

.b2156349(E)

doc
CA1
EA
88H75
ENG



External Affairs
Canada

Affaires extérieures
Canada

Human Rights and Canadian Foreign Policy

SELECTED STATEMENTS
AND SPEECHES

JANUARY 1988

Canada

Foreword

Each year for the past decade the Department of External Affairs has organized consultations with Canadian Non-Governmental Organizations active in the field of human rights. Focusing on the agenda items of the United Nations Commission on Human Rights, these consultations have traditionally taken place in January, immediately prior to the annual meeting of the Commission.

This year, this gathering takes on a special significance: on December 10 the international community will celebrate the fortieth anniversary of the Universal Declaration of Human Rights. To mark this event, the Department of External Affairs has compiled a selection of statements and speeches.

This collection of statements, made over the course of the last decade by Ministers and senior public servants, is a sampling of the many public declarations on human rights by representatives of the Government of Canada. It focuses on topics relevant to the agenda of the Commission on Human Rights and on related topics prominent in the Conference on Security and Cooperation in Europe. The Department is pleased to make this collection available to participants of the NGO Consultations and hopes it will be of interest to them in the work of crucial importance they have undertaken.

J.H. Taylor

J.H. Taylor,
Under-Secretary of State
for External Affairs

NON - CIRCULATING 21 January 1988
CONSULTEUR SUR PLACE

Dept. of External Affairs
Min. des Affaires extérieures

FEB 24 1988
REV

RETURN TO DEPARTMENTAL LIBRARY
RETOURNER A LA BIBLIOTHEQUE DU MINISTERE

43 242-860

Human Rights and Canadian Foreign Policy:
Selected Statements and Speeches

A. The Domestic and International Environments

1. Joe Clark, *The Rights of Minorities*, 8 March 1985.
2. Joe Clark, *Speech to the Canadian Jurists and Lawyers for Soviet Jewry*, 13 November 1986.
3. William Bauer, *Address on Human Rights Day*, 10 December 1986.
4. Roy McMurtry, *Keynote address, Cumberland House Seminar*, 23 February 1987.
5. Brian Mulroney, *Statement on the Occasion of Law Day*, 15 April 1987.

B. Human Rights as an Element of Canadian Foreign Policy

1. Don Jamieson, *Human Rights, One of the Most Complex Foreign Policy Issues*, 16 March 1977.
2. Mark MacGuigan, *The Canadian Approach to the International Promotion and Protection of Human Rights*, 31 August 1982.
3. Joe Clark, *Address to the Conference on Human Rights and Foreign Policy*, 21 March 1986.
4. Monique Landry, *Human Rights and First Principles*, 28 January 1987.

C. Human Rights in the United Nations Context

1. Flora MacDonald, *An Examination of Conscience at the United Nations*, 25 September 1979.

2. Yvon Beaulne, The Commission on Human Rights after Thirty Years, 4 February 1980.
3. Jim Hawkes, Statement to the 3rd committee at the 39th session of the UN General Assembly, 6 December 1984.
4. Stephen Lewis, Statement on Item 12: Human Rights, 25 November 1986.
5. Gordon Fairweather, Human Rights and Fundamental Freedoms in Any Part of the World, 9 March 1987.

D. The Conference on Security and Cooperation in Europe

1. Klaus Goldschlag, Helsinki - the Final Act: Principles and Provisions, 6 October 1977.
2. Mark MacGuigan, Reaffirmation of the Principles of the Final Act, 12 November 1980.
3. Monique Vezina, Statement to the Preparatory Meeting, 23 April 1985.
4. Joe Clark, Statement on the Occasion of the CSCE meeting on Human Rights, 7 May 1985.
5. Joe Clark, Speech at The Vienna Follow-Up Meeting, 5 November 1986.

E. Human Rights in their Regional Contexts

1. William H. Barton, Canada Reaffirms its Abhorrence of Apartheid, 30 March 1977.
2. Allan Gotlieb, Human Rights Violations and Refugees, 11 June 1979.
3. Mark MacGuigan, Violation of Human Rights in Poland, 9 February 1982.
4. Joe Clark, Urgent Need for Peaceful Reform in South Africa, 29 July 1985.
5. Stephen Lewis, The Soviet Occupation of Afghanistan, 12 November 1985.

Section A:

**The Domestic and
International Environments**

The Rights of Minorities

Speech by The Right Honourable Joe Clark,
Secretary of State for External Affairs,
to the 3rd International Conference on Constitutional Law,
Laval University, Québec, 8 March, 1985.

It is a great pleasure for me to be with you, and to join in your consideration of the rights of minorities. At other times in our recent past, I have spoken of minority rights in Canada. I remember vividly one particular occasion at this University, with the support of Le Devoir, when I proposed some changes that could have allowed Québec to join with honour in the constitutional accord. That experience serves to emphasize that for Canadians, questions of minority rights are not academic matters. They are issues as old as our country, and as fresh as last week. Just eight days ago, the Minister of Indian and Northern Affairs introduced a bill to end finally discrimination against certain women under our Indian Act. That very bill is being criticized by some spokesmen of the Indian community, who claim the action by Parliament infringes on their collective rights as aboriginal people. Such are the complexities of questions of rights, and for Canadians they are domestic complexities as well as international.

Indeed in Canada, we have considerable experience with the rights of minorities. By the standards of the day, a rather inflammatory situation was created when protestant England took possession of a colony that was not only Catholic in religion, but French in language. That was also a time when the British colonies to the south were already restless, and any attempt to enforce radical change in Québec would not have been wise. Accommodation in matters of language and religion was essential.

I have made the point before that we Canadians, having started with such clear differences, had no alternative to tolerance. Of course, our history is full of evidence of goodwill and generosity of spirit, and those are genuine and valuable characteristics. But there was more than goodwill. The diverse nature of Canadians forces us to respect and accommodate genuine differences.

Canada was founded as a confederation of strong provinces, giving full recognition to our right to be different from one another. As immigrants from many lands spread over our country, there was no real attempt to enforce assimilation. Indeed the Canadian Charter of Rights and Freedoms has now given specific constitutional support to the preservation and enhancement of this multicultural heritage. That Charter also confirms and expands the language rights of Canadians in both official languages, and includes provisions for educational facilities for the language minority in affected provinces. In the Charter, and elsewhere in the Constitution, recognition has also been given to the rights of Canada's aboriginal population.

Internationally, Canada has nothing to hide with respect to minority rights. We are one of only 34 states that have agreed to submit their record of performance under the United Nations Covenant on Civil and Political Rights to the test of petitions by individual citizens under the Optional Protocol to that Covenant. Acting on such a petition, the Human Rights Committee found that Canada was not living up to Article 27 of the Covenant, the single article in which minorities are explicitly mentioned. The issues concerned the discrimination in the Indian Act to which I have referred. We had already recognized this as a problem with Canada, and it is nothing to be ashamed of that we have had a little prodding from an impartial international committee to put our house in better order.

This issue concerned the loss of a special group right, something not available to all Canadians. The recognized rights of any group within a state must in their nature be exclusive, apart from, and in some respects in contradiction to, the general human rights available to all on a basis of equality and non-discrimination. If a language right is to have full meaning, it must be supported by measures to make possible its full expression. It will never be easy to establish such a right, and to give it substance, because there will always be many who honestly fear that to institutionalize differences of this kind may serve to sharpen these differences, and even put at risk the integrity of the state. To produce true equality for a particular group, governments may have to discriminate actively in their favour as, for example, when "affirmative action" programs are undertaken to improve the status of women. With these

aspects in mind, it is to be expected that governments will approach the matter of group rights with considerable caution.

The sensitivity of the subject, and the wide variety of what may be desirable or possible in each particular state, has delayed the development in the United Nations of any universal guidelines on group rights. The last forty years have seen the successful elaboration of standards of human rights, and the development of international processes which encourage their implementation. But the concern has been primarily with the rights of individuals. Whenever it has been suggested that similar consideration should be given to the rights of minorities, this has been resisted by some states with the argument that since they themselves contain no minorities, there could be no universal consideration of the matter. This, more often than not, is a statement of policy rather than of fact, because all states contain minority groups of some sort.

Others have argued that the increasing development of the rights of individuals would eliminate the need for any special treatment for groups of persons. This may be true to the extent that prohibiting discrimination may protect individuals in a particular community from abuse. But human rights standards for individuals cannot provide the positive elements, involving some special privileges, required to establish the rights of a minority.

These considerations may have been responsible for the very limited treatment the rights of minorities have received in the United Nations. Article 27 of the Covenant on Civil and Political Rights speaks only of the rights of persons belonging to minorities, rather than of any rights of the groups themselves. Minority rights being such a combustible subject in the European context, identical language had to be used in the Helsinki Final Act. It will no doubt come into play at the Meeting of Human Rights Experts which Canada will host in Ottawa from late April to early June as part of the process of the Conference on Security and Cooperation in Europe (CSCE). I might add that there was considerable difficulty in getting even this reference to minorities into the Helsinki Act, and the opposition did not come only from the Eastern states.

Within the United Nations Commission on Human Rights, a Working Group has been established and requested "to consider the drafting of a declaration on the rights of

persons belonging to national, ethnic, religious or linguistic minorities". This work has been delayed because there has been no agreed definition of what constitutes a minority. I admit this is a difficult matter and I shall not try my hand at it now. Two distinguished participants in this Conference, Professor Capotorti and Judge Deschênes, have made important contributions to framing such a definition, and I understand that the U.N. Sub-Commission will be discussing the conclusions of this work at its meeting in August.

I wonder if in this process we might not get rid of the word "minority" itself, which seems to me to denote something second class, and is not generally acceptable to those groups who wish to retain their special identity. Perhaps the first right of a minority should be not to be called a minority. I have always preferred the term "community", which stresses the bond within the group, rather than the arithmetic of their situation.

One challenge is to define minority rights, and identify cases where they are not respected. The other challenge is to find practical ways to secure those rights, or stop their abuse. All of us must respond to both challenges, but the special responsibility of government is to find practical ways to solve particular problems. Those problems are themselves diverse. By way of example, let me report on some of the minority rights questions before our particular Government now.

Our Government has introduced historic legislation to amend the Indian Act that will end discrimination based on sex and will give Indian bands control of their membership. As I said in the House of Commons on March 1 -- it marks a large step away from a colonial mentality that has scarred the relations between Indian and other Canadians and marks a step -- just a step, but an important one -- toward greater autonomy for Indian bands. It proceeds in a way that is simultaneously reasonable, tolerant and principled to resolve dilemmas that have been divisive at home and embarrassing abroad.

The Constitution Act, 1982 recognized for the first time rights unique to the aboriginal peoples. It not only affirmed existing aboriginal and treaty rights, but also provided for an unprecedented constitutional process in which First Ministers and aboriginal leaders would participate in discussions to identify and define further

the rights of our aboriginal peoples to be entrenched in our Constitution. The third conference in this series will be held next month.

This Government is also committed to new efforts to assist women to achieve a level of true equality in Canadian life. This will require, as I have said, some positive measures which will favour women as a community, in order that they may make their full contribution to the society at large. Our constitution now contains a provision guaranteeing fundamental rights and freedoms equally to men and women. A report commissioned by the Government has just been published on equality in employment, and a parliamentary committee will soon examine the question of child care. Here again we find ourselves working in parallel with international efforts. Only a few weeks ago Canada presented in Vienna its first report on how we were implementing the Convention on Discrimination Against Women. We also cooperate closely with other states on particular aspects such as the vital role of women in development.

These are domestic concerns, having their reflection in the international field, but the promotion of respect for human rights in other states must also concern us. Many Canadians have family ties in Eastern Europe. They expect that their relatives will be able to visit them, and that their ancestral countries will adhere to standards of human rights set out in international agreements such as the Helsinki Final Act. The Government must continually consider how best to support their human rights. It is important to remember that what may be satisfying to say in public is not always effective in reducing the suffering or in relaxing officially sanctioned repression. Canada has always used bilateral and multilateral meetings to advance human rights, including minority rights, and this will continue to be the case. I would like to note our pride that the first Human Rights Experts Meeting of the Conference on Security and Cooperation in Europe will be held in Ottawa this May. It is the only CSCE conference to take place in North America, and is being held at Canadian initiative. I hope it will provide an opportunity for an orderly and productive discussion of these problems.

Minority rights concerns are not, of course, limited to developed countries. Emerging from the crucible of colonialism, many developing countries have had to confront the challenge of reconciling the coexistence of

minority groups during the early stages of nation-building. Most of these experiments in nation-building have proceeded as smoothly, if not more so, than in older, developed countries. Political harmony and respect for human rights, and the rights of communities, are at once prerequisites and components of the developing process.

As a partner in development, Canada has formed close relationships with many developing countries, and we must be dismayed when they experience difficulties which threaten their domestic peace and progress. Sri Lanka comes to mind as a classical current example of a country with minority problems, but there are others that one could mention. We have often expressed to other governments our concern about the trend of events in their countries, and now our Government intends to address the more difficult question of whether our bilateral aid resources should be more related to the performance of recipient governments in such areas as human rights.

In South Africa we have a country where those in control are in fact a numerical minority and those suffering abuse an overwhelming majority. Canada over the years has been in the vanguard of initiatives which have sought to bring pressure on the South African Government to treat all its inhabitants with justice and equality. Canada has for years prevented the sale of Canadian military equipment to South Africa. We played a pivotal role under the Right Honourable John Diefenbaker in expelling South Africa from the Commonwealth, and have supported programmes designed to help the victims of apartheid. We severely curtailed the use of public funds for the promotion of trade with South Africa and very recently welcomed to our capital the heroic figure of Bishop Tutu. The Government will shortly be looking at other means of expressing the deep opposition of most Canadians to the apartheid policies of the South African Government.

While the scope for national action may be limited, the international situation is not hopeless or even unique. It is exactly that situation which has been faced in other areas of human rights, in which it has been possible to develop internationally agreed standards, and to provide some international mechanisms to encourage the implementation of these standards. And, as I have indicated, the Commission on Human Rights is now engaged in drafting a declaration on the rights of minorities.

Canada will work to advance this process as rapidly as possible, in the hope that we may have a declaration, as a focus for political action, within the next few years.

It is political reality that these processes take time. So I hope that the international community will also explore some more immediate methods by which states might benefit from the experiences of others in developing the rights of minority groups. Professor Capotorti's study of 1979 is an excellent compendium of such experiences, and I think we should look for some mechanism by which such information may continue to be collected, and for means by which it may be made freely available to states. The appropriate agency for such work is the United Nations Centre for Human Rights in Geneva which, through its Advisory Services Programme, has expanded its capacity to assist member states.

In some of these situations, and currently in the case of Cyprus, the U.N. Secretary-General has used his good offices to help the parties achieve some accommodation or reconciliation. Canada fully supports such efforts, but member states themselves, acting together, must do more to seek realistic solutions to problems involving the rights of minorities, and to encourage and assist nations to adopt these solutions.

Our clear objective must be to assist nations with their problems rather than to meddle in their internal affairs. Lasting improvements must come from internal processes of accommodation in individual states, as a result of domestic decisions. In seeking to promote such accommodation within individual states, the international community must rely on persuasion, through concerted political pressure mobilized in the United Nations and elsewhere.

You have assembled here experts and practitioners in the rights of minorities, a subject which has been suffering from neglect internationally. I am certain that the records and conclusions of this Conference will themselves be a significant contribution to the development of international standards and action. It will certainly give new, and timely, impetus to the consideration of this matter among nations. It is my intention that Canada contribute actively and compassionately to this work, from which we too will benefit within our own country.

Sometimes, at international conferences, Canada is celebrated for what we are not. We are not a superpower, not an imperial power, not an aggressive nation. But we are a country deeply involved with the rights of minorities. That issue was present at our beginning, with our two founding peoples, and before our beginning, with our aboriginal people. Our future success as a nation, as with our past, will be determined by our treatment of this issue. The challenges are Canadian and international. I am honoured to have the opportunity to discuss them here with you.

Speech by The Right Honourable Joe Clark,
Secretary of State for External Affairs,
to the Canadian Jurists and Lawyers for Soviet Jewry,
Toronto, 13 November, 1986.

As a Member of Parliament and Secretary of State for External Affairs, I receive hundreds of letters a week from Canadians all across the country and from all walks of life. Many of these letters deal with abuses of human rights in one country or another. You only have to glance through a newspaper or watch the nightly news to get an idea of how widespread these abuses are. Some capture the attention of the public more than others -- Central America, South Africa, Afghanistan.

It would be comforting to believe that the international community had a failsafe means of dealing with these situations. It would be reassuring to think that the ideals so vividly expressed in a number of documents, from the Universal Declaration of Human Rights to the Helsinki Final Act, always find reflection in international legal procedures designed to protect human rights. But for many of those whose rights have been violated there is no legal recourse -- except for the lengthy and debilitating process of bringing international attention to bear on abuses, and hoping that pressure can be exerted to resolve their fate. Unfortunately, for some victims of repression, the only option is to escape from their homeland and seek refuge in another country.

The Government of Canada is working hard to change this situation. We are working to broaden the standards which define the rights of citizens and of states, and to build the type of protective capacity that can intervene rapidly and effectively when allegations come to light. But it would be wishful thinking to believe that this process will be rapid. There are too many states who violate human rights on a persistent basis and who have a vested interest in an international system that functions slowly when it functions at all.

We need not await some distant perfect future, however, to assist the victims of violations. Over the years, Canada has provided millions of dollars worth of

emergency relief assistance to refugees around the world. Food, medicines, blankets and agricultural implements are just some of the things we have given to refugees to help them start again. For many others, Canada has provided even more -- a new home and new hope for the future. In addition to that Government assistance, thousands of Canadians from across the country have volunteered their time and their skills to help people who, in many cases, they will never meet.

This afternoon in Ottawa, the United Nations High Commissioner for Refugees will pay tribute to that dedication and generosity of Canadians. On behalf of all the people of Canada the Governor General will accept the 1986 Nansen Medal, in recognition of the major and sustained contribution that Canadians have made to the global refugee problem. It is the first time that a country has received this award, and that is a distinction we should reflect on.

There may still be debate in Canada about our national identity, but the world knows who we are, and of those characteristics is the selfless, hard-headed compassion that caused ordinary Canadians, from every community, to respond so effectively to the famine in Africa, and before that, to the atrocity of the Vietnamese Government casting Boat People adrift to die on the China Sea. In both those cases, I was involved in the official Government response, and so am in a position to know that what defined Canada was not so much the reaction of its Government, as it was the response of our people. It was the Canadian people whose contributions to African relief caused us to double our level of matching grants. It was Canadian individuals, in neighbourhoods across the lands, who rescued thousands of Vietnamese from the certain death that their communist regime had ordained.

That was the first time Government and the private sector joined in direct partnership to sponsor and establish refugees, and it was a magnificent success. That personal practical compassion is deeply rooted in the Canadian character, and defines us as surely as our languages, our literature, and the other elements of the culture that is Canada.

Part of that tradition is a willingness to involve ourselves on behalf of individuals in other countries whose regimes abuse or ignore human rights which we regard as fundamental. There is a narrow view that argues that

the practices of the Soviet Union, or of South Africa, or El Salvador or Nicaragua are internal to those countries, and no business of ours. Canada rejects that view. We signed and support the International Declaration of Human Rights, the Helsinki Accord, and other Agreements which assert the primacy of human rights.

As a democracy, tracing our traditions from the Magna Carta, we are particularly offended by the denial of basic rights in countries that claim to practice democracy, and to share our traditions, as South Africa claims.

Indeed, we accept the scrutiny and judgement of other countries regarding our own performance, and one of the early actions of the Mulroney Government was to change a provision of our Indian Act which contravened that part of the International Covenant on Civil and Political Rights relating to sexual discrimination against women.

As a practical matter, no part of foreign policy is more difficult than deciding when and how to react to human rights abuses. We can be proud of the fact that few countries have standards as high as our own, and fewer still are as consistent as Canada in respecting our own standards, including in our foreign policy. If we refused absolutely to deal with countries who do not meet all our high standards, we would not deal with many countries. Our trade would plunge, our development assistance dry up; our embassies close. We would become a nation of impeccable standards and no influence. The challenge becomes to decide whether Canada's presence, or Canada's absence, will do more to advance human rights in particular cases. Those judgements are always controversial.

Just last month, demonstrators criticized me for resuming limited Canadian aid to El Salvador, where abuses of rights continue. Ironically, that same week, the Special Representative of the United Nations Committee on Human Rights reported significant improvements in the human rights situation in that country.

Nowhere is the judgement of the appropriate balance in Canadian policy more difficult than in the question of our relations with the Soviet Union. Soviet violations of basic human rights and fundamental freedoms are well known. Many of the rights and freedoms we take for granted in the West are limited, controlled, or even denied in the Soviet Union. Freedom of conscience,

freedom of expression, the right to move about freely or to emigrate, if that is your wish -- all these and many more are either restricted or prohibited in the USSR. Many groups suffer under such a repressive system, but perhaps none so harshly as Soviet Jews.

The Soviet Union has long claimed that our repeated calls for an improvement in its human rights record are unacceptable interference in their internal affairs. If the Soviet Union fails to respect human rights, what is that to us? That question is worth answering.

The Soviet Constitution specifically guarantees the right of Soviet citizens to profess any religion and to conduct religious worship. The Universal Declaration of Human Rights and the Madrid Concluding Document go even further by stipulating that inherent in religious freedom is the right to manifest it in worship, observance, practice and teaching. Nobody denies that Jews in the USSR are Soviet citizens. Nobody denies that Judaism is a religion. Nobody denies that the Soviet Union has freely and willingly entered into these international agreements. And yet, Soviet Jews are, for all intents and purposes, denied their right to practice and to teach their religion.

The Soviet Constitution commits the Soviet Union to uphold its obligations under international law and to adhere to the principles of its international agreements, including the Universal Declaration of Human Rights. Some of these agreements guarantee the right to emigrate. We all remember those heady days in the late 1970's when thousands of Jews were allowed to emigrate every month. Now we're lucky if a thousand Jews emigrate in an entire year. In fact, there are signs that 1986 may be the year when the least number of Jews are allowed to leave the USSR.

The Soviet Constitution guarantees Soviet citizens the right to work, including the right to choose their trade or profession. And yet, many refuseniks suffer the double blow of being denied permission to go, and then being prohibited from continuing to work in their old jobs, forcing them to take on menial tasks or depend upon their friends for subsistence.

The issue for us, therefore, is confidence in Soviet compliance. If the Soviet Union is unwilling to adhere to the provisions of its own Constitution, how are we to have

any confidence that they will uphold their international obligations, including arms control and disarmament agreements? Canada takes the position that human rights form an integral part of customary international law. Indeed, General Secretary Gorbachev has acknowledged that human rights are integral to comprehensive security. And at the Human Rights Experts Meeting in Ottawa last year, the Soviet representative conceded that human rights are a legitimate object of international concern.

Canada and the USSR are co-signatories of many international agreements governing human rights. By freely and willingly entering into these agreements, the Soviet Union has given us the standing to call them to account for their performance under these agreements. It has taken a long time, but the USSR is now prepared to discuss with us its human rights record. Let me give you an example.

Last year, during my discussions in Moscow with then Soviet Foreign Minister Andrei Gromyko, I raised the issue of human rights violations by the USSR. Mr. Gromyko's reply was as predictable as it was unsatisfactory -- that such representations were an unacceptable interference in the internal affairs of the Soviet Union.

