

# Statement

Secretary of  
State for  
External Affairs



# Déclaration

Secrétaire  
d'État aux  
Affaires  
extérieures

**92/11**

**NOTES FOR AN ADDRESS BY  
THE HONOURABLE BARBARA McDOUGALL,  
SECRETARY OF STATE FOR EXTERNAL AFFAIRS,  
TO THE  
FOURTH RENÉ CASSIN LECTURESHIP IN HUMAN RIGHTS  
AT MCGILL UNIVERSITY**

**MONTREAL, Quebec  
March 19, 1992**

External Affairs and  
International Trade Canada

Affaires extérieures et  
Commerce extérieur Canada

**Canada**

This evening, as we honour the memory of the late René Cassin, there is enormous cause for celebration.

The results of this week's referendum in South Africa confirm that there is a spark of understanding hidden deep within the human spirit that will forever seek out the light of freedom. While that spark can be contained -- often for centuries -- it can never be extinguished. For those who have made the pursuit of human rights a lifelong goal, it is further proof that the effort can never be abandoned until all the sparks have been released, so that we can see the world in all its brightness.

I am very honoured to be here today to deliver the fourth René Cassin lectureship in human rights.

### **Law and Government: Partners in Human Rights**

In the first four years of this prestigious series, you have chosen as your speakers two outstanding Canadian jurists, Madame Justice Claire L'Heureux-Dubé and Justice Walter Tarnopolsky, and two Canadian diplomats, Yves Fortier and myself.

I believe that you have found the right balance for an examination of human rights in the world today: on the one hand, law, and on the other hand, government action. On one side, the principles and values that must be encoded, and on the other side, the institutions and powers of government to implement them.

But the fulcrum of that balance is the individual. Personal well-being and the development and enhancement of the human condition are the ultimate tests of laws, institutions and governments.

### **Pluralism Brings Unpredictability**

We are living during an extraordinary moment in history. With the end of the Cold War, the world is faced with new forces, many of them pulling in opposite directions.

In a recent speech at the World Economic Forum in Davos, Vaclav Havel, President of the Czech and Slovak Federal Republic, observed that the end of Communism brought to an end not just the 19th and 20th centuries, but the modern age as a whole. He equates the fall of Communism with victory for life, human individuality and pluralism over misplaced confidence in systems and social design. He sees the salvation of civilization not simply in our abilities, but in the soundness of our values and instincts.

There does appear to be an increasingly widespread commitment to democracy, pluralism and individual rights. But with this liberation of human impulses, with all their unpredictability,

there continue the possibility and great danger of violence, oppression of minorities and violation of basic human rights.

Our purpose must be to help tilt the balance and to aid peoples to embrace and prepare for democracy according to laws rooted in fundamental human rights and according to the principles of good governance.

### **Human Rights are the Goal**

The quest for universal human rights is not new. Thomas Jefferson, John Stuart Mill, Leo Tolstoy, Eleanor Roosevelt, Martin Luther King, René Cassin, and many other -- often anonymous -- fighters, martyrs and tireless workers, including Canadians such as John Humphrey and John Diefenbaker, all worked diligently to achieve this goal.

What is new is the world revolution that has now created the possibility of extending these rights to almost all the world's citizens.

### **Canada's Role**

In 1992, we must bring to bear the full force of Canadian diplomacy on the interrelated issues of human rights, democracy and good governance, all within the rule of law. Canada's role must be to ensure that this possibility becomes a reality.

At the highest level, we do so as idealists, out of concern for fundamental justice. As a country, we also declare and validate our own experience -- the need to build a tolerant society based on rules of law in which every person knows his or her inherent worth and in which guaranteed rights represent the first responsibility of government.

We also act out of a need for world security. We know that real and lasting security will come not from monolithic systems that clamp down on millions of lives, but from free and open societies.

### **Rights without Borders**

There is growing consensus that what goes on inside a country's frontiers cannot be considered entirely an internal affair, beyond the legitimate interest of the world community.

