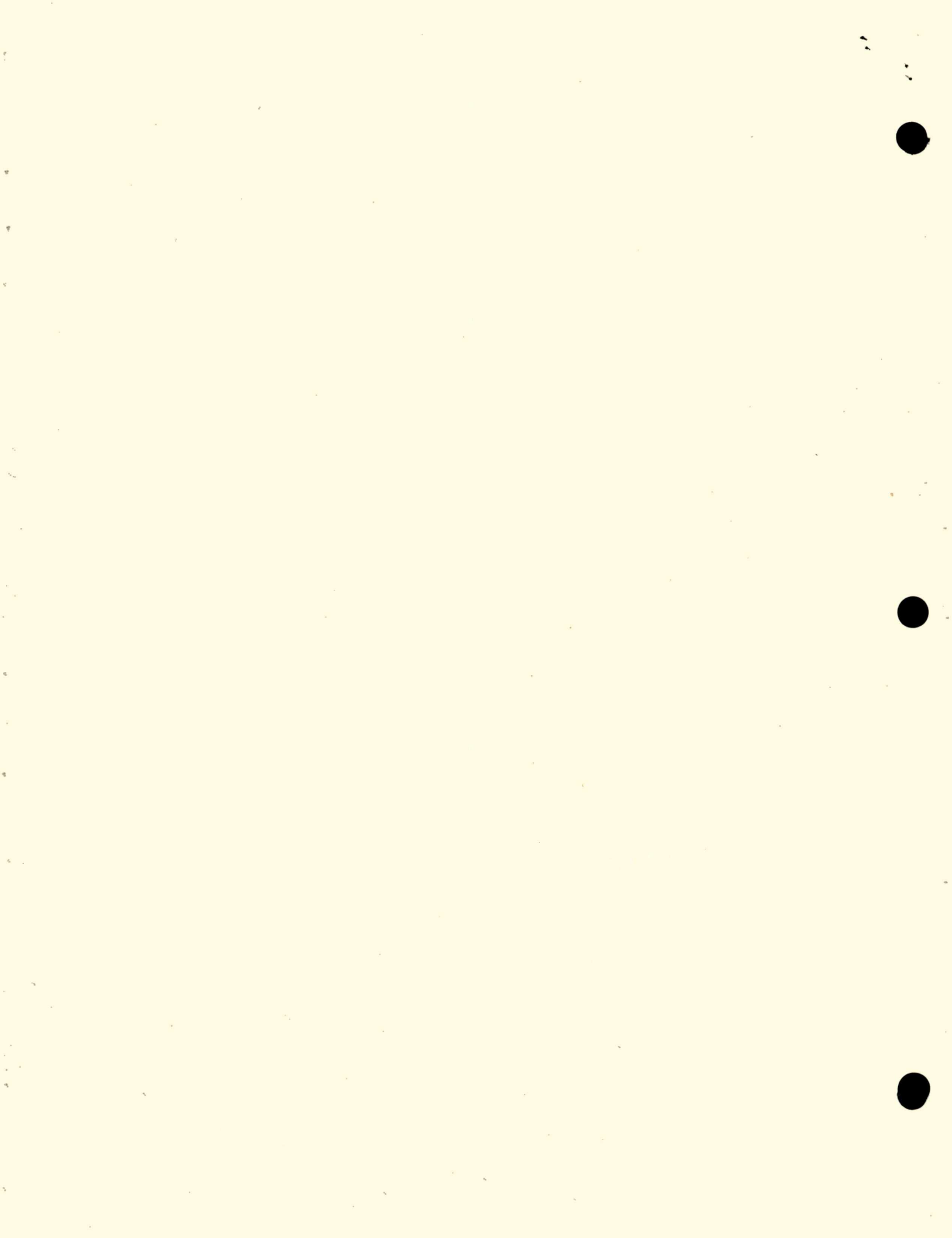


DRAFT DECLARATION ON  
TERRITORIAL ASYLUMSTATEMENT NO. 62  
October 31, 1967TEXT OF STATEMENT MADE BY CANADIAN REPRESENTATIVE, MR. PAUL BEAULIEU

