



# Statements and Speeches

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No. 81/7

## CANADA'S HUMAN RIGHTS OBLIGATIONS

An Address by the Honourable Mark MacGuigan, Secretary of State for External Affairs, to the Canadian Human Rights Foundation, Ottawa, March 27, 1981

...There is no question that it is important to develop between the government and the public in Canada common views and approaches to international human rights issues. For that reason I want today to share with you some perceptions of the role of these issues in international affairs and, in particular, in Canadian foreign policy.

At the outset, I want to dispel a notion that is gaining popularity that human rights became a focus of international attention only when the former administration in the United States enunciated an international human rights policy, and that consequently the issue will disappear from view with the change in the administration in that country. Both the hypothesis and its corollary are erroneous. As I will elaborate later, human rights achieved a high profile in international debate in 1975 with the conclusion of the Helsinki Final Act and the process which it initiated.

### South Africa

In Canada, however, concern for human rights has been an element of our foreign policy for decades. Although it may have been perceived over the years as a political or humanitarian issue, in fact, an intense concern for situations of inhumanity and the suffering caused by them is at the very foundation of Canada's response to human rights issues. Although there are many examples of this concern, I will refer to only one — that of South Africa. You will recall that two decades ago our concern about the policy of *apartheid* in that country led the Canadian government to support the expulsion of South Africa from the Commonwealth. Two years later we instituted a voluntary arms embargo against South Africa, and in 1977 we participated in imposing a mandatory embargo by the United Nations Security Council. In December of that same year, we took a step, unprecedented in Canada, by removing our trade commissioners from South Africa. We closed our Consulate General in Johannesburg. We restricted the use of credits of our Export Development Corporation. In 1978, we issued a code of conduct for Canadian companies operating in South Africa and severed official sporting connections.

Over the years Canada has responded emphatically to the persecutions of individuals and groups which have occurred in many countries, and we did so in a manner which demonstrated a long-term commitment to the victims of those persecutions. Since the Second World War, we have resettled in Canada more than 350,000 refugees and displaced persons of many origins: Eastern Europeans, Soviet Jews, Hungarians, Czechs, Tibetans, Ugandan Asians, Argentinians, Lebanese, Chileans, Vietnamese, Kampuchean, Laotians, Cubans, Haitians and, most recently, Salvadorians. The philosophical foundation of our human rights policy is identical to that of our refugee resettlement and development assistance programs. Our overriding objective is to bring relief to the victims and to ensure for them safety, security and basic human needs.

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**Changed  
attitude**

Although action and concern for human rights has been a factor in international affairs for decades, there has been, nevertheless, a significant change in the tone of the international debate that has ensued. Years ago, Canada responded to specific human rights issues as they arose. And because of the complexity of the issues and the impossibility of ever achieving consistency in approaching them, we hesitated to enunciate a global approach. Hence, although we dealt with human rights concerns as important issues, they still remained distinct from our broader foreign policy concerns. This is no longer the case. There has been a change of attitude in Canada as, I believe, in most Western-style democracies, and human rights are now recognized as a *bona fide* issue in foreign policy.

What brought about this change in attitude? As I said earlier, I believe it may have been the dialogue and debate which surrounded the Helsinki Conference of 1975 and the adoption of its Final Act. As you know, in preparing for the Helsinki Conference, Western parliamentarians and groups became involved in intensive discussions with governments and among themselves about the objectives and realities of dealing with human rights in Eastern Europe. Then, in the Final Act, all participants including the Soviet Union and other Eastern European countries reiterated their international human rights undertakings. The Final Act, and the review of its implementation at the first follow-up meeting of the Conference on Security and Co-operation in Europe (CSCE) in Belgrade, effectively countered earlier Eastern European insistence that, notwithstanding international legal obligations, human rights violations were an internal affair and not a fit subject for international debate. Following the Helsinki Conference, the United States' parliamentarians themselves initiated legislation which tied the administration's actions, in respect of international aid and finance, to assessments of human rights situations. This action, as well as the subsequent enunciation of a high-profile human rights policy in the United States, made human rights a controversial and popular consideration in foreign policy debate.

Turning to the broader question, there is no doubt that member states of the United Nations have an international legal obligation to promote respect for human rights both at home and abroad. By ratifying the Charter of the United Nations, they freely assumed this obligation. These provisions have been spelled out in a series of impressive and radical documents – the Universal Declaration of Human Rights and the International Covenants on Economic Social and Cultural Rights, and Civil and Political Rights.

The charter and covenants are treaties, and are no less binding than treaties on trade or maritime boundaries. But although they have been ratified by dozens of countries, nevertheless international human rights obligations are well observed by very few of the 154 member states of the United Nations. Indeed, international human rights organizations tell us that in more than 100 countries in the world, with *régimes* of both the left and the right, the fundamental rights of citizens are denied.