Under this doctrine of non-intervention in the sovereign rights of nations, we witnessed the cynicism of Communist regimes, which composed article after article in constitutions guaranteeing the rights of citizens, only to crush them daily in practice according to the same constitutions.

We are past that now. Not everywhere. Not in China. Not in some other places in Asia or Africa, but in virtually all of Latin America and all of Europe.

This is enormous news. However, the gains are fragile. But our government is determined to assure completion of this extraordinary revolution toward universal human rights and to make them secure.

We are activists on these matters because we believe that it is the right thing to do. And the majority of the Canadian public supports us in these initiatives.

There are always some who believe we can remain indifferent to what happens inside other countries as long as it doesn't affect us negatively. They may say: "Let's sell to them, even give them aid (particularly if that helps our sales)." And when conflict and killing occur, as in Yugoslavia, Azerbaijan, Haiti or Somalia, just to mention our agenda for this week, the passivists and cynics say, "It's sad, but things are sad; just make sure it doesn't get out of hand or beyond their borders over there."

This view is absolutely wrong.

#### **The Need to Act -- Yugoslavia**

There is a real need to act. For example, 6,000 people have died in the Yugoslav civil war, mainly in Croatia but on all sides. It has been a war of ethnic majorities against minorities.

In September, our prime minister was the first who called for a UN peacekeeping force -- the first to say that this was not an internal affair of state, exempt from humanitarian intervention, but, instead, the intolerable oppression of the weak by the strong.

That peacekeeping force is now on its way. The process of protecting people by securing basic rights is beginning, by negotiation, by declaration and by the rule of law.

#### **The Need to Intervene -- Nagorno Karabakh**

In the once autonomous Soviet region of Nagorno Karabakh, Azeris and Armenians are responding to the collapse of totalitarianism by lining up to kill each other, individual against individual, religion against religion -- unless the world can stop it.

The mandate of the Conference on Security and Co-operation in Europe (CSCE), of which both Armenia and Azerbaijan are members, is precisely the promotion of human rights and the management of conflict.

The CSCE could not intervene in Yugoslavia last May when I urged it to, because the then U.S.S.R., among others, would not let it interfere in the "internal affairs of a state," fearing, I suppose, interference in its own affairs. That was before the August 19 coup.

After the coup failed, at a CSCE conference held, ironically enough, in Moscow, the then foreign minister of the restored Gorbachev regime told the assembled CSCE ministers that, if ever again there was a conflict between the principle of non-intervention and the protection of human rights, the Soviet government would come down on the side of human rights.

What a transformation!

So a week ago, I urged the chairman of the CSCE -- the foreign minister of the Czech and Slovak Federal Republic -- to go beyond merely sending observers to the obvious agony in Nagorno-Karabakh and, instead, to intervene. This means calling together the Armenian and Azerbaijani foreign ministers in a CSCE peace process to halt the conflict and to begin to build a just and lasting peace with the inhabitants of Nagorno-Karabakh itself.

After all, these new republics have accepted the CSCE's principles. Let us now hold them to account. I am pleased that Mr. Dienstbier has indeed called such a meeting of CSCE foreign ministers in Helsinki this coming Tuesday.

#### **The Need to Protect the Return to Democracy -- Haiti**

In Haiti, Canada continues to support the return of constitutional democracy to that country. The agreement, worked out a couple of weeks ago by President Aristide and the elected parliamentarians under Organization of American States (OAS) auspices, and after a lot of difficulties, offers the best chance to achieve that result.

The implementation of that agreement depends to a large extent on the long-term support of Canada and the OAS, as well as other countries. We all need to assist Haiti in developing viable and long-lasting democratic traditions and institutions.

It is the intention of the Canadian government to continue supporting President Aristide and the constitutional process in Haiti, and to encourage the OAS commitment to this little country overwhelmed by poverty and a tragic destiny.

#### **The Need to Establish the Rule of Law -- Somalia**

In Somalia, a despotic government fell, but there is no rule of law, only chaos and killing. Even humanitarian assistance has

been abandoned because of brigands and thugs who make armed right the dominant right.