Last month, when I met in Ottawa with the current Soviet Foreign Minister Eduard Shevardnadze, I again raised this issue. This time, Mr. Shevardnadze did not refuse to discuss the matter. I gave him lists of Soviet citizens wishing to be reunited with their families in Canada. I also made special representations on behalf of Jews seeking emigration to Israel. Mr. Shevardnadze undertook to review the cases personally, and even answered questions from Canadian journalists on the human rights record of the Soviet Union at a news conference held at the Soviet Embassy.

This new approach by Soviet authorities would have been unheard of just a few years ago, and yet today it can be seen in many forums. At the Reykjavik meeting between President Reagan and General Secretary Gorbachev, both sides agreed publicly that the question of increased human contacts was a topic to be discussed along with arms control and defence matters. Much of the CSCE Follow-up meeting now underway in Vienna will be devoted to discussing human rights.

Indeed, last week in Vienna, Mr. Shevardnadze invited Canada and other CSCE countries to come to Moscow to discuss humanitarian cooperation. That was the latest step in a deliberate campaign to change the Soviet image on human rights. We should not dismiss this proposal out of hand. It requires a careful response from the West, designed to move Moscow from image to action.

But, in deciding whether such a conference would be worthwhile, we will need more information from the Soviets about what the meeting should accomplish. Convening a conference is no substitute for acting on existing obligations. Quite the contrary. A Moscow Conference on Human Rights would be credible only if there is substantive and tangible action on existing obligations, as a condition precedent. As the sponsor of the last CSCE Conference on Human Rights, Canada would insist that journalists, petitioners and other interest groups have the same rights respecting the Moscow Conference that they enjoyed in Ottawa.

We would be seeking other guarantees, before determining whether to accept or reject Mr. Shevardnadze's latest proposal. The result of such a conference would have to be to advance this aspect of the review of the Helsinki Final Act now taking place in Vienna, not detract from it.

Part of this new approach by the Soviet Union is a more sophisticated use of public relations to give the illusion of progress where really there is none. There is no dispute that several prominent and longstanding refuseniks have been released this year. I had the honour to meet Anatoly Shcharansky in Israel in April, and we rejoice with his family at the birth of their first child in freedom last week. We have seen the release of Dr. Yuri Orlov, David Goldfarb and Benjamin Bogomolny. After much pressure, Inessa Fleurova was eventually allowed to be accompanied by her husband when she travelled to Israel to donate bone marrow to her brother who is dying of cancer. We have welcomed these developments and have encouraged the Soviet authorities to continue such releases. But is this really progress? What about the increased repression of those who remain? What about Ida Nudel, Vladimir Slepak or the others who are still denied permission to leave?

In my view, what this dichotomy means is that nothing has really changed in the Soviet Union except where non-compliance with their international obligations is

harming their foreign policy interest. The Soviet Union must understand that the release of a few prominent dissidents or refuseniks will not cause the West to reduce the pressure for more fundamental changes in Soviet practices and policies.

In fact, we may be entering a unique time to test the depth of the difference between the Gorbachev regime and its predecessors. If the new Soviet leadership really understands the West, they will know that the enduring image of Anatoly Shcharansky is as the exception that proves the rule of Soviet repression. Words are not enough. Symbols are not enough. Accepting petitions and calling conferences will only be persuasive if they are accompanied by sustained and real changes in the rights of Soviet citizens to speak, to move, to pray as they prefer.

So what can we do to bring about real progress? First, we have to be hard-headed, both about the intransigence of the Soviet system, and about the practical effectiveness of measures open to us. Mere words are not enough for the West either. We want to end the repression, not just condemn it, and we have to determine how best to do that.

Should we refuse to trade or talk with the USSR until they improve their human rights and family reunification record? Many of you will be familiar with the Jackson-Vanik amendment in the United States which links U.S. trade with the Soviet Union to the release of Soviet Jews wishing to emigrate. The Jackson-Vanik amendment has been in effect since 1974 and there has been little discernible impact on Soviet performance to date. Even so, it has been suggested by some people that a similar condition be placed on Canada-USSR trade.

In our view market forces will be much more effective in bringing about change in the USSR than any legislated link might be. The Soviet Union knows that its human rights record remains an obstacle to improved commercial relations between us. The current trade imbalance is heavily in our favour, and the Soviet Union is anxious to increase exports to Canada. They are becoming more aware that their human rights record stops Canadian consumers from buying Soviet products, and that the best way to change that image is to allow more families to be reunited in the West and to cease the repression suffered by those who remain in the USSR.

Negotiations will get underway early next year on facilitating human contacts between Canada and the Soviet Union. These will include measures for the management and review of family reunification questions. Reaching agreement will not be easy. And even if agreement can be achieved, the litmus test will be whether there is any real progress by the Soviet Union on the issues involved. The Soviet Government issued a decree a few days ago about its emigration policies. We will be watching very closely to see whether this leads to progress in resolving cases of interest to Canada. One disappointing feature is the absence of any specific reference to the emigration of Soviet Jews to Israel.

In our view, the policy that will have the greatest chance of success is to maintain firm and committed pressure on the Soviet Union to improve its human rights performance. You can help us by continuing your pressure on Soviet authorities to allow more Jews to leave the Soviet Union, by calling on the USSR to ease repression on those who stay behind, and by publicizing abuses of human rights in the USSR. In so doing, you will be helping to ensure that this situation is not forgotten by Canadians or the rest of the world, nor allowed to be ignored by the Soviet Union.

For our part, we will encourage any positive developments, such as the release of prominent refuseniks, while not allowing ourselves to be blinded to the harsh realities for those who remain in the USSR. We will press for an increase in the number of people allowed to emigrate and be reunited with their families outside the Soviet Union. We will work hard with other nations at the CSCE to seek progress in all aspects of the Helsinki Final Act and the Madrid Concluding Document, including increased human contacts. In our continuing discussions with Soviet authorities, we will leave no doubt that there must be progress on human rights if our relations are to develop in a positive manner.

That is the responsibility of both individuals and government. It is one that we have freely and willingly undertaken, as the Soviet Union has freely and willingly undertaken to respect human rights by signing various international declarations, covenants and agreements and in its Constitution. The difference between us is that we are committed to comply with our undertaking. We must do all that we can to make the Soviet Union comply with theirs.

Statement by Mr. William Bauer,
Head of the Canadian Delegation to the Conference on
Security and Co-operation in Europe,
to the CSCE Plenary on Human Rights Day,
Vienna, 10 December, 1986.

We are approaching the final weeks of our review of the implementation, by all signatory states, of the provisions of the Helsinki Final Act and the Madrid Concluding Document. Throughout this process, we have raised a number of issues which we know are of serious concern to many Canadians. From the beginning, when our Foreign Minister addressed that meeting, we expressed our disappointment with the record of compliance of certain countries, and made it very clear that if the Helsinki process is to achieve one of its major goals -- confidence between and among the participating states -- then there must be better compliance.

We have also made very clear our concern that continued and unrepentant violation of their undertakings by some countries would undermine not only the credibility of the Helsinki process, but also our trust in the countries concerned -- in their willingness to live up to any other undertakings they might enter into.

We want progress at Vienna, and for the Canadian Government and for most Canadians, an essential component of any progress would be a recognition by all signatory states that we have not yet achieved our goal of full implementation of the Helsinki Final Act and the Madrid Concluding Document, and an undertaking by us all that we will make serious efforts to improve our compliance. During recent weeks we have tried to develop a constructive dialogue along these lines; we have distributed the printed record of our own implementation and have tried to answer any serious questions put to us. Unfortunately, our efforts have not been reciprocated by certain delegations who persist in referring to any criticism as polemical or confrontational and who on occasion appear to suggest that there can be no agreement between representatives of what they call different social and economic systems about the meaning of the Final Act.

For our part, we are not prepared to believe that progress is impossible, that non-compliance with the Final Act is a fact of life that we must accept and, indeed, remain silent about. Such a conclusion would make genuine progress in the CSCE impossible, and sharply limit the range of East-West cooperation for which our citizens have a right to hope. We have concluded, therefore, that we have no choice but to continue, frankly, fairly and factually, to present our concerns. To the extent that our concerns are dealt with seriously and constructively, confidence will be increased and, with confidence, security.

The problems are real. They will not disappear without effort, and although we accept that there can be no immediate solution, there must at least be an effort to find solutions and a trend in compliance which is positive rather than negative. Otherwise, the Helsinki Final Act achieves less than it can achieve and we disappoint the expectations of our people who hoped to receive from us something more than formalistic arguments and complacency.

It happens that today is the day chosen by the United Nations to honour human rights and since my delegation has not yet dealt in detail with this subject, and with Principle VII in particular, I should like to set out some of our concerns in this area of the Final Act.

Canada views the human rights issue today with the same concerns that led us to sponsor the experts meeting on this issue on which I briefly reported two weeks ago. I wish now to explain these concerns once again and to make the Canadian position on human rights as clear as I can. Put simply, it is this: If all states, including those represented here, would deal with their citizens according to the letter and the spirit of their international human rights obligations, the mistrust which marks our relations today could give way to the confidence needed on which to build security in the broadest, most comprehensive, sense.

Mr. Chairman, let me quote some familiar texts: "We the peoples of the United Nations determined to save succeeding generations from the scourge of war...and to reaffirm faith in fundamental human rights..."

"Whereas recognition of the inherent dignity and of equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world..."

"The participating states recognized the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and cooperation among themselves as among all states."

Mr. Chairman, we expressed the same idea in 1945, in 1948 and in 1975. This year, at Stockholm, we said it most emphatically: Respect for, and the effective exercise of, human rights and fundamental freedoms are essential factors for international peace, justice and security.

At the Ottawa CSCE Meeting -- the first devoted solely to human rights -- the participating states argued their views and called each other to account forcefully. But none of us questioned that human rights and fundamental freedoms derived from the inherent dignity of the human person -- not just the East-West person -- nor that they are essential for his free and full development, for his security.

Above all, the Canadian delegation argued then, and argues now, that everyone has the right to leave any country, including his own, and to return to his country. We also maintained, and we still do, that organizations and persons, as well as governments and institutions, have a relevant and positive role to play in contributing to the achievement of the aim of cooperation amongst states.

On this basis, together with other delegations in Ottawa, we strongly supported the right of the individual to know and act upon his rights; the rights of minorities; the role of organizations and individuals in contributing to the full exercise of human rights; respect for the freedom of religion and belief; the elimination of torture; freedom of movement; and monitoring respect for the principles and implementation of the provisions of the Final Act.

We put forward suggestions and submitted or co-sponsored specific proposals on all of these points.

In doing this we sought to further the dialogue on human rights in order to identify and to analyze why and how human rights are violated, in an effort to induce states to bring their policies into line with their international obligations. This goal which we pursue elsewhere, at the United Nations in New York and Geneva

for example, transcends East-West tensions. If, however, we could make progress towards achieving it now in Vienna, we could help to reduce these tensions.

After some hesitation in Ottawa, the Soviet Union and other Eastern European states joined this dialogue and even referred to specific problems. We welcomed this development, and we found that the debate in Ottawa helped to illuminate the fundamental differences which exist in the way east and west understand human rights.

Canada and many other participating states called for the affirmation and extension of individual freedoms, based on their appreciation of the human being as an autonomous individual. These freedoms are inherent rights of people; they are not at the disposal of the state. We recognize that the right to work and the right to an adequate standard of living are laudable aims; but they do not replace individual human rights on which these aims are based. In other words, basic human rights and fundamental freedoms are neither dispensable nor exchangeable.

At the Ottawa meeting, the Canadian Delegation did not agree to any watering down of individual human rights. We stood and we stand by our proposals aimed at furthering these rights. In the joint draft of the concluding report, which we sponsored with a number of other delegations, we set forth reasonable proposals designed to promote greater respect for human rights in the fields that I mentioned. None of these proposals jeopardizes the sovereignty or the security of any participating state. We intend to return to these questions at the appropriate time here in Vienna.

During the three years since Madrid, respect for the principle of human rights and compliance with the humanitarian provisions of the Final Act have hardly changed in some countries of Eastern Europe, although where there has been some improvement we welcome it.

As I said two weeks ago in another forum here, the Soviet human rights record remains deplorable. The new wind of which we are told blows cold, dumping upon my delegation and others tirades of accusations reminiscent of a period long before the Final Act....

In some Eastern European states, repression against individuals, as well as social, religious, national, and ethnic groups, has actually increased since

Madrid. These states refuse to grant their citizens freedom of circulation and information, the right to form free trade unions, and exercise their union rights. They have prohibited several religious groups, and intimidated their members. Many of those same governments carry out a policy of forced assimilation on a cultural and linguistic level, and compel citizens of other national or ethnic groups to work in other regions or to leave their country. This policy revives antagonisms of the past and, by the animosities it foments, constitutes a danger for the future.

This, indeed, is the tragedy of all this: Not only are the heavy controls, the repression, the forced assimilation, really unnecessary for any reasonable government, but in themselves they build up further resentments and pressures which require even greater suppression of human rights and fundamental freedoms. This is a vicious circle which (as we have seen) ultimately destroys economic initiative and growth, cultural creativity and scientific innovation. It certainly makes a mockery of the ideals of the Helsinki process.

Let us, for the sake of dialogue, accept the argument often put forward by marxist-leninist governments -- that the concept of the autonomous individual with certain inalienable human rights, is not a valid one for their systems of philosophy and government. What we have been talking about, however, can be understood in other terms which surely are valid universally -- the dignity of the human being. Nearly every case of non-compliance with the Final Act with which we have dealt today, concerns the effect on citizens of signatory states of the arbitrary decisions of officials. We can generally judge the sincerity of governments in the concerns they profess for the well-being of their citizens, by the extent to which they protect their citizens from the arbitrary, malicious and irresponsible exercise of power by bureaucrats, officials, and the so-called "Organs of Security".

We have been told repeatedly that the constitutions and laws of the countries of Eastern Europe, and of the Soviet Union in particular, are in harmony with the undertakings of those countries under the Helsinki Final Act and of the Madrid Concluding Document. We only conclude, therefore, that when actions and decisions conflict with these undertakings, it must be because some minor official, for reasons only known to himself, and without the knowledge or authority of senior officials,

acts on his own authority in a way which denies a citizen his rights or his dignity as a human being, and which conflicts with the policy of the government as it is stated here....

Some of what I have said this morning is, I am sure, unwelcome to some delegations, but we sincerely hope they will understand that we are trying to explain how we believe the Helsinki process can be advanced. I certainly do hope we have passed the stage where the only response will be yet one more farrago of counter-accusations about alleged discriminations, anti-semitism and generally wholesale denial of human rights in Canada. We readily admit that we have not achieved a perfect society. Nevertheless, our governments do try to respond to the freely expressed complaints of our citizens. They permit -- indeed, encourage -- criticism of government and its agents and look upon this as one of the great strengths of our society and the possibility of a change of government and the right to advocate such change are integral parts of our system. In the end, everyone here knows that he or she is free to visit Canada and talk to anyone. And, if things were as bad in Canada as the Soviet Delegation repeatedly alleges, then we too might have to build barriers of barbed wire and bureaucracy to keep our people in. We do not find this necessary.

This is a serious problem, and I think we can all agree that it deserves serious consideration. Since we do not ignore the force of history and tradition, we are not promoting revolutionary change. Our concern for the rights of minorities is not coloured by irredentist motives. But, in the European environment of decency and openness which is intrinsic to the code of conduct set out in Principle Seven of the Helsinki Final Act, it is no longer good enough to dismiss this problem of human rights and human dignity by saying that the laws and behaviour of other governments are not a legitimate concern of ours. In 1975, at Helsinki, we all agreed that they are the legitimate concern of all of us if they can threaten peace and security in Europe.

Nor can it be said that these differences in the treatment of human beings are an inevitable result of different social and economic systems: There is no iron rule of collectivity, since individuals exist everywhere in our region. (Nor, for that matter, is there an iron rule of individualism, since communal groups also exist everywhere.)

There is, after all, proof in Europe that Marxist-Leninist governments, in order to survive, do not necessarily have to crush totally any small sign of cultural or political pluralism, or place physical and bureaucratic obstacles in the path of those of their citizens who wish to freely leave their country, freely return to it.

In the end, the only test of a participating state's serious intention to respect human rights and fundamental freedoms lies not in its proclamation of openness or in its adoption of more legislation, but in the practices its authorities follow as well as in its readiness to discuss deficiencies in the scope of its human rights legislation, in the observance of its legislation and international obligations, and in its recognition of the inherent dignity of its own citizens.

Governments should be prepared to meet criticism by other governments about deficiencies in human rights performances which are made seriously in the context of the provisions of the Final Act. Governments and systems of governments are never perfect, and changes, where these are required to improve the situation regarding human rights, should be considered normal and appropriate -- not an affront to national peace or an attempt at subversion.

Part of our understanding of human rights is a belief, simply put, that a free country is safer for itself and its neighbours than an unfree country; that a country that treats its neighbours with respect and trust, and that a country which refrains from using physical and psychological force against its own citizens is more likely to refrain from exercising force against other nations.

On this day commemorating human rights, it is appropriate to remember that this is the rationale which underlies Principle Seven of the Final Act as well as the Charter of the United Nations. The history of Europe in the twentieth century gives us good grounds for continuing to think it is true.

Speech by His Excellency Mr. R. Roy McMurtry,
High Commissioner for Canada,
to the Seminar for the Promotion of Human Rights within
the Commonwealth,
Cumberland Lodge, Windsor Great Park, 23 February, 1987.

I was pleased to be asked to address you tonight on the subject of the promotion of human rights in the Commonwealth for several reasons. First, I am a committed supporter of the Commonwealth as I believe it to have a valuable role to play in the national life and development of its members, both individually and collectively. Secondly, some of you may know that I am now on my third career. My earlier careers were that of a trial lawyer involved in the defence of criminal cases, and then a decade as Attorney-General for the province of Ontario. In addition to the historic constitutional responsibility of the Office of the Attorney-General to protect civil liberties, I also had the honour of participating in the process that led to the patriation of the Canadian Constitution in 1982, and the inclusion in it of a Charter of Rights and Freedoms. I therefore have had some practical experience in grappling with the difficult problem of deciding how human rights can best be protected. Thirdly, I can think of no cause more important than that of striving to secure human dignity and fundamental freedoms for people everywhere.

During the course of your seminar I think it is important to keep in mind that you are dealing with universal principles. Nonetheless, the focus of the seminar is human rights within the Commonwealth and it is also important to consider how the Commonwealth with its own unique characteristics can most effectively contribute to the application of these principles. The topic of your seminar is "The Promotion of Human Rights Within the Commonwealth" and I would draw your attention to the word

"promotion". It is not the examination of human rights in individual countries nor the enforcement of human rights in the Commonwealth. It deals with the modest but solid and realistic efforts that the Commonwealth is making to move toward a more human international society.

Given the nature and aspirations of the Commonwealth, I think it was inevitable that it would take on a role in promoting human rights. The commitment of the Commonwealth to the observance of human rights is set out clearly in the Singapore Declaration of January 1971, the London Communiqué of June 1977 and the Lusaka Communiqué of 1979. The Singapore Declaration of Commonwealth Principles in particular contained a pledge by Commonwealth governments to hold certain basic principles in common, central among them being:

The belief "in the liberty of the individual, in equal rights for all citizens regardless of race, colour, creed or political belief, and in their inalienable right to participate by means of free and democratic political processes in framing the society in which we live", and

the pledge that "no country will afford, to regimes which practice racial discrimination, assistance which in its own judgment directly contributes to the pursuit or consolidation of this evil policy".

The Singapore Declaration also proclaimed "the opposition of Commonwealth Governments to all forms of colonial domination and racial oppression, and their commitment to the principles of human dignity and equality".

It was the Government of The Gambia that took the initiative in 1979 to propose the establishment of a Commonwealth Human Rights Commission based on the principles set out in Commonwealth Declarations and other relevant international human rights instruments which Commonwealth governments had accepted. The Gambian proposal was considered at the Lusaka Heads of Government Meeting and the Secretary-General was authorized to appoint a Working Party to examine it in detail. The Secretary-General established a working party of distinguished individuals which met under the Chairmanship of a Canadian, Yvon Beaulne, who was then Ambassador to the Holy See and had previously been Chairman of the United Nations Human Rights Commission. The report

produced by the working party made an important distinction between the promotion of human rights in the Commonwealth on the one hand and the protection and maintenance of human rights in the Commonwealth on the other. In line with this distinction the working party made two principal recommendations. The first was that a special unit charged with the responsibility of promoting respect for human rights throughout the Commonwealth be established within the Secretariat. The second was that a Commonwealth Advisory Committee on Human Rights be established which could consider alleged human rights violations within the member states.

The report of the working party was considered by Heads of Government at their meeting in 1981 and approved in principle. It was considered in greater detail at the Law Ministers' Conference in Sri Lanka in 1983 which urged that the special Human Rights Unit be established in the Secretariat as soon as possible. However, the Law Ministers considered that while the proposal for a Commonwealth Advisory Committee on Human Rights should be kept on their agenda, it was not appropriate for immediate implementation. The process of establishing the Human Rights Unit began immediately and it became operational as part of the International Affairs Division of the Secretariat in January 1985.

The proposal by The Gambia was a useful and fruitful one, although its main recommendation, the creation of a Human Rights Commission, was not accepted. In addition to resulting in the establishment of the Human Rights Unit, it also generated a great deal of serious consideration of the role that the Commonwealth can most effectively play in the field of human rights. The working party, in forming its proposals, quite rightly focused on principles already espoused by Commonwealth governments in the various Commonwealth declarations and communiqués. It also recognized that all members include the protection of human rights in their legal systems, thus identifying a solid basis within the Commonwealth for further work to enhance human rights. The working party also recognized the existence of global and regional instruments on human rights and the need to avoid duplication of existing mechanisms and procedures. Many Commonwealth countries are parties to such global and regional instruments as the International Covenant on Civil and Political Rights, and its Optional Protocols, the African Charter on Human and Peoples' Rights, the European Convention on Human Rights and the Islamic Declaration on Human Rights, to name a few. Finally, the

working party gave some consideration to the nature of the Commonwealth itself.

This latter point is connected to what I see as perhaps the most important question we can ask about the Commonwealth role in human rights. How can we direct the strengths of the Commonwealth to the promotion, protection and maintenance of human rights? The Commonwealth is an organization with a special character, based on a common language, common elements of history and common aspirations. It is held together largely by a feeling of kinship based on these common elements. It has no formal constitution and its governing body is the biennial Heads of Government Meeting. It seems to me, therefore, that the Heads of Government have put the emphasis of the Commonwealth's human rights work in the right place when deciding to establish a Human Rights Unit. It is in the areas of consultation, discussion and cooperation that the strength of the Commonwealth lies. There is wide concern that any suggestion of an investigative or enforcement role for a Commonwealth body would likely not be effective and could do some harm to the cooperative fabric of the Commonwealth. I do not wish to imply that investigative and enforcement roles are unimportant. On the contrary, I think it is crucial that they be extended and strengthened at the international level. One of the most important developments in international law in this century has been the inroads made against the use of the principle of sovereignty by governments simply as a shield behind which to hide human rights abuses. However, such roles are more effectively carried out by global or regional organizations with more formal structures. As instruments already exist in this area, Commonwealth efforts perhaps should be directed toward assisting member governments to obtain whatever information and take whatever action is necessary to become parties to them.

