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Human Rights and Canadian Foreign Policy

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1988

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Introduction

This publication contains extracts from recent Parliamentary and Government reports which address the question of human rights and Canadian foreign policy. Canadian interest in international human rights issues is of long standing, and has been reflected in the work undertaken in the preparation of the enclosed five documents, which cover the period between the report of the Special Joint Committee of the Senate and the House of Commons on Canada's International Relations in June, 1986, and the publication of the new development assistance strategy, Sharing our Future, in March, 1988.

As the Government Response to the Report of the Special Joint Committee pointed out, "concern for the fundamental rights of individuals and groups is intrinsic to Canadian society and Canada's historical heritage. In the Charter of Rights and Freedoms and in the provincial human rights statutes, Canadians have set for themselves high standards of human rights.... For these reasons, human rights are and will remain a fundamental, integral part of Canadian foreign policy." The five documents included in this publication discuss a broad range of issues related to human rights and Canadian foreign policy and their implications.

Independence and Internationalism

**Report of the Special Joint Committee
of the Senate
and
of the House of Commons
on**

Canada's International Relations

June 1986

**Joint Chairmen:
Senator Jean-Maurice Simard
Tom Hockin, M.P.**

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How Canadians Approach Their Foreign Policy

Major Concerns of Canadians

Promoting Human Rights and Development

Many witnesses called for a more significant human rights component in Canadian foreign policy. Several groups advocating this point of view, such as the Canadian Human Rights Foundation, criticized the passing reference to human rights in the Green Paper and proceeded to argue that

human rights [should] be, and appear to be, one of the main principles and co-determinants of Canada foreign policy, if not also the soul and substance of that policy. (47:69)

A few submissions supported the appointment of one or more officers or groups within the federal government to promote human rights abroad. Others advocated review by a parliamentary committee of human rights performance abroad.

Much more frequently, however, witnesses with human rights concerns argued for specific Canadian policies with regard to South Africa and Central America. In both situations the primary justification for Canadian intervention was that the governments involved were systematically, consistently and grossly violating human rights. With regard to South Africa, a sizable minority of the submissions maintained that developments in South Africa were an internal affair and should be of no concern to Canada. Most submissions on Central America, by contrast, had common characteristics: criticism of U.S. policy in the region and advocacy of a larger role by the Canadian government including, frequently, opening an embassy in Nicaragua. A few witnesses expressed concern about the policies of the Nicaraguan government and its treatment of the Miskito Indians.

We were impressed by the growth in public support for a human rights dimension to Canadian foreign policy, a trend that is likely to persist. We see this evolution in public attitudes as part of a worldwide recognition that human rights are now a concern of the world community, symbolized most concretely by acceptance of the Helsinki Final Act at the Conference on Security and Co-operation in Europe in 1975. For Canadians an additional impetus has been the entrenchment in the Constitution of the *Charter of Rights and Freedoms*.

In discussions with witnesses and panelists, differences of opinion emerged over how best to promote respect for human rights in other countries. On South Africa there was wide support for a range of sanctions extending as far as breaking diplomatic relations and all trade and cultural contacts. Most advocates of sanctions directed at South Africa shared Professor Linda Freeman's opinion that "the best policy...is slow, co-ordinated pressure by the West, step-by-step pressure...of course, not on our own, but moving forward, not marking time". (24:14) A few witnesses expressed particular concern about the record of the Soviet Union on human rights, including the denial to Soviet Jews of the right to emigrate and the imprisonment of peace activists. More generally, a large number of witnesses wanted to see Canadian trade, investment and aid denied to countries that abuse the human rights of their citizens. In the words of Edward Ratushny of the University of Ottawa Law School, "I do not see how we can separate the conditional performance of recipient countries [in the matter of human rights] from their right to receive foreign aid." (25:40) A few witnesses placed greater emphasis on persuasion, noting that abuses of human rights may be exacerbated by poverty; moreover, national pride in the face of foreign criticism might cause a counter-reaction and actually have effects opposite to those intended. As John Holmes warned,

You cannot simply order countries to behave. ...You have to cajole, persuade, do all sorts of things and quite often you have to try to save their faces. (25:45)

We were especially impressed by the number of witnesses expressing the heartfelt belief that Canada should act generously abroad to attack poverty and underdevelopment. The Saskatchewan Council for International Co-operation told us that "In...an interdependent world it is unrealistic to think Canada can be an oasis of prosperity in the impoverished world." (40:22-23)

We received a similar message in Halifax from the Interchurch Committee for World Development Education:

Canada has had some success in mediation, negotiation and peacekeeping ventures. As a result, we have been able to approach other countries, in particular developing countries, with greater credibility. While not completely outside the East-West power breakdown, Canadians have promoted a North-South view of development and international relations. We should continue along this approach while we seek to help less fortunate people develop with pride in their own culture, human dignity in their internal politics and control over their own resources and economic development. (33:35)

Not surprisingly, the preferred area for this kind of activity was the broad field of development assistance. Many witnesses, moved by the deprivation and suffering of people in other countries and grateful for the relative prosperity and well-being of Canadians, were ready to contribute from this base to international efforts to help others.

Members of the Fort Garry United Church Sunday School in Winnipeg showed their concern with a presentation involving 15 young people and their teacher. Said Tracy Kozar,

We have been learning about international aid. We are concerned that Canadian commercial interests, rather than Third World needs, are most important in Canada's aid program. Therefore we ask you that, first, you assign a high priority in our bilateral aid program to small-scale agriculture projects, which build the confidence, skills, and material resources needed to overcome hunger; (62:56-57)

Kristin Martin continued,

That, second, you commit yourselves to gradual and steady steps to unite bilateral aid programs. Foreign aid should benefit those for whom it is intended, the poor of the Third World. (62:57)

A large number of briefs spoke in favour of a generous Canadian aid policy. Specifically, many witnesses called for the government to increase the amount of aid it is giving. Typical of these was the Social Action Commission of the Diocese of Charlottetown, which advocated "an increase in Canadian aid. We believe that the figure of 0.6% of our gross national product is too small." (32:41) There were references to the desirability of reaching the 0.7-per cent target sooner than is now proposed by the government. Among supporters of a more active Canadian role in international development, some placed primary emphasis on increased funding for the work of non-governmental organizations (NGOs) in Third World countries. These witnesses claimed that there were numerous benefits to citizen involvement. CUSO Saskatoon expressed this approach with particular clarity.

In CUSO's experience, small-scale and local projects that are planned by the people who will use them are most effective in the long term....From our experience in working with NGOs, we know they have the ability and the experience to administer small projects. Small projects are one of the few ways that the poorest can be reached. Small projects are also less likely to create dependency relationships because of the small amounts of money involved. Further, because NGOs are community based, a better opportunity exists for the development of equal partnerships benefiting both Canadians and overseas groups. (40:32-34)

Apart from concerns that Canada's aid program be as generous as possible and directed to helping the poor, the committee saw evidence of a growing appreciation that relations between developed and developing countries are now at the centre of international economic management. Submissions on North-South issues emphasized the seriousness of the debt problems facing many Third World countries and the critical importance of dealing with them in such a way as to encourage their recovery and development. Increased access for Third World exports to markets in industrialized countries was seen as an essential requirement for the ultimate resolution of this critical situation.

CHAPTER EIGHT

Promoting Human Rights

We want to affirm what so many Canadians proclaimed before the committee: that the international promotion of human rights is a fundamental and integral part of Canadian foreign policy. It is a vital and natural expression of Canadian values. Moreover, the promotion of human rights is in conformity with the international legal rights and obligations that Canada has accepted freely, including the Universal Declaration of Human Rights, the Covenant on Civil and Political Rights, and the Covenant on Economic, Social and Cultural Rights.

The effective promotion of human rights internationally faces many challenges and practical obstacles. It is rejected in some quarters as unacceptable interference in the affairs of sovereign states. We insist, on the contrary, that the behaviour of governments, like that of individuals, is subject to universal values. It is not interference to pass judgement on a government's conduct and to adjust relations with that government accordingly. Actions such as terminating aid or trading relations are exactly the opposite of intervention in the internal affairs of another country.

The promotion of human rights has been attacked by others as a disguised attempt to shift the international agenda away from the problems of poverty and economics. This is certainly not our intention, as the earlier discussion of international development makes clear. We believe with the Canadian Council of Churches that "basic needs—food, water, shelter—[are also] inviolable rights, without which it is impossible for human beings to sustain life." (34) This is why we reaffirmed help to the poorest people and countries as the primary purpose of the Canadian aid program. Of equal importance, we affirm Canada's support for collective as well as individual rights, including the rights of workers and women and of religious and cultural minorities. We strongly endorse the argument of Edward Ratushny that Canada should refuse to choose either individual or collective rights over the other. "We should simply take the position that all rights are important, and there is no reason why individual rights have to be detracted from in order to support collective rights." (25:36)

Apart from the need to clarify its meaning and purpose, human rights policy faces a number of practical obstacles, not least of which is the absence of any agreed-upon enforcement mechanism. It is essential that human rights policy combine an adherence to principle with respect for careful procedure and practical results, the object being actually to relieve injustice. In considering the instruments available to promote human rights internationally, we think it useful to make a distinction between *protecting*

human rights and *developing* human rights. Whereas the former is concerned primarily with identifying, exposing and censuring human rights abuses, the latter attempts to strengthen those institutions and values that provide the only longer-run assurance that human rights will be respected.

Human Rights Protection

The main tradition in human rights policy is that of seeking to expose and, in one way or other, to end human rights violations. We believe that such an approach remains necessary and, indeed, in the case of Canada, should be made more vigorous. At the same time, we caution that the effectiveness of this approach is limited and that it depends on its international credibility. Among the necessary elements in a human rights protection policy are standards, credible investigation and sanctions.

As witnesses testified before the committee, the international promotion of human rights is exposed to a multitude of dangers, not least of which are frivolousness and politicization. On one hand there is the urge to become the scolds of the world, on the other the temptation to pursue political or ideological goals in the guise of human rights. The first-requirement in avoiding these dangers is to establish human rights standards.

The committee believes that a basic standard is available to trigger and guide Canadian human rights policy, namely the appearance of a pattern of systematic, gross and continuous violations of basic human rights. In its brief to the committee, the Canadian Council of Churches described those rights.

The churches assume that all people everywhere, regardless of their ideological, cultural, or political system, wish to be free from disappearance, from arbitrary arrest, detention, torture and extra-judicial execution and from state-sponsored racial discrimination. (34)

Where such practices occur and can reasonably be ascribed to state policy, Canada should be actively concerned.

Almost nowhere in the world are gross and systematic violations of human rights proclaimed as state policy or practised in the light of day. As a general rule they are hidden and their existence is vigorously denied. Indeed much of the psychological horror of torture and disappearances arises from this hidden quality. It follows from this that one of the most valuable instruments in preventing or ending human rights violations is the spotlight of international attention. There are three main channels of investigation open or available to Canada.

The first channel is international human rights forums, the most important of which is the United Nations Human Rights Commission. Created by the General Assembly in 1945, the Commission deals with many of the major human rights problems in the world, as well as serving to develop human rights standards and conventions. We received testimony that Canada, as an elected member of the Commission from 1976 to 1984, gained the respect of other countries and was valued by non-governmental organizations, which relied on the Canadian delegation to raise their issues at Commission sessions and to lobby on their behalf. A brief submitted by Philippe LeBlanc, by contrast, expressed concerns that Canada's performance as an observer at the 1985 session was low-key and far less effective. (2) The committee joins witnesses in recommending that Canada seek re-election to the United Nations Human Rights Commission and, in any case, follow its work actively. Particular attention should be paid to protecting and strengthening the position of the Commission within

the United Nations system. We recommend further that Canada work to strengthen the UN Working Group on Indigenous Populations. Native peoples throughout the world have been among the earliest and most cruelly abused victims of the denial of human rights.

In addition to the United Nations, we are convinced that there are other multilateral opportunities to develop an activist human rights policy. Canada should support and co-operate with the recently established human rights office in the Commonwealth Secretariat. Both inside and outside the Commonwealth, the government should collaborate on human rights issues with democratic middle powers among the developed and developing countries. Middle powers may be less likely to muddy the waters of human rights policy with geopolitical considerations and activities. Through close co-operation with developing countries, Canadian human rights policy will be sensitized to the perspectives and concerns of the Third World.

A second channel open to Canada in investigating and exposing human rights violations is the network of voluntary organizations working in this field. They range from national human rights bodies, whose members in some countries risk their lives to expose human rights violations, to international organizations that specialize in compiling and disseminating this information. In its submission to the committee, the Canadian Section (English-speaking) of Amnesty International—one of the most widely respected of the voluntary organizations—described the value of its partnership with the Canadian government.

We have watched with great satisfaction as the Canadian government has taken an activist approach to promoting human rights and opposing human rights violations in bilateral and multilateral fora. As a result, the Canadian section has often made the statement that we consider the Immigration Commission (dealing with refugees) and the Department of External Affairs our allies in the struggle for the international promotion and protection of human rights. (2)

The committee recommends strongly that an even closer collaboration with voluntary organizations become a central feature of the government's approach to human rights. In this regard, Edward Ratushny urged the government to establish a Human Rights Advisory Commission to serve as a regular channel of policy advice to the secretary of state for external affairs. We support this suggestion in principle, but note that there are several approaches to the functioning and composition of such a body. Accordingly we recommend that the government immediately investigate the most effective means of creating a Human Rights Advisory Commission.

The committee was pleased to hear testimony that Canadian officials are committed to an effective human rights policy. At the same time, we are aware of the pressures within the Department of External Affairs to attach priority to trade, security or political considerations and, in the process, to downplay support for human rights. To overcome this tendency, we recommend that the Department of External Affairs follow the example of the Netherlands Ministry for Foreign Affairs in establishing in-service training and refresher courses in human rights for all its officers.

International human rights forums and non-governmental organizations are well established channels for Canada's promotion of human rights. There now exists a third channel and the opportunity to develop a more coherent and activist approach. A House of Commons Standing Committee on Human Rights has just been created. As it begins to develop the international side of its mandate, we recommend that the Committee examine with particular care alleged international cases of gross and systematic violations of human rights, especially where they involve countries where Canada has

large development assistance programs or significant trade relations. The Human Rights Committee should work closely with the Standing Committee on External Affairs and International Trade. At the same time we urge the external affairs committees of both the Senate and the House of Commons to keep human rights issues on their agendas and to place them in the broader context of Canada's overall foreign policy. The human rights findings and recommendations of these committees could form an important element in cabinet consideration of the eligibility list for official development assistance if the committees requested a comprehensive response to their reports from the government, as House of Commons committees are empowered to do under Standing Order 99(2).

The investigation and exposure of human rights violations has some value in and of itself. Generally speaking, however, a determination that violations are taking place is only the first step towards some further action, or at least demands for further action by the international community.

There are occasions when public criticism is an essential human rights tool. But in general a successful human rights policy is like an iceberg: largely out of sight. In describing what he called the "unfortunate tendency in Canada to talk about quiet or loud diplomacy", John Holmes observed to the committee:

Well, of course, any intelligent country uses whichever one is more effective. There are times when quiet diplomacy is much more likely to get some warm bodies out. If you are trying to get people out of a totalitarian country, it is often better to do some private negotiations and not score points by making speeches. (25:46)

Visits abroad by the prime minister, other cabinet ministers and parliamentarians are among the most promising opportunities for expressing human rights concerns using a judicious blend of public pressure and private persuasion. We expect and encourage the government to take advantage of such opportunities, as indeed the Prime Minister did successfully on a recent trip to China and South Korea, the Secretary of State for External Affairs did on an earlier trip to the Soviet Union, and the Minister of External Relations did on her trip to Central America in the fall of 1985. In blending human rights concerns with trade, diplomatic and aid discussions, Canada can convey the message that human rights are an integral, not a peripheral, part of its international relations.

Apart from strictly diplomatic actions, Canada has a large development assistance program that can be put at the service of human rights. The issue of whether and how to do so attracted a great deal of attention in the briefs and submissions to the committee. Generally we hear Canadians saying that there should be links between development assistance and human rights, but carefully constructed links. That is our own approach; in this regard, we strongly endorse the recommendations of a parliamentary predecessor, the Sub-committee on Canada's Relations With Latin America and the Caribbean, as they appear in its report, *New Directions for Canadian Foreign Policy*, (78:14-15) which was tabled in the House of Commons on November 30, 1982.