I wholeheartedly applauded the initiative this week of the UN Secretary-General to ease the tragic suffering of these people. This one, unfortunately, I fear may be closer to the beginning than the end.

I mention these current conflicts, where the Canadian government is playing a leading role, to illustrate two points: first, the progress to pluralistic democracy is not without its barriers and costs; and, second, when violence does break out, human rights are the first to fall before the law of the bullet.

I have alluded to this week's killing fields. They are, sadly, not the only ones. We must not only focus on these, but also find creative solutions to other conflicts as they arise.

#### **Building Beyond Conflict Resolution**

But we also must look beyond conflict resolution. That means helping to build the cultures of democracy and the protection of human rights so that conflicts are prevented in the first place.

We must address and right blatant wrongs -- as we have for the blacks of South Africa, the Jews of the Soviet Union or the Czech and Slovak Federal Republic's signatories of Charter 77. And we must build these rights within the comprehensive frameworks that, at long last, can give our declarations and laws more universal meaning.

#### **The Need for Frameworks**

It has been 42 years since McGill's John Humphrey, along with René Cassin and Eleanor Roosevelt, developed the Universal Declaration of Human Rights, which, with specific conventions, makes up the International Bill of Rights. These instruments provide standards for human values that transcend political borders and invite people to unite around the most basic principles of individual freedom, justice and human dignity.

In World War II, millions of people perished in defence of these principles, only to see hundreds of millions more subjected to tyrannies that made a mockery of their sacrifices.

In the Helsinki Final Act, in 1975, there was a further attempt in Europe to empower brave individuals to challenge the state, to claim rights for themselves and their societies. Again, there were few immediate results. There was still a need to elaborate a set of intergovernmental commitments to universal political concepts.

In 1990, countries of Europe and North America agreed in the Charter of Paris "to build ... and strengthen democracy, as the only system of government of our nations," and they held that respect for human rights "is an essential safeguard against an over-mighty state."

So human rights, democracy and good government have become inextricably linked, and rightly, since without one component of the trinity, the others will collapse.

Moreover, they cannot thrive without a framework of co-operative security and sustainable prosperity, two of the other major objectives of Canadian foreign policy. In fact, it was our Canadian, John Humphrey, practical as ever, who wrote, "Human rights without social and economic rights have little meaning for most people, particularly on empty bellies."

Indeed, this is the rationale behind our efforts to aid Russia, the other ex-Soviet states, and the states of Eastern Europe today. These states and their peoples are currently free, but freedom may seem less of a priority for these people if there are no jobs, no food and little security.

Our objective is straightforward -- prevent conflict while building progress. At Stanford University, the Prime Minister cautioned that this is a task that might not be completed for many years, but that we should nonetheless have the vision and courage "to take the first defining step."

#### Good Governance -- a Definition

This first defining step is a challenge that Canada and other countries are trying to address through the promotion and pursuit of what we have come to call "good governance" in international relations, a concept that is centred on the affirmation of human rights and the effective use of scarce resources.

I want to elaborate on:

- what we mean by good governance;
- how we support it; and
- why we believe what we are doing is important.

Let me start with a short definition and a brief outline of the context.

- Good governance means government based on universal human values, open and democratic institutions, and sound and practical systems for priority setting, decision making and program management.

- Good governance encompasses respect for human rights, the practices of democracy, and responsible and accountable public administration. It considers how a government governs and what policies it pursues. It looks at how people are treated, how countries are governed and how well our contributions are used for the purposes for which they were intended, such as social and economic development, or the transformation of political or economic systems.

Canadians care about these principles -- and quite rightly. Let me take each in turn.

#### **Good Governance -- Respect for Human Rights**

First, human rights -- how people are treated. Respect for human rights lies at the core of good governance. Unless countries meet a basic standard of respect for human rights or show a clear resolve to improve conditions and address problems, they cannot expect outside assistance or support for the course they are following. They should instead expect pressure to change.

By the same token, sustained and determined efforts to strengthen observance of human rights will attract assistance and support. The reality is that sometimes we must take into account that some countries are starting from a long way back.

