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HUMAN RIGHTS ONE OF THE MOST COMPLEX FOREIGN POLICY ISSUES

An Address by the Secretary of State for External Affairs, the Honourable Don Jamieson, to a Seminar Sponsored by the Canadian Council of Churches and the Canadian Council of Catholic Bishops, Ottawa, March 16, 1977

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Canada has already established a reasonably good record in international human-rights-oriented activities over the years.

Unfortunately it seems that, in this struggle, while there have indeed been developments that are encouraging (no major wars for over 30 years, a measurable improvement in international awareness of the interdependence of the world community, a heartening increase in developmental-assistance flows from richer to poorer nations, an apparent increase in the enjoyment of personal liberties even within the restrictive regimes of Eastern Europe), nevertheless there still exist too many gross violations of human rights in many countries, violations that are naturally a cause of concern to Canadians and that all of us would like to be able to rectify or at least ameliorate in one fashion or another. How Canada should react to such situations, what considerations should guide us, what constraints affect us will be the theme of my talk this evening.

I should like to stress at the outset that there is a fundamental difference, which it seems is not always readily appreciated, between our domestic activities in the human-rights field and the action that Canada can take internationally. The difference between the domestic and international spheres of action is twofold: the first is the problem of *standards*; the second is the question of enforcement *machinery*.

We in countries of Western traditions too frequently assume that those standards of conduct and behaviour towards our fellow man are perceived as having equal validity by other governments. But the perspective of other countries is, in fact, often different, partly because they may not be Western or democratic in background, or partly because their economic situations are vastly different from ours. Western democracies traditionally accord priority to civil and political rights, while Third World countries often place their pressing economic needs ahead of human-rights issues. It may seem callous or insensitive to Canadians, but we are told regularly

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in international bodies that a majority of under-developed states are more concerned with alleviating starvation and promoting their development and, in so doing, attaching a greater priority to the duties of citizens than to their rights.

Although Canada's approach to international human rights reflects our traditions, the ethics and moral codes of a Western Christian society, our approach is *only one of many*, and, I should add, *not* an approach that enjoys majority support internationally.

The Universal Declaration of Human Rights is *not* a binding legal instrument, and other covenants and conventions that may have enforcement provisions are binding only upon their signatories. Even when a state accedes to a convention or signs an agreement, it does not necessarily mean that it accepts its obligations immediately. Not all the parties who signed the Helsinki Final Act feel bounds to accept its provisions at once; rather, it is regarded as a long-term program towards which participants should strive. Moreover, even when states disregard their obligations, there is frequently little that can be done to urge compliance. The UN Commission on Human Rights has a fairly cumbersome procedure for dealing with gross and persistent violations of human rights, while other bodies, like the new Human Rights Committee, on which there is a Canadian, and the Committee on the Elimination of Racial Discrimination, consist of independent experts serving in their personal capacities; the Canadian Government, as such, can therefore take no official action in these bodies.

In the absence of consensus and of effective enforcement machinery at the international level, therefore, we have been forced to rely upon other methods, essentially political and diplomatic, in which to convey to other governments our concerns about human rights. Canada can use multilateral bodies, such as the Commission on Human Rights, to make known our attitude towards events in other countries; at such meetings, we can vote on resolutions varying in tone and substance from mild requests for information to denunciations and condemnations. Multilateral bodies may impose sanctions dealing with trade, aid, or trade in specific types of goods; such sanctions may be legally binding (as are Security Council sanctions) or voluntary (as are resolutions of the General Assembly). States may, of course, also impose sanctions unilaterally or jointly with other states, by curtailing aid, ending trade relations, or by going as far as suspending diplomatic relations. We can also make direct representations on a bilateral basis; such representations may range from expressions of concern, to requests for redress of specific grievances, to formal protests.

But there are no firm and fixed rules for raising and discussing what are essentially the domestic concerns of other states; some countries simply refuse categorically to permit any exchange of views. Canadians are justifiably indignant at flagrant abuses of the fundamental rights of the individual in Uganda, South Africa, and in many other countries in Eastern Europe, Latin America and elsewhere. Moral indignation alone, however, will not establish universal standards of human rights, or ensure the creation of machinery to enforce such rights.

My problem, as SSEA, goes one step further: it is to find, amid the differing interests, attitudes and traditions of other states, a way of expressing Canadian concerns, of alleviating conditions we find deplorable, and of solving the largely anonymous individual cases in which the Canadian interest is strong and persistent.