- Canadian development assistance should be substantially reduced, terminated, or not commenced in cases where gross and systematic violations of human rights make it impossible to promote the central objective of helping the poor.
- Where countries systematically violate human rights or otherwise do not qualify for official development assistance, Canada should seek through international organizations to extend humanitarian assistance and to support those struggling for human rights.

- Where countries have a poor human rights record but not so extreme as to justify the termination of aid, Canada's development assistance should be channelled mainly through the private sector and particularly through non-governmental organizations that work directly with the poor. In addition, it should be the policy of the Canadian government in such cases to direct a portion of its assistance to organizations that are struggling to maintain and protect civil and political rights.
- Where countries that qualify for Canadian assistance are showing improvement in their respect for human rights this should be encouraged by a substantial increase in assistance.

Apart from bilateral aid programs, Canada is a major supporter of a number of international financial institutions (IFIs)—such as the World Bank and the regional development banks—which are very important sources of development finance for Third World countries. Some submissions to the committee argued that Canada should press the IFIs to establish human rights criteria for the granting of loans and other assistance. This would be a departure from the established IFI principle, defended repeatedly by Canada, of judging applications solely on their technical or developmental merits. The committee is acutely conscious of the dangers of further politicizing the IFIs in the name of promoting human rights. Nevertheless, we recognize that the most extreme violations of human rights destroy the possibility of economic and social development. Accordingly, we recommend that Canada use its voice and vote at meetings of international financial institutions to protest systematic, gross and continuous violations of human rights.

Finally we come to the most serious sanctions, short of war, that can be applied in response to persistent and extreme human rights violations—economic sanctions and the breaking of diplomatic relations. In the case of economic sanctions, government goes beyond regulating its own international relations to control private trade and commerce. There was debate before the committee as to whether and under what circumstances such action could be effective. Our general conclusion is that the interdependence of modern economies does indeed make them highly vulnerable to international economic boycotts of trade and investment, but that vulnerability is directly proportional to the extent and duration of the boycott. The basic requirement for effective economic sanctions, then, is that they be supported as universally as possible by the international community. Failing that, a sanctions policy, particularly of a middle power like Canada, can still have symbolic value.

As for breaking diplomatic relations, this runs strongly against the Canadian tradition of accepting the *de facto* government of a country as the authority with which Canada will deal. Moreover we think it self-defeating to terminate relations in any circumstance where there is hope of change for the better or opportunities for Canada to help out. It should be seen as the last card to play, after which one is largely removed from the game.

Human Rights Development

Thus far we have discussed a human rights protection policy conducted through international law and sanctions. The committee is convinced that, while strengthening this approach, Canada should move forward and create a positive human rights development program as well. Through co-operative programs of financial support, exchange, research and technical assistance, Canada should contribute to the long-

term development of political, civil and cultural rights as it now contributes to long-term economic and social development through the aid program. By helping to build representative political and other institutions and strengthen processes that serve, directly or indirectly, to protect human rights, Canada can add an element of protection to the carrots and sticks of traditional human rights policy.

The assumption underlying development assistance policy has been that economic growth would enhance other forms of social and political development—including enhanced respect for human rights—more or less automatically. Experience has shown that although creating and distributing wealth is of fundamental importance to developing countries, economic development by itself does not resolve social and political tensions. It often increases them. Many countries in Latin America, for example, achieved rapid economic growth in the 1970s and, at the same time, suffered political polarization, instability and the plague of human rights violations.

The roots of this trouble lie partly in extreme inequalities and concentrations of economic and political power. They lie also in the failure of institutions to defend and promote the rights of the individual, of minority groups and of the community as a whole. Growing numbers of people throughout the world wish to strengthen representative political and other institutions as one means of ending the cycles of repression and instability that have beset them. Without regard to ideology, this struggle for the development of human rights aims to promote the freedom of individuals to organize in labour, academic, religious and political associations, the establishment of an independent judiciary, a free press and effective democratic institutions, and the holding of genuine elections with the broadest spectrum of political expression.

The importance of human rights and democratic development does not mean that international co-operation in this area is easy or always possible. Issues of this sort are often considered off-limits to outsiders, an attitude Canadians can well understand. The principal danger is that what is represented as international co-operation may in fact constitute interference or even intervention. Such interventions have had anti-democratic and repressive consequences in the Third World, whatever the rhetoric that accompanied them.

Experience has shown that these objections amount to a well founded caution about how international programs in human rights and democratic development should be designed and run. They should, in the first place, be co-operative—responding to the requests of others as they identify their own interests and needs.

Canada is not—and should not be—in the business of exporting its own institutions. It can and should be equipped to share its experience and to co-operate with others as they develop their own institutions. Such programs should enjoy the active support, or at least the acquiescence, of partner country governments and peoples. The most promising opportunities for co-operation would occur in countries like Argentina or the Philippines, which have embraced democracy after periods of authoritarian rule. Serious human rights offenders would no doubt disqualify themselves and seek to discourage their people from participating in Canadian programs to assist democratic development. In those cases, Canada should try, where possible, to encourage the building of links with non-governmental organizations seeking to promote democratic development.

Such programs should also be practical and primarily technical in nature, careful to avoid advocacy, propaganda and the most sensitive or controversial areas of democratic development. Such matters are for the people of any country to debate and settle themselves. International assistance can be helpful in developing the means to achieve agreed-upon goals. We would offer the following as examples of activities that have already occurred in embryo and could be developed further.

- Strengthening Canada's capacity and effectiveness as an observer in elections abroad and developing programs of technical assistance in building of electoral institutions and procedures. (56:26-27)
- Providing technical and financial assistance in the strengthening of workers' organizations. This work could build on earlier projects such as those undertaken by the Canadian Labour Congress with CIDA support to help set up trade union research institutes in Belize and Jamaica.
- Encouraging partnership between human rights research and advisory bodies in Canada and their counterparts abroad through programs of exchange and joint research.
- Establishing a Latin America-Canada co-operative research program in legislative institutions. In time this might lead to the building of a Latin American legislative research and technical assistance network. (25:41-67)

Other promising areas include the organization of human rights bodies such as offices of ombudsmen, federalism, the strengthening of judicial institutions, the rule of law, local government, and the media. The government and the Parliament of Canada should consider developing direct programs of their own. For example, a program in electoral and representative institutions could be created in CIDA's Institutional Co-operation and Development Services Division, and the Parliamentary Co-operation program run by the Parliamentary Relations Secretariat could be expanded. In general, however, we incline to the view that projects should be developed and managed by non-governmental organizations in co-operation with counterpart organizations in partner countries.

Canada has not previously been particularly active in international efforts to encourage human rights development. It can and should be for a number of compelling and practical reasons. Canada has the ability and, we believe, the credibility to co-operate in this area. Canada's approach to international relations emphasizes co-operation with others rather than imposition of its own values and institutions. Programs to encourage human rights through democratic development would also be a means of opening political channels with other countries. They would serve as a two-way street, allowing Canadians to express their own values and share their experience while learning of the needs and aspirations of others and being reminded of the incompleteness and vulnerability of Canada's own democracy. To these reasons we would add another: such programs could serve as a unifying force in Canadian foreign policy, expressing the Canadian commitment to human rights in a non-ideological and non-partisan manner. To this end, we recommend that the government consider establishing an International Institute of Human Rights and Democratic Development with carefully prepared guidelines for supporting activities by non-governmental organizations. To ensure that the Institute is sensitive to the varying national perspectives on democratic development, particularly in the Third World, we recommend that its board of directors include international representation, on the model of the International Development Research Centre. Funding for the Institute should be provided as a small fraction of official development assistance funds.

Assisting Refugees

Assisting refugees is a special part of the Canadian concern to relieve the suffering of those whose basic rights have been violated.

Canada has an honourable tradition of providing such assistance. This country has received refugees fleeing civil strife in many parts of the world and has assisted those who have had to leave their homes temporarily. The generous response of the Canadian public was illustrated perhaps most dramatically between 1975 and 1980, when more than 60,000 Indo-Chinese boat people were welcomed to Canada. Over 34,000 of them were resettled with private support from some 7,000 sponsoring groups.

The goals of our refugee policies are consistent with our larger foreign policy objectives—namely, humanitarian assistance to disadvantaged peoples and our interest in a stable and just international order. Canada has the capacity to play a major international role in promoting these goals. Geography insulates us from the immediate problem of refugees. We are also one of the few countries in the world with the economic and social capacity to resettle substantial numbers of refugees, and we will continue to do so. As George Cram of the Anglican Church of Canada described it,

Canada has a unique ability and critically important role to play in the family of nations, to set some standards and be, in some ways, the standard setter for refugee policy areas. (56:19)

The committee considers it especially important to affirm that refugee and immigration policy, though related to one another, are quite distinct. Many refugees have proven to be capable and hard working citizens and have sometimes established themselves more readily here than other immigrants. But refugee policy is not guided by these considerations. It is an aspect of the overall Canadian policy of extending humanitarian assistance to others, while immigration policy is governed to a much greater extent by Canada's economic and social self-interest. It is therefore important that economic cycles, which play a major role in determining immigration flows, not be allowed to dry up the humanitarian impulse that lies behind the welcome Canada extends to refugees.

The danger of confusing refugee and immigration policy is greatly exacerbated by the enormous increase in people claiming refugee status. Refugees are normally defined as people seeking asylum outside their country of origin because of a well founded fear of persecution for reasons of race, religion, nationality or political opinion. Also included are those who cross borders when fleeing from external aggression or the breakdown of public order. Numbers in the latter categories grew alarmingly in the early 1980s, principally as the result of such events as the Soviet invasion of Afghanistan and the turmoil in Central America. It is estimated that the worldwide population of such refugees is now in excess of 10 million. More recently, deteriorating economic conditions in many developing countries have swelled the number of people seeking refugee status as an escape route from hardship. There has been intense international debate about whether any such people should qualify as refugees.

Worldwide refugee pressures have contributed in turn to a tremendous backlog of refugee claimants in Canada. This problem stems from attempts to differentiate 'legitimate' refugees from those who should be considered part of the normal immigration process. It is clear that the refugee determination process needs reform. The objective should be to establish a system that, first and foremost, embodies our international commitment as a signatory of the United Nations Declaration on Refugees while providing an effective and timely method of identifying legitimate refugees.

The government recently announced a package of reforms to the refugee determination process as well as plans to clear up the present backlog of applicants. The committee has not reviewed or evaluated these measures. We would only reaffirm Canada's traditional commitment to providing immediate sanctuary for those fleeing persecution while the refugee determination process is completed. We think it particularly important that Canada remain generous in providing sanctuary to Central American refugees that are the victims of repression and violence. We strongly support the government's decision to extend an oral hearing on questions of merit to all claimants.

In addition to its domestic refugee policy, Canada has been among the strongest supporters of international agencies helping refugees, such as the United Nations High Commission for Refugees (UNHCR) and the International Committee of the Red Cross. We commend this policy and strongly urge its further development. Despite its strong support for the UNHCR, Canada has no representation in the senior ranks of the organization. The government should press for Canadians to be appointed as senior officials of the United Nations High Commission for Refugees. With adequate representation, Canada should support the UNHCR in updating international refugee programs and coming to grips with outstanding policy questions, such as the definition of 'refugee' under international agreements and the rights and responsibilities of host countries.

Despite the best efforts of the international community, the provision of refugee assistance has occasionally stalled in a semi-permanent situation of international welfare dependency in huge refugee camps. These camps are, in turn, the breeding grounds for bitterness and resentment among the refugees and objects of intense hostility among the citizens of host countries. A promising initiative to avoid these dangers was brought to the committee's attention. CIDA has made a substantial contribution to a project of the UNHCR and the World Bank to generate income for Afghan refugees in Pakistan. The project, involving reforestation and road reconstruction, was designed to benefit the refugees and the host country and to be sensitive to the people of Pakistan. Discussions are currently under way for a second phase of the project. We strongly urge Canadian support for refugee income generation projects, such as the one for Afghan refugees in Pakistan, to assist refugees to be as self-supporting and productive as possible while seeking their repatriation or permanent resettlement.

The primary role of this committee is to recommend general policy approaches and principles. It is obviously beyond the ability of any such investigation to consider the many individual circumstances to which those principles apply. But in the area of human rights three cases call out for attention and comment—Afghanistan, South Africa and Central America.

Afghanistan

In recommending generous Canadian humanitarian and development assistance to the Afghan refugees, we are moved by the extraordinary brutality that has caused their plight. The Helsinki Watch Committee, the United Nations Human Rights Commission and other highly reputable human rights organizations have documented the most extreme gross and massive violations of human rights arising directly from the Soviet occupation of Afghanistan. Commenting on the various reports that reach the international community, Canada's Ambassador to the United Nations has observed:

You have in the...reports, the microcosm of a nation massacred and mutilated. Over one million dead. An equal or greater number physically scarred by the battle for life. Between one and two million uprooted, ravaged and homeless in their own land. Four to five million [out of a total population of 16 million] as wretched refugees in Pakistan and Iran. (Speech to the United States General Assembly, November 12, 1985)

This wholesale destruction of a people is being carried out by the Soviet Union and its puppet régime in Kabul for no other reason than crude geopolitical ambition. The Soviet Union has dispatched over 100,000 of its troops with the immediate aim of violent repression and the longer-term objective of reducing Afghanistan to a Soviet colony. As has happened so often in the history of colonialism, the imperial power failed to reckon with the national spirit and independence of the people. Despite the terrible slaughter, the Afghan people have not been subjugated. They are continuing to fight.

In these circumstances, what can the international community do? Appealing to Soviet public opinion cannot work because the Soviet media do not report on the situation in Afghanistan and there is no opportunity for opponents of Soviet policy to voice their opposition within the country. The only existing leverage arises from the adverse effect on the USSR of international public opinion. It is essential that the spotlight be kept on Afghanistan by the news media of the world and by international organizations. Meetings have taken place in Geneva between Soviet representatives and officials of the United Nations, as well as between the foreign ministers of Pakistan and Afghanistan. We strongly urge the United Nations to continue to its efforts to achieve a negotiated settlement in Afghanistan involving, as a *sine qua non*, the withdrawal of Soviet troops.

Such a settlement may take years to achieve, although we are confident that the Soviets will come to accept its inevitability. In the meantime the suffering continues. The committee recommends that Canada continue to give high priority to providing humanitarian and medical assistance to Afghan refugees in Pakistan and that it strongly support the efforts of the International Red Cross and the United Nations High Commission for Refugees in particular. In its bilateral relations with the Soviet Union, Canada should take every opportunity to raise the issue of Afghanistan and make clear that Soviet occupation and devastation of that country constitute a serious obstacle to improved relations. In that connection we recommend the continued use of frank and direct language by Canada's representatives in United Nations forums in New York, Geneva and elsewhere.

South Africa

Each case of human rights violation is unique. Afghanistan is a case of massive violations arising from foreign occupation. South Africa is a case of institutionalized racism that is reflected in every aspect of life—personal, social, political and economic. Whites are citizens, blacks are sub-citizens, at the mercy of white law. Although condemned for 20 years by the international community, apartheid has remained intact.

During the 1980s the black people of South Africa have shown themselves increasingly prepared to pay any price to claim their human rights. The white government of South Africa, faced with this growing militancy, has replied with a combination of harsh repression and mild reform. The price in blood and suffering has been high: some 1,500 people have been killed in the past 18 months, and countless

more have been injured and imprisoned. The sense of drift towards steadily greater confrontation and massive violence grows daily.

Faced with this situation, the international community has begun to apply concerted pressure on South Africa. The government of Canada, supported by all parties and the overwhelming majority of the Canadian people, has made its opposition to apartheid very clear. Speaking in the House of Commons on September 13, 1985, the Secretary of State for External Affairs declared that "Canadians are offended by and abhor the practice of institutionalized racism by a society that claims to share our values." He went on to say that "the government of South Africa should have no doubt that we will invoke full sanctions unless there is tangible movement away from apartheid." The question before the government and this committee is whether "tangible movement" is occurring and, if not, how and when to apply sanctions.