#### **Good Governance -- the Practice of Democracy**

Second, the practice of democracy -- how a country is governed. We know that democracy does not rely solely on specific models -- because models may vary -- but rather on the actual, effective participation of a country's people, including its women and its minorities, in the decision-making process.

Constitutions and elections are important, as in Haiti for example, but only if, in practice, they empower people to limit, control and change their governments. Participation in the exercise of power is central to democratic practice and is a key element in the development of a democratic culture.

So, too, is the tolerance of differences and the due respect for the interests and needs of a country's minorities. Democracy, whatever its form, involves pluralism, and that requires a special set of operating procedures to ensure a balance between those who hold power and those who don't.

In the final analysis, what is important is not only what a country has achieved by way of representative institutions, but how deeply it is committed -- in its own unique circumstances -- to developing democratic processes and a truly democratic system.



## Good Governance -- Responsible and Accountable Public Administration

The third component of good governance centres on how a government administration operates and what priorities it sets for itself. This principle cannot be cast in absolutes, but some fundamental characteristics are clearly evident:

- honest government: measures against corruption, open and reliable public accounts;
- recognition of the limits of government actions: in the economic sphere, a free rather than controlled economy;
- sound economic management, including an appropriate level of defence spending, responsible fiscal and monetary policies;
- positive social policies that give priority to:
  - alleviation of poverty,
  - recognition and involvement of women,
  - protection and care of children, and
  - health and education; and
- responsible international conduct: for example, non-proliferation of weapons.

Fine ideas, you may say. But how do we -- one country among many -- bring about this revolution in policy and practice? We cannot bring it about by ourselves, but we can lead, and we can lend support to a growing movement of those who seek and work for change.

That is why speaking out, spelling out expectations as we did in Eastern Europe, can be helpful -- especially if it is clear that we expect no less of others, in the long run, than we aim for ourselves.

We recognize, as we deal with these same issues domestically, that we must remain constantly vigilant to keep our own principles and priorities on track. We seek no double standard for ourselves.

### Encourage and Support Change

We have set up several new instruments in recent years to foster and support the positive change I have outlined, including the establishment by Parliament of the International Centre for Human Rights and Democratic Development.

The link between democracy and development has led to creative partnerships between External Affairs and International Trade Canada and the Canadian International Development Agency (CIDA),

and an increasing and important role for the valued expertise of Elections Canada and provincial electoral commissions such as Elections Quebec.

The creation of the Electoral Observation Fund is an example of a flexible mechanism that responds to new needs in developing countries. Likewise, the new Human Rights Fund for Sri Lanka will help those who are working to preserve and restore human rights in the face of an extended conflict.

In Central and Eastern Europe, we have moved quickly to reinforce democratic change. Within the last two years, the External Affairs Task Force on East and Central Europe has undertaken 27 projects worth over \$3 million in support of democracy, 47 projects worth over \$5 million in support of good government and eight projects amounting to \$400,000 in the area of human rights. Almost half of its funding, apart from food aid and humanitarian assistance, has been specifically targeted in these areas. All of these are grass-roots, hands-on assistance.

These special and targeted efforts are part of Canada's overall development effort, which seeks to enable countries to bring about improvements in efficiency, increases in human freedom and an expansion of human enjoyment on a sustainable basis -- in short, to eliminate poverty and achieve good governance.

#### **The Legal Underpinning**

At the outset of this address, I referred to the balance between law and government action that supports human rights and encourages and assists democratic reform.

New governments aspiring to democratic reform increasingly make solemn political commitments to ensure that all rights are respected. If this requires change to domestic law, it must be done. If it requires better enforcement of those laws, it also must be done. If it requires action by other states to ensure compliance with international covenants and treaties, we shall use the mechanisms established for that purpose.

Governments alone cannot guarantee tolerance; inevitably that power rests with the individual. But governments can establish a climate for tolerance; they can play a crucial role in education -- the heart of this issue.

And governments can ensure that intolerance is unacceptable. The persecution or discrimination in treatment of individuals based on their race, religion, ethnic or linguistic background can be made illegal. Once such treatment is illegal, governments can use the full force of their laws to prosecute offenders.