While we must be realistic in assessing what the Commonwealth is capable of doing and ensure that its efforts are directed in areas where they will be truly effective, the situation is not static. There is surely room for Commonwealth involvement in the human rights area to grow. Human rights principles are, after all, universal principles. The aspirations expressed in Commonwealth Declarations must be given substance. Every effort must be made to assist governments in ensuring that declared principles are applied within Commonwealth countries. The original Gambian proposal was for a Commonwealth Human Rights Commission. At this time there is a concern that this remains too ambitious a proposal

for the Commonwealth to implement. The working party therefore suggested a much more limited concept, that of an Advisory Committee on Human Rights whose overall objective would be to counsel and guide and to recommend, in a spirit of conciliation, remedial action to governments concerned in resolving problems and achieving active implementation of human rights. This suggestion was deferred by the Law Ministers, but as experience with direct Commonwealth involvement in the promotion of human rights grows, a similar concept might be considered in the future.

My own personal opinion is that there is an urgent need to develop this concept in order to strengthen the international profile of the Commonwealth. This is particularly important in the context of the struggle against apartheid in South Africa. While the initiatives taken by the Commonwealth have had a significant influence internationally, we do know that there is some criticism about the Commonwealth's perceived reluctance to examine its own house. It is suggested that there is a real element of hypocrisy in our continuous denunciation of the evil regime in South Africa, when there are alleged human rights abuses within some of our member countries, which are not being addressed by the collective will of the Commonwealth.

We have already touched on the complexity of establishing international mechanisms in a very sensitive area. The sovereignty principle will always be advanced as a compelling reason against the establishment of international tribunals that are capable of meddling unreasonably in domestic affairs. Nevertheless, I personally do hope that the concept of the advisory body will continue to be vigorously explored.

At the same time I would like to emphasize that as important as it is to have effective international machinery, we are deceiving ourselves if we think that this alone will secure fundamental human rights. History has shown that committed, pervasive support for human rights is the only defence against tyranny. We should all be striving to create a collective civil rights consciousness. Commonwealth partners must continue to remind each other that when the rights of one individual are attacked, the freedom of all is endangered. At the same time we must remember that while laws and constitutions are important indicators of public policy and government support, the commitment of the community as a whole is vital.

As Prime Minister Nehru stated:

"Laws and constitutions do not by themselves make a country great: It is the enthusiasm and energy and constant effort of people that make it a great nation. Men of law lay down constitutions, but history is really made by great minds, large hearts and stout arms".

Mr. Justice Learned Hand of the United States Supreme Court eloquently expressed similar sentiments when he said:

"I wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes, believe me, these are false hopes. Liberty lies in the hearts of men and women; then it dies there, no constitution, no laws, no court can ever do much to help it. While it lives there, it needs no constitutions, no law, no court to save it."

I firmly believe that it is the actions of individual men and women which determine the fate of liberty. As a former member of government, I recognize that government also must play a vital role. Governments must place themselves, in word and deed, firmly on the side of human rights and basic freedoms. In addition to ensuring that their own activities demonstrate this commitment, governments must also create a climate in which individuals learn to value and to become committed to fundamental human rights.

In my own experience governments of the western world have often been timid about addressing some of the traditional and intractable appearing problems related to discrimination, bigotry, intolerance and racism. While solutions are often elusive, and somewhat inherent in the human predicament they cannot be ignored. For example, a distinguished Lord Chancellor once stated to me in a discussion about race relations: "The best way to deal with race relations is not to talk about it". While many well meaning people fear contributing to some self-fulfilling prophecy, those who are afflicted expect to see some response from government. Otherwise they can feel very lonely, vulnerable and insecure. I believe, therefore, that governments should be encouraged to state clearly and often a dedication to principles of equality of opportunity and opposition to intolerance based on race, religion, language or culture. Mechanisms must be

provided whereby the victims of discrimination can feel that at the very least they are being heard. While this may not provide the solutions to centuries old problems, it can make a difference. If senior members of government are encouraged to address these issues vigorously and openly, the oppressed can be made to feel part of the mainstream. Increasing alienation can only lead to violence if there are no other outlets for feelings of frustration and humiliation.

When I refer to governments in the Commonwealth context I am of course referring to all Commonwealth governments. Difficulties in implementing human rights principles are encountered in many different contexts, whether they be in newly independent countries attempting to establish political stability, or in longer established countries dealing with perceived threats to public order. There is also the public apathy toward human rights which can set in when a country has enjoyed peace, stability and order for many years.

Human rights have long been protected in many diverse provisions of the law of Canada. In 1958 the Federal Government under Prime Minister John Diefenbaker passed a Bill of Rights in the form of an Act of Parliament protecting human rights within the area of federal jurisdiction. Not long thereafter, in 1962 the province of Ontario introduced the first Ontario Human Rights Code, which was significantly expanded on its twentieth anniversary in 1982. As I indicated earlier, 1982 was also the year in which the Canadian Constitution was patriated. Part of that process was the promulgation of a new Charter of Rights and Freedoms which for the first time in Canada elevated a Human Rights Code to constitutional status. Previous codes had been only Acts of the Federal Parliament or Provincial Legislatures.

A constitutionally entrenched Charter of Rights, of course, is paramount to any parliamentary statute. In Canada this concept produced a vigorous debate between those who believed in the supremacy of parliamentary democracy, in the greater flexibility available to legislators in protecting human rights, and those who believed that it was important to place fundamental freedoms beyond the reach of any parliament. While the debate was often erroneously portrayed as a dispute between those who were for or against fundamental protections of the individual, the argument is, of course, much more complex. It should not simply be regarded as an issue as to whether judges or legislators are better able

to protect individual rights. In my view the challenge is to retain the proper balance, usually a delicate one, between the legislature and the judiciary. In the first 190 years of interpretation of the US Bill of Rights it was often the Supreme Court that prevented fundamental reform, whether it was in relation to the institution of slavery or in the exploitation of child workers. The Courts' broad interpretation of the right to freedom of contract was indeed a major obstacle to progressive legislation. However, in the final analysis a critical role of review by the courts is a valuable protection as long as the development of social policy does not become the prerogative of the judiciary. In any event, that was the consensus reached in Canada. As a result, Charter of Rights cases are engaging a large amount of the time of our appellate courts. The legal drama is still unfolding and the ultimate verdict of history lies somewhere down the road.

Canadians have generally enjoyed an impressive standard of freedom. But no country can afford to take the enjoyment of basic freedoms for granted. There is always a great danger in allowing a complacency toward human rights to develop. We cannot permit ourselves to develop a preference for order over the exercise of human rights in the mistaken assumption that once established, human rights will automatically nourish themselves. There is no substitute for a basic commitment to the rights of the individual and this commitment cannot be passive. It must be pervasive, informed and active.

As a lawyer and a former Attorney-General, I have a particular bias about the importance of a proper understanding of the rule of law as a vital aspect of the promotion of human rights. By the term "rule of law" I do not mean an authoritarian concept which may be implied also in such terms as "law and order", but rather a respect for a legal framework which reflects the rights of the individual. A distinguished Canadian jurist and civil libertarian, J.C. McRuer, once warned of the dangers of being sanctimonious about parliamentary supremacy. He observed that the rule of law is hard to define, but this much is clear. There may be rule of law, which is not rule of the rule of law. We live in a troubled world with many threats to the security and well-being of our society. In such an atmosphere there is often a tendency to advocate draconian measures to protect society against real and imagined ills. The necessity for such measures can frequently appear plausible and the most well-intended citizen can be tempted to advocate the principle that "the

end justifies the means". Suffice it to say that the history of the world is replete with the disastrous consequences of the law of man being replaced by the dictates of expediency.

I can think of no better place to begin developing a commitment to human rights than in the education of our children. I was pleased to hear recently that the Canadian Human Rights Foundation has developed a trial project that will have human rights education introduced into the classrooms in six of Canada's provinces before the end of this year. When this initial trial period is completed and the results reviewed it is expected that the project will lead to the inclusion of human rights as part of the educational program of all Canadian children. I was somewhat surprised at the statement by the Canadian Human Rights Foundation that this project will make Canada the first country to have a systematic human rights education for school children. This only underscores the amount of work that remains to be done in promoting a widespread commitment to human rights. The trial project undertaken by the Canadian Human Rights Foundation may prove to be of some value to the Human Rights Unit in carrying out its role of promoting human rights in the Commonwealth.

In speaking to you here tonight I have tried to emphasize the critical need to develop and maintain a widespread commitment among the general population to fundamental human rights and freedoms. This is not an easy task. Visible human rights victories such as the obtaining of the release of such dissidents as Anatoly Shcharansky and the return to public life of Andrei Sakharov are important because they symbolize the victory of the individual human spirit over oppression and give inspiration to others to carry on the human rights struggle. But we must not assume that less visible and less dramatic efforts to extend human rights are less important. Human rights can only be adequately protected by a willingness of individuals to take an active role in defending them. While we must be ready to take up the cause anywhere in the world, we must commence our efforts at home. That means within our own nations and, as Commonwealth countries, within the Commonwealth. There are many obstacles in the way. The question of possible human rights abuses within its territory is a sensitive one for any government. The role of the Commonwealth is not to accuse but neither is it to excuse. I am convinced that the Commonwealth has embarked on an essential endeavour, and in drawing on its strengths in the areas of

consultation, discussion and cooperation to promote human rights it has made an important beginning.

The challenge is to create an atmosphere in which there is no inclination to abrogate human rights; in which any such abrogation would immediately be met by an outcry and resistance; and ultimately, in which human rights are adequately protected by both domestic and international legal frameworks. The Commonwealth provides an excellent potential framework for its members to assist one another in meeting this challenge. The Human Rights Unit in the Secretariat has been given an important and exciting task by the Heads of Government. I am confident we can look forward to solid achievements in this area.

We also live in a period where there is a growing cynicism as to what can be accomplished by the individual, at a time when people are encouraged to be sceptical of public service. Yet there has never been a time where it has been more important to find people with the sensitivity, compassion and intelligence to want to make things a little better. Dr. Tom Dooley, the physician who died while providing medical services to peasants during the tragic Vietnam War, put most eloquently the obligations which rest on all of us who have a contribution to make:

"You commit a sin of omission if you do not use all the power that is within you. All men have claims on men and to the person with special talent it is a special claim. For it is required that you take part in the actions and passions of your time, at the risk, at the peril of being judged not to have lived at all."

Address by The Right Honourable Brian Mulroney, P.C., M.P.,
on Law Day,
Ottawa, 15 April, 1987.

"The greatest problem for the human species", the philosopher Immanuel Kant observed, "... is that of obtaining a civil society which can administer justice universally." This is the animating spirit of Law Day, of making the law, those who interpret it, and those who apply it, accessible to the general public.

In bringing the law to the people on this day, we are reminded that it belongs not only to judges and lawyers in fine robes, but to all our fellow citizens. The issues of interest to members of the Bar -- reducing court backlogs, public legal education, plain language issues, alternate dispute settlements and so on -- are in the vital interest of all Canadians. This day is about demystifying the law, and I congratulate the Canadian Bar Association for this initiative, now in its fifth year, and I commend the Law Reform Commission for taking up the case and the cause of Law Day here in the national capital.

This purpose acquires increased importance with each passing year on April 17, the anniversary of the coming into force of the Canadian Charter of Rights and Freedoms, which Law Day is intended to mark. With the Charter, we are moving into a new era in which the judiciary's role in law-making has been greatly increased. Already, charter cases form an important part of the caseload of all courts -- in the first four years, nearly 700 charter cases were heard in Ontario and federal courts alone -- but the impact of the Charter will be greatest upon the Supreme Court.

The President of the Law Reform Commission, Justice Allan Linden, has called the present Supreme Court, "the most intellectually powerful court in our history..." As members of the court rely on existing precedents, they will also create new ones. They will draw on convention, on a body of common law, and a body of common sense. Our legal system combines the best of two of the world's enduring legal traditions, British Common

Law and French Civil Law. Drawing on this tradition, the courts will elaborate this new and permanent feature of our affairs -- the Charter.

The interpretations of the High Court will provide, and the guidance it will provide to the lower courts, will help shape our society in a new century. As the Charter has established the principle of fundamental freedoms, legal rights, equality rights and minority language educational rights, so it has fallen to the courts to establish the parameters of those rights. As Chief Justice Dickson noted in his Cambridge lecture: "The duty the Charter imposes on us is a heavy one and, perhaps to some, an uncomfortable one...but we will also have to try to understand and give expression to the underlying values which gave rise to the Charter..."

Judicial Appointments

We must continue to recruit qualified men and women to the Bench who reflect the reality of our times, of our country, and of the excellence of the legal profession. Our Government has significantly increased the number of women judges; and nearly half of our appointees are capable of conducting trials in either of our official languages. It is more important than ever that we appoint qualified judges and assure the independence of the judiciary. It is no less important that we compensate our judges fairly.

We believe that the appointments process should make provision for broad consultation with the provinces, the profession and other interested groups. Yet the Cabinet, given its constitutional responsibilities, must retain final responsibility for judicial appointments. The two notions, of broad consultation and ministerial responsibility, are in no sense mutually exclusive, and Justice Minister Hnatyshyn shall be proposing beneficial reforms in this area.

A qualified and independent judiciary is fundamental to improving our society as a whole. For as Daniel Webster observed: "There is no happiness, there is no liberty, there is no enjoyment of life, unless a man can say, when he rises in the morning, I shall be subject to the decision of no unwise judge today."

Law Reform

With the Charter, we are in the midst of a remarkable period in the development of Canadian law, but

at the same time we are engaged in the fundamental reform of our criminal law. The present criminal code was enacted in 1892, and in many ways it has become a vestige of the Victorian Age. No public purpose is served by criminal sanctions against duelling, stealing from oyster beds, selling crime comics, or least of all blasphemous libel, for which many politicians could be locked up.

Last December, Mr. Hnatyshyn tabled the Law Reform Commission's first report on the renewal of criminal law, a report remarkable for its brevity and clarity of language. Last month, the Canadian Sentencing Commission released its long awaited report calling for some fundamental changes in the administration of justice. Just last week here in Ottawa, Canada hosted a conference on bioethics from the summit group of the seven leading industrialized nations.

Legal authorities from the Commonwealth, the United States and Europe will be meeting in London this summer for an important international symposium on law reform. It is widely acknowledged that Canada is on the leading edge of law reform -- many other nations watch to see what we shall do.

I think that is because of the nature of our country and our institutions -- because we are a pluralistic society, because tolerance is a way of life with us, because honourable compromise is part of our conventions. These societal characteristics are reflected in our institutions and in our law. One of the tests of government is its capacity to enact laws that reflect contemporary imperatives and mores, as well as its ability to enforce them. Our Government is very conscious of its responsibilities in this regard.

We've moved through substantial amendments to the criminal code on impaired driving. We've brought in a new Divorce Act which reduces the waiting period for dissolution of a marriage to one year from three. On the tragic issue of child sexual abuse, we have introduced Bill C-15, which has moved through to the final stages of approval in the House. We're addressing as well the heartbreaking family problem of missing children and shall be acting in a number of new areas.

The Constitution

With the Constitution Act, 1982, we now have a supreme law of the land, a social contract, that binds

Québec without the consent of its National Assembly. It is unacceptable that the wounds of the recent past not be healed. Québec, whose distinct society enriches the very nature of Canada, must rejoin the Constitutional family. To do so will require us to find a balance between the principle of the equality of all the provinces and the need to protect and enhance the distinctiveness Québec brings to Canada.

The problem of Québec's isolation from the Constitutional Agreement is one we had to deal with on assuming office. We should not pass on the obligation to resolve it to a future generation which may be faced with the issue in more difficult and less tranquil circumstances. But as I said at Sept-Îles during the last election campaign: "Before putting gestures which risk engaging us, once more, in an impasse, it is necessary to have precise terms and ground rules and to meet the minimal conditions of success." That has been the essence of our approach to this issue from the time we were sworn in. What we have tried to do is simplify the process, identify the real issues, and explore areas of potential agreement. In other words, one thing at a time, one step at a time.

Last summer, I wrote to the Premiers before their annual meeting and suggested that we focus on trying to bring Québec back in first. I have now come to the conclusion that preliminary discussions on whether to begin formal negotiations on Québec's proposals have gone as far as possible without further consideration by First Ministers. So I've invited the Premiers to a meeting at Meech Lake on April 30 to take stock and to consider the next steps.

We must find out whether or not there is sufficient political will to bring Québec in to justify the undertaking of formal negotiations or whether it would be better to close the books and wait for a more favourable moment. But the successful resolution of the Québec issue will unlock the constitutional reform process and allow us to turn our attention to other issues -- such as Senate reform, fisheries and property rights -- in a second round of Constitutional discussions.

Human Rights

Under the Charter, we have defined the essential character of Canadian citizenship. As we observe the 40th anniversary of the Canadian Citizenship Act during this

National Citizenship Week, it is an appropriate time to remind ourselves of that. Since the present Citizenship Act became law, three million new Canadians have come to this land, come to call it home, have made a new life for themselves, and made new opportunities for their children. Citizenship Week reminds us that we are a nation of immigrants. It reminds us that here, in the words of Thomas D'Arcy McGee, each person "is the son of his own works."

In our pursuit of social justice, we attach significant importance to the promotion of human rights and the situation of refugees in the world. Canada was awarded in November of 1986 the prestigious Nansen Medal -- the highest distinction bestowed by the United Nations High Commissioner for Refugees. This is a tribute to Canadian values in this vital area. We value life, liberty, and the fundamental right of dissent in a democracy. Those are the standards by which we judge ourselves, they are the standards we hold up to the world, and which we seek to uphold in the world. For as Woodrow Wilson said: "Unless justice be done to others, it will not to be done to us."

Human rights concern us wherever we find them at issue, or in peril. That is why we are so staunchly opposed to apartheid. That is why we have taken up so strongly the cause of Soviet Jewry. That is why we continue to be appalled by the human rights abuses of some regimes in Central and South America, of the left no less than of the right. That is why I, as Prime Minister, have vigorously raised human rights issues with the leadership of countries ranging from China to Korea, to the U.S.S.R.

Conclusion

The significant achievement of our form of government has been the gradual recognition of the supremacy of the rule of law -- the concept that no one is above the law nor beneath its protection. But the law is not just statutes and precedents, it is an instrument of social justice. For the Fathers of Confederation, the law was a means to achieving peace, order and good government.

Bearing those principles in mind, we seek to widen the rule of law, to enhance the freedom of Canadians. As Edmund Burke wrote, nearly two centuries ago:

"Justice is the great standing policy of civil society...any departure from that, is under suspicion of being no policy at all."

I assure you that, at all times, justice is the standing policy of this Government.

Section B:

**Human Rights as an Element
of Canadian Foreign Policy**

Human Rights, One Of The Most Complex Foreign Policy
Issues

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

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

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

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

We in countries of Western traditions too frequently assume that those standards of conduct and behaviour towards our fellow man are perceived as having equal validity by other governments. But the perspective

of other countries is, in fact, often different, partly because they may not be Western or democratic in background, or partly because their economic situations are vastly different from ours. Western democracies traditionally accord priority to civil and political rights, while Third World countries often place their pressing economic needs ahead of human rights issues. It may seem callous or insensitive to Canadians, but we are told regularly in international bodies that a majority of underdeveloped states are more concerned with alleviating starvation and promoting their development and, in so doing, attaching a greater priority to the duties of citizens than to their rights.

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

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

In the absence of consensus and of effective enforcement machinery at the international level, therefore, we have been forced to rely upon other methods, essentially political and diplomatic, in which to convey to other governments our concerns about human rights. Canada can use multilateral bodies, such as the Commission on Human Rights, to make known our attitude towards events in other countries; at such meetings, we can vote on resolutions varying in tone and substance from mild

requests for information to denunciations and condemnations. Multilateral bodies may impose sanctions dealing with trade, aid, or trade in specific types of goods; such sanctions may be legally binding (as are Security Council sanctions) or voluntary (as are resolutions of the General Assembly). States may, of course, also impose sanctions unilaterally or jointly with other states, by curtailing aid, ending trade relations, or by going as far as suspending diplomatic relations. We can also make direct representations on a bilateral basis; such representations may range from expressions of concern, to requests for redress of specific grievances, to formal protests.

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

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

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

The difference between "public" and "private" diplomacy is not always appreciated by Canadians. Public support for dissidents in the Soviet Union may, for example, be of help to their cause, for it provides the very publicity that in turn prevents Soviet authorities from implementing more repressive measures. Just last month, for instance, it was decided to convey to the Government of the Soviet Union the disappointment and deep concern of the Canadian people at the arrest of certain prominent Soviet citizens who had been speaking out on the question of human rights. Similarly, I spoke in the House of Commons just the other day on the human rights climate in Uganda. Our concerns in this area were made quite clear to the Government of Uganda, and at the recently concluded session of the UN Commission on Human Rights. With respect to Uganda, let me say this. There is no question that the Ugandan Government to be in opposition to it. Yet the international community has taken no action. The Commission on Human Rights was eventually willing to devote a great deal of its time in open session to expressing its "profound indignation" at events in Chile, but was not prepared to voice even the mildest public criticism of the situation in Uganda. The Canadian delegation introduced a resolution urging the Ugandan authorities to accept an impartial, international investigation. This was a reasonable position, consistent not only with previous Canadian action but also with accepted international practice, which requires respect for national sovereignty. But so great was the opposition to our resolution that we were forced to allow it to stand without vote rather than have it summarily rejected in secret session where, under the rules of the Commission, none of the proceedings can be reported.

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

But public discussion of particular family reunion cases in Eastern Europe, on the other hand, could have severe repercussions, because the people concerned do not have the protection afforded by the international spotlight, and would not have recourse if Canadian efforts to secure reunion in Canada were blocked as result of public discussion. Here, we have opted for "private" diplomacy and I am happy to report that, in most countries of Eastern Europe, we have seen a marked increase in the number of reunited families.

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

Regarding Chile, a country about which I have received a lot of mail recently, Canada has been particularly active in regard to the human rights situation in that country and will continue to be so as long as evidence of violations persists. In addition to speaking and voting on these issues in international fora, we have spoken directly to Chilean representatives. As a concrete indication of the concern of Canada for the human rights violations taking place in Chile, we have authorized 5,360 Chilean refugees to find permanent homes here. Ninety-two former Chilean political prisoners and approximately 200 of their dependents have achieved similar status. Canada's record with regard to promoting the regrowth of human rights in Chile is second to no other nation's and Chilean officials are well aware of this.

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

the hope that this trend would continue. We have been encouraged that this trend has, in fact, continued since that time.

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

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

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

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

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

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

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

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

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

We have a responsibility, too, to consider the long-term implications of our representations, especially if they give rise to hopes which we cannot fulfill. If, through our actions, we encourage unwarranted expectations, so that the pressures generated by dissidents become intolerable to a given regime, what guarantees can we provide for their safety, or for the stability of their whole societies, in the event of

massive upheavals in their states, such as occurred in Hungary in 1956 and Czechoslovakia in 1968? There are other implications that must be taken into account before determining a course of action.

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

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

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

The Canadian Approach to the International Promotion and Protection of Human Rights

Address by the Honourable Mark MacGuigan,
Secretary of State for External Affairs,
to the Annual Meeting of the Canadian Section of the
International Commission of Jurists,
Toronto, 31 August, 1982.

The international community will mark next year the thirty-fifth anniversary of the Universal Declaration of Human Rights. Today I would like to anticipate that anniversary and review with you old problems and recent progress in the promotion and protection of human rights throughout the world.

In a symposium sponsored by UNESCO (the United Nations Educational, Scientific and Cultural Organization) in 1948, Jacques Maritain issued a warning that even now should be the daily watchword of those who profess attachment to the cause of human dignity.