Mr. Chairman, my delegation does not wish to speak at great length on this item. This is particularly so because the statement delivered last Thursday, October 26, by the distinguished representative of Norway summed up in clear and precise terms many of the views on this item which my government would otherwise have wished to stress. Briefly, we too recognize that the present text of the Draft Declaration represents a compromise, one which emerged only after lengthy negotiations. Because it is a compromise, we too are by no means wholly satisfied with the version before us and, were we to be able to secure the redrafting of parts of it, we would then be happier with it than we are at present. We do not, however, intend to propose any formal changes to the text. Canada is hopeful that a Declaration will be adopted this year. We believe that the intention underlying the Draft, which is the wish to develop a more liberal policy on Asylum on a world-wide basis, is a worthy one. We further believe that, despite any imperfections, this Draft will contribute to the realization of that aim.

While we do not intend to propose formal amendments to the text I would nevertheless like, on behalf of my delegation, to draw attention to a few of the particular aspects of the draft with which Canada is not entirely satisfied. We find them unsatisfactory either because they include language which we consider inappropriate in a general Declaration of this kind or because, we think, they do not at present express with sufficient clarity and precision the ideas embodied in them.

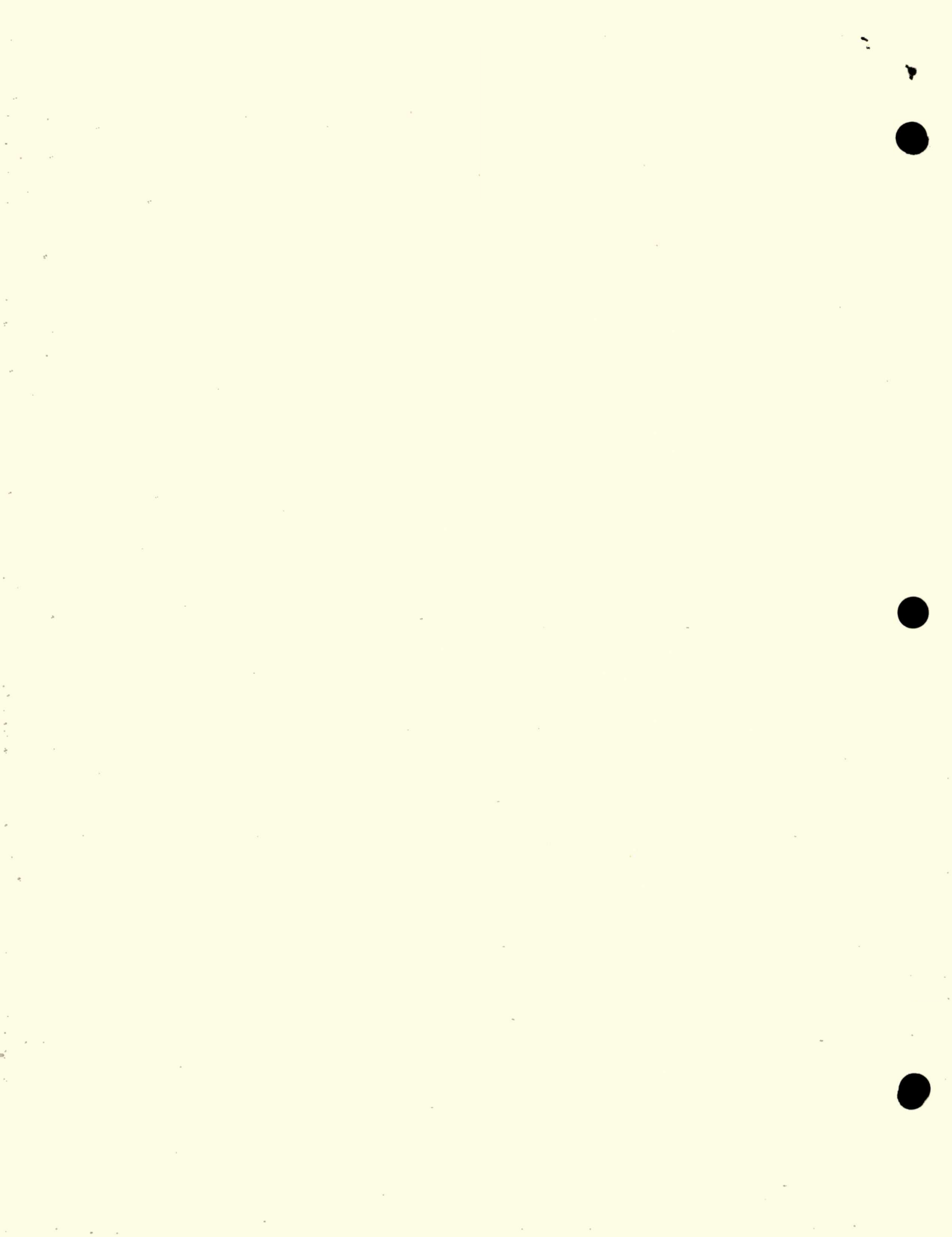
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In paragraph 1 of Article 1 of the present text there is included the phrase, "including persons struggling against colonialism". While we are not in any sense opposed to the idea behind this, nevertheless we believe that this phrase is redundant in the sentence and could therefore lead to confusion. In the text of this paragraph it is Article 14 of the Universal Declaration of Human Rights that establishes the category of persons whose asylum, having been granted by a particular state, shall be respected by other states. If a person struggling against colonialism satisfies the criterion in this sentence, in that he is entitled to invoke Article 14, then this section will apply, whereas if he isn't, it will not. Thus, however worthy of consideration such persons may be, so to particularize them in a general clause is, in the view of my delegation, undesirable.