When we approach the issue of raising human-rights questions with other countries, we generally consider two criteria in arriving at a course of action: the first is what action will likely be effective; the second is whether an action would be *appropriate*. Whether our action, if taken, will be effective has to be subject to balanced and careful examination. When we have cordial relations with states, for example, low-key, private discussions are demonstrably more likely to resolve outstanding individual difficulties, and, in turn, create the atmosphere for the additional reconciliation of problems of concern to Canadians. When relations are poor, and progress on human-rights issues is negligible, it may be necessary to make our case public, even though public pressure can as often contribute to a hardening of attitudes as it may to a meeting of minds.

The difference between "public" and "private" diplomacy is not always appreciated by Canadians. Public support for dissidents in the Soviet Union may, for example, be of help to their cause, for it provides the very publicity that in turn prevents Soviet authorities from implementing more repressive measures. Just last month, for instance, it was decided to convey to the Government of the Soviet Union the disappointment and deep concern of the Canadian people at the arrest of certain prominent Soviet citizens who had been speaking out on the question of human rights. Similarly, I spoke in the House of Commons just the other day on the human-rights climate in Uganda. Our concerns in this area were made quite clear to the Government of Uganda, and at the recently-concluded session of the UN Commission on Human Rights. With respect to Uganda, let me say this. There is no question that the Ugandan Government is engaged in the systematic killing of those who are thought to be in opposition to it. Yet the international

community has taken no action. The Commission on Human rights was eventually willing to devote a great deal of its time in open session to expressing its "profound indignation" at events in Chile, but was not prepared to voice even the mildest public criticism of the situation in Uganda. The Canadian delegation introduced a resolution urging the Ugandan authorities to accept an impartial, international investigation. This was a reasonable position, consistent not only with previous Canadian action but also with accepted international practice, which requires respect for national sovereignty. But so great was the opposition to our resolution that we were forced to allow it to stand without vote rather than have it summarily rejected in secret session where, under the rules of the Commission, none of the proceedings can be reported.

I might add that many of the same countries that protected Uganda from any meaningful criticism in the Commission on Human Rights, and refused to associate themselves with a U.S. resolution on Soviet dissidents, are loud in defence of human rights elsewhere. A double standard in the human-rights field is an unhappy fact of international life. For its part, the Canadian Government will refuse to accept the conclusion of the Commission that it has discharged its responsibilities satisfactorily. We intend to continue to press, at the UN and other bodies, for meaningful and concrete action to bring the Government of Uganda, among others that have persistently violated the international standards of behaviour in human rights, to observe the obligations they have freely accepted.

But public discussion of particular family-reunion cases in Eastern Europe, on the other hand, could have severe repercussions, because the people concerned do not have the protection afforded by the international spotlight, and would have no recourse if Canadian efforts to secure reunion in Canada were blocked as result of public discussion. Here, we have opted for "private" diplomacy and I am happy to report that, in most countries of Eastern Europe, we have seen a marked increase in the number of reunited families.

Pressure to speak out is always great, and it comes mainly from people whose indignation is kindled by what must seem like our official silence and inactivity.

Regarding Chile, a country about which I have received a lot of mail recently, Canada has been particularly active with regard to the human-rights situation in that country and will continue to be so as long as evidence of violations persists. In addition

to speaking and voting on these issues in international forums, we have spoken directly to Chilean representatives. As a concrete indication of the concern of Canada for the human-rights violations taking place in Chile, we have authorized 5,360 Chilean refugees to find permanent homes here. Ninety-two former Chilean political prisoners and approximately 200 of their dependants have achieved similar status. Canada's record with regard to promoting the re-growth of human rights in Chile is second to no other nation's, and Chilean officials are well aware of this.

We have a responsibility, however, to exercise delicate judgment as to when to "go public" and when to continue with "quiet diplomacy". The phrase "quiet diplomacy" may seem to some a euphemism for a lack of responsiveness. This simply is not the case. In the proper circumstances, it can accomplish far more in the long run than public appeals that may satisfy an immediate pent-up frustration, but cut off prospects for a satisfactory resolution of conflicting views. An illustration of this type of approach is our attitude towards Indonesia. During a visit to Indonesia last year, my predecessor, Mr. MacEachen, took the opportunity of a meeting with Foreign Minister Malik to raise the problem of political prisoners and to express the concern with which a number of Canadians view this issue. Mr. MacEachen noted that some of the detainees had already been released by the Indonesian Government and expressed the hope that this trend would continue. We have been encouraged that this trend has, in fact, continued since that time.