Canada can provide and has provided very practical and positive reinforcement for legal reform through directly assisting in the development of democratic constitutions; training and organizing an independent judiciary without which there can be no guarantee of human rights; and establishing and training people to run agencies that monitor human rights.

The Canadian Bar Association's Central and Eastern European Legal Internship Program will bring 24 lawyers from Poland, Hungary, the Czech and Slovak Federal Republic and Ukraine to Canada to undertake three-month internships with Canadian legal firms and organizations.

The 1992 program will also feature seminars in Warsaw and Prague on the role of lawyers in democratic and free-market societies, as well as a judicial training component for 10 judges from the Czech and Slovak Federal Republic.

In 1990, the Quebec Ministry of Justice contributed to a series of advisory and training initiatives with the Hungarian Department of Justice. Hungarian officials studied Quebec's civil code, land registration and notarial systems; legal experts from Quebec provided expertise and advice on legislative drafting and reform to Hungary's criminal law.

#### Promoting Democracy

Other sectors of society can also be brought into harmony with systemic protection of human rights. This winter, in Montebello, we hosted a seminar on democracy for leaders of the armed forces in Eastern Europe.

A project sponsored by the Canadian Human Rights Foundation of Montreal will bring 21 participants from Russia, Ukraine, Lithuania, Latvia and Estonia to Canada for a five-week training program on human rights.

These and other similar programs are designed to ingrain basic concepts of human rights into the cultures of these newly emerging nations.

Canada is well aware of both the opportunities and the potential risks of the new-found freedoms in Central and Eastern Europe and the countries of the former Soviet Union.

We are committed to preventing conflict by promoting democracy, principally through the United Nations, but also through other regional and independent organizations and bodies.

For example, Canada provided an expert on the international team sponsored by the CSCE that observed the election last December in Ukraine.

But, as I have indicated, democracy is more than elections. It is the whole process of accountability, as well as a system that includes an independent judiciary, freedom from censorship, a tolerance of minorities and a sense of pluralism. We must instil these fundamental human reflexes into the people, and not simply walk away the day after an election.

Our primary purpose is to assist countries to build toward sound performance on these issues. With the overall movement toward democracy around the world, and with the increased demand for aid dollars, the public expects our government to weigh a country's performance carefully before providing assistance.

The Prime Minister, at the Commonwealth Heads of Government Meeting in Harare in October 1991, signalled Canada's intentions clearly with respect to future Canadian development assistance when he said, "For Canada, the future course is clear: we shall be increasingly channelling our development assistance to those countries that show respect for the fundamental rights and individual freedoms of their people. Canada will not subsidize repression and the stifling of democracy."

He reiterated this message at the Francophone Summit in Paris in November.

Our actions in Haiti and Indonesia in recent months testify to the firmness of our commitment to this principle.

#### **Responding to Abuse**

But dealing with open abuse is difficult.

There is, of course, the very practical step of bringing human rights deficiencies before the UN Human Rights Commission. Canada remains committed to this process and is one of its most vigorous supporters. But this route has little practical impact. Bilateral and multilateral actions are often required.

We are very sensitive to the fact that each situation is unique and that our judgments about what to do need to take into account both the unique circumstances of each of our partners and Canada's own interests and priorities in the region. Also, when possible, we will try to protect the poor, perhaps by shifting our aid from governments to non-governmental organizations.

#### **Friendly Persuasion, Specially Targeted Assistance and Co-ordinated Actions**

The measures we adopt may range from friendly persuasion and specially targeted assistance to explicit pressure exerted in conjunction with other countries, through our bilateral and multilateral aid programs. That includes reductions in the

volume of assistance and changes in how we give assistance and in who receives it.

Wherever possible, we consult other governments and international agencies about looming problems and new opportunities, and seek to take co-ordinated action. But action by Canada has not been contingent on achieving an international consensus in the past, and it will not be in the future.

Most important, we look to Canadians for the special knowledge and perspectives they can bring to the debate -- through contacts, correspondence, the media and Parliament. International data need to be viewed from a Canadian perspective.