What he said was this: "The function of language has been so much perverted, the truest words have been pressed into the service of so many lies, that even the noblest and most solemn declaration could not suffice to restore to the peoples faith in human rights. It is the implementation of these declarations which is sought from those who subscribe to them; it is the means of securing effective respect for human rights from states and governments that it is desired to guarantee."

A few months after Maritain wrote these words the UN General Assembly adopted the Universal Declaration of Human Rights. The Declaration, together with the UN Charter itself, gave a constitutional expression to the basic rights and freedoms of the human person. Since 1948 these rights and freedoms have been further defined in

more than 20 conventions and covenants. Indeed that number more than doubles if we include the related agreements developed under the auspices of the International Labour Organization.

All these international instruments are major achievements in themselves. Each of them, we hope, brings us closer to conditions of true civilization and to the ideal of man's humanity to man. Yet each must be examined in the light of Maritain's admonition that faith in human rights can be restored only by implementation of those rights and not by their mere enumeration.

Human Rights' Place in Foreign Affairs

Regrettably -- and perhaps inevitably -- we have made more progress in enumeration than in implementation. It is a sad truth that even governments which have freely subscribed to international agreements on human rights can still be heard to claim that their application of these agreements is a purely internal matter. Even states with a reasonably proud record in the field of human rights at home still sometimes assert that human rights have no place in foreign affairs.

Such claims and assertions are wrong on many counts. They are wrong, above all, as a matter of treaty law. For international agreements on human rights operate on both the domestic and international planes. States that become parties to these agreements assume obligations both to their own citizens and to the international community. Every state party to such a treaty in effect has invited every other state party to examine the treatment it affords its citizens. Thus a government that expresses its concern about violations of human rights by another government is not intervening in an internal matter. Rather it is exercising a legitimate treaty right -- and indeed discharging a treaty obligation to promote universal respect of human rights and fundamental freedoms.

Those who would deny human rights a place in foreign affairs are wrong as well even in terms of realpolitik. A treaty-breaker is a treaty-breaker, whether the treaty concerned may deal with human rights or international trade or nuclear disarmament. Respect for treaty obligations cannot be a sometime thing if treaties are to be more than scraps of paper. And an affront to human freedom in Poland or elsewhere engages our self-interest in other ways as well -- not only because no man is an island but because freedom is truly

indispensable to peace and security in the world. Oppression may give the appearance of stability to some societies and some groupings of states. Stability of that kind, however, is a tragic and dangerous illusion.

What, then, can we do to ensure genuinely effective promotion and protection of human rights and freedoms as a legitimate objective of Canadian foreign policy?

Our first policy, in my view, must be to ensure the health of our own society and institutions. There is no paradox involved in this statement. Human rights do not end at home but they do begin there. Thus our immediate duty is to preserve and expand our heritage of freedom in Canada. The Canadian Charter of Rights and Freedoms, which you have been discussing today, is a great milestone in this regard. Its origin and objectives are Canadian but it also bears upon our international obligations. For one thing, it is our domestic record that -- despite its blemishes -- gives us a credible voice in the field of human rights within the wider forum of the international community.

Canada's Actions

In that wider forum, Canada has been mindful of the watchword enunciated by Maritain. In the UN context, both at the General Assembly in New York and in the Commission of Human Rights in Geneva, Canada has been active on three fronts. First, we have supported the elaboration of new international instruments for the protection of human rights, focusing on particular types of violations or victims. Second, we have explored creative ways to promote the observance of existing rights and freedoms. And finally, we have initiated a study that seeks to analyze the causes of certain human rights abuses, in the hope of preventing their recurrence.

On the first front -- the development of new international instruments -- the General Assembly last December unanimously adopted the Declaration Against All Forms of Intolerance and Discrimination Based on Religion or Belief. This Declaration, 20 years in the making, spells out in detail the right to freedom and religion that was first enunciated in general terms in the Universal Declaration of Human Rights. When the Declaration on Religious Intolerance was finally adopted, a number of delegations paid tribute to the important role played by Canada in the elaboration of this instrument.

Again in December of last year, Canada ratified the International Convention on the Elimination of All Forms of Discrimination Against Women. We were one of the principal drafters and supporters of this Convention, and a Canadian has been elected to sit on the committee that will monitor its implementation.

Canada is also actively participating in a working group that is elaborating a draft convention against torture. I am optimistic that the working group will submit a final draft of the convention to the Human Rights Commission in the very near future. The terrible practice of torture cannot be allowed to go unpunished. We have pressed hard to ensure that the convention, when it emerges, will include a provision on universal jurisdiction. Such a provision would allow the prosecution of a torturer in any state, regardless of his nationality, the nationality of his victim, or the place where the torture occurred.

On the second front I mentioned a few minutes ago, Canada recently sponsored an initiative focusing on the right and responsibility of individuals and groups to promote existing human rights and freedoms. This initiative was adopted at the last session of the Human Rights Commission. We hope that a declaration on this subject will help to deter countries from punishing their citizens for merely asserting rights embodied in universally accepted instruments. We hope too that the declaration will better enable organizations such as the International Commission of Jurists to carry out their mandates.

Disappearances

I should also mention here the important activities of the UN Working Group on the Disappeared -- a dreadful new concept that has entered our modern vocabulary. This working group embodies many of the aims of Canadian foreign policy in the field of human rights. It attempts to deal with the problem of disappearances on a generic basis by attacking it wherever it occurs, without singling out individual countries for special consideration. The working group has carried out its mandate in a manner that has been commended even by some of the countries under investigation. Most important of all, it has proven itself effective and has reported on more than 2,100 missing persons in 22 different countries. The working group has also established an

emergency procedure -- the first of its kind within the UN -- which authorizes the chairman of the group to respond to urgent reports of disappearances by an immediate direct approach to the government concerned. This procedure has saved many lives and has acted as an important deterrent against arbitrary action.

Finally, on our third front, relating to the prevention of further abuses of human rights, Canada recently took the initiative in bringing about the preparation of a report that analyzes the root causes of massive exoduses of people. The report explores a number of ways to prevent this sad phenomenon and the human rights violations that inevitably result. It was considered by the Human Rights Commission last winter and will now be taken up by the General Assembly this fall.

CSCE Follow-Up

Moving beyond the UN context, Canada has tried to make full use of the opportunities offered by the Helsinki Final Act of the Conference on Security and Cooperation in Europe (CSCE). It was at Helsinki of course that the Eastern bloc officially acknowledged that human rights are indeed a matter of international concern. We are insisting that this acknowledgment be given meaningful effect. At the Madrid review meeting of CSCE, Canada has taken a firm stand on human rights, and especially on the implementation of the Final Act's provisions regarding freedom of movement. We have also demanded that progress in the field of military security be matched with comparable progress in humanitarian matters. That is why we have proposed a meeting of experts to discuss human rights in the follow-up to Madrid. We are determined that the final document from Madrid reflect a strong concern for human rights.

It is the radically different philosophy of life prevailing in the Eastern bloc that explains so many human rights violations there and so many problems of implementation of human rights agreements in the international arena. So long as these violations and problems continue, human rights must necessarily figure among the critical issues of East-West relations.

For similar reasons, human rights must also be addressed in the North-South dialogue. Ideology, however, does not play the same role in human rights violations in the developing countries. These countries naturally tend to attach more importance to economic rights than to the

traditional civil and political liberties of the Western world. Canada, of course, recognizes that the basic necessities of life are essential to a life with dignity. We believe, however, that human rights are indivisible and we do not agree that some can be sacrificed in favour of others. While developing countries have the primary responsibility for their own development, we accept that we too must make major commitments of money and resources if disparities are to be eliminated and if all forms of human rights are to be protected.

Canada has played its full part in contributing to international development. We have also supported other initiatives directed to improving human rights in the developing world. Thus we have helped turn the Commonwealth into one of the newest agencies for the promotion of human rights. At their 1981 meeting in Melbourne, the Commonwealth heads of government endorsed in principle the establishment of a special human rights unit within the Commonwealth Secretariat. We hope that this unit will advance the cause of humanity by helping all Commonwealth member countries share their experience in law-making and law reform.

The brief review I have just conducted shows that the record of the past 35 years is not entirely a gloomy one even with regard to the implementation of human rights conventions. I think it is fair to say that Canada has done more than most countries to encourage better implementation. Yet Canada's responses to human rights violations -- in the Eastern bloc or in the developing world -- are the subject of considerable debate in this country.

For my part I believe there is place in Canada's foreign policy for vigorous public diplomacy. In appropriate circumstances we have not hesitated to speak out openly and bluntly in expressing the very real indignation of the Canadian people. I have in mind, for instance, our condemnation of human rights violations in Poland, El Salvador, South Africa and Cambodia.

Value of Quiet Diplomacy

On the other hand, there are situations where so-called quiet diplomacy may be more appropriate. Our views may sometimes have a greater impact when expressed as humanitarian concerns or concerns for the advancement of bilateral relations. Confrontation and condemnation in some cases may only serve to harden attitudes and provoke

harsher measures. Should we, for instance, sever all diplomatic ties with South Africa as we have been urged to do? I think not. Such action might give vent to our frustrations. It would not, I fear, make a real contribution to ending apartheid.

The Canadian Government is also frequently urged to suspend all aid to states that are serious human rights offenders. But doing so may only work against the achievement of basic human rights for the very victims of such offences. Our principal aid objective is to deliver assistance to the poorest people of the poorest countries. Should we doubly penalize them by cutting them off from our assistance because their governments abuse them? Obviously not. It seems to me what we can do, however, and what we do in fact is to take account of human rights considerations in determining eligibility for Canadian aid, and in deciding on the amount of and the kind of aid given. Both the needs of the country and the readiness of the Government to channel assistance to its neediest citizens are important factors in establishing such eligibility. In addition, we exclude from consideration that tiny number of countries whose governments' excesses have resulted in massive social breakdown -- as in Uganda under Amin.

Value of Public Opinion

The debate on the most appropriate way of responding to human rights violations will go on. It is a constructive debate. Governments need to be prodded and to be kept informed by organizations like the International Commission of Jurists. An alert public opinion is still one of the best bulwarks against crimes of inhumanity.

Maritain in 1948 ventured to express only the most guarded optimism about the chances of securing effective respect of human rights from states and governments. He wrote, of course, against the background of horror of the Second World War. Since then, we have mercifully been spared from horror on that same scale. What we have lost in scale, however, we have made up for in refinement. The new science and the new technology of the postwar years have been used to mount new assaults upon the integrity of man, new invasions of his innermost being, new obscenities against the human spirit. The jailers of the mind, the specialists of pain and terror and degradation -- all the enemies of decency and dignity -- have found new weapons for their works of darkness.

But on our side we have weapons too. The best of mankind stands higher, stronger than the worst. The best endures. The international instruments we have forged since 1948 will not rust from want of use. They will lead us slowly, painfully closer to the end Maritain had in mind in 1948 when he wrote: "Pending something better, a Declaration of Human Rights agreed by the nations would be a great thing in itself, a word of promise for the downcast and oppressed of all lands, the beginning of chances which the world requires, the first condition precedent for the later drafting of universal Charter of civilized life."

The International Commission of Jurists is one of the guides and guardians of the road to "something better". I wish you well in your work. I invite your comments and criticisms on Canada's performance in the field of human rights. And I thank you for the honour you have done me in asking me to join you today.

Address by The Right Honourable Joe Clark,
Secretary of State for External Affairs,
to the Ninth Annual Conference on Human Rights and Foreign
Policy, Canadian Human Rights Foundation,
Ottawa, 21 March, 1986.

It is a pleasure to be with you today for your ninth annual conference on human rights and foreign policy. The subject is one that has preoccupied -- and often discomfitted -- governments throughout the western world. So I am grateful for the opportunity to share with you the perspective from which we have approached this most difficult and emotionally charged issue.

Let me begin by asserting that the first responsibility of policy-makers has always been to protect and promote the national interest, and to conduct relations with other countries accordingly. But if the 20th century has taught us anything, it is that the single-minded pursuit of one's own political or economic advantage is a formula for disaster. While there may be short-term returns, in the long run everyone loses when one nation's benefits are secured at the expense of another's. The result invariably has been war, whether military or commercial. And even when you win, you lose. In an age of interdependence, nations share the consequences of both victory and defeat.

What we have learned this century, then, is that the global community is better managed cooperatively than by a handful of powerful states in competition with each other. What we need to focus on now is the direction in which we would like to see the global community evolve -- during the rest of this century and into the next. Here let us have no illusions. The world is not agreed on the question, and ideologies compete -- sometimes ferociously -- for the right to determine how we all should live.

The Canadian interest, therefore, is more than a matter of political and economic gain. It is also a matter of ensuring that the international environment develops in a way which is compatible with our basic

values, with how we believe human beings should treat each other, with how they should be treated by the state, and with how states should treat each other.

Concern that the fundamental values in which Canadians believe should be reflected in Canadian foreign policy is a longstanding tradition. It is a concern which has been most prominent in the post-war period.

We did not just help to found the U.N. in 1945. We helped to write its charter, to ensure it reflected our views about how the world should be managed in the interests of international peace and security and respect for the rights of peoples and individuals. And in the years that followed, Canadians, such as John Humphrey, played an enormous part in codifying and proclaiming human rights and freedoms -- in the Universal Declaration of Human Rights, and in the International Covenants on Human Rights.

Similarly, we were not just founding members of NATO in 1949. We ensured that the North Atlantic Treaty expressed the desire of the parties to live in peace with all peoples, and that it imposed obligations beyond common defence including the strengthening of free institutions and the promotion of conditions of stability and well-being. And in the years that followed the founding of NATO, Canadians were among the most prominent proponents of the two-track approach to East/West relations -- combining defence with détente -- and among the most active advocates of respect for human rights in the Soviet Union and Eastern Europe.

Concern for human rights is no less of a cornerstone of Canadian foreign policy today. In the past year alone, we have witnessed some quite remarkable movement on the human rights front -- with Canadians very often in the forward trenches. Let me cite a few examples.

March 21 is observed by the U.N. as the International Day for the Elimination of Racial Discrimination, commemorating the time in 1960 when South African police killed 69 demonstrators and wounded nearly 200 at Sharpeville. In the intervening generation, a variety of U.N.-sponsored sanctions were applied against South Africa, with little discernible improvement in its policy of apartheid. In the past twelve months, world opinion has been mobilized against apartheid, placing the South African authorities under enormous pressure to dismantle their system of institutionalized racial segregation.

The last twelve months have also seen actions advancing human rights in other continents and countries. The Government of Chili has been subjected to serious new pressures -- including some from the United States -- to put an end to the security forces' systematic resort to physical and psychological torture of opponents to the regime.

In El Salvador, there are positive signs in comparison with the situation two years ago. The Government has had some success in improving its human rights record, but kidnappings, assassinations and urban terrorism by both right wing death squads and left wing terrorists continue. We have encouraged both the Government and insurgent groups to choose the path of peaceful reconciliation rather than violence.

In Guatemala, gross and widespread violations of human rights continue. However, we are encouraged that the newly elected civilian government has committed itself to the difficult task of building the legislative and judicial bases without which human and civil rights cannot be fully protected.

In Haiti and the Philippines, the departure of dictators has seen the release of political prisoners and holds out the promise of an end to persistent violations of human rights in those countries.

Iran has been publicly rebuked in the U.N. for failing to respond to allegations of torture, extra-judicial killings, religious persecution and mistreatment of ethnic minorities.

Even in the Soviet bloc, there has been some movement.

Anatoly Shcharansky has been released from detention in the Soviet Union and allowed to emigrate to Israel, while Elena Bonner -- the wife of Dr. Sakharov -- has been permitted to seek medical attention in the West.

The situation in Afghanistan has once again been roundly condemned by a very large majority of the members of the U.N. General Assembly.

International attention has continued to focus on the deplorable condition of Kampuchean suffering under foreign occupation and abuse, and on the so-called "re-education camps" of the occupying power, Vietnam.

Meanwhile, at Nairobi, the Conference marking the end of the U.N. Decade for Women has mapped out a strategy for improving the status of women over the next fifteen years. And in Geneva, the U.N. Commission on Human Rights has made good progress on a draft convention on the rights of the child.

In cataloging some of the movement which has taken place on human rights in the last year, it is clear that much remains to be done -- not only by those guilty of human rights abuses but also by those who recognize that it is in their longer term interest to improve the human condition throughout the world. But let it not be thought that for countries such as Canada it is a simple question of being more vocal. The only real test of a nation's commitment to human rights is the effort it makes to achieve practical results.

To achieve practical results requires, in the first instance, examination of the problem.

In some cases, rights and freedoms are denied consciously and systematically for reasons of state. In the case of South Africa, a unique form of legalized racial discrimination is written into the Constitution and implemented through a host of supporting rules and regulations passed by legislators who are fully aware of what they are doing. In other cases, rights are guaranteed in law but severely limited in practice. In the Soviet Union, human rights are secondary to the rights accorded the Communist Party and the Soviet state itself. Furthermore, the ambiguity of many Soviet laws permits easy prosecution of individuals for policy purposes.

In the case of other countries, human rights may exist in law but the law itself may be routinely ignored, particularly in single party states where there is no check on government. Indeed, it is hard to imagine cases in which non-democratic regimes have not also systematically denied human rights whenever they have found it convenient to do so -- whether these regimes are of the right, or the left, or are merely despotic.

In still other cases, the rights of individuals may be incidental victims of war and conflict. Violence seldom brings out the best human traits of those engaged in it, frequently dehumanizing even the noblest of peoples. Combatants and non-combatants alike suffer the consequences, as we have seen in the Middle East, Central America and elsewhere.

Because each category of human rights abuses has its own distinct characteristics, and because within each category the character of individual cases may vary greatly, ideology and preordained responses are rarely helpful.

Therefore, having examined the problem, we need to proceed next to a consideration of our standing in a particular case, and to a judgement of what means are likely to be successful.

Canada has more than a duty to address abuses of human rights. Our record on behalf of the world's poor and neglected, and a host of international legal instruments, together have given us an established right to address abuses and to seek practical ways of ending them. Over the years, Canadians have provided tens of billions of dollars to combat poverty and hunger throughout the world, to alleviate the economic and social conditions so often at the root of human rights abuses. We have also resettled and funded refugees in the hundreds of thousands over several generations -- last year alone more than 15,000.

And we draw on the U.N. Charter, the Universal Declaration, the Human Rights Conventions, and the Helsinki Final Act as sources of authority for concerning ourselves with what -- in early times -- were considered strictly internal matters. Even today, there are states who claim that international instruments must remain subordinate to their own domestic legislation and practices on human rights. But that claim is progressively losing force as its advocates diminish in number and find themselves engaged in public reviews of their performance on human rights. A notable instance of that review occurred in Ottawa last summer when human rights experts met to review the human rights situation in CSCE countries and we fully expect a similarly open and vigorous scrutiny of the record in Berne in May on East/West contacts and exchanges.

But if we have standing in general, our grounds for intervening are stronger in some cases than in others -- because of the development assistance or emergency relief we may have given a particular country, because of the refugees we may have harboured from a region in conflict, or because we may have longstanding human or other ties which underpin our interest and concerns.

And if our standing in some areas of the world is stronger than in others, it is also true that we are more

likely to be effective if we are selective in targetting particular human rights cases rather than diffusing our efforts too greatly. All of which argues for a universal policy of support for human rights, with special attention focussed on those human rights situations where our standing is the strongest and the impact of our involvement likely to be the greatest.

Having focussed our efforts, we have finally to decide on our approach. I will not hide from you that governments, this one included, face a major problem in this respect.

Pressure against another can rarely be applied without cost. No government takes well to being pressured by others, particularly when the pressure is applied publicly and so places national reputations on the line. Very often the response is not compliance but defiance. In some instances retaliation can follow against the very people whose welfare is at stake. Usually the relationship with the regime in question is damaged, reducing influence in the future.

Nor is the inventory of means at the government's disposal a very large one. There are, of course, a variety of ways in which we can make our voice heard. But it is not enough just to be heard. Our voice must also count. To achieve that may require some back-up, first in the form of promises of material rewards and penalties, later in the form of sanctions. None are implemented with ease.

Some have argued that our aid programs ought to take full account of the human rights record of countries receiving that aid, and that aid should be denied if a recipient government fails to improve its human rights performance. It is an argument of some force, for aid obviously provides leverage; sometimes it is all that keeps a government in office. But we cannot overlook the counter-argument that aid is for people, and for the development over the long term, and to deny it to them because they are also being abused by their government is to penalize them twice and to disadvantage future generations as well.

That is a dilemma I have discussed specifically with the Joint Committee studying the Green Paper. I look forward to receiving their considered views.

Another weapon is sanctions. They cover a broad range of action, up to and including the total interruption of all diplomatic and commercial contacts. But it has proven exceedingly difficult historically to select sanctions appropriate to the offence in question, and to secure the degree of collaboration from those whose participation is necessary to ensure the sanctions work. It is a sad truth that there are always people around prepared to argue that their own private interests ought not to be disadvantaged, and others prepared to help in the circumvention of sanctions. And even when sanctions have the desired economic impact, they often don't work in the sense of having the desired political impact.

The recent history of Jewish emigration from the Soviet Union provides an example of how difficult it is to alter the behaviour of a powerful government by economic threats or other pressure tactics. In a broad sense, it could be argued that Soviet willingness to permit Jews to emigrate has waxed and waned with the perceived level of détente. In other words, if the West -- and the United States in particular -- shows greater sympathy for Soviet interests, more Jews will be granted exit visas. But it is also argued that greater Soviet willingness to conform to its undertakings in the field of human rights -- including the U.N. Covenant on Free Emigration -- is an essential step in the development of the trust and confidence which underlies any improvement in relations.

Despite the fact that these difficulties remain, for our part we shall continue to press the Soviet Union to live up to its undertakings under the Helsinki Final Act and to take other initiatives to improve relations between East and West.

Obviously it is essential to sustain and enlarge the commitment of Canadians to the protection of human rights everywhere in the world. But I would urge you to help focus the public debate rather less on human rights violations themselves and rather more on what we can actually do to improve particular situations. Rhetoric has its place, but our real purpose is to find practical solutions. I appreciate the help and advice which the Foundation has so consistently extended -- and I trust it will continue. I hope the question might be addressed further in response to the Green Paper.

Let me close with an assertion. I have spoken of the problems governments may face in taking account of human rights considerations in foreign policy. Those are

challenges, not obstacles, and this Government has placed human rights in the forefront of Canadian foreign policy since we came to office.

We have helped bring the Commonwealth back into the picture on South Africa, and have helped to lay down a Commonwealth timetable for the dismantling of apartheid -- placing South Africa under steady pressure and confronting it with the prospect of total diplomatic and economic sanctions.

We have spoken plainly to a number of governments about Canadian concerns over their human rights record -- in Africa, in Asia and in Latin America -- and left them in no doubt that political relations, trade and development assistance are all subject to review.

And we have impressed upon the Soviet Union and its allies, in direct bilateral talks and at international conferences, that they will have to improve their respect for human rights if they ever expect to benefit from the potential which full cooperation with us holds.

That is both our record and our intention.

I trust your afternoon sessions will be as stimulating and productive as I understand your morning ones were. I look forward to a further opportunity to meet with you.

Human Rights and First Principles

Address by The Honourable Monique Landry,
Minister for External Relations,
to the Annual NGO Consultations on Human Rights,
Ottawa, 28 January, 1987.