These questions were debated extensively before the committee. We are persuaded that severe economic sanctions, if widely supported, would be effective in putting pressure on the South African government. As one witness pointed out, the proof of their effectiveness is that South Africa has made advocacy of international sanctions a treasonable offence. Testimony before the committee persuades us that the best means of using this instrument is through unrelenting and co-ordinated step-by-step pressure by the international community.

Canada is currently seeking to work within the Commonwealth as a channel for international influence. The Commonwealth Accord, agreed to in Nassau in October 1985, imposed a limited set of sanctions and called upon the government of South Africa to take a number of steps "in a genuine manner and as a matter of urgency":

- (a) Declare that the system of apartheid will be dismantled and specific and meaningful action taken in fulfilment of that intent.
- (b) Terminate the existing state of emergency.
- (c) Release immediately and unconditionally Nelson Mandela and all others imprisoned and detained for their opposition to apartheid.
- (d) Establish political freedom and specifically lift the existing ban on the African National Congress and other political parties.
- (e) Initiate, in the context of a suspension of violence on all sides, a process of dialogue across lines of colour, politics and religion, with a view to establishing a non-racial and representative government.

The Accord also established a Group of Eminent Persons, including Archbishop Edward Scott, Primate of the Anglican Church of Canada, to promote dialogue between the black majority and the South African government as well as monitor and report on the pace and direction of change. The Group was to report to a Commonwealth group of seven heads of government, including the Prime Minister of Canada, which is responsible for formulating further Commonwealth action.

The committee wishes to give strong but qualified support to this process. It is our hope that the Group of Eminent Persons will be able to play a useful and constructive role in encouraging South African dialogue. Failing that, they may help build consensus about future action. It must be recognized that there are major obstacles—particularly the resistance of Great Britain—in the way of strong, co-ordinated action by the Commonwealth. It is therefore incumbent upon the government of Canada to prepare careful contingency plans of its own and to play a leadership role in the Commonwealth.

If the Commonwealth Group of Eminent Persons had reported that significant but insufficient progress was occurring in dismantling apartheid, the committee had agreed to recommend that Canada take the lead in preparing a further Commonwealth action plan consisting of specific sanctions such as those listed in clause 7 of the Commonwealth Accord of October 1985. These include (a) a ban on air links with South Africa; (b) a ban on new investment or reinvestment of profits earned in South Africa; (c) a ban on the import of agricultural products from South Africa; (d) the termination of double taxation agreements with South Africa; (e) the termination of all government assistance to investment in, and trade with, South Africa; (f) a ban on all government procurement in South Africa; (g) a ban on government contracts with majority-owned South African companies; and (h) a ban on the promotion of tourism to South Africa. Canada has already implemented three of these measures.

Now that the Group of Eminent Persons has reported—as we feared it would—that no significant progress is occurring in dismantling apartheid, Canada should move immediately to impose full economic sanctions, seek their adoption by the greatest possible number of Commonwealth members, and promote similar action by non-Commonwealth countries.

In any event, we strongly urge establishment of a black South African human rights and democratic development program. Canada established a scholarship program for black South Africans in 1983 and has since expanded it. We strongly support this approach and encourage further efforts to assist in building black social, economic and political institutions towards the day when black South Africans will exercise their full rights as citizens.

We encourage the government to expand direct contacts at the highest levels with black political organizations in South Africa. Bearing in mind that lifting the ban on the African National Congress (ANC) and releasing from prison its leader Nelson Mandela are two of the steps called for in the Commonwealth Accord, such high-level contacts should certainly include the ANC.

In addition to the situation in South Africa, the committee is deeply concerned about the well-being of the black countries neighbouring on South Africa. Canada should continue to provide generous amounts of direct assistance and support international efforts, such as those of the Southern African Development Co-ordination Conference, to help South Africa's vulnerable neighbours cope with the economic difficulties that international sanctions directed at South Africa will create for them as well as to overcome punitive measures that the South African government might direct against them.

We are under no illusions that the situation in South Africa can be transformed without further violence. No matter what the international community does, more bloodshed and racial conflict are bound to occur in South Africa. But we do believe that the route proposed by the Commonwealth Accord offers the best hope for transition towards a basically democratic society. The ending of apartheid, even if offered quickly, is unlikely to end the violence, because the repressive acts of the white minority have created animosity that will not easily be contained. But without international pressure to supplement domestic resistance, change will not occur fast enough to prevent even greater violence and bloodshed. The series of steps we propose is intended to convey a message to white South Africans that they must begin serious dialogue with their black countrymen and is offered in the hope of encouraging genuine reconciliation among the people of South Africa. The spirit that should guide all efforts is captured in the words of Nelson Mandela:

I want to impress this on the whites of South Africa. Although we will be the majority, that doesn't mean the minority will lose their power, their participation, their economic life. I believe that the whites here, unlike anywhere else in Africa, belong here. This is their home. We want to share that home, and share power with them.

Central America

The third case of human rights to which we turn our attention—Central America—presents yet another pattern of gross and persistent human rights violations. It is estimated that some 150,000 to 200,000 people have been killed over the past decade through repression and civil war in El Salvador, Guatemala and Nicaragua. In turn, this violence has generated an estimated 1.5 to 2 million refugees, roughly 10 per cent of the population of the region. In addition, there has been widespread economic destruction, which, together with international economic pressures, has pushed Central America to the brink of economic collapse. This suffering has given rise to widespread international concern, a concern that is shared by large numbers of Canadians.

The committee received more submissions on Central America than on any other single subject. A remarkably large number of witnesses had first-hand experience in this area, often as aid workers or members of visiting delegations, and spoke with greater conviction and knowledge as a result. Many of the briefs pointed to Canada's special interest in promoting human rights in Central America, including the concern for refugees, development assistance programs in the region, and the negative effects of regional instability on the western hemisphere. The briefs and submissions expressed the concern—which we share—that human rights violations in Central America arise from the failure of economic development, the frequent absence of political alternatives to dictatorships and military régimes, social upheaval, increasing cycles of violence, and external intervention.

In trying to arrive at a fair and balanced understanding of the crisis in Central America, we were guided by the earlier work of the Sub-committee on Canada's Relations with Latin America and the Caribbean. The words of its 1982 report are as true today as they were when they were written:

The mounting violence in Central America, which is threatening to engulf the entire region, arises primarily from internal causes. It is, however, reinforced and spread by the injection of outside ideological concerns and by the provision of military assistance to both repressive governments and revolutionary groups. Far from promoting stability, the policies of neighbouring countries tend to perpetuate and intensify instability.

The Sub-committee recognized that Central America and the Caribbean are of vital importance to the United States and to the western alliance. Efforts should be made to protect these regions from superpower rivalries. The independence of all countries should be respected, and outside military involvement from whatever source should cease. (*Final Report*, pp. 11-12)

Since that report was written, the situation has evolved. Many witnesses expressed the view that, in the interval, U.S. policy has contributed to massive militarization of Central America and thereby to widespread and chronic human rights abuses. They advocated a more active role for Canada in criticizing the U.S. administration's support for the Contras, and most briefs included a recommendation that Canada open an embassy in Managua. The witnesses went on to say that, in its search for a military solution to what is essentially a set of social and economic problems, the U.S.

government has armed and helped greatly to expand Central American military forces, which have shown themselves repeatedly to be indifferent to human rights. A majority of the committee believes that it must be stressed that U.S. policy has been designed, in part, to counter other foreign military intervention in Central America and that Canada should oppose outside intervention in Central America by all countries.

A few committee members consider that the government should make strong public representations to the government of the United States that it adopt a policy towards Central America based on the need for social, economic and political reform in the place of the current policy, which stresses East-West conflict and militarization.

The same minority would also like Canada to join the initiative of the foreign ministers of the Contadora Group and the Lima Support Group to impress upon Washington the need to try to bring the conflict to an end and to change its policy towards Central America. We are all agreed, however, that Canada should continue to oppose outside intervention in the region, including the funding of such groups as the Contras and the provision of outside forces.

In making these general observations about Central America, the committee wishes to draw attention to the varying situations in the five republics of the region. While the human rights prospects in some of these countries remain uncertain at best, there are also important signs of hope and progress.

Guatemala has the worst human rights history in Central America, a history that reached its nadir in the early 1980s in a brutally efficient military search and destroy campaign against guerillas and Guatemala's large Indian population. As a result of human rights violations, Canada ended its official development assistance program. We are encouraged by the fact that politically motivated human rights violations have declined over the past year. The election of a new civilian president in comparatively honest elections is a hopeful sign, though it remains uncertain whether President Cerezo's government can bring the military under control. We welcome the Guatemalan government's proclaimed respect for human rights and support for regional peace. Canada should seek, through non-governmental organizations, to support projects designed to help the poorest people in Guatemala, as well as the process of social and economic reform. Guatemala also presents the opportunity and need for Canadian co-operative programs of human rights and democratic development.

El Salvador, Guatemala's neighbour to the south, continues to suffer the ravages of a five-year-old civil war that has brought widespread human rights violations and economic devastation. It is clear that human rights abuses have been committed by both sides in the civil war, although Amnesty International continues to report that the vast majority of violations is being committed by right-wing death squads and security forces under the control of government authorities. The number of politically motivated murders has declined significantly over the past two years, although human rights organizations in San Salvador still report four to six assassinations by death squads every month.

The 1984 election of a civilian president, Napoleon Duarte, was seen at the time as a step in the direction of political reconciliation. Regrettably, the Duarte government's control of human rights violations and ability to promote economic and social reform is limited. We are encouraged, however, by the government's recent offer to resume negotiations with rebel forces and the acceptance of that offer by the rebels. Canada's own role in this situation must be to encourage dialogue and to ensure that the

Canadian aid program is directed very carefully at providing help to refugees and to the rural and urban poor. We think this can best be achieved through experienced, reputable and independent Canadian and Salvadoran non-governmental organizations that extend humanitarian and other assistance on the basis of need and not political considerations.

Honduras, like El Salvador and Guatemala, illustrates the individuality of Central American countries. Though it is the poorest country in the region, its domestic human rights history has been less extreme than that of its immediate neighbours. The main problems facing Honduras are the intensifying poverty of many of its people and the dangers that arise from serving as a staging base for the U.S.-directed war against Nicaragua. There are encouraging signs that the civilian government of Honduras has growing misgivings about the activities of the Contras operating out of its territory and is seeking ways to promote dialogue with its neighbour to the south, Nicaragua. Canada's role should be to prevent any of its substantial development assistance being used to contribute to the militarization of the country and, at the same time, to encourage dialogue between Honduras and Nicaragua.

Nicaragua is at the centre of the storms that have raged throughout Central America for the past decade. The 1979 revolution toppled a brutal and corrupt political dynasty first established in the early 1930s. At the same time it opened a door on revolutionary change and turmoil in the region.

The Sandinista government has made significant progress in meeting the basic human needs of the poorest Nicaraguans, particularly through its literacy, health care and land reform programs. In the course of implementing these and other reforms, the Sandinistas have been accused by some critics of moving Nicaragua towards a totalitarian state. Internal opposition to the government has been succeeded by a U.S.-supported guerilla war and economic blockade. Human rights organizations have reported widespread and extensive human rights violations by the Contras. These same organizations report that human rights abuses have been committed by the government of Nicaragua, particularly against the Miskito Indians. These reports have been acknowledged and acted upon by the Nicaraguan government. Amnesty International also documents substantial numbers of political detainees and harassment of opposition political figures. It is equally clear, however, that the human rights abuses committed by the government of Nicaragua do not begin to compare in scale or intensity with the violations connected to the governments of Guatemala and El Salvador over the past five years.

Canadian policy towards Nicaragua should consist of three elements: first, continuation of official development assistance programs directed at helping the poorest people; second, staunch support for political pluralism and religious freedom in Nicaragua; and third, support for a negotiated settlement of the differences between Nicaragua and the United States.

Some members of the committee agree with the many witnesses who recommended establishing a Canadian embassy in Managua. Nicaragua is currently looked after by the ambassador in Costa Rica, who is accredited to four states in the region. An embassy in Managua would certainly have practical value in increasing the flow of information on developments in Nicaragua, providing increased support for Canadian development assistance projects in that country, and helping to speed up the processing of immigration applications. The utility of opening a mission in Managua would have to be examined in relation to Canada's overall needs for diplomatic representation in Central America. Despite the evident concerns of a significant number of Canadians,

Canada's commercial and immigration interests in Nicaragua are in fact quite limited, and they appear to be looked after adequately under current arrangements. Unless there is a marked increase in trade, aid, immigration or other ties, an embassy should not be a priority. Accordingly, a majority of the committee opposes the proposal for immediate establishment of a Canadian embassy in Managua but urges the government to monitor the opportunities that might arise.

Finally we come to *Costa Rica*, the southern-most of the Central American republics, which continues its tradition of general respect for human rights. There have been worrying signs that Costa Rica was progressively being drawn into regional conflict and would itself fall victim to polarization and violence. We are encouraged, however, that the new government of President Oscar Arias has taken several positive steps to arrest this trend and to strengthen Costa Rica's role as a peace maker in Central America. In particular, the conclusion of a border agreement with Nicaragua is evidence that concrete progress can be made in resolving regional conflicts. Canada should continue to provide generous assistance to Costa Rica and strongly support Costa Rica's efforts as a regional peace maker.

In the course of presenting this brief review of Central America, we have demonstrated repeatedly our conviction that the promotion of human rights in the region depends critically on political and economic reform within the countries, peace between them, and an end to superpower—and particularly U.S.—intervention in the region. Above all, Central America needs breathing room to find its own solutions to its own problems. We are encouraged that the governments of the region are beginning to assert their independence and to expend effort in the search for peace.

Many Canadians believe that Canada can and should be very active in Central America. In addition to supporting the Contadora process and dialogue within and between individual countries, Canada should promote human rights in Central America by maintaining a generous refugee policy for those who are the victims of human rights violations. Some 8,300 Central American refugees came to Canada in 1984 and 1985 alone. While Canadian influence over the security policies of other countries is limited, Canada has a special opportunity to offer direct, practical and desperately needed help to the hundreds of thousands of refugees in the region. We would urge two Canadian initiatives: establishment of a 'Refugee Watch' program with other countries and non-governmental organizations to provide greater security in the refugee camps; and active support for economic development and self-sufficiency programs for refugees. The government should also strengthen Canada's capacity to monitor human rights situations in Central America, paying particular attention to the circumstances in each country and the views of Canadian NGOs in these countries. Canada should promote co-operative programs of democratic and human rights development and support elements in these countries favouring progress in human rights.