I don't question this estimate; respect for human rights internationally is weak and is not making significant progress. At the same time, I am not persuaded that the situation is necessarily deteriorating. Rather, I believe we are experiencing increased expectations of human rights and broader social justice. In many cases, partly due to

the attention directed by the media to situations of human suffering and deprivation, we are beginning to understand the scope and nature of our international shortcomings.

**Interpretation  
differences**

There are, of course, honest differences of emphasis and interpretation among countries of differing social systems and levels of development about what comprises the ultimate in respect for human rights. Some emphasize the rights of individuals; others stress the equal or greater importance of the responsibility of the individual to his or her society. Western democracies focus most on full respect for civil and political rights; developing countries generally stress economic social and cultural rights. But they all agree that human rights — be they economic, social, cultural, civil or political — are indivisible and inalienable. And no country is in doubt about when gross violations of these rights are occurring. As Edmund Burke wrote 200 years ago: "There is but one law for all, namely that law which governs all law, the law of our Creator, the law of humanity, justice, equity, the law of nature and of nations."

It is the most severe abuses of human rights that attract our attention — attacks on the integrity of the human person — murders, disappearances, torture, the expulsion whole populations, or their deprivation of basic human needs.

The central issue is whether an individual country, or even the international community as a whole, can make an impact on such situations. Unfortunately, it is a question to which no definitive answer can be given. Our experience is that one country, acting alone, can make no significant impact; the international community, however, acting with a single will may make some impact.

But we must be clear on what we mean by "impact". If we attempt to change the fundamental nature of a state and its society, we will probably fail. Only the people of that nation themselves have the potential ability to do so and, indeed, the sovereign right to do so. If, however, we strive to persuade governments to live up to their own standards — frequently enshrined in admirable but disregarded constitutions — and within their own systems, there may be some effect, in some instances.

I believe that our over-all objective must be to make respect for human rights an enduring international issue — to ensure that governments are aware that their behaviour towards their own citizens will affect their international standing and their ability to develop normal and fruitful relations with other countries. By directing international opprobrium on particularly despicable practices, the international community may persuade a government to modify those practices or deter other governments from engaging in them.

**UN action**

At the United Nations Commission on Human Rights, we have been trying to address some of the generic types of serious violations which prevail in many countries. We have worked for the adoption of a convention against torture. We have obtained the establishment of an international working group to monitor the widespread phenomenon of disappearances, and have secured the appointment of a distinguished special rapporteur to investigate the relationship of human rights violations to massive exoduses of people. We have also ensured the adoption of resolutions which reaffirm

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the rights of individuals to promote respect for human rights in their own countries. In this, we are concerned with the suppression of dissidents in Eastern Europe and in many other countries.

We do know that international opprobrium sometimes has an impact. Following the coup in 1973, large numbers of persons disappeared in Chile. Since 1977, however, no single disappearance has been documented by human rights organizations in that country. Although we cannot assume that massive international attention brought about this result, I believe it was a factor. Another case, however, is much clearer. Following the international pressures exerted on Vietnam at the 1979 Geneva Conference on Southeast Asian Refugees, that country did terminate its brutal, and frequently fatal expulsion of its Chinese minority.

But the failures are legion, and the international situation speaks for itself. If Canada wishes to have its views heard, we must ensure our credibility. We must continue to improve respect for human rights here in Canada, and ensure that we live up to the letter and the spirit of our own international undertakings. Some of you will know that federal, provincial and territorial ministers responsible for human rights met in Ottawa in February to reaffirm their common commitment to do just that. When we address the subject of human rights in other countries, we must be prepared to have them, in turn, address the state of human rights in Canada.

#### Canada's responsibilities

We have taken an important step in this direction by ratifying the Optional Protocol to the Covenant on Civil and Political Rights, which permits Canadians themselves to challenge Canada's performance internationally. And several Canadians have done so. We believe that any government which pretends to respect faithfully the provisions of the Covenant should be prepared to make a similar undertaking. Yet only a small number have done so today, primarily Western democracies.

We also have other substantial international responsibilities in the human rights field. We know that severe under-development impedes the development of full respect for civil and political rights, and prevents the enjoyment of economic, social and cultural rights. And so we must be prepared to play our fair part in contributing to international development, and in encouraging a positive outcome to the North-South dialogue. These, too, are important to international human rights objectives.

But having once established our credibility, how can we make an impact on the worst human rights offenders?

Groups in Canada frequently urge the government to sever economic relations with regimes which are serious human rights offenders, or to suspend Canadian or international aid to them. We, of course, do not sell arms to countries engaged in conflict, or to countries, whose human rights practices are wholly repugnant to Canadian values, and in particular where they are likely to be used against the civilian population. This is a matter of principle and, frankly, one that can be costly in terms of exports and foregone employment opportunities.