Thank you for your kind welcome...and for the concern for human rights which has brought you together. I take great pleasure in being here, and seeing this gathering. It is sad to think that, today, in a great many countries, people who share your passion for freedom and human rights cannot do what we are doing -- cannot express their thoughts, feelings and deepest personal values. It is sad indeed...but it is also a reminder of just how important our discussions are. And it is an incentive to our efforts, a spur urging us onward to practical action.

As Minister for External Relations, and on behalf of the Department of External Affairs, I want to welcome you most warmly to the Pearson Building. Some of you have been here before on similar occasions; others are first-timers. As you may realize, the schedule itself reveals at least one important innovation: Sessions for working groups to carry out intensive discussion on regional themes of interest to significant numbers of participants.

I am happy to say that these are the largest consultations on international human rights ever held here, with the most comprehensive agenda. And on behalf of the Government of Canada, I am happy to tell you that this growing interest and participation is noticed, appreciated and shared.

In fact, if I were allowed to make only one point in my speech...if you were to recall only one sentence that I said...I would want it to be this: The present

Government is putting a very strong emphasis on international human rights -- stronger, I believe, than any previous Canadian Government.

I think that a fair-minded, objective look at the record of the past couple years will show that there has been less pussy-footing and more commitment -- not just in rhetoric, but in policy and in action -- than in the past.

For starters: When the Government put forward a policy paper on our international relations, two years ago, it described the defence of human rights -- briefly but clearly -- as "a moral and political imperative". Last year, the report of the Special Joint Committee on Canada's International Relations -- the Simard/Hockin report -- asked the Government to confirm its commitment and carry out an active human rights policy. And the Right Honourable Joe Clark tabled the Government's response, accepting those recommendations with enthusiasm. In fact, the key principle was put in these words: "Human rights are and will remain a fundamental, integral part of Canadian foreign policy". That is, to me, a given, a basic, a first principle from which a great deal flows.

Human rights is an elusive subject that defies easy definition and refuses to be shut in any watertight compartment. It is, at the same time, a very precise, technical specialization...but also one of those universal themes that touches virtually every aspect of life. It is apartheid and torture, it is refugees and indigenous people, but it is also the way the world treats its women and young people.

Thus, we have diversified our efforts in this field over the past two years. And I can assure you that Canada has been far from passive, as the following points show:

- We have, as the media have noted, put the question of human rights among the major issues raised in high-level visits abroad;
- We have been vigorous, even outspoken, in emphasizing human rights questions and programs at the United Nations;
- We have shown consistent leadership in supporting human rights in all parts of the world.

And our clearcut policy has been expressed through decisive actions.

One small, specific example: A year ago, Mr. Clark took the unprecedented initiative of creating a one million dollar fund to assist the families of detainees in South Africa -- and I am pleased to report that I have since renewed this for another year, and increased the amount by fifty percent.

Another example, quite different in nature and scope... Development assistance is linked in many ways to human rights -- but it's a subtle connection that creates many dilemmas. I don't think Canadians want to indulge in self-righteousness by cutting off aid to countries where human rights are abused, at the expense of the very people whose rights are abused. But we have taken a very major initiative in another direction altogether, to redress ancient wrongs. The Canadian International Development Agency has become perhaps the first aid agency to adopt a full set of policies and procedures to give due attention to the role of women in the development of societies. We want to make very sure that women are agents as well as beneficiaries of development.

Where do we go next? This seems a relatively promising era for human rights, with substantial progress in Latin America and glimmers of hope even in unlikely parts of the world. It's a good time for consultation, and this Government has more than a token interest in what you think -- is, in fact, eager to hear the advice of non-governmental organizations, and to work with you in creative cooperation.

You are all familiar with the landmark work of the United Nations and other organizations in framing standards, instituting promotional programs and establishing machinery at the multilateral level. Canada supports this work. And a lot must still be done in fields as important as minority rights, the rights of indigenous peoples, and the right to promote human rights. But there is a serious gap here -- a gap between the accomplishments of multilateral organizations in identifying violations of human rights, and their ability to do something about it. They haven't been able to build the institutional structures that would ensure that rights will be respected. I speak particularly of the experiences of countries now emerging from difficult, even catastrophic, human rights situations. Surely, if we are prepared to criticize regimes which violate human rights,

we must also be ready to come to the assistance of governments and peoples trying to re-establish respect for human rights.

This is an area where we have to translate our principles and words into practical action. There is a role for governments in framing programs in the international field which can help advance the cause of human rights. Equally, there is a role for non-governmental organizations, particularly those with the capacity to deliver programs in other countries. There are various ways in which such an approach could be taken. We could enhance existing programs in CIDA and other government departments, such as External Affairs, Justice or Secretary of State. Or we could create new organizations with specific mandates.

At present, for instance, we are considering a completely new departure -- an initiative of great significance. The Government recently appointed two eminent Canadians, Mme Giselle Côté-Harper and Dr. John Courtney, to act as special rapporteurs in advising the Government on the Simard/Hockin proposal to create an Institute of Human Rights and Democratic Development. There may be several avenues open to Canada; more than one agency could be involved; and non-governmental organizations and multilateral bodies in the field of human rights could play key roles. We need your experience, insights and ideas on how to proceed. The two rapporteurs will seek that from you in the course of the next few months.

The Government is strongly committed to an extensive and open process, leading to practical initiatives in the human rights field.

The proposed institute is only one of the many fronts on which we are now taking action. Following the submission of the Simard/Hockin Report, the Department of External Affairs initiated work on a training program in international human rights, open to government officials in this department, and others involved in human rights issues. We have made very clear our interest in closer consultative arrangements with NGOs. We have proven our commitment to helping to fund the various international efforts that are going on in support of human rights, in fields ranging from torture and the rights of indigenous people, in the case of External Affairs, to the integration of women into world development, in the case of CIDA. I can also confirm that Canada will seek

election to the U.N. Commission on Human Rights in 1988. These are areas on which I know there will be valuable discussion over the coming two days.

Once again, I welcome all participants to this meeting. Other members of the Government have been invited to spend parts of these two days with you, and my colleague and Parliamentary Secretary, Mr. Roger Clinch, will host today's luncheon.

On behalf of all members of the Government, I express our thanks to each and every one of you for having accepted our invitation. I can assure you that your concerns have for us a very profound value, because respect for human rights is a basic principle for the Government of Canada, as it is for the Canadian people. It is a first principle upon which we can hope to help build a better future and a better world.

Section C:
Human Rights
in the United Nations Context

An Examination of Conscience at the United Nations

Address by The Honourable Flora MacDonald,
Secretary of State for External Affairs,
to the Thirty-Fourth Regular Session of the UNGA,
New York, 25 September, 1979.

Although I am a newcomer to this Assembly, I have been one of its close observers for many years. I have always been an unswerving supporter of the United Nations, of the ideals expressed in its Charter, and the constructive role it has played in the development of the international community. There are many successes of which all of us, as members of the United Nations, may be justly proud. The timely intervention of United Nations peacekeeping forces has so often brought quiet to a troubled area. Through resolutions and the great conferences of the 1970s we have identified crucial problems and devised plans of concerted action for solving them. As a specific example, the complex, painstaking negotiations on the law of the sea now have reached a point where, with one last effort of mutual will, we shall have an agreement of extraordinary significance to us all. Yes, the history of the United Nations has proved how useful, indeed how essential, it can be in the world's affairs.

In the recent past, however, I have become increasingly concerned by the path this body has taken. I see it as my responsibility -- speaking for Canada as I now do for the first time in this chamber -- to tell you frankly what it is that troubles Canadians about recent developments in the conduct of international relations.

The United Nations today is in serious jeopardy of becoming irrelevant to the peoples of the world. Somehow, in dealing with the many difficult issues that have come before this forum over the years, we have lost sight of the very purpose of this organization. We have

lost our grasp of the human needs that the United Nations was established to help fill, and of the human rights that it is meant to protect....

As I see it, the major challenge facing the United Nations in the next decade is to make itself once again a vehicle for filling the needs and rights of the peoples of the world...

Thirty-one years ago, when the UN adopted the Universal Declaration of Human Rights, it took a step of great importance to people everywhere. Similarly, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights adopted by the General Assembly in 1966 reflected the heartfelt aspirations of the population of this planet. These documents summarize what this great organization is all about: The fostering and protection of rights.

There are three broad areas of human rights that I want to speak about today. The first is the sort of thing that immediately springs to mind when the term human rights is used. These are the political rights, such as those to freedom of speech and association, the right to equal treatment before equitable law, the absence of racial, religious or sexual discrimination. The second area is the right to physical safety, the freedom from war. Finally, I want to speak about the rights arising from our natures as human animals, our needs for food, shelter and an appropriate share of the world's riches.

One need not look far to find a dismaying number of examples of violations of political rights -- all too often committed by a government on its own people. Indochina alone provides too many examples. The uprooting, dislocation and often elimination of so many victims of Kampuchea, the desperate plight of the Laotian refugees, the deliberate expulsion of the Vietnamese boat people are all too well known. The vicious pillage and massacres of the Amin regime in Uganda, and its tragic aftermath -- the thousands of women and children in refugee camps, one of which I visited last month in Southern Africa -- are matched elsewhere by the execution without trial of ousted politicians or the sudden disappearance or exile for political reasons of ordinary men, women and children in other countries.

These crimes against humanity are common knowledge -- the people of the world know what is happening around them. Too often the international

community has been reluctant -- or culpably slow -- to take steps to condemn and rectify these violations of human rights. Too often the political convenience of governments has caused them to remain silent when ordinary people cried out for action. Public opinion today is calling us into account for this lethargy, this disregard for human suffering, this irresponsibility.

And yet, there is cause for hope. By no means have all violations of human rights passed unnoticed by the international community. The conferences in Geneva, convened and skillfully conducted by the Secretary General, resulted not only in a substantial humanitarian response in offers of resettlement places and financial aid, but also elicited a political response by the Government of Vietnam, who has since then been controlling the outflow of refugees. It is still to be determined whether or not the root cause has been settled, and the whole international community will have to watch developments carefully. Pressure on the Government of Vietnam must be sustained, but substantial progress has obviously been made.

Other investigations hold promise of progress. We are pleased to note the investigation now underway by the Inter-American Human Rights Commission into the situation in Argentina. We also welcome the investigation by respected African jurists into the recent tragic events in the Central African Empire. In addition, the Commonwealth Heads of Government at their meeting in Lusaka this summer agreed to consider the setting up of a human rights commission within the Commonwealth. There has been modest progress within the United Nations Human Rights Commission itself. I refer to the appointment of a special rapporteur to investigate the situation in Equatorial Guinea, and the Commission's contacts with certain governments as a result of its in-camera debates. All this is gratifying indeed. But much more is yet to be done.

The United Nations must find better, more certain ways to deal with gross violations of human rights, no matter where they happen. We must be able to take effective action immediately, not years after the abuses begin. That is why Canada has long supported the proposal to establish the Office of High Commissioner for Human Rights. This proposal, which would effectively set in place an international human rights ombudsman, has been

explored over the years, but as yet not enough member states have found the courage to proceed with such an office.

Let me propose an alternative, then. This session of the General Assembly should agree to establish a position of Under-Secretary General for Human Rights, and we should appoint an individual of undisputed stature in the international community to that office. This person would use the mandate the Secretary General has under the Charter to use his good offices in the human rights field. With this, we would have an instrument through which the United Nations could fulfil this fundamental responsibility given to it by the people of the world.

Another step that could easily be taken is to devise a way of ending the distressingly large number of disappearances of individuals in many parts of the world. We urge that the Human Rights Commission be instructed to set up a committee of experts to investigate these unexplained vanishings.

We must not take the progress that has been made as an indication that our job is done. Outrages still continue. Some are longstanding, like apartheid and the situations in Namibia and Zimbabwe-Rhodesia. Others, such as political executions, arise from time to time in various parts of the world. We must find new ways of combating these violations, for world opinion demands it. Unless we can respond, our credibility, our relevance, our usefulness and our very existence are in peril.

But our response must be both responsible and timely. The progress being made at this very moment in regard to Namibia, and Zimbabwe-Rhodesia, for example, deserves our encouragement and support. It would be irresponsible to preempt the satisfactory solution of these problems by precipitate and distracting debate in this, or any other forum.

A corner-stone of the United Nations is the second type of human right I want to discuss -- the right of the people of the world to physical security. Born from the ashes of the Second World War, this organization is devoted to the peaceful resolution of differences between nations. To many people this is the sole reason for the existence of this organization, to ensure the human right to live in peace.

Here too, our record gives little cause for satisfaction. Instances of aggression of one country against another continue. As always, righteous justification is claimed by each party to the conflict. There may be righteous warriors, but there are not good wars. The people have entrusted to us the task of stopping this systematic destruction of the most fundamental of all human rights -- the right to life itself. And yet armed conflict remains a sorry characteristic of international affairs.

Other related threats to our physical safety continue. The arms race, with all its costs and inherent dangers bounds apace. The spread of nuclear technology, with all the benefits it can bring, has not been paralleled by an equal commitment to a renunciation of the development of nuclear explosive capability. We know that certain states are even today working to achieve mastery in this field, not for the increased well-being its energy can bring to people, but for the creation of an explosion -- one that will shake the hearts of peace-loving people everywhere. Surely they can expect better of us.

Fortunately here, too, there are reasons for hope. The first Special Session of this Assembly on Disarmament was a success. For those who believe as I do that modern weapons are as much a threat as a protection to the security of nations, this was an encouraging step. Yet the record since that time is disappointing. The new machinery of negotiation in Geneva is blocked by rivalry and suspicion. The testing of nuclear weapons continues, despite the high priority the Special Session gave to the ban. Preparations for chemical warfare continue; no agreement has been reached on measures to limit the use of weapons that cause unnecessary suffering; and spending for military purposes grows even larger.

Nevertheless, a hopeful sign of urgency remains. I cite the communiqué signed in Vienna last June by Presidents Carter and Brezhnev, in which they commit their governments "to take major steps to limit nuclear weapons with the objective of ultimately eliminating them, and to complete successfully other arms limitation and disarmament negotiations".

Canada has a particular interest in the honouring of this commitment -- we are the only country that is a neighbour to both the U.S.A. and the U.S.S.R. As such we would not escape the devastation of a strategic nuclear war. Hence our specific concern.

But there is another reason for our deep interest. Canada has been a pioneer in the development of nuclear technology for peaceful purposes. Our CANDU power reactor is an outstanding success both in Canada and abroad. But we are determined that this technology not be misused. We demand that stringent safeguards be applied by countries buying Canadian nuclear power facilities or materials. We are looking forward to the conclusions of International Nuclear Fuel Cycle Evaluation, the international study examining the further means by which non-proliferation standards can be applied to the nuclear fuel cycle. We want to ensure that the continued recourse to nuclear power is undertaken in the most stringent conditions possible, guaranteeing against any non-peaceful use.

We believe that governments who accept these conditions, indeed all governments, have a right to expect that the obligations of nuclear states under the Non-Proliferation treaty will be carried out -- including the pursuit of "negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date". Yet agreement has eluded the negotiations on a comprehensive test ban for 15 years. Time is running out -- and the patience of the people is running thin.

Genuine international security is not merely a matter of agreements on arms control and disarmament. Before such agreements can be reached, and certainly before they can have effect, there must be a climate of trust, of decency and justice among the nations of the world. Confidence must be built up by small steps between neighbours, between alliances, and between the nuclear powers. The United Nations must be allowed to expand its fact-finding and peace-seeking roles if such confidence is to grow. In areas where tensions are too high, concrete steps must be taken to prevent accidents or miscalculations. More information must be shared before the strength of forces on all sides may be reduced. The people of the world expect no less of us. And the people are right.

As we examine the lessons of the past, and as we assess the challenges for the future, there is one striking fact that dominates all others -- the singular failure of the international community to solve the problem of poverty. We are still haunted by the spectre of hundreds of millions of people living below the poverty line and in danger of starvation. The right to enough

material goods to ensure health and dignity is still denied to far too many.

Giving effect to this basic human right is the greatest task facing the United Nations for the remainder of this century. The overriding importance of this work is clear to all. Two years ago this Assembly passed a resolution recognizing that "the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible". It is insufficient for an individual to enjoy full human rights before the law if he or she does not have the basic necessities of life: Enough food, health care, education, shelter. Problems of want must be attacked directly and urgently in the 1980s.

I welcome the renewed attention being given by the United Nations, and its organs, to these problems. For here, too, I see reason for hope. There is growing recognition that development assistance does not imply the foisting of one country's social and economic philosophy on another. The true meaning of cooperation is increasingly understood....

This, then is a partial agenda for the Eighties. The work must begin now...although public confidence in this great international institution is low enough to jeopardize its future, the opportunities to regain that confidence have never been greater.

Together, we can galvanize this assembly into a genuine forum for the betterment of the peoples of the world. We can turn away from confrontation between governments to cooperation among people. When this session is seen to address the rights of people rather than the ambitions of politicians, then we shall have the support of people everywhere, and we can use the world's vast resources of riches, energies and intelligence to meet the challenges ahead...

The Commission on Human Rights after Thirty Years

Declaration by Ambassador Yvon Beaulne,
Canadian Representative to the United Nations Commission
on Human Rights,
to the Thirty-sixth Session of the UNCHR
Geneva, 4 February, 1980.

The decade which is now ending marks a decisive stage in the evolution of human rights. In the first 30 years of its existence, with the collaboration of the experts of the Sub-Commission, the Commission has acquitted itself admirably of the tasks which the General Assembly confided to it. Since the entry into force four years ago of the two covenants based on the Universal Declaration of 1948, the Commission's role has been enlarged. It now acts not only to enunciate principles but also to ensure that they are respected everywhere.

Experience has shown that the implementation of international instruments is much more complicated than their elaboration. The Commission has been faced with resistance and opposition. However, even if the execution of the mandate given it by the international community has become more difficult, the Commission must continue to fulfill it as best it can.

Since 1976 the Commission has improved and reinforced the procedures concerning massive violations of human rights. The debates of the last session served to dissipate a great number of uncertainties and ambiguities on this score, and brought clarification which defined the limits and possibilities of these tools. However, a majority of delegations have drawn back from certain actions, the need for which seems to us even more evident today. The Commission has preferred, for example, to delay the examination of a situation which constitutes one of the greatest tragedies of our time and which a special rapporteur, the President of the Sub-Commission, described for it in a well-documented report. Other initiatives,

notably concerning thousands of disappeared persons and massive exoduses of populations, suffered a similar fate, while the situations which these initiatives were designed to remedy were in the meantime aggravated. Would these situations not have been different if the Commission had dealt with them at the appropriate time?

Many proposals, including some of considerable interest, have been presented to the Commission with a view to improving its performance. Of course it is necessary to seek constantly to ameliorate the methods at our disposal. For myself, I believe that our most important difficulties are not technical in nature. We are not short of time, nor of documentation; we are short of will and sometimes of good will. We could go faster and further if we truly wished to do so.

What paralyzes our Commission above all is the narrow and obsolete conception some governments hold of their responsibilities to the international community for their actions in the field of human rights. However, it is not possible to maintain seriously today, as certain jurists have done in a less enlightened age, that the manner in which a state treats its citizens concerns it alone. In respect of human rights, states have assumed obligations to the international community of which they are a part. They must, as a consequence, answer for their behaviour in this field, not only to their peers on the bilateral level and to their partners within alliances or collective enterprises, but to all states of the international community.

As representatives of member states of the United Nations we cannot fail to comment on situations which distress our contemporaries, or abstain from seeking solutions to these situations. Such evasion cannot be justified by geographic, historic, ideological, political, racial, religious or cultural affinities. It is the entire international community which is involved in violations of fundamental human rights and not one or another group of governments. Furthermore, public opinion, at least in countries where it can be manifested, is unanimous in rising up against violations of fundamental liberties wherever they occur. Human solidarity cannot be compartmentalized artificially by frontiers.

On the domestic level, public opinion has led many governments to modify their attitude towards certain situations so as not to affront the convictions of their

citizens; at the international level, this same public opinion has helped to bring about the fall of dictatorial regimes over the past year. Indeed, who can deny the determining role which it has played in the evolution of attitudes with regard to these regimes? Furthermore, there are times when silence is no longer permitted because such silence would imply indifference or acquiescence. To permit crimes to be perpetrated and to multiply without comment, surely, is to become the accomplice of the crime. If one contests the Commission's right to intervene in the internal affairs of states, with a few exceptions, the Commission surely has a duty to intercede on behalf of persons which it has a reason to believe are threatened in their fundamental liberties.

Surely it can interpose itself on behalf of such persons without interfering in matters outside its competence and without drawing upon itself the reproach of meddling in affairs which do not concern it. All governments linked by the same international obligations can legitimately enquire into the manner in which each of their partners acquits itself of its obligations within its borders.

When its efforts are without avail, the Commission has no other recourse than to appeal to public opinion, which remains its ultimate weapon. However, this weapon does not always produce the required effect. Here, too, attempts are made to diminish its impact. It has been said that the cement of the civil multitude remains reason, or more precisely, the exercise of reason.

At the ideal level, the city has but one passion, that of justice, but the desire for justice, even if it involves the heart, finds its scope and its source in the spirit, in the clear idea of what is owed to the citizen by the city and to the city by the citizen. Civilization is born out of dialogue. The political community is a community where people debate. Debate is necessary to the blossoming and development of public opinion, which those who hold the power must know to govern according to the wishes of the people. Where debate is forbidden, where information is directed, where the press is not free or where censorship reigns, how can public opinion exist? A large part of mankind is unfortunately still deprived of the means of expression.

Despite these defects, the Commission seems less impaired than one might have thought. How otherwise would one explain that so many governments seek to prevent

situations in which they are involved being brought to the tables? Still, the Commission is not an international tribunal. Its objective is not to punish governments, but to alleviate the fate of the victims.

To this end, the Commission has experimented with mechanisms which it has been obliged to invent to respond to the violations of human rights without wounding the susceptibilities of governments, while at the same time obtaining their cooperation. These mechanisms are now operational, and their use will no doubt become easier. My activities as president did not end at the conclusion of the thirty-fifth session but continued until now in various forms. In this context, it would without doubt be appropriate to follow up on Resolution 22 of last year, which envisages meetings of the bureau between sessions when circumstances require, as well as providing the Human Rights Division with the personnel it needs to fulfill its functions. It is of the greatest importance indeed that the Human Rights Division have at its disposal sufficient resources to carry out the increasingly heavy tasks which have been assigned to it. For myself, I wish to take this occasion to warmly thank the Director, Mr. Van Boven, and his staff for their constant support. I have become aware in working closely with them of their great competence, and of their devotion and profound attachment to the cause of human rights.

The Commission has taken prudent steps in new directions, opening for example on the right to development in its regional and national ramifications. Draft conventions on torture and on the rights of the child are now on the way to completion, as well as a draft declaration on the rights of ethnic, linguistic and religious minorities.

We understand it is becoming urgent to envisage intercessional action on the part of the Commission and to extend the duration of meetings of the Commission and the Sub-Commission. With the agenda items that we have debated in public session, and the situations which we have studied in camera, I believe that the balance sheet is favourable.

However, in comparing these accomplishments with what remains to be done, the results surely seem derisory. How can we not begin with anguish the thirty-sixth session of the Commission, which is opening against a backdrop of armed conflict? The spirit of detente is threatened. The world is in a state of alert.

It is timely for the Commission to recall that force does not suffice to guarantee security and that peace does not rest on armed force alone. Let me quote in this respect one of the most prestigious champions of human rights and of peace, His Holiness Pope John Paul II: "In the final analysis, peace is but the respect of the inviolable rights of man".