Paragraph 2 of Article 2 is also in our view somewhat ambiguous. We would have preferred it so to have been worded that it made quite clear that it does not imply an interference with the sovereignty of any state granting asylum. That is to say, we consider that only the state granting asylum has the right to determine whether or not it is in fact experiencing difficulty in granting or continuing to grant such asylum. Other states, whether acting individually, jointly or through the United Nations, should only be free to offer to lighten the burden of the state in difficulties when that state itself has made clear that it wishes such help.

Mr. Chairman, it is concerning parts of Article 3 that my delegation is perhaps most doubtful, particularly as regards paragraph one thereof. First of all, though this may be only a matter of drafting, we find that the inclusion of the phrase "or, if he has already entered the territory in which he seeks asylum" appears to establish a different category of asylees. It too appears to us to be





redundant and therefore confusing and undesirable. If it were dropped this would, in our view, tighten the wording and make the intended meaning of the sentence clearer than it is at present.

There is another aspect of this same Article which could also, in our view, be improved. This relates to the implications of the phrase "where he may be subjected to persecution". Here I am not referring to the actual words themselves though, as we all know, these too were the result of compromise, but to the fact that their application will require a subjective determination in given cases. It is the Canadian view, a view supported by the wording of paragraph 3 of Article 1, that it is for the authorities of the state where asylum is sought to make the necessary determination. It should be understood that the onus of satisfying such authorities that there is a real danger of persecution must therefore be on the person seeking asylum.

Mr. Chairman, those are the particular points to which we wanted to draw attention today. In conclusion I would like to add that, though it is clear that this draft, if it is adopted and incorporated in a formal declaration of the General Assembly, will not constitute a binding legal commitment on states, nevertheless it is to be hoped that it will serve as an important guide to and basis for future state conduct in the areas with which it is concerned.