Chapter Eight

Promoting Human Rights

We want to affirm what so many Canadians proclaimed before the committee: that the international promotion of human rights is a fundamental and integral part of Canadian foreign-policy. (page 99)

Human Rights Protection

The committee believes that a basic standard is available to trigger and guide Canadian human rights policy, namely the appearance of a pattern of systematic, gross and continuous violations of basic human rights. (page 100)

The committee joins witnesses in recommending that Canada seek re-election to the United Nations Human Rights Commission and, in any case, follow its work actively. Particular attention should be paid to protecting and strengthening the position of the Commission within the United Nations system. We recommend further that Canada work to strengthen the UN Working Group on Indigenous Populations. Native peoples throughout the world have been among the earliest and most cruelly abused victims of the denial of human rights. (page 100)

The committee recommends strongly that an even closer collaboration with voluntary organizations become a central feature of the government's approach to human rights. (page 101)

We recommend that the government immediately investigate the most effective means of creating a Human Rights Advisory Commission. (page 101)

We recommend that the Department of External Affairs follow the example of the Netherlands Ministry for Foreign Affairs in establishing in-service training and refresher courses in human rights for all its officers. (page 101)

A House of Commons Standing Committee on Human Rights has just been created. As it begins to develop the international side of its mandate, we recommend that the Committee examine with particular care alleged international cases of gross and systematic violations of human rights, especially where they involve countries where Canada has large development assistance programs or significant trade relations. The Human Rights Committee should work closely with the Standing Committee on External Affairs and International Trade. At the same time we urge the external affairs committees of both the Senate and the House of Commons to keep human rights issues on their agendas and to place them in the broader context of Canada's overall foreign policy. The human rights findings and recommendations of these committees could form an important element in cabinet consideration of the eligibility list for official development assistance if the committees requested a comprehensive response to their reports from the government, as House of Commons committees are empowered to do under Standing Order 99(2). (page 101)

Visits abroad by the prime minister, other cabinet ministers and parliamentarians are among the most promising opportunities for expressing human rights concerns using a judicious blend of public pressure and private persuasion. We expect and encourage the government to take advantage of such opportunities, as indeed the Prime Minister did successfully on a recent trip to China and South Korea, the Secretary of State for External Affairs did on an earlier trip to the Soviet Union, and the Minister of External

Relations did on her trip to Central America in the fall of 1985. In blending human rights concerns with trade, diplomatic and aid discussions, Canada can convey the message that human rights are an integral, not a peripheral, part of its international relations. (page 102)

We endorse the following recommendations of the 1982 report of the Sub-committee on Canada's Relations with Latin America and the Caribbean:

- Canadian development assistance should be substantially reduced, terminated, or not commenced in cases where gross and systematic violations of human rights make it impossible to promote the central objective of helping the poor.
- Where countries systematically violate human rights or otherwise do not qualify for official development assistance, Canada should seek through international organizations to extend humanitarian assistance and to support those struggling for human rights.
- Where countries have a poor human rights record but not so extreme as to justify the termination of aid, Canada's development assistance should be channelled mainly through the private sector and particularly through non-governmental organizations that work directly with the poor. In addition, it should be the policy of the Canadian government in such cases to direct a portion of its assistance to organizations that are struggling to maintain and protect civil and political rights.
- Where countries that qualify for Canadian assistance are showing improvement in their respect for human rights this should be encouraged by a substantial increase in assistance. (page 102)

We recommend that Canada use its voice and vote at meetings of international financial institutions to protest systematic, gross and continuous violations of human rights. (page 103)

Human Rights Development

The committee is convinced that, while strengthening its approach to human rights protection, Canada should move forward and create a positive human rights development program as well. Through co-operative programs of financial support, exchange, research and technical assistance, Canada should contribute to the long-term development of political, civil and cultural rights as it now contributes to long-term economic and social development through the aid program. (page 103)

Canada is not—and should not be—in the business of exporting its own institutions. It can and should be equipped to share its experience and to co-operate with others as they develop their own institutions. Such programs would enjoy the active support, or at least the acquiescence, of partner country governments and peoples. (page 104)

We recommend that the government consider establishing an International Institute of Human Rights and Democratic Development with carefully prepared guidelines for supporting activities by non-governmental organizations. To ensure that the Institute is sensitive to the varying national perspectives on democratic development, particularly in the Third World, we recommend that its board of directors include international representation, on the model of the International Development Research Centre. Funding for the Institute should be provided as a small fraction of official development assistance funds. (page 105)

African National Congress (ANC) and releasing from prison its leader Nelson Mandela are two of the steps called for in the Commonwealth Accord, such high-level contacts should certainly include the ANC. (page 110)

Canada should continue to provide generous amounts of direct assistance and support international efforts, such as those of the Southern African Development Co-ordination Conference, to help South Africa's vulnerable neighbours cope with the economic difficulties that international sanctions directed at South Africa will create for them as well as to overcome punitive measures that the South African government might direct against them. (page 110)

Central America

A majority of the committee believes that it must be stressed that U.S. policy has been designed, in part, to counter other foreign military intervention in Central America and that Canada should oppose outside intervention in Central America by all countries. (page 112)

A majority of the committee opposes the proposal for immediate establishment of a Canadian embassy in Managua but urges the government to monitor the opportunities that might arise. (page 114)

While Canadian influence over the security policies of other countries is limited, Canada has a special opportunity to offer direct, practical and desperately needed help to the hundreds of thousands of refugees in Central America. We would urge two Canadian initiatives: establishment of a 'Refugee Watch' program with other countries and non-governmental organizations to provide greater security in the refugee camps; and active support for economic development and self-sufficiency programs for refugees. The government should also strengthen Canada's capacity to monitor human rights situations in Central America, paying particular attention to the circumstances in each country and the views of Canadian NGOs in these countries. Canada should promote co-operative programs of democratic and human rights development and support elements in these countries favouring progress in human rights. (page 114)

Assisting Refugees

We think it particularly important that Canada remain generous in providing sanctuary to Central American refugees that are the victims of repression and violence. We strongly support the government's decision to extend an oral hearing on questions of merit to all claimants. (page 107)

The government should press for Canadians to be appointed as senior officials of the United Nations High Commission for Refugees. With adequate representation, Canada should support the UNHCR in updating international refugee programs and coming to grips with outstanding policy questions, such as the definition of 'refugee' under international agreements and the rights and responsibilities of host countries. (page 107)

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Afghanistan

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Now that the Group of Eminent Persons has reported—as we feared it would—that no significant progress is occurring in dismantling apartheid, Canada should move immediately to impose full economic sanctions, seek their adoption by the greatest possible number of Commonwealth members, and promote similar action by non-Commonwealth countries. (page 110)

In any event, we strongly urge establishment of a black South African human rights and democratic development program. Canada established a scholarship program for black South Africans in 1983 and has since expanded it. We strongly support this approach and encourage further efforts to assist in building black social, economic and political institutions towards the day when black South Africans will exercise their full rights as citizens. (page 110)

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Canada's International Relations

RESPONSE OF THE
GOVERNMENT OF CANADA
TO THE REPORT OF THE
SPECIAL JOINT COMMITTEE OF THE SENATE
AND THE HOUSE OF COMMONS

Presented by
The Right Honourable Joe Clark
Secretary of State for External Affairs

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Promoting Human Rights

Concern for the fundamental rights of individuals and groups is intrinsic to Canadian society and Canada's historical heritage. In the Charter of Rights and Freedoms and in the provincial human rights statutes, Canadians have set for themselves high standards of human rights.

It is both logical and proper that standards which we promote within Canada should find full expression in Canadian foreign policy. For example, the determination to defend human rights and democratic values informs Canada's interest in promoting world order, and is the vision that guides our development assistance program in the Third World.

Moreover, many Canadians retain family, religious, or other tangible links with former homelands. Concern for the welfare of those who remained at home, and a desire to maintain contact with them, prompts such Canadians to seek action by their government when human rights are violated abroad.

For these reasons, human rights are and will remain a fundamental, integral part of Canadian foreign policy.

Promoting Respect for Human Rights

The report of the Special Joint Committee gave a knowledgeable analysis of the complexity of ensuring full respect for human rights. The challenge of ensuring full respect for human rights as defined in universally accepted human rights documents is a major hurdle that has yet to be surmounted. Many countries differ in their views on which sets of human rights – political and civil or economic, social and cultural – should be accorded greater emphasis. Despite widespread ratification of the UN covenants on human rights, international machinery for protecting human rights is slow and largely ineffective. Even voluntary acceptance of such valuable negotiated documents as the Helsinki Final Act and the Madrid Concluding Document does not ensure compliance with their human rights provisions.

Nevertheless, basic standards of human rights exist, and the principle that human rights is a legitimate subject for international discussion and action has become firmly entrenched. Canada has not hesitated to use its voice and where necessary its political and economic weight to try to redress serious human rights violations whenever they have occurred. Through the UN and Commonwealth it has sought to bring pressure to bear on South Africa to end apartheid. Both in multilateral forums and on bilateral occasions with the Soviet Union, it has denounced the grave violations of the most basic human rights in Afghanistan. Canada has raised its voice against repression of civil, religious and minority rights in the USSR and Eastern Europe. It has condemned the persecution of Baha'is in Iran. It has spoken out on human rights abuses in Latin America, Africa and Asia. Bilateral visits such as that of the Prime Minister to Korea, and of the Secretary of State for External Affairs to the Soviet Union, have been used to register human rights concerns directly at the most senior levels of leadership in those countries. Canada's ambassadors abroad from time to time are able to play a quiet but effective role in human rights protection.

Canada has sought to strengthen the still modest multilateral machinery which exists to protect human rights. It has served several terms as a member of the UN Commission on Human Rights where it has worked to improve the Commission's reporting, monitoring, investigative and protective mechanisms. Though not currently a member of the Commis-

sion it pursues human rights issues as an observer and as a full participant in the UN Economic and Social Council, and in UN General Assembly discussions. It will again seek election to the Commission at an early date.

The government will continue to take a constructive and active approach to addressing serious and persistent violations of human rights. It will use all possible bilateral and multilateral occasions to press other governments to abide by freely undertaken international obligations. High level visits, international meetings, bilateral representations and other methods will be used to register Canadian concerns about human rights and violations and to urge remedial action.

Non-governmental organizations have assumed an increasingly important role in promoting human rights abroad. Partly as a reflection of this development, the government has intensified the consultative process on human rights issues with Canadian non-governmental organizations. Consultation is now formalized on an annual basis prior to the annual meeting of the United Nations Commission on Human Rights. Individual non-governmental organizations have been encouraged to make and sustain direct contacts with relevant geographical and functional divisions within the Department of External Affairs, CIDA and other departments.

This is not to suggest that the role of government and private citizens on human rights will or should merge. The government must ultimately take responsibility for deciding Canadian policy and for speaking for all Canadians at meetings with a governmental character. Private groups, for their part, will wish not to be seen as part of the machinery of government.

Nonetheless, there is scope for closer dialogue and cooperation between the government and its citizens on such a crucial issue as human rights. The government particularly welcomes the opportunities which the new House of Commons Standing Committee on Human Rights will provide in this respect. When there is greater clarity concerning the interests and activities of this Committee, the government will be in a better position to consider the Special Joint Committee's recommendation that a Human Rights Advisory Commission be established.

Development of Human Rights

Canadians have helped develop international human rights instruments, from the Universal Declaration of Human Rights to the provisions of the Final Act of the Conference of Security and Cooperation in Europe. Canada has ratified all of the major international human rights instruments of the United Nations, and most of the important instruments of the ILO and UNESCO. These provisions cover the full range of obligations, from civil and political rights to economic, social and cultural rights. Both federal and provincial governments share the responsibility for ensuring that Canadian laws and practices are consistent with international obligations.

Canada will continue to work through the United Nations, the Commonwealth, the Vienna Follow-Up Meeting of the Conference on Security and Cooperation in Europe and other forums, in order to enhance standards. As suggested by the Special Joint Committee, the government is also prepared to collaborate actively with developing countries as they seek to evolve their own democratic institutions and mechanisms for human rights promotion. For this reason, it favours the creation of an institute for promoting human rights and democratic development, as recommended in the report of the Special Joint Committee, and has already begun to study how this should best be done.

Human Rights and Development Assistance

A balanced approach to human rights issues and development attempts to ensure that repressive régimes will not be rewarded or legitimized through Canadian assistance policies. But it must also ensure that the victims of human rights violations - often the poorest members of society - are not subjected to a double jeopardy by being deprived of needed outside help as well as of their rights. This policy is grounded in the government's conviction that fostering economic and social development is a long-term process conducive to the fuller enjoyment of a broad range of rights.

The government will, therefore, continue to proceed positively but carefully in harmonizing its development assistance and other human rights goals. Where human rights violations have become so massive and persistent that the delivery of effective development assistance becomes impossible, Canadian aid has been, and will be, suspended. In other less serious situations, aid is sometimes most effectively delivered through non-governmental agencies or through multilateral channels. In still others, where human rights violations do not prevent the successful mounting of development projects for the benefit of those in need of assistance, the government has continued to give bilateral aid and will do so in the future. Where countries have improved their human rights performance or where changed circumstances warrant encouragement, the government has sought to increase the level of development assistance flowing to them.

Promoting Human Rights

Conclusion/Recommendation

75. We want to affirm what so many Canadians proclaimed before the committee: that the international promotion of human rights is a fundamental and integral part of Canadian foreign policy. (page 99)

Response

The government affirms that the international promotion of human rights is a fundamental and integral part of Canadian foreign policy.

Human Rights Protection

Conclusion/Recommendation

76. The committee believes that a basic standard is available to trigger and guide Canadian human rights policy, namely the appearance of a pattern of systematic, gross and continuous violations of basic human rights. (page 100)

Response

The government uses the standard of systematic, gross and continuous violations of basic human rights in considering its overall foreign policy orientation and implementation.

Conclusion/Recommendation

77. The committee joins witnesses in recommending that Canada seek re-election to the United Nations Human Rights Commission and, in any case, follow its work actively. Particular attention should be paid to protecting and strengthening the position of the Commission within the United Nations system. We recommend further that Canada work to strengthen the UN Working Group on Indigenous Populations. Native peoples throughout the world have been among the earliest and most cruelly abused victims of the denial of human rights. (page 100)

Response

Canada will seek re-election to the Commission on Human Rights and to other human rights bodies.

Through Canada's Permanent Mission in Geneva and an observer delegation, it contributes to the work of the UN Working Group on Indigenous Populations and has been particularly active in its standard-setting exercises. Canada intends to contribute to a Voluntary Fund that has been set up to assist some indigenous representatives from poorer countries to participate in the Working Group.

Conclusions/Recommendations

78. The committee recommends strongly that an even closer collaboration with voluntary organizations become a central feature of the government's approach to human rights. (page 101)
79. We recommend that the government immediately investigate the most effective means of creating a Human Rights Advisory Commission. (page 101)

Response

Over the past decade there has been increased collaboration between the government and the non-governmental organizations which work in related and complementary areas. This collaboration takes such forms as annual consultative conferences and meetings in preparation for Canadian participation in the United Nations Commission on Human Rights and with Amnesty International in preparation for the United Nations General Assembly. During the year there are many informal meetings as well. Through the working of the newly established House of Commons Standing Committee on Human Rights more extensive collaboration is to be expected. The government will consider this recommendation on a Human Rights Advisory Commission when there is greater clarity concerning the interests and activities of the Standing Committee and their means of liaison with the Canadian groups concerned.

Conclusion/Recommendation

80. We recommend that the Department of External Affairs follow the example of the Netherlands Ministry for Foreign Affairs in establishing in-service training and refresher courses in human rights for all its officers. (page 101)

Response

The Department of External Affairs will begin regular training in human rights prior to officers being posted abroad and for returnees working as geographical desk officers and those administering policy on export controls.

Conclusion/Recommendation

81. A House of Commons Standing Committee on Human Rights has just been created. As it begins to develop the international side of its mandate, we recommend that the committee examine with particular care alleged international cases of gross and systematic violations of human rights, especially where they involve countries where Canada has large development assistance programs or significant trade relations. The Human Rights Committee should work closely with the Standing Committee on External Affairs and International Trade. At the same time, we urge the External Affairs committees of both the Senate and the House of Commons to keep human rights issues on their agendas and to place them in the broader context of Canada's overall foreign policy. The human rights findings and recommendations of these committees could form an important element in Cabinet consideration of the eligibility list for official development assistance if the committees requested a comprehensive response to their reports from the government, as House of Commons committees are empowered to do under Standing Order 99. (page 101)

Response

The government will certainly take into account the reports on human rights of these committees when considering Canadian development assistance programs and other aspects of its foreign policy. In particular these reports could form an important element in the Cabinet's consideration of the eligibility list for official development assistance.

Conclusion/Recommendation

82. Visits abroad by the Prime Minister, other Cabinet Ministers and parliamentarians are among the most promising opportunities for expressing human rights concerns using a judicious blend of public pressure and private persuasion. We expect and encourage the government to take advantage of such opportunities, as indeed the Prime Minister did successfully on a recent trip to China and South Korea, the Secretary of State for External Affairs did on an earlier trip to the Soviet Union, and the Minister of External Relations did on her trip to Central America in the fall of 1985. In blending human rights concerns with trade, diplomatic and aid discussions, Canada can convey the message that human rights are an integral, not a peripheral, part of its international relations. (page 102)

Response

The government will continue to use a judicious blend of public pressure and private persuasion in expressing human rights concerns during visits abroad when there are prospects of such representations being productive.