The United Nations Charter does not envisage economic boycotts except when the

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Security Council determines that a particular situation constitutes a threat to international peace and security. Unilateral boycotts — though costly to the country imposing them — have no significant impact. Even universal boycotts may not improve a human rights situation. And I do not believe that the operations of the international financial institutions should be disrupted by political considerations. To do so would undermine their very foundations and the important role they are destined to play in the North-South dialogue. Furthermore, in simple, practical terms, no two or three countries — let alone 154 countries — would be able to devise a common list of human rights offenders sufficiently guilty to merit denying them international support.

**Aid programs**

Development assistance programs, too, cannot be started and stopped in response to specific negative or positive developments. These programs have a gestation of a number of years. And our aid objectives are to direct assistance to the poorest people in the poorest countries. Thus, to terminate aid to these people because of their government's abusive practices would result in their being doubly penalized. Canada does, however, take account of broad human rights considerations when we determine to which countries Canadian aid will be directed. Both the need of the country and the readiness of its government to deliver assistance to its neediest populations are important factors in determining eligibility for aid. In addition, we exclude from consideration that tiny number of countries whose government's excesses have resulted in social breakdown as occurred in Uganda under Idi Amin.

Obviously, to respond to a human rights problem, we must first ensure that we know the facts. The government receives with interest the comments of important Canadian and international non-governmental organizations. In fact, we have instituted annual consultations with them. We also have other sources of information, including reports from our embassies and exchanges of views with governments of dozens of countries of various political perspectives. We take note particular of the views of countries in the regions in which problems occur.

Within the Department of External Affairs there is a division which co-ordinates and harmonizes our responses in international human rights. But in our bilateral relationships, human rights considerations are factored in at the desk level in the geographic divisions of the department.

**Expressing concern**

Regularly, we make known our concerns and those of Canadians about human rights problems to the governments responsible — through our representatives in their capitals and through their representatives in Ottawa. When our bilateral relationship is strong, our views may gain a hearing; when it is weak, they have little impact. When many other governments express similar views, the impact will be greater.

Sometimes we make our concerns public, but more frequently we do not. Why? Not because our conviction is weak. Rather, we have found that our views are likely to have a more positive impact when expressed in terms of humanitarian concern and of our wish to resolve a serious impediment to the normal evolution and potential development of bilateral relations.

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Our approach at the United Nations — and that of all Western countries — lies along the same lines. Within the confidential procedures of the Commission on Human Rights, we attempt to initiate contacts with governments in order to obtain restraint or resolution of a human rights issue. If the government refuses to co-operate, the issue can be moved into public session. Confrontational tactics and condemnation are avoided, as they will be unproductive. Indeed, they may have a counterproductive impact on the very victims we are trying to protect. This can happen because nations — large or small, rich or poor — are like human beings: proud and sometimes arrogant. They resent criticism from other nations who cannot view the situation from their own perspective. Only when all positive international approaches and attempts at persuasion have had no impact, do responsible governments publicly deplore or condemn the practices of an offender in human rights.

**Politicization  
problem**

There is, however, a major problem at the United Nations. When it comes to serious violations of human rights by a government of the right, the subject will be debated sometimes even in public session. This has been the case for Chile, El Salvador, Guatemala and Bolivia. Western democracies and some others engage in the debate out of humanitarian concern; but socialist countries do so for political reasons. On the other hand, when equally serious or considerably more serious violations occur in Marxist and socialist countries, debate is impeded by the countries of a similar political orientation. It is a politicization which I deplore.

We are, however, able to address the human rights issues of Eastern Europe in the CSCE forum. At the Review Conference now in progress in Madrid, Canada has put forward one human rights initiative and is supporting a number of others. We are insisting that the conference reaffirm and follow up on the human rights and humanitarian provisions of the Final Act no less intensely than on the security, economic and scientific provisions.

But I am concerned by indications of a degree of politicization in the human rights field in Canada, where public attention is being directed primarily to abuses in countries experiencing oppression from governments of the right. I realize that it is difficult for Canadian organizations to travel to or obtain information about the entirely closed socialist societies. On the other side of the issue, I realize that some Canadian organizations, because of historical, ethnic and family ties, are interested only in developments in Eastern Europe. But I feel strongly that all Canadian human rights organizations should address human rights violations impartially, wherever they occur, and provide to their memberships a broader understanding of how one situation relates to the others.

In closing, I want to assure you that the Canadian government is committed to pursuing vigorously human rights objectives within our over-all Canadian foreign policy objectives. In this, we rely greatly on our partnerships with non-governmental organizations and with parliamentarians. I hope we can continually reinforce our separate, but complementary, endeavours to make respect for human dignity a reality throughout the world.

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