The champions of human rights must not let themselves be intimidated by the rattling of sabres. Security is not threatened uniquely by military confrontation but by economic disparity and threats to civil and political rights. National security must ensure the security of citizens and not compromise it. The time has come not to abandon attempts at disarmament but to renew them, not to neglect human rights but to insist that the United Nations and its member states recognize the privileged place they must occupy in international relations.

My predecessor in this forum, President Keba M. Baya, deplored last year that each of us presented himself here bearing instructions and bound by the decisions of his Government. Instead of working to realize a common ideal, many members of the Commission strain their ingenuity to defend fixed political positions, responding to solely ideological and economic interests in an organ which should aspire to universality and whose principal concern should be the dignity of the person. Alas, we are meeting here as representatives of our countries and the Commission is not a debating society where each can unburden himself freely. Diplomats do not live solely by simulation and dissimulation, contrary to the legend attached to their profession; in reality their strength lies in their integrity. If one cannot trust their word, international relations will be constructed on too fragile a foundation. Our official character should not prevent us from conducting ourselves to developing techniques of practical cooperation. Whatever our differences, I believe that beyond philosophical arguments, we must strive in our work to conciliate in a pragmatic manner the aspirations which are shared by all people and which are evidence of their ineradicable hope for a better, more just and more fraternal society.

Statement by Dr. Jim Hawkes,
Canadian Representative to the United Nations,
to the Third Committee of the 39th Session of the UNGA,
New York, 6 December, 1984.

Member states will know that the Canadian political tradition is a democratic one that involves vigorous open debate between opposing political parties who are constantly vying for the responsibility of becoming the government. It is the Canadian voters who decide and governments are changed from time to time. What does not change, will not change and has not changed, even though we have changed the political party which governs, is the very strong commitment of the Canadian people and therefore their governments to the definition, expansion and protection of human rights.

It is the cornerstone of our belief in the protection of human rights that rights must be vested in the individual. If that belief is to become a reality then the individual must have access to resources and mechanisms that constantly encourage the individual to challenge both our laws and our administrative practices. This system works for us. It is not a system that we view as perfect but one that seeks perfection -- through constant evolution brought about by our commitment to supporting and encouraging the individual to challenge our practices. It is a system which attempts to ensure that the government of the day respects not only the rights of the majority, but perhaps more importantly the rights of minorities. We constantly seek to avoid the potential for tyranny that lies in any part of our system that might encourage those responsible for governing to believe that a state's responsibilities are so important that individual rights can be trampled on. History tells us that in situations of that kind sooner or later the people rebel and the situation is ultimately changed. But far too often blood is shed, lives are lost, families and communities are destroyed when the only redress available is armed confrontation.

It is our view that evolution is preferable to revolution and we enter into this debate today in the hope that our comments might be helpful to the international community as we seek progress by working together in our search for better human rights standards, and more effective means of ensuring the implementation of these standards.

In looking at our modern world from a human rights perspective, it is not difficult to conclude that the most massive violations of those human rights responsibilities inherent in the United Nations Charter and the Universal Declaration of Human Rights occur in states that have or tend towards totalitarian systems. During these periods when such states face any type of armed resistance, violations of these human rights and freedoms tend to multiply at a rapid and very disturbing rate.

Systems which encourage individuals to dissent freely and openly with their governments tend to produce governments that are the best protectors of the rights enshrined in the United Nations Charter. Respect for those who dissent from us politically breeds a healthy respect for the right to be different in other spheres, and thus we progress. Governments which lose too much of their sensitivity to the rights of individuals and minorities may be replaced but the process is peaceful, and human rights are strengthened rather than diluted.

In many ways, our United Nations General Assembly provides us all with a concrete visible example of the wisdom of this perspective. In this committee, each member state, rich or poor, powerful or weak, new or old, has one vote. We have the absolute freedom to express our point of view, to debate strongly and sometimes at length with each other. Sometimes we make decisions on the basis of majority votes but individual states remain free to dissent and to protect their individuality. For 39 years we have proceeded in this fashion, sometimes in nine or more fora simultaneously. Our evolution is so far bloodless, and yet we progress not as far or as fast as we sometimes think we should; not always in the direction that some of us would like to see; almost never with the feeling that we have solved a problem perfectly or even permanently. But we do go forward, we do change, and we do have reason to be thankful that this General Assembly does exist and that we are party to what it can teach us and to what it can do for the people we represent.

Setting human rights standards by further elaborating and defining rights in declarations and conventions has been an ongoing task of the United Nations. This process of standard setting is now at a relatively mature stage. It is a process which demands time, expertise and sensitivity to a wide variety of cultures, legal systems and linguistic differences. Important work on the elaboration of standards is proceeding, notably work on a convention on the rights of the child and a declaration on the rights of minorities, to name only two. Also, important work has yet to begin on a draft declaration on the right and responsibility of individuals, groups and organs to promote and protect human rights. My Government supports this work of developing human rights instruments which provide standards as well as a legal framework for the protection of human rights.

In the years ahead however, my Government would like to see more of our energy turned toward solving the problems of the implementation of human rights standards and to the amelioration of the sufferings of the victims of human rights abuses. These problems can be approached in two ways: The one approach is thematic, considering types of human rights violations; the other is through consideration of situations in specific countries.

There have been significant developments in the past year in the thematic approach to human rights violations. Of note has been the recent debate on totalitarian ideologies. The United Nations began in the aftermath of the appalling extremes to which totalitarianism led and sadly it is not solely a phenomenon of the past. My delegation will continue to follow with great interest the deliberations of the United Nations on this issue.

The marked increase in declarations of states of siege and their extension for prolonged periods has attracted the attention of the United Nations. The suspension of civil and political liberties, often by fiat, is a matter of concern to my Government and we look forward to the report on this issue which has been requested by the Commission on Human Rights.

The United Nations has established mechanisms to deal with specific types of human rights violations. The Working Group on Enforced or Involuntary Disappearances is a sound mechanism for dealing with the tragedy of disappearances. The families of those who have

disappeared are helped by this work and my Government was pleased to endorse the renewal of the Working Group's mandate. But we look forward to the day when this Group is not needed.

My Government also supports the work of the Rapporteur on Summary and Arbitrary Executions. We continue to believe, however, that a permanent and effective mechanism should be developed in order to combat the practice of summary executions.

Finally, the Commission on Human Rights recently began consideration of the problem of those who are imprisoned when their opinions differ from those of their government. This seems to us to be an area where the international community can develop effective mechanisms which will ameliorate violations of the right to freedom of expression and opinion.

These examples reflect a few of the recent efforts of the United Nations to deal with human rights violations through a thematic approach. A second approach to the problem of the implementation of human rights is the consideration of specific country situations. Situations of gross and systematic violations of human rights exist in many states. The United Nations, in cooperation with the states in question, has a role in working to improve respect for human rights.

My Government wants peaceful change in situations where human rights are violated. The United Nations has a constructive role to play in encouraging governments to take the steps necessary to improve respect for human rights within their territories. Reports which expose the violations which have taken place can play a part in convincing governments of the need to change. However, we must also support, encourage and publicize any efforts which reveal an intention to respect human rights and which represent a beginning, however tentative, along the path to full implementation of the standards of the Universal Declaration on Human Rights. Change can only occur when the political will of the government in question is mobilized to effectively promote and protect human rights. Condemnation can lead to the isolation of a state and its retreat from cooperation with the United Nations. Canada does not believe that such isolation is conducive to eliciting the improvements we seek.

The situations of violations of human rights in Chile, El Salvador and Guatemala are once again before us in the reports of the Special Rapporteurs and the special representative of the Secretary-General. Last year, Canada expressed concern about the bias inherent in reviewing the situations in three countries from one geographical region. However, there now exists a better balance in the reports available to the United Nations on specific countries. At its forty-first session, the Commission on Human Rights will consider for the first time reports on the situations in Iran and Afghanistan and will also take action on the report on the situation in Poland which was reviewed at the last session. In connection with this, my delegation urges the governments of the countries concerned to cooperate fully with the representatives of the Secretary-General who have been appointed to prepare the reports.

My delegation would like to commend Professor Ridruejo for his report on the situation in El Salvador, document A/39/636. He presents us with a balanced, factual and analytical report. My Government is pleased to note that the Special Representative believes the Government of El Salvador to be sincerely concerned about improving the human rights situation in that country. In particular, we should encourage the Government to fulfill its stated commitments to investigate past human rights abuses, to reform the judicial system and to continue to pursue social and economic reform. The effective implementation of these policies is, in our view, crucial to improving the enjoyment of human rights in El Salvador.

However, we remain concerned that, as the Special Representative notes, a gap persists between these intentions and the Government's ability to achieve results, although this gap has narrowed in recent months. Indeed, the number of violent deaths associated with human rights abuses has decreased. Nonetheless, the total still remains alarmingly high. Many of the violations are directly related to the violence perpetrated by both the armed forces and the guerrillas in the civil strife. For this reason, my Government welcomes the open and high level dialogue which has been initiated between the Government of El Salvador and the guerrillas. We therefore strongly urge the Government and the guerrillas to take further positive steps, not only to decrease the intensity of the conflict, but to resolve it completely so that the people of El Salvador can live in peace and contribute productively to the development of their country.

The report on human rights in Guatemala, document A/39/635, does not paint an encouraging picture. The report is largely a series of observations on particular topics, as the Special Rapporteur himself notes. Nevertheless, the reader cannot avoid drawing the conclusion that violations of rights to freedom of movement and personal liberty continue to be serious, particularly for the indigenous populations.

We are pleased that the Government of Guatemala has granted an absolute pardon to all persons convicted by the abolished special tribunals. We are further pleased that the Government has now provided the Special Rapporteur with a list clarifying the fate of many who were tried by the tribunals. We encourage the Government to publish this list.

There are others, however, whose fate must yet be clarified -- those who disappeared or who have been improperly held by the police. My Government, therefore, welcomes the consultations between the Government of Guatemala and the Group de Apoyo Mutuo which represents the families of disappeared persons. We encourage the Government of Guatemala in its commitment to provide support to this group dedicated to locating disappeared persons.

Continuing disappearances remain a great concern to my Government. The Special Rapporteur notes that four groups are responsible for these disappearances -- the security forces, the guerrillas, common criminals and other organizations consisting of off-duty police and military and right-wing political groups. We encourage the Government in its efforts to prevent lawless elements from perpetrating such acts, and we are pleased that the Government has helped to bring to light, through cooperation with the Special Rapporteur, the abuses which have been committed. However, the participation of government forces in the disappearance of their own nationals is both profoundly disturbing and a most serious violation of the responsibility of member states of the UN to protect human rights. The Government must begin by restraining its own forces from such acts. Of equal concern is the notable increase in urban violence in Guatemala. We urge the Government of Guatemala to stop this violence and bring to justice those who are responsible, including those who are members of the military. Recourse through due process of law is an essential step along the path toward respect for human

rights. The independence and the effectiveness of the judiciary lie at the heart of a government's commitment to promote and respect human rights. Without an independent judiciary, the proposed new constitution will remain a hollow document unable to guarantee the full enjoyment of civil and political rights.

While there remains a great distance to travel before human rights are fully enjoyed in Guatemala, my Government would like to thank the Government of Guatemala for its full cooperation with the Special Rapporteur. This cooperation is a sign of respect for the concerns of the international community which charged the rapporteur with his mandate. Through this cooperation we have the opportunity to work together to bring about the needed improvements in Guatemala. We therefore hope that the next report will be able to reflect substantial improvements in the respect accorded human rights in Guatemala.

I noted earlier that international condemnation can isolate a state. However, a state may choose to isolate itself. Both these factors apply to some extent with the case of Chile. My delegation continues to be distressed that the Government of Chile refuses to cooperate with the Special Rapporteur. Certainly, the rapporteur has produced a thorough report, based on information which has been made available to him from sources outside of Chile, and he has made useful recommendations. However, without the cooperation of the Government of Chile, the United Nations remains unable to fully encourage and support the improvements necessary. We, therefore, appeal to the Government of Chile to demonstrate its intention to fulfill its Charter obligation to promote and protect human rights by extending full cooperation to the Special Rapporteur. As a corollary, however, we equally appeal once again to member states to the Commission on Human Rights, to consider the situation of human rights in Chile under Item 12 of the Commission agenda along with the consideration of the situations in El Salvador, Guatemala, Iran, Afghanistan, Poland and other countries.

Our appeal is an effort to break the deadlock which exists in consideration of this situation. Our appeal is not based on satisfaction that the situation in Chile has improved. This Special Rapporteur, in fact, notes that the situation with regard to the protection of fundamental human rights and freedoms in Chile has continued to deteriorate. The recent declaration of yet

another state of siege in which civil liberties have been suspended, and the recent widespread detentions of large numbers of individuals have not alleviated our concern. Our concern, however, translates directly into a desire for peaceful change, for human rights to be fully respected in Chile. We therefore urge the Government of Chile to take all steps possible to rescind that state of siege at the earliest date and to permit a resumption of the peaceful process of return to democracy.

We have commented upon the reports concerning the situation in three states where systematic and flagrant violations of human rights occur. But human rights violations are not restricted to these few countries. I would challenge any state in this room to claim with impunity that human rights are fully protected and realized within their borders. We all fail in some respects, my own country included. Most of us can point to impressive national constitutions and extensive domestic legislation to protect rights, both civil and political and economic, social and cultural. But it requires a genuine and persistent political will to implement human rights provisions. And when we fail, there must be recourse through both national and international procedures to protect and promote respect for human rights.

The Charter of the United Nations has clearly made human rights a legitimate subject of international concern and debate. The United Nations will continue to articulate international standards against which we can measure the achievements of states in promoting and protecting human rights. We have created mechanisms designed to monitor our efforts to realize these standards. The challenge for the next few years will be to further develop the implementation mechanisms that will better encourage member states to achieve these standards.

In concluding, my delegation would like to propose three objectives to guide the work of the United Nations to promote the implementation of human rights standards. The first would be to encourage wider ratification of the existing instruments, particularly the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. These instruments are the basis of efforts to promote and protect human rights. The second objective would be to strengthen procedures for the implementation of human rights instruments. As I have already said, recourse through national and international procedures is essential

for the protection of rights. And the third objective would be to balance the concentration on particular country situations with the study of types of human rights violations, and the development of mechanisms to redress these.

It is the view of my delegation that these objectives could provide useful signposts for the work of the United Nations in human rights for the years ahead. What remains however will be to fire our political will, both individual and collective, to implement these standards. Let us all rise to meet the challenge of creating a world where the full dignity of each individual can be realized.

Statement by Mr. Stephen Lewis,
Ambassador and Permanent Representative of Canada,
to the 41st Session of the UNGA on Item 12: Human Rights,
New York, 25 November, 1986.

Mr. Chairman,

Under Item 12 we take stock of the situation of human rights throughout the world. It is the point at which we assess the institutional mechanisms established by this Organization to give effect to the principles of the Charter. It also provides an opportunity to examine, in a critical fashion, the wide gap between the noble sentiments espoused by so many delegations, and the bleak reality of human rights in most parts of the globe.

Forty years of work by the UN have seen the construction of a solid foundation for the promotion of human rights. This work, to be sure, has been slow, incremental and sporadic. But it is well to compare the activities of working groups, special rapporteurs, special representatives and confidential procedures with what existed in 1946, because to do so drives us to the inevitable conclusion that the United Nations has produced a virtual revolution in international law and practice. It has placed individuals and groups at the forefront of protective and promotional measures. It has rendered states accountable for their behaviour towards their own citizens. It has robbed even the most powerful countries of their traditional defences and excuses for obstructing international scrutiny.

Our confidence in the value of this collective work should not be confused with complacency. We are conscious of the frailty of some of our procedures and of the machinery for promoting human rights. We have recently seen that budgetary measures can have debilitating effects on already strained programs. Indeed, any additional reductions in the absurdly meagre

support allocated to the human rights activities of the United Nations would have an even more deleterious impact. If I may be blunt: Destruction of our carefully constructed mechanisms for the promotion and protection of human rights would further erode public support for this organization in numerous member states. We cannot afford, and will not tolerate, a drift towards institutional paralysis in the human rights field.

Our concern for the promotion of human rights stems from obvious but fundamental considerations. Some can be traced to the tragedies of the Second World War and the atrocities which gave rise to the human rights provisions of the UN Charter; some are the products of more recent developments -- systematic violations of human rights which have destroyed economic and social progress in a number of developing countries, or the heavy hand of oppression in the Soviet bloc, seeking to stifle freedom of religious expression, trade union rights and every legitimate aspiration to self-determination.

That such concerns remain a fundamental and integral part of Canadian foreign policy was underscored in the recent report of the Special Joint Parliamentary Committee on Canada's International Relations. Following discussions with citizens in every region of Canada, the Committee expressed the view that "the promotion of human rights is a vital and natural expression not only of Canadian values but also of universal values to which all governments, like individuals, are subject".

The United Nations is an organization of governments. But our concerns are less with the immediate proprieties of state-to-state relations than with a fundamental concern for people. These concerns are elemental: All people have a right to live in dignity; they have a right to the freedom essential to the full development of their capabilities; they have a right to live without fear of reprisal and intimidation; they have a right to transmit to succeeding generations the values of decency, integrity, generosity and compassion.

Why should the espousal of these principles engender conflict? On what basis can other governments take offence at these sentiments? Let me elaborate by way of illustration. During the 1970s, Canada raised in this forum two of the most egregious human rights situations of that era -- Uganda and Argentina. In reply, we were threatened with actions by the Organization of African Unity, to which Uganda belonged, and with bilateral

economic sanctions by Argentina which was, of course, a member of the Latin American group. And then, within a few years, both governments changed. Both appointed new representatives to speak for their governments and for their new situations. Both appreciated the limited measures taken by this body in an effort to promote constructive change. Both bore witness to the need for stronger procedures to prevent the violations of human rights which had taken place in their respective countries, perpetrated by governments which had lost all moral authority in the eyes of their people.

These examples raise disturbing questions. What might have happened in other situations had this organization taken stronger action at the right moment? In the 1940s, when we began deliberations on procedures for the protection of human rights, we might have prevented -- had we acted -- the drift to South African racism so that today we would not be faced with the polarizing scourge of apartheid. Had this organization responded to evidence of flagrant violations committed by the Government of the Shah of Iran, we might have spared that country the bloodshed and suffering it has endured under the current regime for the past seven years.

There are repetitive patterns in these and other situations treated by this organization in past decades. First, there is the protective capacity of various great powers, and their ability to extend their fraternal shield over surrogate states and allied regimes. Second, there is the capacity of regional organizations to use their voting strength to prevent decisive action against their member states, regardless of the documented gravity of the case. Third, there is a crippling reluctance to violate the principle of the sovereignty of states which, if confronted in objectionable situations, would permit an objective investigation of the facts.

The result has been an uneven series of accomplishments. Special rapporteurs or representatives have been appointed in a few important and prominent cases. The fact-finding and conciliation functions of the organization have been reinforced and strengthened. But many other situations have been allowed to pass unnoticed: We abound in double standards.

As things now stand, the range of situations on the agenda of the Commission on Human Rights defies easy categorization. The regional scope is relatively broad. Emphasis, quite rightly, is placed on gross and persistent

violations of human rights and on immediate situations where rapid remedial action might be possible.

Most prominent among the states not subject to examination has been the Soviet Union. Yet there is hardly a shortage of material analyzing in comprehensive and convincing fashion the total failure of the Soviet Union to abide by its Charter and treaty obligations in the human rights field. The USSR has reduced Principle Seven of the Helsinki Final Act -- "The right (of citizens) to know and act upon their rights" -- to a travesty of its original intent.

Among the victims of oppression have been Soviet Jews who have suffered from a systematic and methodical campaign to obliterate their culture, language and religious heritage. Those who live in the Soviet Union are subjected to a growing and virulent campaign of anti-semitism -- in fact, in the words of Andre Sakharov, anti-semitism has been raised to the level of religion in a godless society. Those who attempt to emigrate are the targets of intimidation, trumped-up prosecutions, incarceration in psychiatric hospitals, internal exile and imprisonment in work camps. Soviet Jewry has become a focal point in the rhetorical battles of an increasingly tendentious Cold War. Prominent cases have been settled, not on the basis of rights and obligations, not under the provisions of the Soviet constitution, but as bargains and trade-offs in a cynical campaign of public relations that has rendered justice to a select few while leaving the more fundamental issues untouched.

With countless others, we plead for the release of Ida Nudel and Valdimir Slepak. But we know that they, as the Shcharanskys who suffered before them, are but metaphors for the Soviet reality; a reality which turns requests for family unification into criminal charges of "malicious hoologanism"; a reality which gives freedom to a handful while denying visas to tens of thousands; a reality which converts the Soviet Constitution and the Soviet Bill of Rights into weapons for the prosecution.

Other religions and minorities have suffered similar fates. For the almost fifty million Muslims who reside within the borders of the Soviet Union, the free and open practice of their religion is impossible. In the past few years, there has been a dramatic escalation in Soviet activities directed against Baptist, Pentecostals, Adventists, and Catholics. All have been subjected in varying degrees to equally systematic attempts to destroy

the basis of religious practices. So, too, the fate of Soviet dissidents of every faith -- for them the words "human rights" are but a cynical phrase in the vocabulary of legal repression. It is difficult for a world which seeks to trust Soviet promises on arms control to reconcile those promises with what we know of equivalent Soviet commitments on human rights.

And Afghanistan compounds the problem. For more than six years the people of Afghanistan have been subjected to an obscene war of occupation and liquidation at the hands of Soviet forces. Atrocities have been clinically documented by our own Rapporteur. Evidence is as overwhelming as it is sickening. Yet no attempts have yet been made by Soviet authorities to square their record in Afghanistan with their solemn pronouncements in support of respect for human rights and the self-determination of peoples.

It would be of some comfort to believe that such flagrant violations of human rights were restricted to one region or practised by one ideology. It would be equally gratifying to believe that the slow march of totalitarian and authoritarian practices had been definitively halted. But the evidence is otherwise. There continue to be reports of prisoners of conscience in countries as ideologically diverse as Chile and Cuba, South Africa and Vietnam. There are clear limits to trade union activities, restrictions on free expression and curbs on political organization in Nicaragua, a country that emerged from a dictatorship of pervasive brutality, but which has yet to fulfill the high hopes of its liberation some seven years ago. Disappearances, summary executions, extra-judicial punishments and torture are common practices by governments of the left and right alike, and in virtually all areas of the world. Not even the servants of this organization are free from arbitrary persecution, as we have seen in Romania's treatment of Liviu Bota.

One of the most persistent forms of repression has been directed against minority groups. In Iran, adherents of the Baha'i faith have been the object of a concerted campaign of intimidation, persecution and imprisonment that has left many of its followers dead and rendered others exiles beyond the borders of their homeland. Bulgarian authorities, seeking to create an orthodox socialist nation, have engaged in an unrelenting campaign of forced assimilation of ethnic Albanians, Gypsies and Armenians. Recently, these efforts have

assumed incredible dimensions with the Government denying even the existence of a group of Turkish origin comprising almost 10 percent of the Bulgarian population. Forced name changes and abandonment of Moslem religion, customs and language, are among the methods employed to ensure the rightful place of ethnic Turks in socialist Bulgaria.

Many of these situations defy easy analysis. At their roots are complex histories of irrational colonial boundaries, legacies of conquest, or long periods of foreign rule. In a few cases, like that of Cambodia, the immediate and appalling violations of human rights have been further assaulted by the occupation by neighbouring Vietnam. In many situations, human rights deprivations are but one element in a terrible, complicated scenario, be it demands for devolution by Tamil minorities in Sri Lanka, the spectre of civil strife in El Salvador, or controversial displacements by the Government of Ethiopia. Understanding the complexities of these cases is useful and necessary. But no political rationalization can substitute for a vigilant insistence on respect for human rights.