Conclusions/Recommendations

83. We endorse the following recommendations of the 1982 Report of the Sub-Committee on Canada's Relations with Latin America and the Caribbean:

83a. Canadian development assistance should be substantially reduced, terminated, or not commenced in cases where gross and systematic violations of human rights make it impossible to promote the central objective of helping the poor.

83b. Where countries systematically violate human rights or otherwise do not qualify for official development assistance, Canada should seek through international organizations to extend humanitarian assistance and to support those struggling for human rights.

83c. Where countries have a poor human rights record but not so extreme as to justify the termination of aid, Canada's development assistance should be channelled mainly through the private sector and particularly through non-governmental organizations that work directly with the poor. In addition, it should be the policy of the Canadian government in such cases to direct a portion of its assistance to organizations that are struggling to maintain and protect civil and political rights.

83d. Where countries that qualify for Canadian assistance are showing improvement in their respect for human rights this should be encouraged by a substantial increase in assistance. (page 102)

Response

The government agrees that gross or systematic violations of human rights must be given proper weight in Canadian development assistance policy. It also considers that economic development is a fundamental element in promoting the human rights of the poor in developing countries. Therefore, in taking human rights into account, the government would not wish to give undue weight to human rights violations where these did not fundamentally jeopardize the delivery of assistance to those most in need. The government has, in the past, suspended or not commenced assistance where gross violations have been accompanied by serious security problems, as in Uganda and Guatemala. It will continue to follow this approach. The government will also seek to support the victims of human rights abuses through appropriate international organizations, and where it is more effective the government has and will channel assistance through Canadian non-governmental organizations.

Careful consideration will be given to whether and, if so, how the government could work productively through non-governmental organizations involved in maintaining and protecting civil and political rights. The government agrees that eligible countries, such as the Philippines, that have improved human rights records should be encouraged through increased development assistance.

Conclusion/Recommendation

84. We recommend that Canada use its voice and vote at meetings of international financial institutions to protest systematic, gross, and continuous violations of human rights. (page 103)

Response

The government is examining this recommendation carefully. The key issue is how to further fundamental human rights interests without seriously impairing, through further politicization, the effectiveness of multilateral financial institutions in their critical task of bringing about needed development and adjustment in developing countries. These institutions must be sensitive to the impact of human rights situations on prospects for social-economic development, and take fully into account the potentially positive effect of development projects in improving conditions for vulnerable groups. The government would welcome a detailed examination of the issues involved by the Standing Committee on External Affairs and International Trade and the Standing Committee on Human Rights.

Human Rights Development

Conclusions/Recommendations

85. The committee is convinced that, while strengthening its approach to human rights protection, Canada should move forward and create a positive human rights development program as well. Through cooperative programs of financial support, exchange, research and technical assistance, Canada should contribute to the long-term development of political, civil and cultural rights as it now contributes to long-term economic and social development through the aid program. (page 103)

86. Canada is not - and should not be - in the business of exporting its own institutions. It can and should be equipped to share its experience and to cooperate with others as they develop their own institutions. Such programs would enjoy the active support, or at least the acquiescence, of partner country governments and peoples. (page 104)

Response

The government recognizes that there may well be interest in Third World countries in seeking advice from countries like Canada in building institutions that guarantee human rights and would be prepared in such cases to offer support. Canada will, for example, respond favourably to Haiti's request for developing procedures for democratic elections. CIDA's bilateral and non-governmental organizations' programs provide funding for initiatives in specific countries. Nevertheless, further development of programs requires detailed study because of the difficulty of establishing the proper criteria for extending support. The government would also want to minimize the possibility of appearing to interfere in the domestic affairs of another country, a problem identified in the committee's report itself.

Conclusion/Recommendation

87. We recommend that the government consider establishing an International Institute of Human Rights and Democratic Development with carefully prepared guidelines for supporting activities by non-governmental organizations. To ensure that the Institute is sensitive to the varying national perspectives on democratic development, particularly in the Third World, we recommend that its board of directors include international representation, on the model of the International Development Research Centre. Funding for the Institute should be provided as a small fraction of official development assistance funds. (page 105)

Response

The government welcomes and accepts the recommendation for an institute which would have as its aim the development and strengthening of democratic institutions and human rights in developing countries. Design and establishment of the institute will require care to ensure that it is effective. The government therefore intends to establish a consultative mechanism to provide advice on how to proceed. Funding will be available from official development assistance allocations to support the institute which would focus on the Third World in its activities.

Assisting Refugees

Conclusion/Recommendation

88. We think it particularly important that Canada remain generous in providing sanctuary to Central American refugees that are the victims of repression and violence. We strongly support the government's decision to extend an oral hearing on questions of merit to all claimants. (page 107)

Response

Canada is widely known for its generous provision of sanctuary to refugees and oppressed persons from Central America and intends to maintain this policy. (The government itself sponsored 3,000 refugees in 1986.) The new refugee status determination system that will shortly come into effect provides for an oral interview for applicants.

Conclusion/Recommendation

89. The government should press for Canadians to be appointed as senior officials of the United Nations High Commission for Refugees. With adequate representation, Canada should

support the UNHCR in updating international refugee programs and coming to grips with outstanding policy questions, such as the definition of "refugee" under international agreements and the rights and responsibilities of host countries. (page 107)

Response

Canada continues to look for vacancies in the senior positions of the United Nations High Commission for Refugees and will keep pressing the UNCHR to give Canada adequate representation in the organization. In any case, Canada intends to take an active role in supporting the UNHCR in updating international refugee programs and coming to grips with outstanding policy questions.

Conclusion/Recommendation

90. We strongly urge Canadian support for refugee income generation projects, such as the one for Afghan refugees in Pakistan, to assist refugees to be as self-supporting and productive as possible while seeking their repatriation or permanent resettlement. (page 107)

Response

Canada supports the extension of income generating projects for Afghan refugees in Pakistan and will elsewhere encourage and support similar projects which have the concurrence of the host.

Afghanistan

Conclusion/Recommendation

91. The committee recommends that Canada continue to give high priority to providing humanitarian and medical assistance to Afghan refugees in Pakistan and that it strongly support the efforts of the International Red Cross and the United Nations High Commission for Refugees in particular. In its bilateral relations with the Soviet Union, Canada should take every opportunity to raise the issue of Afghanistan and make clear that Soviet occupation and devastation of that country constitute a serious obstacle to improved relations. (page 108)

Response

Canada will continue to respond favourably to the United Nations High Commission for Refugees and the International Red Cross' programs for Afghan refugees in Pakistan. During the current fiscal year, CIDA provided \$4 million to the UNHCR and \$475,000 to the ICRC. In addition, \$14 million worth of food aid was delivered to Afghan refugees. At the same time, Canada does not hesitate to remind the Soviet Union of Canadian views on Soviet actions in Afghanistan. Two recent instances where Canada made known its views on Afghanistan were the speech made by the Secretary of State for External Affairs to the United Nations General Assembly in September 1986 and the visit of the Soviet Foreign Minister to Canada in early October 1986.

South Africa

Conclusions/Recommendations

92. If the Commonwealth Group of Eminent Persons had reported that significant but insufficient progress was occurring in dismantling apartheid, the Committee had agreed to recommend that Canada take the lead in preparing a further Commonwealth action plan consisting of specific sanctions such as those listed in clause 7 of the Commonwealth Accord of October 1985. (page 110)

93. Now that the Group of Eminent Persons has reported - as we feared it would - that no significant progress is occurring in dismantling apartheid, Canada should move immediately to impose full economic sanctions, seek their adoption by the greatest possible number of Commonwealth members, and promote similar action by non-Commonwealth countries. (page 110)

Response

The government is in the forefront of major industrialized countries in applying economic sanctions. It could foresee the possibility of implementing full economic sanctions on its own if there is no significant progress in eliminating apartheid and if more effective concerted action is not forthcoming. In the meantime, the government has adopted a step-by-step approach to the imposition of limited sanctions as a more fruitful tactic that will strike at apartheid without destroying the South African economy on which the blacks depend. It also provides time for concerted action with our allies and the public and gives us influence with other Western countries which the immediate unilateral application of full economic sanctions would not.

Conclusion/Recommendation

94. In any event, we strongly urge establishment of a black South African human rights and democratic development program. Canada established a scholarship program for black South Africans in 1983 and has since expanded it. We strongly support this approach and encourage further efforts to assist in building black social, economic and political institutions towards the day when black South Africans will exercise their full rights as citizens. (page 110)

Response

The government has a \$7 million educational assistance program over three years to develop future black leadership, a \$1 million program for families of political detainees, a \$350,000 program for promoting the economic development of blacks and support groups working for peaceful dismantlement of apartheid as well as supporting various non-governmental organizations' efforts in this area. The government is also exploring other avenues of assistance to support black social, economic, and political institutions, particularly through technical and financial assistance and programs of exchange.

Conclusion/Recommendation

95. We encourage the government to expand direct contacts at the highest levels with black political organizations in South Africa. Bearing in mind that lifting the ban on the African

National Congress (ANC) and releasing from prison its leader Nelson Mandela are two of the steps called for in the Commonwealth Accord, such high level contacts should certainly include the ANC. (page 110)

Response

The government believes that expanding dialogue with high level representatives of black political organizations in South Africa, including the African National Congress, should be part of a Canadian strategy of encouraging the replacement of the apartheid system with one where all South Africans can live in freedom, equality, and harmony. The Secretary of State for External Affairs has already met with ANC officials and has indicated his willingness to meet with them again. Part of the purpose of such a dialogue is to encourage non-violent solutions and an understanding on the part of black leaders of the strength of the Western commitment to promoting the dismantling of apartheid.

Conclusion/Recommendation

96. Canada should continue to provide generous amounts of direct assistance and support international efforts, such as those of the Southern African Development Coordination Conference, to help South Africa's vulnerable neighbours cope with the economic difficulties that international sanctions directed at South Africa will create for them as well as to overcome punitive measures that the South African Government might direct against them. (page 110)

Response

Canada now provides close to \$100 million each year to vulnerable countries in the region, bilaterally and through the Southern Africa Development Coordination Committee (SADCC). Funds are also channelled through private groups and international organizations. Our objective is to reduce the dependence of these countries on South Africa. The government plans to increase its disbursements to SADCC over the next five years and is consulting with Commonwealth partners regarding the most effective assistance to the Front Line States.

Central America

Conclusion/Recommendation

97. A majority of the committee believes that it must be stressed that U.S. policy has been designed, in part, to counter other foreign military intervention in Central America and that Canada should oppose outside intervention in Central America by all countries. (page 112)

Response

The government disapproves of both the export of revolution and third party intervention in Central America. It has strongly backed the regionally-based Contadora initiative. Canada supports the idea of a dialogue between Honduras and Nicaragua and the resumption of dialogue between the USA and Nicaragua, as well as talks between the government of Nicaragua and its opposition.

Conclusion/Recommendation

98. A majority of the committee opposes the proposal for immediate establishment of a Canadian embassy in Managua but urges the government to monitor the opportunities that might arise. (page 114)

Response

The government will continue to monitor its need for additional representation in the light of the evolving situation and the need to promote Canadian interests. At the present time it is more cost effective to service Nicaragua from the Embassy in San José, Costa Rica. Its recently increased staff will permit even more frequent visits to Nicaragua by Canadian officials.

Conclusion/Recommendation

99. While Canadian influence over the security policies of other countries is limited, Canada has a special opportunity to offer direct, practical, and desperately needed help to the hundreds of thousands of refugees in Central America. We would urge two Canadian initiatives: establishment of a "Refugee Watch" program with other countries and non-governmental organizations to provide greater security in the refugee camps, and active support for economic development and self-sufficiency programs for refugees. The government should also strengthen Canada's capacity to monitor human rights situations in Central America, paying particular attention to the circumstances in each country and the views of Canadian non-governmental organizations in these countries. Canada should promote cooperative programs of democratic and human rights development and support elements in these countries favouring progress in human rights. (page 114)

Response

Canada supports and endorses the work of the United Nations High Commission on Refugees and would not wish to undermine or preempt the UNHCR in its work. Canada does recognize that this work could be strengthened and will discuss the idea of a refugee watch program in the camps with the multilateral organizations and non-governmental organizations concerned with improving the plight of the refugees.

Canada supports economic development and self-sufficiency programs for refugees.

There has been an improvement of late in the monitoring of human rights situations in Central America through Canada's posts and more frequent contacts with non-governmental organizations working in the area. For example, on the Guatemala situation Canadian officials have contacts with the Peace Brigades International that allows Canada to observe the activities of the Grupa de Apoyo. The new Guatemalan Human Rights Advocate has visited Canada and there are consultations with the Interchurch Committee for Human Rights in Latin America. Reporting on civil and human rights records of major offenders is an integral part of our political relations program at our posts.

Promoting effective cooperative programs of democratic and human rights development is a desirable objective but where it involves support for non-governmental organizations in recipient countries its implementation requires careful study.

For Whose Benefit?

Report of The Standing Committee on
External Affairs and International Trade on
Canada's Official Development Assistance Policies
and Programs

May 1987

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CHAPTER THREE

Linking Aid and Human Rights

Clarifying the central purposes of the Canadian aid program is an essential first step, but it is only a first step. In deciding where to put our efforts, conditions for effective development must be stated and choices made. In some countries where there is desperate need, basic human rights have not been observed and the opposite of development is taking place. An all too common example is the lack of respect for the rights of peasant farmers, whether because of the failure to implement land reform or the forced collectivization of agriculture. We must acknowledge, too, that aid donors have sometimes collaborated in large infrastructure projects in developing countries without paying sufficient regard to their effects on the rights of the local population. Respect for basic human rights is one of the most important conditions for a true development process. It is not unreasonable, therefore, for Canada to expect governments receiving our aid to pursue approaches to development that, in supporting human rights, can be broadly supported by the Canadian people. As we argued in the previous chapter, direct investment in human resources is such an approach, and Canadian aid carries with it a basic human rights orientation when it makes this a priority.

The Uneasy Context for Human Rights Policy

The further step—linking aid to the observance of specific human rights standards by recipient countries—is an issue that has come into its own in the 1980s. It is also a disturbing one that understandably makes a lot of governments, bureaucracies and businesses very uncomfortable. But it must be confronted squarely. A large number of witnesses appearing before us made this a central theme of their presentations, echoing concerns that had been expressed strongly to the Special Joint Committee on Canada's International Relations during its public hearings. The Committee is conscious of the risks of attaching more explicit human rights conditions to Canada's ODA and of the difficult issues the government will have to address. However, we believe that fear of controversy should not dictate policy. The government should base its decisions on a clear set of principles, taking into account such circumstantial factors as the degree of leverage that realistically can be exercised, the reliability of information on human rights abuses, and the possibility of complementary Canadian or multilateral action. The Committee is convinced that a consistent, considered approach to the human rights conditions of development assistance can be in Canada's long-term foreign policy interests.

The sensitive matter of applying human rights standards in particular cases is a necessary next step, but not one on which the Committee feels it can pronounce authoritatively. We did not conduct the sort of detailed, first-hand investigations that would be necessary to make such judgements. However, we did receive a great deal of specific testimony, mostly on Central America and, to a lesser extent, on Ethiopia (the resettlement and villagization programs of the Mengistu regime) and Indonesia (transmigration, the occupation of East Timor by the Soeharto regime).¹ Several other parts of the world—southern Africa, Chile, Sri Lanka and Bangladesh—were also cited in connection with serious allegations of human rights violations.

Central America, in particular, although it accounts for less than 2 per cent of Canada's ODA, has brought home vividly to Canadians the dilemmas of human rights conditionality, both positive and negative. On the positive side, many witnesses supported increased aid to Nicaragua (already the second largest recipient of Canadian assistance to the region), citing its "outstanding success in implementing projects that are genuinely developmental in that they promote self-reliance and benefit the neediest sectors of society."² The brief of the Canadian Council for International Co-operation also noted that: "Costa Rica, alone among Central American nations, has chosen to shun militarization and opted instead for a greater commitment of its GNP to social programs such as health and education."³ On the negative side, Nicaragua has not been exempt from some of the accusations of human rights violations and militarization commonly made against its northern neighbours. Bilateral aid to Guatemala and El Salvador, suspended in 1981 because of the extreme violence in those countries, received almost no support. Canada's decision in 1984 to resume a modest program in El Salvador was strongly criticized by a wide range of NGOs working in Central America, as well as churches and human rights groups. Pointing to continuing gross human rights violations and the weakness of civilian governments, they also warned against any similar resumption of aid to Guatemala. Aid to the Honduran government, CIDA's only core recipient in Central America, was viewed negatively because of that country's role in the Nicaraguan conflict.