The insights and knowledge that business, labour, voluntary groups and private organizations can provide deepen our understanding of a particular situation and of the choices available.

#### **Suspension or Termination of Bilateral Assistance**

Sometimes, there are grave situations where governments act arbitrarily, threaten or attack their neighbours, misuse their country's resources, or abuse their citizens' fundamental rights. Such circumstances call for explicit and far-reaching measures, such as the suspension or termination of our bilateral assistance. We have done that on a number of occasions in the past, and we shall not hesitate to do the same if justified in the future.

#### **The Use of Sanctions**

In even more extreme situations, there is the further option of applying political and economic sanctions. The measures introduced vis-à-vis South Africa -- or, more recently, Iraq and Haiti -- illustrate the point.

Such measures are rightly reserved for extreme cases. They must be designed to minimize the cost to Canada (and private Canadian citizens) and maximize the chances of success.

The objective is not to ruin a country or penalize its peoples, but rather to bring about a change in the conduct of its government.

Even when sanctions are in place, we may have reason to fund projects designed directly to help those who suffer or seek change. We have been doing that in South Africa in projects worth some \$46 million during the past four years.

### **Canadian Support for South Africa**

We intend to sustain our involvement and support for South Africa as it moves toward further momentous changes. John Diefenbaker said in 1961 that there would always be a light in the window for South Africa. We are keeping it there.

The support Canadians have given to those brave South Africans -- black and white -- who have carried on the assault on the immorality of apartheid reflects our consistency on these issues of human rights. It also reflects the generosity of the spirit of Canadians as they look outward to the world.

### **Canada's Role in the World**

In fact, Canada is seen in the international community as a model of peace, tolerance, respect for diversity, equality and the protection of human rights.

What Canada brings to the international arena is a particularly Canadian view, steeped as much in our history and cultures as in our Charter of Rights and Freedoms and its predecessor documents.

To many people outside of Canada, the fact that we are currently undergoing such a gut-wrenching process of constitutional review is ironic, if not shocking. But if one looks closely at the elements of our internal review, one sees an intriguing parallel with what we are attempting to accomplish abroad.

Our search for essential Canadian values, modern and functional democratic institutions and practical divisions of power and responsibility corresponds almost directly with our international commitment to the development of human rights, democracy and good governance.

### **A Strong Canada**

A strong and united Canada can remain a beacon for the practice of human rights to all the world's nations.

I won't hide my views or my feelings. A Canada without Quebec would be greatly diminished in the international corridors of power, and a Quebec without Canada would be greatly reduced in its ability to inject its unique perspective into international decision making.

The Canada of 1992 faces many of the same problems that confront the newly minted democracies of the world: questions of language; individual versus collective rights; minority rights; the treatment of indigenous peoples; regional versus national interests; the rights of women, children and disabled people; and the protection of the environment.

History is merely a record of our successes and our failures in these areas. But we shape what the next chapter of that history will be. We can, like the great jurists and diplomats who have gone before, inject our own human qualities into the process of history making.

Those of you who attended any of the five regional constitutional conferences recognize the power of the "ordinary Canadian" to restore a sense of perspective to the discussion.

As with our efforts internationally, we must find a safety and comfort zone for all Canadians through a redefinition of our values, our institutions and our systems of government.

Human rights, democracy and the principles of good governance are the framework for freeing the human spirit. Commitments to such a framework are vital to realize progress internationally. Canada is a principal mover in these efforts; people elsewhere look to us for direction and inspiration.

I have great faith in the Canadian spirit; I have great faith in Canadian instincts and values. Open minds and, more importantly, open hearts are the key to our future as a nation. We have demonstrated these qualities time and time again in support of peoples around the world. We must now recharge our batteries at home.

Our strength, we will find, comes from the fundamental energy that has surged through the veins of the people who have chosen to live in this country. We will find that the energy source is not language or culture or region; the energy source is the human spirit. That was the basis for the incredible momentum that has led to new freedoms and democracy for millions, even billions, of people around the world; it will also be the basis for a renewed Canada.