The rights variations are equally complex. In Central America, several states have only recently begun to escape the twin nemeses of authoritarian governments and chronic social underdevelopment. In El Salvador, the Government has extended cooperation with the special representative of the Commission on Human Rights and confirmed its commitment to full respect for human rights. But much remains to be done. Effective police and judicial services have yet to prove their ability to eliminate political assassination, to control the activities of security forces and to ensure the effective protection of individuals and respect for human rights. The process of national reconciliation is wounded by the continuing civil strife, and by a failure of both sides to honour the provisions of the Geneva Conventions.

In Guatemala, a newly elected civilian government has committed itself to reform in the field of human rights. However, progress continues to be slow. The persistence of death squads and new cases of disappearances are cause for profound concern. The key in Guatemala is to respond to the humanitarian and development needs of the Guatemalan people, while supporting a process which leads to positive change and effective democratic government ensuring full respect for human rights.

In South America over the past five years, a wave of popular revulsion against authoritarian regimes and military juntas has resulted in a rapid transition to democratic rule, and to a number of new governments resolutely committed to the defence of human rights. But Paraguay remains an island of troubled isolation. And in Chile, thirteen years after the initiation of military rule, a spiral of violence blocks the return of democratic constitutional rule which protects human rights. The reinstatement of a state of siege has tightened the noose on freedom of expression and circumscribed further freedom of association. There are new allegations of torture and extra-judicial assassinations to add to the sorry history of exiles and disappearances.

How do we handle such situations in the work of this organization? How do we respond to serious allegations propounded by credible individuals, groups and organizations? There are, we believe, several points worth making:

First, Mr. Chairman, this committee and other related bodies should not be allowed to become mere chambers of complaints and fora of lost causes. While institutional mechanisms are necessary to permit the presentation of information and to allow for objective follow-up, existing procedures are slow and selective. The reporting measures of the covenants and conventions are simply not enough.

We require a multifaceted approach that consists of a number of basic elements: An ability to act rapidly in urgent cases, perhaps through the good offices of the Secretary-General or the Chairman of the Commission on Human Rights; a capacity to establish fact-finding and conciliation missions as medium term measures; and a longer term strategic approach which might include comprehensive recommendations to reinforce the capacities of states to safeguard human rights. The Working Group on Disappearances has already provided a model of what is feasible in limited circumstances. What is now necessary is more of the same on additional themes.

Second, the critical roles of special rapporteurs and representatives must be recognized, and their capabilities safeguarded and strengthened. We profoundly regret that several reports by special rapporteurs were subject to selective and arbitrary decisions regarding length and circulation which, in two cases -- those of El Salvador and Afghanistan -- rendered the document far less

useful as the basis for serious discussion. In the case of Iran, the quality of the report is so lamentable as to be virtually irrelevant to this debate. These lapses are unacceptable; they severely undercut the work of the United Nations in the human rights field.

Although the mandates of special rapporteurs have varied enormously in the past decade, the time has come for greater uniformity in their designation and reporting functions. We believe that special rapporteurs must be allowed to conclude their work in all cases. Some governments have committed their states to greater respect for human rights, and promised fundamental changes. That is all to the good. But while recognizing those sound intentions, this organization must have a means of ensuring that intentions are translated into action. Even the most dedicated commitment to pluralistic democratic principles does not guarantee compliance in practice. In the case of both Guatemala and El Salvador, for example, newly elected civilian governments have promised moves in a positive direction. However, we believe that the mandates of the special rapporteur and special representative in those cases should be continued. Their work must go on until there is agreement that their mandates can be terminated in recognition of an effective effort to promote full respect for human rights.

Third, we need to establish differential treatment for those states, such as Iran and Afghanistan, which refuse to cooperate with U.N. human rights activities. Where states do admit fact-finding bodies, or agree to useful measures of reform, we could afford recognition of their efforts commensurate with the extent of follow-up action. Where full cooperation is assured, and concrete steps are taken in keeping with the expectations of the international community, a degree of confidentiality and discretion could accompany the work of the special rapporteur. But where states categorically deny their Charter obligations to cooperate, the full authority of this organization should be brought to bear to ensure that their behaviour is a matter of public record. Perhaps international opprobrium will succeed where institutional niceties have failed.

Fourth, we must work to construct a more sensitive approach to U.N. action in those cases where states are emerging from difficult human rights situations and require the solidarity of the international community to consolidate fragile gains. In Haiti and the Philippines, repressive regimes have been succeeded by new

governments dedicated to a fresh approach to human rights. They must be supported and encouraged. Equatorial Guinea has only recently emerged from a tragic situation in which an ugly regime succeeded in destroying the very infrastructure of the country. Uganda, as well, endured one of the most notorious governments of the 1970s before finally emerging with a government publicly committed to greater respect for human rights. In all these cases, the assistance of the United Nations has been crucial in the economic and social spheres; with care and discernment, we could be equally crucial in the restoration of human rights and fundamental freedoms.

Finally, Mr. Chairman, complementary support from national and regional and non-governmental institutions should be encouraged. The global standards of this organization, rooted in the Declaration of 1948, provide the basic framework. The fact-finding, conciliation and monitoring mechanisms developed under various instruments and procedures afford useful examples to other bodies. We acknowledge especially the work of the Inter-American Commission on Human Rights, and we welcome the recent entry into force of the African Charter of Human and People's Rights. Amnesty International, the vast array of church groups, and the Helsinki Watch Committees play indispensable roles -- their submission and their commitment are invaluable. National and regional and NGO institutions however, require the active support and assistance of the entire international community. We therefore welcome the initiative of the Centre for Human Rights in launching training programs in the human rights field, and we look forward to placing all such efforts on a solid budgetary foundation.

Mr. Chairman, we listened with interest to earlier portions of this debate. We noted the charges and counter-charges of the United Kingdom and the Soviet Union, and a later exchange between the Soviet Union and the United States. It occurred to us then, as it does now, that our own intervention might trigger similar rights of reply, and provoke similarly heated arguments. But about human rights there can be no equivocation, no cavilling, no sophistry. If some are angered, let the issue be joined.

In many respects this chamber is ill suited to the tasks of discharging its charter mandates. Non-governmental organizations have always been better than governments at describing situations in comprehensive, if brutal, clarity. We represent

governments. Our governments have interests. It is therefore frequently tempting to bury views behind high sounding phrases rather than to face the issues directly.

But beyond our governments, well beyond the immediate interests of foreign relations, are the people of this world. They look to this organization for hope and inspiration. They look to the Charter and the governing principles of the Universal Declaration. They cry out for protection and the redress of grievances. It is to those people, and on their behalf, that we must dedicate our work. We do not expect other governments to embrace us fondly for critical comments. But we do intend them to understand the fundamental premise which shapes our views: We are passionately determined to act upon our Charter obligations to promote and protect human rights.

Human Rights and Fundamental Freedoms in any part of the World

Statement by Mr. Gordon Fairweather,
Canadian Representative to the UNCHR,
to the 43rd Session of the Commission on Human Rights,
Geneva, 9 March 1987.

My delegation wishes today to focus special attention on some of the difficulties we face when making judgements in the field of human rights. The fundamental reality is that human rights is a difficult international issue. Many states have therefore retreated behind the comfortable but ill-advised doctrine of "non-intervention". The Canadian view is different. We acknowledge the difficulties, and we are fully alive to the problems to which concerns for human rights may give rise. But we also know about good results over the longer term which come from a consistent and well-measured emphasis on the dignity of the human person and on an insistence that international standards be met.

We have pursued the search for human dignity through many channels and by many means. Part of our work at the Commission concentrates on what we might call "generic" rights or themes. Torture, summary executions, disappearances and other phenomena are treated as types of violations of human rights, irrespective of the region or state concerned. Minority rights are a special theme of importance to my delegation, and we look forward eagerly to an agreed definition of the word "minority" by the Sub-Commission, so that the protection of racial, cultural, religious, linguistic and other minorities can be given greater attention.

The themes I have mentioned here transcend national borders. They reinforce the view that the people of our respective countries, although divided by many factors great and small, are united in their collective belief that we at the Commission on Human Rights hold the grave responsibility of translating their goals and aspirations for social justice into concrete action.

But when we turn from "generic" or thematic items to country situations, we face serious difficulties. Should we focus on statements which identify breaches of human rights by this or that government, and hope that words have a remedial effect? Or should we attempt to concentrate on procedural reforms whose adoption by this body would serve the cause of those suffering as a result of grave abuses of human rights throughout the world? Must each delegation speak on each situation? Would failure to mention a particular country be construed as a lack of concern on Canada's part?

And what of the presentation of evidence? Could my delegation, for example, add a single word that would embellish the eloquence of Carmen Gloria Quintana of the World Student Christian Federation, as she related in shattering detail her immolation by soldiers in Chile? Whatever the circumstances leading to this horrible act, such violence and brutality must be denounced in the strongest terms. But the evidence in this case, as in other situations before the Commission, must do more than simply serve as the basis for condemnation. It must become part of an overall process within the Commission, and indeed within the U.N. system, for restoring human rights effectively and rapidly.

Two of the key elements in this difficult area are objectivity and action.

Let us tackle first the issue of objectivity, about which so much has been written, and on which so many governments offer their views. We have, for example, no doubts about the objectivity of the International Commission of Jurists, who recounted to this body the measures invoked by Bulgaria against its Turkish ethnic minority. But conscious as we are of these violations of the International Bill of Rights, and also of the Helsinki Final Act, we are conscious as well of other violations, some equally egregious, which have failed to come before this Commission for a variety of obvious reasons. How, for example, do we situate the cause of freedom of the press in Nicaragua after the forced closure of La Prensa? Or how do we deal effectively with the issue of summary executions in Surinam, which requires the urgent attention of the Commission?

Similar problems of objectivity confront us when we examine the underlying reasons for human rights difficulties. How, for example, do we approach a situation where the legitimate security concerns of the

Korean Peninsula are too often used by both countries as a rationale for the denial of fundamental human rights. A recent example in South Korea involves the arrest of clergymen and other church workers who were investigating the suspected torture death of Kim Yong Kwan. Perhaps the most perplexing, intractable issue is that of human rights difficulties arising out of war, conquest, civil insurrection and similar situations. What of Indonesia's incorporation of East Timor, an act which we cannot condone, but which must be accepted as a fact? How do we deal with the periodic violations of human rights which are attributable to army and guerrilla operations? Or in Iran, how can we address in effective ways a growing body of evidence, which includes the persecution of the Baha'i religious minority?

Even when we have objective evidence, and when we are aware of the political, economic and social context of human rights issues, there is the more difficult task of using this information in constructive ways. We come to the problem of action.

One of the key instruments of this body over the past decade has been the use of "special rapporteurs". They have been instrumental in gathering evidence, contacting governments concerned, and making observations and recommendations on key aspects of human rights. The special rapporteur on Afghanistan has made astoundingly complete efforts, notwithstanding the lack of cooperation, until now, of the Afghan authorities. Reports on Chile, Iran and Guatemala have been widely disseminated, despite the ill-advised and unfortunate truncation of these documents last year. The reports on El Salvador have documented the abuses committed by both sides, and focussed on the critical need for an independent judiciary, which all of us must acknowledge as an essential element of a democratic state.

But political expediency, and perhaps the regional rivalries notorious to this organization, are undermining the usefulness of this institution. Is the appointment of a special representative, as opposed to a rapporteur, in the case of Guatemala, intended to indicate a real change in the situation? Canada believes that important changes have indeed taken place. But the Commission has yet to address the institutional requirements and procedures which should continue to function during this crucial phase of Guatemalan development. The choice is surely not one of extremes, between continuing scrutiny by a special representative

and dropping Commission action altogether. Clearly, a better range of alternatives must be envisioned.

And when should Commission action cease? We are heartened by the removal of a special rapporteur on the Philippines. But are we too precipitate in other cases, where an additional year of contacts would help to reinforce the directions of positive change? Here we need greater understandings among delegations, that the maintenance of a special rapporteur is not a punitive measure, and that the provision of contacts is as much in the interest of the government concerned as it is in the interest of the international community.

International action goes beyond the institutions of the Commission. Governments, of course, have a range of alternatives when seeking to achieve effective action. We can use the avenues of bilateral contacts, as Canada has done, for example, in the case of Cuba. We can use other fora and meetings which afford us opportunities to express concerns and to negotiate remedial measures. We have used such channels with the Soviet Union, where human rights is a question of fundamental importance to Canada. We can urge the intercession of humanitarian agencies and disinterested third parties, as we have done in the case of Sri Lanka.

One of the potentially most effective avenues is the "good office" function of the Secretary General. When serious allegations are presented, by whatever means, the Secretary General should use his existing authority to open lines of communication informally and discreetly. A summary execution, for example, is a phrase that is brutally self-explanatory in all languages. But a telex intervention from the Secretary General, or even by the Chairman of this Commission, might result in a reprieve.

We are under severe time restraints, and I must close. Let me submit, however, that reforms of our procedures will serve to enhance the principle goals of the Commission. They might clarify the issue of evidence, its objectivity and form of presentation. Guidelines for special rapporteurs would help to clarify their mandates, and give them both a stronger direction and a more effective role. An understanding on reports -- length, content, format, conclusions and other matters -- is badly needed. Some linkage between Item 12 and the item on advisory services merits scrutiny. Rules on the appointment and removal of special rapporteurs would be prudent. In short, an examination of the past decade

would reveal a useful pattern of work which has lessons for the next several years. By addressing ourselves to this task, we will be faithful to the principles of the International Bill of Rights and to the hopes and aspirations of the powerless of this world, wherever they may exist.

Section D:

**The Conference on Security
and Cooperation in Europe**

Helsinki - The Final Act: Principles and Provisions

Opening Canadian Statement by Mr. Klaus Goldschlag,
Special Representative of the Secretary of State for
External Affairs,
to the Meeting of the CSCE,
Belgrade, 6 October, 1977.

We are all indebted to our host government for permitting our preparatory meeting and us to inaugurate this imposing and imaginative conference building and for all the courtesies that are being extended to us. The history of Yugoslavia has given it an important stake in the themes that are before us and it has done much, through its policy and through its actions, to advance them. It is entirely fitting, therefore, that the capital of Yugoslavia should imprint its name on this meeting.

A little more than two years ago, the political leaders of our countries met in Helsinki to subscribe their signatures to the Final Act. They did so "mindful of the high political significance" of that document and "declaring their determination to act" in accordance with its provisions. They recorded their resolve to continue the process that had culminated in the signing of the Final Act, and directed us to meet in Belgrade this year for this purpose. We are here today, therefore, to take stock of what has been accomplished in the interval and to see where we go from here.

When the Final Act was signed, it evoked varied reactions. There were those who attached great hopes and expectations to it. They saw it as marking the passage of Europe and North America from the period of Cold War. They took seriously the more secure and civilized international order to which it seemed to point. Others were more sceptical. They were not insensitive to the political vision the Final Act held out. But they were

concerned about the balance of advantage that the negotiations had yielded. Still others shrugged it off altogether. They thought that the negotiations had been a misguided effort, that the Final Act either changed nothing or, worse, that it aroused expectations that would not and could not be fulfilled.

A balanced view would lie somewhere in between. We cannot agree that the effort should not have been made. Nor can we discount the possibilities that have been opened up. But we must also admit to ourselves that expectations fall well short of having been met. The political landscape is still far from idyllic. We are still in a situation where stability probably owes as much to fear of nuclear war as it does to any political arrangement we have yet succeeded in making. This is not a comfortable thought. It becomes even less comfortable when we review the uneven and, on the whole, modest progress achieved in the last two years towards realizing the objectives of the Final Act.

Nevertheless, we are prepared to be realistic. The Final Act covers a broad canvas of objectives. If they had been within easy reach, it would not have been necessary to negotiate them so laboriously. It is of some significance that we succeeded in formulating them at all and that they now carry the consensus of 35 countries and the commitment of our political leaders.

The Final Act reaches into the future. Perhaps two years is not long enough to assess its impact fairly. But two years is long enough to have identified the impediments to better progress. Public interest in all our countries is focused on Belgrade and those who are most serious about the Final Act are also those who expect the most from our deliberations. How best can we approach the task that has been delegated to us?

In the Canadian view, there is an inherent logic to our agenda. The first step is to proceed to a careful and objective review of the current state of implementation of the Final Act. To prepare for such a review, all of us will have drawn up our inventories and compiled for statisticians. What matters is what the statistics mean. After all, many of us started from very different positions in respect to the principles and provisions of the Final Act. What seems important to us is to see how close we have come to meeting the objectives on which we agreed in that document.

By proceeding in this way, we shall be better able to measure the gap that still separates promise from performance. Only when that has been done can we seriously turn our attention to new proposals. We see such proposals as designed not to rewrite the Final Act, which is not within our mandate, but to deepen our collective commitment to its purposes and to improve the quality of our performance.

The Final Act is a balanced document. If it were not balanced, it would not have commanded the assent of the 35 countries assembled here. The Canadian Government, therefore, regards itself as being committed to all parts of the Final Act and it intends to see all parts implemented in equal measure.

But public opinion in Canada focuses unequally on the Final Act. It does so because the different parts of the Final Act are different in their relevance to the concerns and priorities of Canadians. And it does so because Canadians have their own perception of what a policy of détente, practised conscientiously, should imply. In essence, Canadians will assess such a policy by one simple test, and that is whether, as a consequence of supporting their Government's policy of détente, they are living in a safer and more humane world. How does the course we charted at Helsinki stand up to such a test?

We are bound to admit that, in the matter of improving security, the provisions of the Final Act are modest. The modesty of our achievement was recognized at the time because there is no other chapter in the Final Act in which our heads of government gave us greater latitude for future progress. But modest or not, we should not underrate the contribution that these confidence-building measures can make to a more stable and predictable environment in an area that remains the greatest area of armed confrontation -- that is, Central Europe. We have gained experience in the operation of these measures over the past two years. We are hopeful that, without going beyond the intent of the Final Act, we may be able to refine their application and broaden their practice.

The mandate that has been given to us is limited. But the fact that it is limited does not absolve us from looking beyond it. The Final Act, in the end, finds its place in the wider conspectus of détente. And, if détente is a matter of increasing confidence, it is ultimately inconceivable that we can manage to increase

confidence in the political realm while the arms race continues unabated. Political détente and a deceleration in the arms race must go hand in hand. The confidence created by each has a mutually reinforcing impact on the other. Insecurity, like security, is indivisible.

We are not here to deal with matters of disarmament. That is the responsibility of other organs of the international system. But in our deliberations here we cannot afford to leave out of account the effect that a mounting build-up of military forces and armaments, going beyond the apprehended needs of defence, will have on stability and on confidence. We cannot leave out of account the disappointing progress that is being made in curbing the arms race in negotiations in Europe and elsewhere. We are at the end of the road of peripheral measures. We have come to the heart of the disarmament matter, which is actually to begin to disarm. No one pretends that the next steps will be easy. But we cannot expect to move forward along the disarmament road simply by making declarations of good faith or by trying to legislate intentions. We have only one option, and it is the hard option of dealing with capabilities, of limiting the capacity to wage war.

That is not, as I say, on the agenda of our meeting. But we should not delude ourselves into thinking that, unless we are serious about that larger dimension of security, we can indefinitely sustain the support of our public opinions for the structure of cooperation that we put in place at Helsinki.

Much of the cooperation envisaged at Helsinki lies in the economic realm. Here, too, we believe that the language of the Final Act is indicative of a conception that carries us beyond the provisions we have come here to review.

The systems by which we manage our economies differ in many important respects. We have no illusion about those differences and it is not the purpose of the Final Act either to arbitrate or to bridge them. But we should be wrong, in our view, if we saw our task here or beyond Belgrade to be merely that of recording the agreements we have concluded or the projects in which we are jointly engaged. We should be wrong if we made the creation of new structures or the impact of our endeavours on relations between us the sole focus of our concern.

We cannot, after all, be unmindful that our economies, taken together, represent the core of what is called the industrial world. The way in which we organize and conduct our economies, the way in which we muster our respective economic strengths, has an impact that is acknowledged to be worldwide. A good part of the world will be following our deliberations here closely. They are aware that the countries that have signed the Final Act include virtually the entire industrialized world. They accept, as we do, that close cooperation among us can lead to a more rational allocation of resources, with resulting benefit, in the first instance, for the peoples of Europe and North America. But it will also occur to them that, the more we, as industrialized countries, work together to our own mutual advantage, the easier it will be for us to bear in mind our responsibilities to the world system at large, and to the developing world in particular.

The facts of interdependence, in any case, are rapidly catching up with us. Regardless of how we manage our economies, we cannot, any of us, escape the implications of the energy crisis; or of the depletion of other natural resources that we have used improvidently; or of the pressure that the rising expectations of our peoples put on the finite capacities of our economies; or of the unrealized demand that is represented by the millions of disenfranchised consumers in the countries of the Third World. This is not a matter of convergence of our systems; but it is a matter of convergence of interests and concerns that we share. We should be ill-advised to disavow that convergence. We shall be much less able to deal with these problems in doctrinal isolation. But we shall not be able to work together at all unless we deal with each other in the spirit of mutual confidence that the Final Act was intended to impart to our economic relations, as to our relations over a wider spectrum.

In the end, however, it is the weight we are prepared to give to the human dimension of the Final Act that will determine the climate of confidence between us. That such a proposition should itself cause concern is a measure of the distance that still separates us from the objectives we set ourselves at Helsinki.

It is sometimes argued that to place human rights and humanitarian cooperation so high in the scale of priorities is to distort the balance of the Final Act and to distort the balance of the benefits we expect from it.

We in Canada cannot subscribe to that argument. The great barrier our efforts are intended to breach is, in the first instance, a barrier between people. We cannot expect to build a structure of cooperation that will prove solid unless it involves our people and unless they identify their interests with it. We cannot proceed on the assumption that relations between states can remain unaffected where respect for human rights and fundamental freedoms is seen to be deficient. On the contrary, the link is explicitly drawn in the Final Act and we should do well to keep in mind as our deliberations go forward.

We acknowledge that many of the principles and provisions of the Final Act are in the form of unilateral undertakings by participating states. We believe, nevertheless, that all these undertakings are a legitimate subject for discussion at our meeting here in Belgrade. This applies to human rights and human contacts, as it does to the other subjects that come within the ambit of our review. We cannot agree that such discussion constitutes an intervention in the internal affairs of participating states. We are here to measure progress and the only measure we can apply is the degree to which undertakings freely assumed by governments are being carried out.

The point is sometimes made that the problem with human rights is that they are subject to very different interpretations. It is true that different societies attach different weights to particular human rights. It is also true that some societies claim precedence for the rights of the collectivity over those of the individual. We are not here to arbitrate those differences. But we do not believe that matters of definition should stand in the way of conscientious performance. We are not, after all, writing on an unwritten page. The Universal Declaration of Human Rights is common ground between us. So, between many of us, are the relevant international covenants. The Final Act itself, in declaring human rights to derive from "the inherent dignity of the human person", has surely dispelled whatever doubt there may have been of where our obligations lie.