What are the human rights and development guidelines that aid decision makers should use under these conditions? The United Church of Canada suggested to the Committee that the following questions must be answered for each country:

First, does the civilian government have control over the military? Second, is the government of the aid-receiving country addressing the root problems of poverty and underdevelopment? More specifically, do they demonstrate the political will to do so? Are they in the position to do so practically and politically? Third, is there a continuation of human rights abuses? Are past abuses acknowledged and real redress attempted; for example, by the prosecution of those responsible? Fourth, what real difference in the life of the poor have the programs of the government made?⁴

Whatever precautions are taken, the Committee understands that making ODA choices in an environment of foreign policy controversy and ideological polarization carries more than the usual risks. In these circumstances, it is more important than ever that the aid program remain faithful to its own purposes and priorities. Conditions

¹ References to Central America were common throughout the public hearings. On Ethiopia see the testimony of Jim Doble and Mei Middleton. *Proceedings* 6:22-38. On Indonesia see the testimony of Dr. W. H. Owen. *Proceedings* 2:37-44, and the brief of Elaine Briere, "Canada and Indonesia: A Case Study for Considering the Role of Human Rights Policy in Canada's Official Development Assistance". *Proceedings* 7:31-35.

² Statement of OXFAM-Canada West to the Committee, October 23, 1986. The most comprehensive case was made by Tools for Peace in their brief, "Supporting a Good Example: The need for Canadian official development assistance to Nicaragua". October 1986.

³ Canadian Council for International Co-operation. Brief to the Committee, December 1986, p. 15.

⁴ *Proceedings* 3:6.

attached and decisions taken on human rights grounds cannot be allowed to become strategic weapons or the object of a political popularity contest. Whatever the nature of the regime in question, the focus of any aid Canada gives should be on the human development of the poor. That is the best way to ensure that the linkage of ODA to human rights is not only just and correct in terms of our own guidelines, but produces concrete benefits for those in need, wherever they may be.

Guiding Principles

The relationship of human rights to development assistance will not accomplish much if it is simply punitive. Even in the worst circumstances, there can be occasions for constructive action. Some caveats and qualifications to the principle of linkage should therefore be stated at the outset.

First, a clear distinction should be maintained between emergency humanitarian relief, given without preconditions on compassionate grounds, and long-term development assistance. Human rights should never be used as a reason for turning our back on human suffering. We should, however, monitor the use of emergency aid closely to ensure that abuses do not occur.

Second, with respect to long-term development, while Canadians have delivered a message that they do not want our aid to go to governments that violate the fundamental rights of their own citizens, they have not said to abandon people who may be in desperate need in part because they have been victimized by the policies of these governments. The Mennonite Central Committee in particular urged openness in this matter. They explained their position, based on continuous work in Vietnam since 1954 and in Kampuchea since 1979:

We acknowledge that Vietnam's occupation force in Kampuchea and its human rights record are problems. But the people need help. Also, they should have more opportunities for contact with the west. We can ensure that aid is used for its intended purposes there. We believe also that our involvement is serving a "bridge-building" function. We hope that before too long we will be able to use CIDA funds for work in these countries.⁵

Provided they are prepared to shoulder the risks, we agree that NGOs should have this flexibility. And, as a general rule, decisions to reduce or deny direct bilateral assistance should be taken in the context of careful country assessments in which consideration is also given to how those suffering from human rights abuses might be helped. At the same time, as the Canadian Foreign Aid Dialogue told the Committee in Halifax, "In some cases, the most effective contribution we can make to development may not be through our ODA programs, but rather through our bilateral and multilateral work for the protection of human rights and for the peaceful resolution of civil and regional conflicts."⁶

Third, the human rights criteria used by aid decision makers should be coherent with those developed for Canadian foreign policy as a whole, and they should be applied universally in a consistent and transparent way. The worst thing would be for the government to adopt stricter human rights policies in theory, but then allow them to be implemented in an ad hoc, inconsistent or lax manner.

⁵ Mennonite Central Committee. "Thy Neighbour's Keeper". Brief, October 29, 1986, p. 4.
⁶ *Proceedings* 2:27-28.

Fourth, human rights standards should be based on established principles of international law and convention. Among the most important of these are the Charter of the United Nations, the Universal Declaration of Human Rights, and the International Covenants on Civil and Political Rights and on Economic, Social, and Cultural Rights, to which Canada is a signatory. These standards should not be politicized in ways that would see them used as ideological weapons rather than development tools. Negative assessments of human rights observance should be based on verifiable reports of violations, not determined a priori according to the nature of the political or economic system or the ideological complexion of the regime in question.

Fifth, human rights should not be defined too narrowly or in isolation from the conditions for development. In keeping with the international obligations referred to above, our concept of human rights should encompass individual, civil and political rights, as well as socio-economic and cultural rights. There are certain obvious minimum subsistence and security rights. Without them, as the brief of the British Columbia Ten Days for World Development committee noted, "existence is either not possible or unbearable." However, in the broadest sense, development itself is a human right. The same brief goes on to quote Bernard Wood, Director of the North-South Institute: "All aid is or should be about human rights [since] it is supposedly an instrument for the promotion of economic and social rights and the basic standards of a minimum decent existence for those who do not have access to them." The comments of Dr. Sheila Zurbrigg in Halifax were also instructive:

... to be effective medical technology has to be accompanied by very, very basic changes in the economic precariousness of the poor majority, working conditions, wages—not high wages, but just wages that will provide minimal calories for a family. The link to human rights is that unless there is some manoeuvring room for villagers to press for some accountability within the overall economic and political situation, those more fundamental socio-economic changes will not occur, and as a result the dollars we send in medical aid will be essentially wasted.³

The lesson the Committee draws is that human rights must be seen as an integral part of development, not as a factor separate from or incidental to the basic needs of the poor.

Reviewing the context for including human rights considerations in ODA policy, the Committee recommends:

1. That emergency humanitarian aid continue to be given on compassionate grounds without preconditions, but that it be monitored closely to prevent abuses;
2. That the victims of human rights violations not be forgotten when decisions are taken to reduce or deny long-term development aid to governments;
3. That human rights criteria be developed coherently as part of overall Canadian foreign policy, and that these be applied in a universal, consistent and transparent manner;
4. That such criteria, embracing both individual, civil and political rights and socio-economic and cultural rights, be derived from established standards of international human rights law and convention;

² *Proceedings* 2:72.

³ *Proceedings* 2:21-22.

5. That verifiable reports of violations, not ideology or strategic interest, be the basis for unfavourable assessments of human rights observance;
6. That, more generally, progress on human rights be considered part of development, with assessments of the human rights situation in a given country being related to the overall record of development, particularly from the vantage point of the poorest people.

A Human Rights Operational Framework

Canada's performance on international human rights to date has been criticized as episodic and primarily reactive. Nonetheless, a human rights agenda is beginning to take shape on which to build. In the course of the Committee's deliberations, encouragement came from the government's generally positive response to the recommendations of the Special Joint Committee. As a result, several initiatives are already under way that complement our work in this area. In addition, the creation of a House of Commons Standing Committee on Human Rights in February 1986 provided an important new forum for the continuing consideration of human rights by Parliament. These are welcome steps forward. The Committee recognizes, however, that a good deal of work must still be done before explicit human rights conditions can be properly incorporated into Canada's ODA policy framework. CIDA needs to establish its own corporate review procedures, and a process needs to be put in place whereby the results of human rights evaluations are made available to Parliament—specifically, to this Committee and to the Human Rights Committee—on a regular, annual basis.

Official policy currently states that two main human rights criteria are to be used when making ODA decisions:

- The performance of the recipient government in terms of systematic, gross and continuous violations of basic human rights.
- Canada's ability to deliver aid designed to achieve the central objective of helping the poor.

The 1982 report of the Sub-Committee on Canada's Relations with Latin America and the Caribbean was an important milestone in establishing these conditions. In December 1986 the government's White Paper, *Canada's International Relations*, tabled in the House of Commons as a comprehensive response to the report of the Special Joint Committee, contained additional elements of a human rights policy that the Committee believes should be extended and made more precise. The White Paper stated: "The Department of External Affairs will begin regular training in human rights prior to officers being posted abroad and for returnees working as geographical desk officers and those administering policy on export controls." We support the suggestion of the Canadian Council for International Cooperation that a similar training program be established within CIDA. We see a Human Rights Unit being created in the Policy Branch of CIDA to conduct training courses and to co-ordinate the implementation of human rights policies in close liaison with the Department of External Affairs.

For the ODA program as a whole, the Committee sees merit in developing a classification grid for recipient countries that would provide incentives for good behaviour as well as penalties for poor human rights performance. Without minimizing the difficulties of such a system of categorization, the Committee puts forward the following as a basis for consideration:

* External Affairs Canada, *Canada's International Relations* (Ottawa: Supply and Services, 1986), p. 72.

Human rights negative

- *Extreme cases judged by the international community to be guilty of persistent gross and systemic violations. These countries would be ineligible for government-to-government aid, but some basic needs assistance might continue through non-governmental organizations working directly with the poor.*

Human rights watch

- *Cases of lesser or variable concern in which serious allegations have been made but there are many gray areas and development progress is still possible. Any direct bilateral assistance would be very carefully targeted and monitored.*

Human rights satisfactory

- *Cases in which specific human rights problems may arise, as they do in all states, but in which the overall development context is judged to be acceptable. The full range of aid channels can be employed.*

Human rights positive

- *Cases in which the human rights record of the government is exemplary, or in which there has been a marked and sustained improvement in the human rights situation and development orientation of the government. In the latter cases, aid might be increased selectively in order to strengthen these positive directions.*

The Committee agrees with the position taken in a submission from the Human Rights Research and Education Centre of the University of Ottawa: "Rewarding of human rights progress should be a central aspect of any human rights-based policy."¹⁰ The Centre also brought to the attention of the Committee the recent efforts of Norway, joining the Netherlands and the United States, to develop systematic criteria for reviewing aid policies in the context of the human rights situation in recipient countries. The Norwegian approach is of interest because, in contrast to the "Country Reports on Human Rights Practices" compiled by the U.S. Department of State, it places a heavy emphasis on social and economic rights and on initiatives to promote human rights rather than punitive actions against violators.¹¹ Canada can learn from the experiences of these donors, and it should begin to exchange information and ideas with them. Ultimately, the ideal would be to develop a consistent, common approach to human rights among all Development Assistance Committee members.

In the immediate term, the challenge for CIDA is to devise an operational system for incorporating human rights policies and knowledge of human rights conditions in the Agency's planning and decision-making processes. For example, the brief of the Human Rights Centre makes the following points:

¹⁰ Allan McChesney, Human Rights Research and Education Centre, University of Ottawa, "International Development Assistance and International Human Rights", Brief, April 1987, p. 6.

¹¹ See the first English edition of *Human Rights in Developing Countries: A Yearbook on Countries Receiving Norwegian Aid*, Tor Skatnes and Jan Egeiana, eds. (Oslo: Norwegian University Press, 1986). The Norwegian government first included human rights linkage explicitly as a major principle of aid policy in a report to the Norwegian parliament during the 1984-85 session.

The inauguration of a more formal policy link between ODA and human rights performance would require additional sophistication in cyclical reviews of country programmes. A regularized format for assessing human rights conditions as they relate to other ODA goals would assist personnel, as would a periodically annotated collection of relevant policy statements. A "precedent" list could be provided, setting out those few past situations wherein human rights was one factor in ODA cessation or redirection. Consideration might be given to the devising of a situational response matrix, outlining a series of possible responses to a graduated scale of human rights improvement or deterioration. As is the norm now, assessments would have to be done on a case-by-case basis, but good decisions may be facilitated with the help of reasoned forethought as to what is *likely* to be appropriate.¹²

In reviewing bilateral aid at the country level, CIDA should be encouraged to collaborate closely with NGOs working in the field. The annual consultations between the Department of External Affairs and the NGO community in advance of the February sessions of the United Nations Commission on Human Rights could be used effectively to this purpose. The involvement of NGOs will also help to ensure that country assessments do not turn into mechanical or geopolitical exercises by the donor, but also reach down to consider the grass roots effects of aid activities on the recipient. As the Canadian Council of Churches argued in its brief:

An attempt should be made to channel all existing and new aid projects through a policy filter to determine whether they contribute positively to the observance of human rights or whether, instead, they foster human rights violations.¹³

With regard to multilateral aid, the Committee acknowledges that the officers of international financial institutions, in particular the World Bank and the International Monetary Fund, can cite their articles of agreement to argue against any use of 'non-economic' criteria in their lending practices. However, along with many Canadians we believe that human rights issues can be directly relevant to the economic survival of the poor, whose voice may not be listened to by governments. Again, therefore, the perspective of NGOs working in the field with the poor is very important in reviewing all the channels by which aid goes to governments. Even an institution like the IMF, which does not see itself as a development agency, is nonetheless a major creditor of many developing countries, and its policies are not neutral in their effect on the human rights situation in these countries. The multilateral dimension of ODA cannot simply be exempted from Canada's human rights policies. Canada should work for changes that would allow human rights considerations to be put openly on the agendas of the international financial agencies. Canada should in any event look very critically at multilateral loans to countries deemed 'human rights negative' or 'human rights watch' for the purposes of bilateral aid.

The Committee believes that a concern for basic human rights should be a consistent part of all Canadian ODA programming, bilateral and multilateral. Therefore, the Committee recommends:

1. That a Human Rights Unit be established in the Policy Branch of CIDA to conduct training courses for development officers and to co-ordinate human rights policies and programs with the Department of External Affairs;

¹² McChesney, "International Development Assistance and International Human Rights", p. 5.

¹³ Canadian Council of Churches, "The Churches' Perspective on Canada's Official Development Assistance", Brief, December 1986, p. 16.

2. That CIDA begin immediately to elaborate a Human Rights in Development policy framework, with an appropriate country classification grid, such as the country category system suggested in Chapter Three of the Committee's report, to be included in its annual report to Parliament;
3. That CIDA collaborate further with the Department of External Affairs in the preparation of an annual ODA-Human Rights Review, to be tabled in Parliament and referred to this Committee and to the Standing Committee on Human Rights.

In applying the policy framework, the Committee also recommends:

1. That countries deemed to be 'human rights negative' be automatically declared ineligible to receive direct government-to-government assistance;
2. That all CIDA country program reviews and project approval documents include a section evaluating human rights according to explicit criteria laid down in the policy framework;
3. That in making human rights evaluations, aid officials at all levels consult closely with Canadian NGOs with an established presence in the field;
4. That Canada work for changes to allow human rights concerns to be put openly on the agendas of the international financial institutions and, in addition, examine very critically multilateral loans to countries deemed 'human rights negative' or 'human rights watch'.

Human Rights Development

Besides linking ODA to the protection of human rights, the report of the Special Joint Committee raised the issue of funding human rights development directly through ODA: "Through co-operative programs of financial support, exchange, research and technical assistance, Canada should contribute to the long-term development of political, civil and cultural rights as it now contributes to long-term economic and social development through the aid program."⁴ The government has responded along these lines in the case of Haiti's request for assistance in developing procedures for democratic elections. The government has also accepted the recommendation that an International Institute of Human Rights and Democratic Development be created to carry out such projects. Two Special Rapporteurs were appointed in January 1987 to advise the government on how to proceed, and their report is expected this summer.

