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NOTES FOR STATEMENT BY THE HEAD OF THE
CANADIAN DELEGATION TO THE
CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE
GENEVA, OCTOBER 4, 1973

"FAMILY REUNIFICATION"

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

Mr. Chairman,

The Secretary of State for External Affairs of Canada, in his Statement to the First Stage of this Conference, made a strong plea that members of the same family should not remain unwillingly separated because they reside in different states. He said: "The enunciation of principles and the adoption of concrete measures on divided families and like problems would, we believe, substantially improve interstate relations." Canada's particular interest in this subject was further expressed by our Ambassador in Finland in his address to an early session of the Helsinki consultations when he pointed out that there was scarcely a country represented that was not the homeland of some Canadian citizen. For this reason, Canada has a particular and compelling interest in seeing reflected in any final document of this Conference a declaration on the reunification of families.

As with other documents on which we will be working, my Delegation would anticipate that any such declaration on family reunification should have two principal parts: the first, a clear expression of the principle which we wish to establish; and the second, the steps that we consider might be taken to make such a principle more effective in the relations between our respective countries and their peoples. As with other proposals, it should be our purpose to encourage the progressive reduction of barriers to the realization of those general principles we will be enunciating.

During all its history as a sovereign state, Canada has made welcome groups of people from all over Europe. Many who came between the wars, and even earlier, still retain memories of their country of origin. Many came to us as a result of the ebb and flow of populations during and after the Second World War. A number came with the hope that they could act as an advance guard for those of their immediate family that had been left behind. We have already heard from our Danish colleague, with whom I heartily agree, how important it is to reduce barriers in a way that would ensure that these family members can visit one another as they wish. Our particular concern goes farther: we would like to see it accepted that those who wish to move back and forth across frontiers to live with their near relatives may do so with minimal difficulty and in an atmosphere of acceptance and tolerance.

The desire to join one's relations is a natural desire. We should not seek to impute political or economic motives to those who feel the strength of family ties; rather we should look for ways to meet this very human drive for family solidarity in a spirit of co-operation consonant with the atmosphere of

détente which has been spreading in Europe in recent years. Indeed, one of the symbols of the success of the movement to détente will be the general recognition that it is the duty of all states to make it possible for those families, some of whose members may be unwillingly separated from the others, to be permitted to reunite in places of their own choosing. If this principle is accepted by all states here, there should be no need for them to interpose artificial obstacles of an arbitrary nature. In approaching this question with minds sensitive to human welfare, our countries will be fulfilling the clear intent of the terms of Article 16(3) of the Universal Declaration of Human Rights which states in unequivocal terms that the "family is the natural and fundamental group and unit of society and is entitled to protection by society and the State". It follows directly from this principle that obstacles to the preservation of this fundamental unit should be identified and removed as a matter of high international policy. It is therefore appropriate that a conference dealing with the problems of Europe should ask the participants, in the interests of improving the human environment which we all share, to examine this question and to identify obstacles to family reunification--for these are at the same time obstacles to understanding between states and peoples. Apart from the duty which is placed upon all our countries to foster the family group as a social and political entity essential to the moral health of nations, the effect of separation on individuals should not be ignored. The poignant distress caused to so many by family divisions can only be an impediment to the understanding, reconciliation and goodwill amongst people without which our other efforts here will be less effective than we would wish.

Apart from stating the important principle that members of the same family should not unwillingly be kept apart, any document which this Conference will produce should also make general suggestions on how states most effectively can achieve this object. Participating states should be encouraged to devise procedures in cases of family reunification which are expeditious and which will bring forth early decisions. Many states require complex documentation for those who are departing, and in many cases make charges for such documentation. We believe that when questions of family reunification or, for that matter, family visits are in question, the amount of such charges should not be excessive and that, in particular, such charges should not be placed upon young children or on the needy. Such documentation should not be exceptional or particularly complex for families as opposed to other travellers. Any obstacles whether they be administrative or financial which are in addition to those normally placed on emigrating individuals or which are imposed following the decision of any authority to grant travel documents would seem to be in contravention of

the general principle that we would ask participating states to accept.

We should also reach some understanding concerning the right of individuals to dispose of their property and to make ready for their travel. Wherever possible they should be allowed to take with them their possessions or the proceeds of the sale of their possessions. We realize that many countries have, for valid reason, controls on exports of goods and currency, but it seems to us that for humanitarian cases such as we are discussing, special provision should be made.

Perhaps the sub-committee could also consider whether it might be appropriate to deal in some way with the problems which can arise as a result of a rejection or delay for good cause of a family reunification application. In such cases we believe that the individuals concerned or their relatives should not suffer further, either by loss of their employment or deprivation of any of their rights; and I am confident that all those represented here share this belief. Participating countries might be invited to consider making special provisions for appeals, and reconsideration on a periodic basis, of all unsuccessful family reunification cases. There is a close relationship between the question of family reunification and family visits. We recognize that in certain cases some members of a family may regret their decision to move across a frontier and decide to return to their country of origin. We consider that there should be no impediments to this reverse flow; but we also think that many such difficulties can be avoided from the start if participating states take an accommodating view of family visits which may precede decisions for or against a permanent family reunification.

In considering the general question of family reunification, participating states will wish to recall the great contributions to the problem of divided families which have been made by the International Red Cross and by Local Red Cross and Red Crescent organizations. It seems to us that it would be appropriate for this Conference to call upon participating states to continue to assist to the greatest extent possible these humanitarian efforts which have resulted in so many happy reunions.

Of course this Conference will not wish to attempt to demand that any particular measures be put into effect by an individual participating state: it will be for each state to adopt the measures necessary in the spirit of any general declaration on which we will all agree. Nevertheless, family reunification is surely a field where all participating states would recognize that progress will be in their own long-term interests, and in the interests of the durable and just international order that we are trying to build. It is therefore

our task to examine how we can advance in this direction, and advance will only be possible if all participants are prepared to take a realistic approach to this subject, as they will be doing with others.

In conclusion, I should like to say that we will not only continue to advocate the principles and procedures which I have mentioned, but we will also be working on a draft final proposal which, in due course, we will submit to this sub-committee for consideration as part of the sub-committee's contribution to a final conference document. The comments which we hope to hear during the current discussion phase of the sub-committee's work will aid us in the task of preparing this draft. We hope and trust that in view of the potential effect of the family reunification issue upon the rate of improvement of relations between states, our text will be approached with sympathy and the widest possible degree of support.