Whether a given course of action will be effective depends as well on our ultimate goals. If we seek to rectify isolated abuses or aberrations in a state's normal performance in the human-rights field, the task is generally manageable; but if we seek to alter a firm policy or the fundamental basis of another state's society, the issue is not likely to be resolved, at least easily or quickly. South Africa, for example, has resolutely refused to yield on the *apartheid* question, which is not simply one of that state's peripheral customs but also an integral part of its social composition.

The appropriateness of Canadian action is related to our record, principles and traditions. We should not wish to condemn hastily, before the facts are in or before we can reach reasonably firm conclusions after an examination of the available evidence. Similarly, it would not be appropriate to expect other countries to do more than we are prepared to do at home. The Canadian record, both at home and in international bodies like the Commission on Human Rights, is excellent, and we have a right to be proud of the conditions we enjoy in this country.

At the same time, we are not perfect, and we must be vigorous in our efforts to secure the highest possible standards. As Christians, we must never lose sight of human rights at any time, and must always be willing to convey our concerns to others. The Canadian Government has a right and duty to act that we expect other states to respect, must as we respect their right to approach us on similar issues. At the same time, we have to be prudent. For our actions to be meaningful, they must reflect the genuine concerns of Canadians.

This, in turn, means that we cannot be involved to the same degree in every single human-rights problem, because there is a danger that a Canadian action would eventually be interpreted as simply yet another empty moral gesture, which other countries could then dismiss. Seriousness is an obvious consideration. While we cannot ignore any discernible pattern of violations of human rights anywhere in the world, our case will be stronger where the offence is greater and if the weight of Canadian and of world opinion is behind our representation.

Thus the determination whether Canadian action is appropriate depends upon a careful assessment of a number of factors respecting Canada and the other countries concerned.

While stressing our moral considerations, we must also be realistic and recognize the difficulties in drawing a line between human rights and other areas of activity. The suspension of aid is frequently suggested as a response to human-rights violations, and it may seem on the surface to be an understandable way for a donor country to react. You will agree with me that we cannot question the need to provide food aid to some impoverished countries. But, in the area of economic aid, let me emphasize the real dilemma we face in attempting to determine what part of, for instance, a project for a cement plant or an irrigation scheme benefits the people and what part ends up simply serving the aims of a government unresponsive on the question of human rights. This fine line, as I describe it, is hard to draw in practice, and I can only repeat that I have an open mind on this subject. I am prepared to consider possible courses of action available to us if I can be convinced that such action will prove effective.

At the same time, there is a real difficulty in acting on many economic issues: if we go beyond what is called for by international sanctions, where do we then draw the line as a matter of policy? If we take unilateral action, and it accomplishes nothing, what have we gained?

We accept international sanctions as the only really meaningful and potentially-effective measures against repressive regimes.

Although we receive numerous requests to take action in cases of varied gravity, importance to Canada and humanitarian concern, we must necessarily consider the possible consequences of our action on future cases, in the hope that we can continue to be effective in human-rights issues.

We have a responsibility, too, to consider the long-term implications of our representations, especially if they give rise to hopes which we cannot fulfil. If, through our actions, we encourage unwarranted expectations, so that the pressures generated by dissidents become intolerable to a given regime, what guarantees can we provide for their safety, or for the stability of their whole societies, in the event of massive upheavals in their states, such as occurred in Hungary in 1956 and Czechoslovakia in 1968? There are other implications that must be taken into account before determining a course of action.

We may have other humanitarian interests -- for example, our refugee program in Chile -- which we would wish to safeguard by remaining on at least proper if not cordial terms with the other country concerned.

I have spoken frankly this evening about the problems and the types of considerations that govern our attitude to human-rights issues.

As most of you consider human rights a matter of utmost priority, I hope, nevertheless, you will agree that the way in which we seek to deal with human-rights violations is delicate and difficult and is subject to numerous considerations. The question of human rights is one of the most complex issues in foreign policy because it strikes to the root of our traditions and therefore constitutes a potential challenge to other societies whose traditions may essentially be different. Despite the need for delicacy and balanced judgment, Canada will continue to uphold internationally the course of human rights, in the legitimate hope that we can eventually ameliorate the conditions of our fellow man.

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