The case for a pro-active, institution-building approach to democratic human rights development is more controversial than the traditional focus on human rights protection and redress. It is, however, equally compelling if we are serious about going beyond a narrow sanctions approach to helping promote an environment where there is greater respect for all human rights. Developing countries should be able to seek this sort of human rights aid from Canada. The Committee therefore supports initiatives in this area, but with some qualifications. For example, the proposed Institute should be conceived as a separate, specialized instrument on the model of the IDRC, and not regarded in any way as a substitute for the comprehensive human rights policy framework we have recommended. The Committee therefore recommends that the International Institute of Human Rights and Democratic Development carry out its

⁴ Canada, Senate and House of Commons, Special Joint Committee on Canada's International Relations, *Independence and Internationalism* (Ottawa: Supply and Services, 1986), p. 103.

distinct mandate as an independent, free-standing body working closely with Canadian human rights groups and non-governmental organizations.

Human Rights and Militarization

A final important issue related to human rights and development is militarization. It is alarming when Third World countries spend more on the military than on basic needs such as health, education and other social services. Some of the African countries most at risk from famine—Ethiopia, Sudan, Angola, Mozambique—are also countries torn apart by internal violence. In 1984, the value of arms imports to Africa exceeded that of grain imports. In Central America, too, armed conflicts have devastated local economies and caused untold human suffering. Under these circumstances, programming long-term development aid is very difficult. Moreover, while high levels of military spending may sometimes be justified as a necessary self-defence against aggression, all such cases should be examined critically in regard to continued eligibility for ODA. *Our aid should not allow any government to spend more on arms and less on basic needs than it otherwise would. In keeping with our own priorities and values, Canada should ask questions and expect answers in the case of recipient countries whose governments' budget allocations put more emphasis on the military than on programs of social and economic welfare. More generally, because the issue of disarmament and development is a critical one that ultimately affects us all, the Committee urges Canada to take a leadership role in discussions of this subject in multilateral forums.*

Canada should also work with others to control the traffic in arms destined for developing countries. Responding to a suggestion of the Special Joint Committee, the government stated in its White Paper that it "will invite the Canadian Institute for International Peace and Security to ensure that the known facts are brought to the attention of Canadians and to carry out further study of the concept of an arms register."¹⁵ We support this as a long-term international initiative. In addition, the Committee recommends specifically that military exports from Canada be prohibited under the *Export and Import Permits Act* to any country that has been declared ineligible for government-to-government aid on human rights grounds.

¹⁵ External Affairs Canada, *Canada's International Relations* (Ottawa: Supply and Services, 1986), p. 48.

APPENDIX A

List of Recommendations

CHAPTER THREE: Linking Aid and Human Rights

3.1 The Committee recommends:

- i) That emergency humanitarian aid continue to be given on compassionate grounds without preconditions, but that it be monitored closely to prevent abuses;
- ii) That the victims of human rights violations not be forgotten when decisions are taken to reduce or deny long-term development aid to governments;
- iii) That human rights criteria be developed coherently as part of overall Canadian foreign policy, and that these be applied in a universal, consistent and transparent manner;
- iv) That such criteria, embracing both individual, civil and political rights and socio-economic and cultural rights, be derived from established standards of international human rights law and convention;
- v) That verifiable reports of violations, not ideology or strategic interest, be the basis for unfavourable assessments of human rights observance;
- vi) That, more generally, progress on human rights be considered part of development, with assessments of the human rights situation in a given country being related to the overall record of development, particularly from the vantage point of the poorest people. (pages 26-27)

3.2 The Committee recommends:

- i) That a Human Rights Unit be established in the Policy Branch of CIDA to conduct training courses for development officers and to co-ordinate human rights policies and programs with the Department of External Affairs;
- ii) That CIDA begin immediately to elaborate a Human Rights in Development policy framework, with an appropriate country classification grid, such as the country classification system suggested in Chapter Three of this Report, to be included in its annual report to Parliament;
- iii) That CIDA collaborate further with the Department of External Affairs in the preparation of an annual ODA-Human Rights Review to be tabled in Parliament and referred to this Committee and to the Standing Committee on Human Rights. (pages 29-30)

3.3 The Committee recommends:

- i) That countries deemed to be 'human rights negative' be automatically declared ineligible to receive direct government-to-government assistance;
- ii) That all CIDA country program reviews and project approval documents include a section evaluating human rights according to explicit criteria as laid down in the policy framework;
- iii) That in making human rights evaluations, aid officials at all levels consult closely with Canadian NGOs with an established presence in the field;
- iv) That Canada work for changes to allow human rights concerns to be put openly on the agendas of the international financial institutions and, in addition, examine very critically multilateral loans to countries deemed 'human rights negative' or 'human rights watch'. (page 30)

3.4 The Committee recommends that the International Institute of Human Rights and Democratic Development carry out its distinct mandate as an independent, free-standing body working closely with Canadian human rights groups and non-governmental organizations. (pages 30-31)

3.5 The Committee recommends that military exports from Canada be prohibited under the *Export and Import Permits Act* to any country that has been declared ineligible for government-to-government aid on human rights grounds. (page 31)

**Canadian International
Development
Assistance**

To Benefit a Better World

Canadian International Development Assistance:

TO BENEFIT A BETTER WORLD

Response of the Government of Canada
to the report of the Standing Committee on
External Affairs and International Trade

For Whose Benefit? Canada's Official Development
Assistance Policies and Programs

Presented by
The Right Honourable Joe Clark
Secretary of State for External Affairs
and by the Honourable Monique Landry
Minister for External Relations

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3. Human Rights and Democratic Development

Respect for human rights is one of the most important conditions for development. It is equally true that the existence of poverty and under-development is often due to the same conditions which give rise to human rights abuses. The promotion of development is, in itself, inextricably concerned with some of the most basic rights: the rights to shelter, health, nutrition, education and access to employment.

The promotion of respect for human rights is, as stated in Canada's International Relations, a fundamental and integral part of Canadian foreign policy. Consideration of the degree to which human rights are respected is undertaken in three ways as regards to the development cooperation program. In determining which countries are eligible for Canadian development assistance, the Government ensures that where a pattern of systematic, gross and continuous human rights violations is present, government-to-government assistance will be denied or reduced. In countries where concern has been expressed about the degree to which human rights are respected, the Government will ensure that Canadian development assistance funds are used to support activities designed to alleviate the condition of those adversely affected. Country Program Reviews will consider the extent to which human rights are respected. The Government will continue to use diplomatic pressure and persuasion to register its concerns and to direct the flow of development resources.

This balanced approach is designed to support the victims of abuse as much as possible while maintaining pressure where this is required. It is the Government's view that a positive approach, rather than a punitive one, should be taken concerning human rights within the international development program. Support will be given to educational initiatives which support an awareness of human rights and democratic development. Programs designed to integrate women into the economic mainstream also serve this purpose and increase opportunities, consistent with meeting the real

needs of the poor. Training to ensure awareness of, and sensitivity to, human rights issues in the context of international development will be provided to Canadian officials with responsibility for managing the Canadian development cooperation program overseas.

Canada endeavors to ensure that human rights issues are given due consideration in the activities of the international financial institutions. Canada will encourage greater scrutiny of the human rights situation in the preparation of country strategies, and through support for projects which will assist disadvantaged groups.

In Canada's International Relations, the Government indicated its intention to establish an International Institute for Human Rights and Democratic Development. The report of the special rapporteurs appointed earlier this year to advise on the structure and mandate of such an institute has recently been completed. The Government's response to this report will follow shortly.

CHAPTER 3: LINKING AID AND HUMAN RIGHTS

RECOMMENDATION

3.1 The Committee recommends:

- i) That emergency humanitarian aid continue to be given on compassionate grounds without preconditions, but that it be monitored closely to prevent abuses;

Accepted

RECOMMENDATION

- ii) That the victims of human rights violations not be forgotten when decisions are taken to reduce or deny long-term development aid to governments;

Accepted

RECOMMENDATIONS

- iii) That human rights criteria be developed coherently as part of overall Canadian foreign policy, and that these be applied in a universal, consistent and transparent manner;
- iv) That such criteria, embracing both individual, civil and political rights and socio-economic and cultural rights, be derived from established standards of international human rights law and convention;
- v) That verifiable reports of violations, not ideology or strategic interest, be the basis for unfavorable assessments of human rights observance;
- vi) That, more generally, progress on human rights be considered part of development, with assessments of the human rights situation in a given country being related to the overall record of development, particularly from the vantage point of the poorest people.

Accepted in part

The Government is of the opinion that it is difficult to establish strict theoretical criteria in the field of human rights which would be operationally effective in development policy. As the Committee itself has emphasized, human rights questions are often intertwined in ideological or strategic issues. Such standards as currently exist internationally, in particular, the Universal Declaration of Human Rights and the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, are very general in nature. Because of the diversity of legal systems, social values and traditional structures in the countries in which CIDA functions, it is difficult to draw fixed and coherent rules in an area as controversial as human rights.

Moreover, the attitudes of other countries and peoples are not identical to those of Canada in the field of human rights, and these differences of emphasis and value cannot easily be reconciled within a global framework. To the extent that criteria can be established against which to judge the performance of other countries, the most valuable guide is to focus on those violations of human rights which are patently systematic, gross and continuous, whether in the area of civil and political rights, or in the field of economic, social and cultural rights.

Canadian development assistance programs take this approach into account in three ways:

- 1) The degree to which human rights are respected is a factor in determining eligibility for Canadian development assistance;
- 2) In situations where there is concern about adherence to the universally accepted concepts of human rights, the content and channels through which development assistance is directed are chosen to alleviate the condition of those oppressed;
- 3) Policy discussions with developing countries on development cooperation include discussion of the human rights situation where this is warranted.

While it is not easy to make a definitive and coherent categorization in the majority of cases, it is generally possible to identify those extreme situations where violations of human rights are so flagrant that they call

into question our ability to deliver an assistance program to the most deserving people. In these types of cases, which are often volatile and short-lived, it is frequently the case that other donor governments, international organizations and development agencies are also incapable of mounting effective programs. But, where a political dialogue can be maintained, and where a development program can be delivered, the Government is of the opinion that such a program should be maintained if it can help the poorest and most afflicted people in such situations. Moreover, particular attention should be paid to developing the institutional structures and human resources which assist the people of the country concerned to achieve full respect for their fundamental human rights.

Where violations of human rights are systematic, gross and continuous, government-to-government aid is denied or reduced. The basic principle is to ensure that repressive regimes are not legitimized through Canadian development assistance policy, and that victims of human rights violations are not doubly penalized by being deprived of needed outside help as well as of their rights.

RECOMMENDATION

3.2 The Committee recommends:

- i) That a Human Rights Unit be established in the Policy Branch of CIDA to conduct training courses for development officers and to co-ordinate human rights policies and programs with the Department of External Affairs;

Accepted

The Department of External Affairs will continue to assume primary responsibility for the human rights aspect of Canada's foreign policy. A unit within CIDA will be given responsibility for ensuring that development assistance programs are consistent with Canada's overall foreign policy concern for human rights. Canadian development officers will receive a briefing on human rights issues as part of their pre-posting orientation program to make them more aware of human rights, and to give them a better understanding of the importance which the Government and the Canadian public attach to this question.

RECOMMENDATION

- ii) That CIDA begin immediately to elaborate a Human Rights in Development policy framework, with an appropriate country classification grid, such as the country classification system suggested in Chapter Three of this Report, to be included in its annual report to Parliament;

Accepted in part

The Government shares the view of the Committee that human rights concerns must be fully integrated in Canada's development policies. As part of its overall mandate in the field of international relations, the Department of External Affairs will continue to monitor human rights issues throughout the world, paying particular attention to systematic, gross and continuous violations of human rights.

External Affairs will continue to address problems of human rights through appropriate multilateral organizations and institutions, and through bilateral contacts with the countries concerned.

The Government believes that the establishment of a grid, and especially the classification of countries according to such a grid, would not serve the overall interests of Canadian development assistance or of Canadian foreign policy. The judgments implicit in the use of such a grid are too subjective. The grid would not adequately take into account the vast number of situations where violations of human rights are worrisome, but where they are at the same time unequal, applying only to some aspects of civil and political rights or to selected areas of economic, social and cultural rights. Moreover, the impact of such a grid would be essentially punitive and judgmental rather than positive and developmental. The Government prefers to support positive programs which assist the poorest and those most victimized by violations of fundamental rights.

Canada's development assistance program takes account of the human rights situation in developing countries. Canada will continue to use a combination of public pressure and private persuasion to register our concerns and to make clear the importance of these issues in Canadian foreign and development policy. As it already indicated in its response to the Hockin/Simard report, the Government will establish an International Institute for the Advancement of Human Rights and Institutional Development in order to support government and private

agency initiatives on this matter in Third World countries.

The Report of the Special Rapporteurs on the proposed Institute for Human Rights and Institutional Development noted that Canada, through CIDA, IDRC and the Canadian Human Rights Commission, has begun actively to strengthen and promote human rights and the evolution of institutions to protect and safeguard the rights and liberties of citizens of developing countries.

Canadian development assistance will be provided, where circumstances warrant, to help in the legal enshrinement of rights, in public education, in the holding of elections, in the establishment of ombudsmen, in the protection of the rights of individuals through labor and cooperative organizations, in the provision of legal assistance, and in helping the families of detainees. In this way, developing countries are assisted in strengthening their policies and practices on human rights, and in the development of institutions which generate respect for internationally accepted standards. Without such a strong and supportive infrastructure of laws, institutions, programs and practices, support for human rights becomes rhetorical and ineffective.

The Government approaches the objective of strengthening human rights not only in the context of development aid, but also in the broader context of its relations with other countries.

During appearances by the responsible ministers before Parliamentary Committees, the Government undertakes to provide information concerning human rights in countries receiving Canadian development assistance. Given the subject matter, the committees may wish to hold such meetings in camera. As this is not a field in which perfect answers or solutions exist, the Government will be happy to consider any suggestions which result from such meetings.

RECOMMENDATION

- iii) That CIDA collaborate further with the Department of External Affairs in the preparation of an annual ODA-Human Rights Review to be tabled in Parliament and referred to this Committee and to the Standing Committee on Human Rights.

Accepted in part

In exercising their responsibilities for evaluating human rights throughout the world, the Department of External Affairs and CIDA are conscious of the interest and concerns of many Canadians. The Government is committed to holding close, effective consultations on human rights matters with Canadian non-governmental organizations, institutions and groups.

The Government undertakes to respond to, and provide comments on, human rights issues in the course of appearances before the Standing Committee on External Affairs and International Trade and the Standing Committee on Human Rights, by the Secretary of State for External Affairs and/or the Minister for External Relations. The Government does not believe that annual reports to Parliament, in which concrete cases and situations are evaluated and judgments are drawn, would serve the foreign policy interests of Canada. The experiences of other countries, as well as Canada's experience in limited cases, indicate that such reporting procedures become in themselves an object of criticism and contention which compromise our ability for effective action by way of normal diplomatic channels. The Government recognizes, however, the important role played by Parliament, particularly by the Standing Committee on External Affairs and International Trade and the Standing Committee on Human Rights, in reviewing and examining Canadian foreign policy, including Canada's development assistance programs.

RECOMMENDATION

3.3 The Committee recommends:

- i) That countries deemed to be "human rights negative" be automatically declared ineligible to receive direct government-to-government assistance;

Accepted in principle

As the Government stated in its response to the report of the Special Joint Committee of the Senate and House of Commons: "The government states that the international promotion of human rights is a fundamental and integral part of Canada's foreign policy. In developing the overall thrust of its foreign policy as well as implementing it, the government takes into consideration the fundamental criterion of systematic, gross and

continuous violations of basic human rights." This policy applies also to the ODA Program.

RECOMMENDATION

- ii) That all CIDA country program reviews and project approval documents include a section evaluating human rights according to explicit criteria as laid down in the policy framework;

Accepted with modification

The Department of External Affairs and CIDA will provide the Cabinet with the information available on human rights situations so that the Cabinet may take this aspect into account in determining the budget envelopes allocated to each country, and in determining the channels through which Canadian Official Development Assistance will be provided.

RECOMMENDATION

- iii) That in making human rights evaluations, aid officials at all levels consult closely with Canadian NGOs with an established presence in the field;

Accepted

In evaluating human rights situations throughout the world, the Government concurs that the Department of External Affairs and CIDA should draw on the extensive experiences of Canadians working on the ground in many non-governmental organizations, universities, cooperatives, unions, private companies and other institutions. Information drawn from a variety of credible, objective sources is essential if the Government is to make conclusive judgments in the field of human rights which have important implications for Canadian foreign policy and Canada's development assistance programs.

RECOMMENDATION

- iv) That Canada work for changes to allow human rights concerns to be put openly on the agendas of the international financial institutions and, in addition, examine very critically multilateral loans to countries deemed "human rights negative" or "human rights watch".

Accepted in principle

Canada will endeavor to ensure that human rights issues are given due consideration in the activities of IFIs. In countries where the human rights situation is particularly troubling, Canada will use its influence to ensure that greater scrutiny is used in the development of country program strategies, the selection and development of projects and the concentration of efforts to assist disadvantaged groups.

RECOMMENDATION

- 3.4 The Committee recommends that the International Institute of Human Rights and Democratic Development carry out its distinct mandate as an independent, free-standing body working closely with Canadian human rights groups and non-governmental organizations.

Accepted

RECOMMENDATION

- 3.5 The Committee recommends that military exports from Canada be prohibited under the Export and Import Permits Act to any country that has been declared ineligible for government-to-government aid on human rights grounds.

Accepted in part

The Government has long been concerned about the relationship between military exports and respect for human rights. In its policy statement of September 10, 1986, the Government announced new policy guidelines for the export of military equipment to countries whose governments have a persistent record of serious violations of human rights. The Department of External Affairs, on behalf of the Government, will continue to control closely the export of military goods and technology to such countries, if it can be demonstrated that there is a reasonable risk that the goods might be used against the civilian population.

SHARING *OUR FUTURE*

CANADIAN INTERNATIONAL DEVELOPMENT ASSISTANCE

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Hard Choices: Eligibility and Human Rights

1. A Fresh Approach to Eligibility

The population of the entire developing world is just over four billion. If Canada's aid were divided equally among them, it would amount to about 65 cents per person per year. Common sense tells us that this would not make much of a difference in anyone's life... and that it would be a better idea to deliver Canada's aid in the form of programs and projects that concentrate efforts and thus have enough impact to change people's lives for the better.



CIDA photo: Ellen Tolmie, Colombia

Choices must be made.

Providing development assistance involves tough decisions. There are more than a hundred developing countries. Each has real problems, and almost all of them would welcome the closest possible development relationship with Canada.

Should Canada help those countries trying hardest to help themselves? Or should it assist the poorest, even if their governments have difficulties carrying out development programs? Should Canada's traditional friendships be taken into account? Should aid decisions be based on how useful a country is, or may become, as a market for Canadian exports? Should all countries be treated equally no matter how good or bad Canada's diplomatic and political relations with them? Does it matter how they treat women? or religious minorities? or political dissenters? What should be done about human rights, an issue that Canadians care deeply about?

There are more really poor people just in northeastern Brazil, and far more in India, than in all of Francophone Africa. How should this fact be dealt with when deciding which nations Canada should cooperate with? Should Canada stick with countries that are starting to be 'winners' in some of their development battles — or should

Canada leave them aside when success begins, and concentrate on the poorest? Should Canada stop aid if it does not like their internal policies, or if they are not serious about eliminating poverty?

Canadian policy must deal with all of these questions, and many more, in deciding which countries should be eligible for our help.

For the past several years, the Government has published a five category eligibility structure, including specific developing countries under these categories. The category under which a specific country was listed indicated the channel and type of Canadian ODA it might receive, such as: bilateral (government-to-government), multilateral (UN agencies and institutions, development banks), non-governmental organizations (NGOs) and institutions (NGIs), the Industrial Cooperation Program (INC), development crown corporations, humanitarian assistance, food aid, and international humanitarian assistance.

Canada's new aid strategy abolishes that system, and takes a fresh new approach. From now on, all eligible developing countries will receive some assistance from the people of Canada through one or more of the Partnership Programs (NGO, NGI, multilateral organizations and development

banks, private sector, etc.)... but the bilateral program will concentrate a greater proportion of government-to-government assistance on a limited number of countries.

The new approach to aid eligibility — the question of who Canada should help — is given below in brief form. It is based on Canada's interests and concerns:

- to attack global poverty;
- to respect the importance of human rights in deciding which countries to work with; and
- to strengthen links with the developing world, which are important to Canada and Canadians.

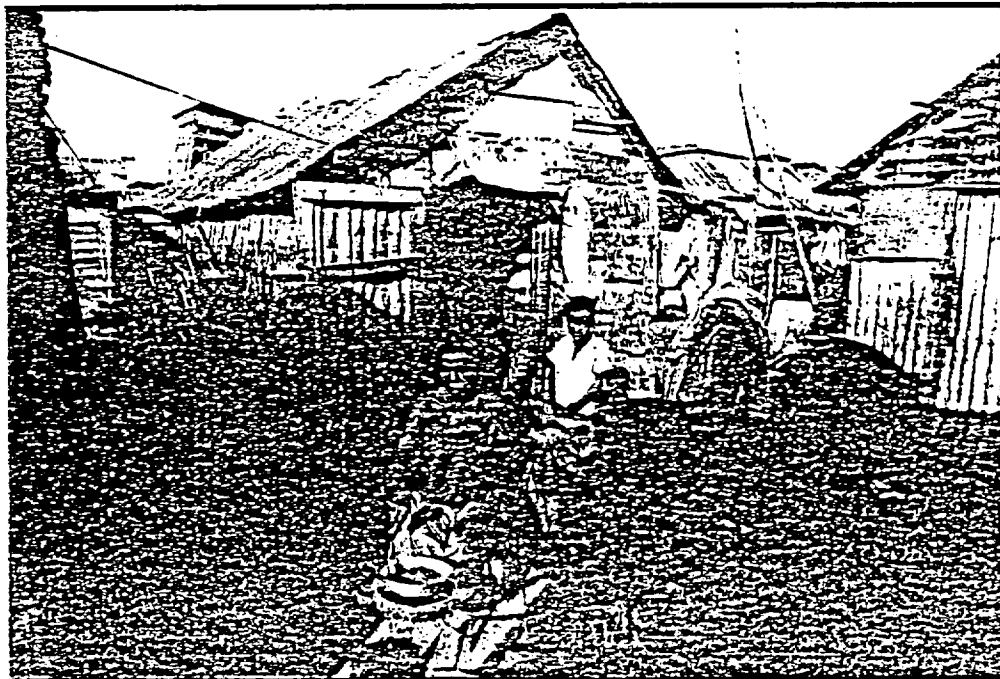
Eligibility — A New Framework

For the purposes of planning, the following framework will apply:

- The 'Categories of Eligibility' list used until now is abolished.
- All developing countries will be eligible to receive Canadian development assistance channeled through multilateral institutions and organizations.
- All independent, developing countries (as defined by the Development Assistance Committee of the OECD) will be

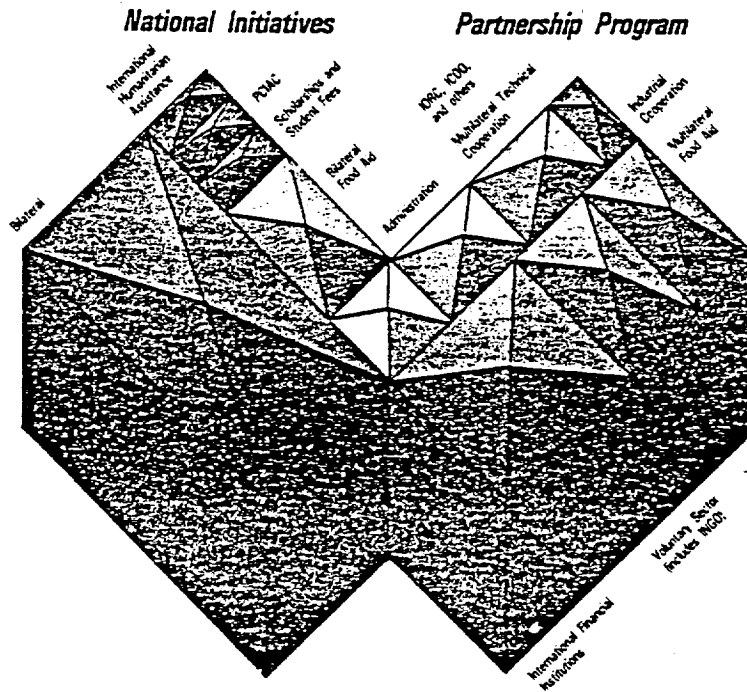
eligible for all forms of Canadian development assistance. (Exceptions to the requirement that recipients be independent could be authorized where there are special aid or historical relationships as now exist with certain Commonwealth Caribbean islands).

- Exclusions to eligibility for Canadian development assistance will be made for political, human rights or economic reasons. With regard to the level of economic development, any country that has been "graduated" from World Bank (IBRD) lending would normally be considered excluded from Canadian development assistance. In addition, certain European countries that are still officially classified as developing (e.g. Portugal, Yugoslavia, Greece) would remain ineligible due to their relatively strong economic base. These eligibility exclusions apply to ODA in most programs, including bilateral, PCIAC, ICOD, industrial cooperation, institutional and NGO programs. None of these channels will use Government of Canada aid funds for development cooperation with countries declared not eligible.



CIDA photo: Hélène Tremblay, Haiti

Poverty is lack of choice, lack of access, lack of opportunity and the underdevelopment of human potential. Canada's development assistance charter is based on a commitment to putting the alleviation of poverty first.



All independent developing countries will be eligible for all forms of Canadian development assistance

Over the next five years efforts will be made to allocate 50% of total ODA to Africa and the least-developed countries of Asia and the Americas

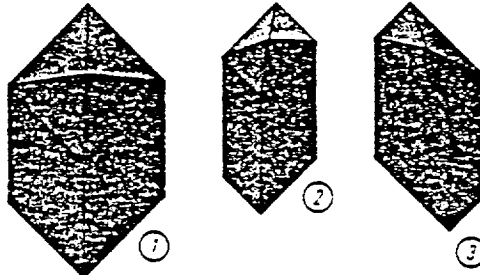
Bilateral aid will be more focused: 75% to 30 countries or regional groupings



Over the next five years
 - 45% to Africa
 - 39% to Asia
 - 16% to Americas

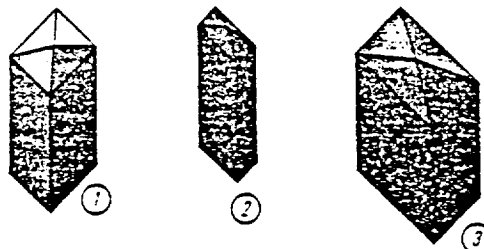
Over the next five years 65% to Commonwealth and Franco-phone developing countries and small island states

All developing countries will be eligible to receive Canadian development assistance channeled through multilateral institutions and organizations



- ① International Financial Institutions
- ② Multilateral Technical Cooperation
- ③ Multilateral Food Aid

The voluntary and business sectors and Canadian institutions make their own eligibility decisions*



- ① IDRC, ICOD and others
- ② Industrial Cooperation
- ③ Voluntary Sector (includes INGO)

* Public Funding not available for countries on "excluded list".

- All countries eligible for Canadian assistance will be able to receive food aid for developmental purposes.
- Emergency food aid and humanitarian assistance may be provided in cases of natural and human-made disasters to any developing country, including those normally excluded from Canadian assistance, where specific approval is given by the Ministers responsible for ODA.
- Decisions on levels of bilateral aid will be made each year by Cabinet. Ministers will establish confidential five-year bilateral planning figures, which will take account of:
 - a) the country's needs;
 - b) the country's commitment and capacity to manage aid effectively;
 - c) the quality of the country's economic and social policies, or its commitment to improve its policies;
 - d) Canada's political and economic relations with the country;
 - e) the country's human rights record; and
 - f) the country's commitment to involving its population in the development process.
- Starting in 1987, the year Canada hosted the summits of La Francophonie and the Commonwealth, 65 per cent of bilateral assistance will go to Commonwealth and Francophone developing countries.
- Over the next five years, efforts will be made to allocate 50 per cent of total ODA to Africa and to the least-developed countries of Asia and America.
- Over the next five years, 45 per cent of bilateral aid will be for Africa, with 39 per cent for Asia and 16 per cent for the Americas.
- Canada will provide 75 per cent of its bilateral aid to low-income and small island states.
- Bilateral aid will be more focused, with 75 per cent concentrated on 50 countries or regional groupings. Countries not among these 50 major recipients, but which still receive significant levels of funding, will not, in principle, be eligible for project assistance. CIDA will instead provide these countries with lines of credit for Canadian goods and services and will support activities for them in its country-focus* framework. With the approval of the Minister, CIDA will finance projects in some low-income countries and may develop country program reviews (multi-year development plans) for them.

Human rights concerns will be fully integrated into Canada's development policies in the eligible countries. Reflecting the firmly held belief of Canadians, the Government is committed to ensuring that Canada's development assistance programs strengthen the cause of human dignity and deepen international awareness of the principles of greater respect for human rights.

* "Country focus" is a bilateral mechanism whereby funds from CIDA's geographic areas government-to-government budget can be made available to NGOs and NGOs whose activities are clearly aligned with CIDA priorities for its bilateral program in a specific country.



CIDA photo: Paul Chasson, Senegal

Africa, which has 27 of the world's 40 least-developed countries, will receive 45 per cent of Canada's bilateral aid over the next five years.

A basic principle of Canada's foreign policy is the promotion and protection of human rights. At both the bilateral and multilateral levels, Canada has been active in promoting the acceptance of international standards of human rights, and the Government is firmly committed to integrating human rights fully into the broad sweep of Canada's external relations. But the problems of promoting human rights are deceptively difficult. Many barriers to international understanding, including cultural differences, remain before some of these problems can be tackled effectively.

As a starting point in Canada's development assistance policies, assessments of human rights policies and practices will be made concrete factors in decision-making on aid determination. While the Government intends to ensure that Canadian development assistance does not lend legitimacy to repressive regimes, it must also ensure that victims of human rights violations are not doubly penalized by being deprived of needed help in addition to being deprived of their fundamental rights. A constructive approach to human rights rather than a punitive one must recognize that development assistance, appropriately targeted, can contribute substantially to the cause of both development and human rights.

Canada's Position

- In times of extreme hardship, such as massive famine, epidemics or civil war, the people of *all* developing countries will be eligible for emergency humanitarian aid including, with ministerial permission, those countries that have oppressive governments and are not eligible for other forms of aid from Canada.
- *Cabinet* will annually consider information on *human rights* situations as part of the process of *determining which channels* of Canadian assistance may be used, and what level of bilateral assistance to apply to each potential recipient.

In countries where violations of human rights are systematic, gross and continuous, and where it cannot be ensured that Canadian assistance reaches the people for whom it is intended, government-to-government (bilateral) aid will be reduced or denied. Canadian assistance will be channeled through our development partners working at the grassroots level — such as non-governmental and multilateral organizations — who can ensure that the aid goes directly to the poor in areas where it is most needed.



CIDA photo: David Barbour

Canada is committed to ensuring that development assistance programs strengthen the cause of human dignity and

deepen international awareness of the principles of greater respect for human rights.

- When countries show progress towards a marked improvement in their respect for human rights, Canada will reflect this progress in its decisions about funding.
- Diplomatic channels, including ministerial discussions, bilateral meetings, and international consultations, will be used to press governments that violate human rights to improve their records.
- Wherever possible, particular support will be provided for NGOs and other partners promoting progressive human rights activities and education in developing countries.
- During appearances by the responsible ministers before parliamentary committees, the Government undertakes to provide information concerning human rights in countries receiving Canadian development assistance. Given the subject matter, the committees may wish to hold such meetings *in camera*.
- The Government has announced its intention to create an International Centre for Human Rights and Democratic Development. The Centre will work closely with governments, public institutions and NGOs in developing countries, to help establish and strengthen institutions, programs and activities that promote internationally recognized human rights.

Other New Initiatives

- A designated unit within CIDA will be charged with ensuring that development assistance programs are consistent with Canada's foreign policy concern for human rights.
- Canadian development officers will receive special training on human rights.
- Canada supports the United Nations Voluntary Fund for Advisory Services in the Field of Human Rights.

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