All our governments could probably claim to have put in place an adequate legislative basis for assuring the observance of human rights and fundamental freedoms. But concepts in this field are evolving and there is a need to ensure that this evolution is progressively reflected in our laws. We also have to consider that our systems are not perfect. All too often, there is a gap

between what is prescribed in the statute book and what is vouchsafed in practice. We acknowledge that it is the responsibility of each government to see that such a gap does not develop and that, where it has developed, steps are taken to remedy it. But we also accept the right, in Canada as elsewhere, of individual citizens to concern themselves with these matters and to enter into a dialogue with their governments where precept and practice appear to diverge.

In raising these issues in Belgrade, our purpose is not to create confrontation. Nor is it to arrest the course of détente. Our concern, in fact, is just the reverse. The Canadian Government has itself undertaken obligations at Helsinki in the matter of human rights. We are prepared to be held to these obligations by Canadians, as well as by governments whose signatures are affixed to the Final Act with ours. We are prepared to see our performance subjected to scrutiny where it is open to challenge and to bring our laws and our practices into conformity with the obligations we have assumed where that is not already the case.

The dispositions of the Final Act in the matter of human contacts are of special concern to Canadians. We are a country of settlement, some of it recent, and many Canadians have continuing family links in Europe. The Canadian Government has pursued a policy that attaches priority to the reunification of families. It has looked to the Final Act to break the impasse that has often inhibited the pursuit of that policy.

In point of fact, the Final Act has brought about improvements in the past two years. There are still many cases outstanding, but we have been encouraged by indications that governments are prepared to take this matter seriously. What is less encouraging is that such progress as has been made is still not automatic. It has been achieved at the cost of considerable effort and even hardship on the part of those desiring to join their families. It is not yet a simple matter for people to move from one country to another if they wish. The administrative barriers are often formidable even where those involved no longer form part of the active working population of their countries. It is our hope that one of the results of our meeting will be a more generous and humane interpretation of the family reunification clauses of the Final Act, not as an exception but as a matter of general policy and practice. If that were achievable here

at Belgrade, it would help more than anything else to lend credibility to our efforts in the eyes of Canadians.

Indeed, the factor of credibility could be crucial to public support for détente in Canada. The Final Act may have been signed only two years ago, but some of the problems with which it deals, such as family reunification, have been with us for many more years than that. Canadians thought the Final Act would at long last provide the impetus necessary to deal quickly with this problem. And so to some extent it did. But, to the extent it did not, public preoccupation in Canada continues. If governments, in the two years since the Final Act, have been unable to solve such a simple problem, people ask, how much hope is there that they will be able, even given a much longer span of time, to solve the many more difficult problems that the Final Act raises? This kind of scepticism should be a warning to us. Confidence is contagious, but so is want of confidence. If détente is to become permanent, we have to make confidence permanent, not just confidence between states but the confidence of our citizens that their governments were acting sensibly when they assumed the obligations of the Final Act. Seen in this light, even an apparently limited problem like family reunification can come to have a general significance if people choose to make it a test of détente.

The Canadian approach to the Final Act will continue to be positive. We attach importance to its provisions and to the principles it has formulated to guide relations between its signatories. But we also look beyond the Final Act to those broader issues bearing on a more rationally ordered world that inevitably forms part of the context in which the improvement of security and the development of cooperation among us must be situated. We do not see the Final Act as exhausting the responsibilities we have towards one another or to the world at large. If we are to meet those responsibilities, we must manage to overcome distrust and increase confidence between us. That is what the preamble of the Final Act enjoins us to do. If we can cross that threshold, we shall be closer to "solving the problems that separate" us and to "cooperating in the interest of mankind", to borrow the language of the Final Act.

We hope that the exchange of views on which we are about to embark will be objective and dispassionate, that it will help to clear away suspicions and misunderstandings, and that, above all, it will lay a solid basis for progress.

Reaffirmation of the Principles of the Final Act

Statement by the Honourable Mark MacGuigan,
Secretary of State for External Affairs,
to the Madrid Follow-Up Meeting of the CSCE,
Madrid, Spain, 12 November, 1980.

In July and August 1975, when the leaders of our countries met in Helsinki to sign the Final Act, hopes were high that we had made a creative and lasting contribution to détente in Europe and to world peace. Since then, and indeed in most recent times, those hopes have somewhat dimmed. Nevertheless, Mr. Chairman, Canada remains firmly convinced that the CSCE [Conference on Security and Cooperation in Europe] can be a forum of real value and that the Final Act sets out rules of conduct and standards of behaviour which, if truly observed, could bring great benefit to the people of all our countries.

I think it reasonable to say that despite serious setbacks, the world is a better place for the conclusion of the Final Act of Helsinki in 1975. We have all no doubt fallen short of the standards which it established and have not fulfilled its objectives to the degree we might have done. Nevertheless, we have, over the past five years, seen important developments in cooperation between participating states through economic, scientific, cultural and other exchanges. These have unquestionably enriched life for our people and have widened the horizons of our governments. There has been, too, some improvement in the freedom of individuals to move about, across the borders of our states, in their lawful pursuits. There has been a recognition that with all due respect for national sovereignty, no state is an island unto itself, able to conduct its affairs, either internal or external, in complete disregard of its neighbours. As in everything else in human endeavour, however, practice is not perfect. If I speak now more of

the shortcomings which need to be remedied, it is because we should set for ourselves a high standard of behaviour and compliance with the international obligations freely entered into, in adopting the Helsinki Final Act. We are here collectively to examine our shortcomings; to find remedies for them; and to build in a constructive way upon our experience.

Mr. Chairman, the position of the Canadian delegation in this general debate begins with the Final Act. We must conduct a careful and objective review of the current implementation of the Act and emphasize respect for its principles. We can meet the intent of the Act only by judging and improving the quality of our performance and then by devising new proposals aimed at broadening our commitments.

Moreover, the Final Act is an institutional expression of a policy designed to reduce tensions and to increase cooperation in Europe. It therefore provides us with guidance for assessing the state of East-West relations, another of our tasks here in Madrid.

On this point I must note that the Madrid meeting has taken on a much greater importance than could have been foreseen when it was scheduled several years ago. The deterioration in East-West relations, culminating last December in the Soviet intervention in Afghanistan, cannot be ignored in this forum. No matter how the intervention is perceived, the international environment has been severely damaged, as has the confidence which so crucially underpins the policy of détente. We cannot view the Afghan crisis as a purely local or regional issue, or one that falls outside the East-West purview.

At a minimum, Soviet actions have challenged directly the principles in the Final Act of sovereign equality, refraining from the threat or use of force, inviolability of frontiers, the territorial integrity of states, non-intervention in internal affairs and equal rights and self-determination of peoples. Yet under the Act, the participating states expressed their conviction of the need to make détente a comprehensive process, universal in scope. They determined to refrain from the use of force against the territorial integrity or political independence of any state. They declared their intention to conduct their relations with all other states in the spirit of the principles of the Final Act. They expressed their common will to act, in the application of

those principles, in conformity with the purposes and principles of the Charter of the United Nations.

History has taught us painfully that confidence and stability in one region of the world cannot remain unaffected by distrust and instability in another quarter of the globe. To ensure that confidence prevails in Europe, the participating states must accept that the same rules of conduct must apply elsewhere. In the absence of such an understanding, and of any clearly defined boundary between the pursuit of national interests and the practice of restraint, the policy that we have called détente will inevitably be undermined....

In fact, Mr. Chairman, I would submit that what the Final Act is all about is people. Concern for disarmament, for peace, is really concern for our people. So are concerns which impinge more directly on individuals and communities. This assertion is not to arrogate any special priority. The emphasis that Canada places on the principle of human rights and its application in humanitarian cooperation between participating states is not a distortion of the balance of the Final Act. The mutual confidence that that document was intended to impart to our relations is basically to build confidence between people. I must note, with great sadness, however, that since the Final Act was signed people have been harassed, arrested, tried, exiled and imprisoned, simply for trying to monitor and to exercise their rights, endorsed in the Act. This persecution is inevitably a major cause of friction in East-West relations today.

Although human rights are open to varying interpretations, the Final Act requires agreement on certain concepts and on the "inherent dignity of the human person". We have subscribed to common standards of human rights behaviour in the Universal Declaration of Human Rights and the relevant international covenants. I believe, then, that it is correct and important to urge all participating states to bring their human rights practices into line with the norms to which they have freely subscribed in these agreements. Mr. Chairman, this follow-up meeting of the CSCE provides a legitimate and, indeed, a necessary forum in which to do so.

Since the Final Act was signed, the movement of people between East and West has become more open and, in our relations with some of the participating states, there have been gratifying advances in family reunification and visits. But there remain outstanding cases and problems

which basically are of two orders: On the one hand, there are administrative barriers, such as the multiplicity of authorities with which individuals and our embassies must deal regarding travel for family reasons. Such problems can be overcome by making practical changes. On the other hand, there is the far more vexing problem of complications over the status of sponsors for family reunification and family visits. In rejecting pleas to cooperate in overcoming this problem, some of the participating states adduce Principle VI on non-intervention in internal affairs. But this principle pertains to illegal interventions, exercised by coercion. It is not intended to apply to obligations established by international agreements such as the human rights covenants.

While the participating states agreed in the Final Act not to intervene in matters falling within each other's jurisdiction, it is clear that human rights such as the right to leave one's country and return freely take precedence over domestic jurisdiction. Moreover, while we agreed in the Final Act to respect each other's right to determine laws and regulations, we also agreed that, in exercising this right, we would conform with our legal obligations under international law. Therefore, Mr. Chairman, I am clearly on firm ground in maintaining that the laws and regulations of the participating states on the application of human rights, such as the right to leave one's country, must conform with international obligations.

Mr. Chairman, I hope I have been able to demonstrate that there is room for a useful exchange of views concerning the principle of human rights and its application in Basket III matters. I hope that the results of this debate will be to narrow the gaps between us on these issues. While we may not reach total agreement, we may well achieve a better understanding which could, I suggest, be reflected in expressions of determination to respect the relevant principles and to improve our implementation of those provisions of the Final Act pertaining to humanitarian issues. Moreover, we could take new steps forward in this regard. I should hope that our exchange of views and our decisions in these fields will be included as part of a balanced result of this meeting in our concluding document.

One kind of result which I would propose would be a CSCE experts meeting or even a high-level meeting to discuss the protection of the principles of human rights

and fundamental freedoms, which are reaffirmed in Principle VII of the Final Act, and the application of these rights in Basket III dealing particularly with the question of freer movement of people among the participating states. During the course of our discussions here, my delegation will further elaborate on this idea and will propose a mandate and the modalities for holding such a meeting.

It should be recognized, Mr. Chairman, that there is an ideological dimension involved. The systems and institutions or, in other words, the ideology of many of the participating states is based, in great part, on the conviction of the rights of the individual and the rule of law, which is deeply rooted in the history of our societies. In the past we have argued in favour of ideological détente. The principles of the Final Act embody relevant and essential concepts: Ideological pluralism; ideological non-intervention; freedom of ideological choice; and access to ideological information (that is the freer flow of ideas). We believe that acceptance of these concepts, both in theory and in practice is essential to the pursuit of détente.

In our view all participating states could contribute to ideological détente by refraining from acts which arouse distrust and concentrate instead on increasing confidence. The participating states could further contribute to ideological détente by removing the barriers to the freer flow of information. This would permit people to have unimpeded access to the experience and ideas of others. Surely each government represented here has sufficient confidence in its own system to permit its citizens to give their support to that system on the basis of free choice rather than coercion.

In conclusion, Mr. Chairman, I again refer to the Final Act. We have now had five years to assess its impact and to identify the impediments to its full implementation. The task ahead of us at this meeting is clear. We should first conduct a careful and objective review of current respect for the principles and the implementation of the provisions of the Final Act. Our objectives should be to determine how close we have come to meeting the goals we set out in that document. At the conclusion of this review, we shall be able to determine what further needs to be done. Only with this information in hand, can we turn our attention to new proposals aimed at deepening our collective commitment to the purposes of

the Final Act and to improving its implementation in a balanced way.

In anticipation of a fruitful outcome of the Madrid meeting, we must also bear in mind the need to continue the CSCE process on which so many hopes rest. This could be done by an unequivocal pledge to meet again in a third follow-up meeting to continue to assure ourselves that the principles and provisions of the Final Act are properly observed and, where they are not, that we take steps to rectify our shortcomings.

Mr. Chairman, my delegation looks forward to joining with others in new initiatives and to making the Madrid meeting an important milestone in strengthening security and deepening cooperation in Europe. However, it is essential that before considering new proposals for further developing the CSCE process we ensure that there is a credible demonstration of political will among all the participating states to respect the principles and objectives of the Final Act to which we have already pledged our faith. We must work to restore confidence between the states participating in this meeting at Madrid and in this way to make a solid, realistic contribution to détente.

Statement by the Honourable Monique Vézina,
Minister for External Relations,
to the CSCE Preparatory Meeting of Experts on Human Rights,
Ottawa, 23 April, 1985.

On behalf of my Government and the people of Canada, I would like to welcome you to Canada. It is indeed an honour that such a distinguished array of delegates from the countries of Europe and North America have gathered here in Ottawa to discuss questions concerning respect for human rights and fundamental freedoms in the participating states of the Conference on Security and Cooperation in Europe (CSCE). It is an honour not only because this human rights experts meeting is the first meeting of the CSCE held outside of Europe, but also because it is the first such meeting dedicated solely to consideration of the protection of human rights.

It has long been the view of my Government that efforts in the CSCE to improve cooperation and confidence in the security area should be balanced with a corresponding degree of effort and serious resolve to bring about a more effective implementation of the Helsinki and Madrid commitments to respect human rights and to cooperate on humanitarian matters. This meeting therefore marks a significant step forward in the CSCE process itself, a process to which Canadian men and women attach great importance.

Our interest in holding such a meeting also derives from the high priority which human rights have in Canada, and the important place which we believe human rights considerations should play in our foreign policy in general.

Domestically, one only has to follow the Canadian media for a few days to realize how aware Canadians are of their rights and how active they are in pursuing them.

This may reflect the character and complexity of Canadian society, which embraces indigenous populations, two main language groups, a multiplicity of ethnic groups who have come here from every corner of the globe, and a great diversity of backgrounds and beliefs. Such diversity is not exclusive to Canada, but we believe that it can bring particular strengths to any society or country, and there is much that governments can do -- or refrain from doing -- that will preserve it.

For our part, we are keenly aware of the importance of respecting the human rights of all our people. From the beginning, Canada has sought to build and maintain its unity on the basis of freedom, tolerance and openness. These ideals are as vital for us as they are for people everywhere.

Last Thursday, we experienced a historic moment in our country when Article XV of the Canadian Charter of Rights and Freedoms came into effect. Under this Article, the law applies equally to everybody, and discrimination on the basis of race, national or ethnic origin, colour, religion, sex, age or physical or mental disability is prohibited.

As Minister in the External Affairs portfolio responsible for human rights considerations in Canadian foreign policy, I am aware of the high degree of interest among Canadians in the promotion of human rights in all countries. Prime Minister Mulroney's Government recognizes the important place of human rights in Canada's relations with other countries, whether reflected in our bilateral ties or in the work we share with you in the U.N., in the CSCE and in other multilateral fora. As the CSCE Final Act and the Madrid Document make clear, human rights are an essential factor in building the good relations among us that we all desire.

I do not say these things to suggest Canadians are somehow unique in wanting to promote and protect their own rights, or those of others. In all our countries one can find the same interests and concerns to one degree or another, or in one form or another. Rather, I am making the point that Canada sought this meeting because of the deep and abiding interest of its citizens in furthering human rights and because of the influence respect for human rights inevitably has on the search for improved cooperation among the CSCE states.

As you live among us for the next eight weeks, I invite you to talk to individual Canadians and to follow our media. I believe you will come to see that concern for human rights permeates my country.

Here in Canada, there are many people who have followed closely our domestic preparations for the experts meeting, who have expressed their concerns to the Government in consultations and in carefully drafted letters and briefs, and who have made known their hopes that the meeting should lead to productive results. No doubt there are many men and women in each state represented in this room who will also follow closely the proceedings of the next weeks, hoping that your deliberations will lead to improved respect for human rights. Obviously the six weeks set aside for your main meeting falls far short of what will be required before respect for human rights and fundamental freedoms is as complete and as universal as it must one day be. It is your task to fix the procedures to be followed during the main meeting, which opens on May 7, and to organize its discussion in the way that will best serve the expectations that are centred upon it in all of our countries.

The crucial nature of your responsibility will be obvious to all of you. Nor will it be easy for you to discharge it in the time available, for the mandate set out in the Madrid Concluding Document is couched in brief and general terms. Moreover, and this is not surprising, each of your delegations will have its own distinctive views about how the discussion on procedural and substantive questions should evolve. However thorny or complex the issues may be with which you are called upon to deal, I have every confidence that with a shared determination to do justice to the promise implicit in the CSCE process, and with a shared appreciation that mutual interests are best served by a spirit of reasonable compromise, you will succeed in launching the main meeting on a positive course.

In concluding, let me say again how pleased the Government of Canada is to welcome you all to Ottawa. My government will do everything it can do to facilitate your important work, and also to ensure your stay is enjoyable. We look forward to a successful conclusion to your efforts in this preparatory meeting and to a result for the Ottawa meeting as a whole which will fulfill the hopes of Canadians.

Distinguished delegates, I will conclude by citing the words spoken by Alphonse Desjardins, the founder of our cooperative movement, who said: "The Task is great, and it will take many hands to complete it". I urge you to take up the challenge of cooperation, and in this undertaking I wish you every success.

Statement by the Right Honourable Joe Clark,
Secretary of State for External Affairs,
to the CSCE Meeting of Experts on Human Rights,
Ottawa, 7 May, 1985.

It is my pleasant task today to welcome to Ottawa those who will take part in the CSCE Meeting of Experts on Human Rights. A number of you will have been to North America and to Canada before. For those making your first visit to this continent and to this country, I believe it is particularly appropriate that you are here in springtime. After the long and difficult winters we so often have to face in the northern part of this continent, spring comes -- not a moment too soon -- as a time of renewal, of expanded horizons, and of a sense of new opportunities. I hope that this seasonal phenomenon can somehow be a metaphor for our meeting, and that by the time it ends in June, you, as delegates, and the many citizens of our countries who are watching intently, will share the view that we have managed to renew our commitment to respect human rights and to expand our cooperation in this field.

As my colleague, Madame Vézina, the Minister for External Relations, noted when she welcomed delegates to the Preparatory Meeting on April 23, this experts meeting has two claims to historical importance. It is the first CSCE meeting held on the North American continent, and also the first dedicated exclusively to human rights.

Canada has placed great importance on the CSCE process since its inception because it offers the possibility of continuing dialogue and progress in areas of interest to our countries, and allows its participants, large and small, to each make our own distinctive contribution on the basis of equality.

Canada, furthermore, can never turn its back on developments in Europe. North American though we are, there are too many historical and cultural attachments, too many political and economic links, and too many individual human ties for this country ever to ignore European affairs. Deeply conscious of these associations and their durability, Canada has in the past played an active and I believe, constructive role in all aspects of the CSCE process. Under this Government, Canada remains firmly convinced that a safe, prosperous and humane Europe is a cornerstone of a safe, prosperous and humane Canada. We will therefore work at this meeting, in Stockholm, in Budapest later this year, and in Berne and Vienna in 1986, to expand our dialogue and cooperation.

It is, I know, a widely shared perception that the Ottawa meeting could be a difficult one. In proposing and pursuing with others at Madrid the idea of holding a meeting on human rights, Canada was conscious both of the sensitivity of the subject and of some of the reservations and concerns held by our CSCE partners.

But issues of central importance such as human rights cannot and must not be avoided just because they are sensitive and can sometimes give rise to disagreement between governments. Both the Helsinki Final Act and the Madrid Concluding Document point out that respect for human rights and fundamental freedoms is an essential factor in the search for the peace, justice and well-being necessary to ensure the development of friendly relations and cooperation among us. The same recognition is enshrined in the Charter of the United Nations. These assertions reflect the fact that a world that is not increasingly humane is unlikely to be increasingly safe, or even; in the long run, more prosperous. This is why human rights are, and will stay, on the international agenda. It is why you are gathered here today to dedicate six weeks to discussing human rights in our states, something that would have been unimaginable twenty or perhaps even ten years ago.

Intellectually, we know, of course, why human rights are not an easy question in inter-state relations. Despite the many things which our CSCE countries share, we all have different cultural traditions and historical experiences, and these inevitably have affected and will affect our value systems in different ways. Ours is not a monolithic world, nor should it be.

But these differences do not absolve us of the commitment we each made in Helsinki and Madrid. Nor can they deter us from our task of seeking over time to ensure that progress on respect for human rights -- whether civil, political, cultural, economic or social -- is made in all our countries. I am convinced that national boundaries can never and should never insulate any of us from the natural concern of human being for human being. This is especially so among a group of countries whose populations have so many ethnic, cultural, religious and intellectual traditions in common.

Nor must we forget that our journey in search of greater respect for human rights is already well begun. There already exists an impressive body of legally binding United Nations instruments on human rights. We have all freely subscribed to the painstakingly drafted human rights commitments in the Helsinki Final Act and Madrid Document. Many of the participating states are members of regional groupings which have developed their own sophisticated human rights machinery. We cannot now halt or turn back on our road, even if the way ahead looks long and our visions of what the final destination should look like may vary. Given the importance of human rights, and the serious concerns which our citizens continue to manifest about their implementation both at home and abroad, we must doggedly seek to improve our implementation, strengthen our commitment, and intensify our dialogue.

It would be gratuitous for me to suggest what exactly you should or can accomplish in your six weeks in Ottawa. You, as experts in your field, and as experienced negotiators, will be able to articulate the problems and determine the progress which can be made here. Suffice it to say that Canada sees this meeting as a valuable opportunity which must not be lost to give impetus to the process of improving fulfillment of our human rights and humanitarian commitments. If Ottawa can provide momentum which will help at Berne, Vienna and beyond, it will indeed have achieved something positive. It will also do much to give us a positive perspective of the tenth anniversary of the Helsinki Final Act, which we observe this summer.

Before concluding, let me recall the deep personal interest that so many of our individual citizens will be taking this meeting. For them the questions you will be discussing are not abstruse matters of inter-state relations, but rather affect their everyday lives in the

most direct and fundamental ways. I do not pretend that Canadians have any special corner on concerns for human rights, though we do try hard. It has nevertheless been very apparent to me in the course of our own national preparations for this meeting how much informed interest there is in this country in the work you will undertake.

During your meeting I expect you will yourselves see signs of this interest. Some of the expressions may be vigorous; all of them, I hope, will be within the bounds of legitimate self-expression. In the final analysis, I believe it is a token of the need for this meeting that there should be heartfelt interest of this sort.

Let me finish by welcoming you once again to our country and to our capital. Canada will do all it can to ensure that this very important meeting is the occasion of a genuine and productive discussion, and that you, as delegates, are able to work effectively. The task before you is difficult, certainly. But I have confidence that the skills and experience which this meeting brings together can produce a worthwhile outcome, one that will make a contribution to human rights, strengthen the CSCE process, and advance relations among us as a whole.

Speech by the Right Honourable Joe Clark,
Secretary of State for External Affairs,
to the opening of the CSCE Vienna Follow-Up Meeting,
Vienna, 5 November, 1986.

May I first join with my colleagues in expressing gratitude for the hospitality shown to us by the Foreign Minister of Austria and by his Government and people, and for the efficient and tireless work of Dr. Liedermann and his Executive Secretariat. This elegant city, and these beautiful buildings, have over the centuries witnessed many events of vital importance to the history of Europe, as well as countless manifestations of its finest cultural and intellectual achievements. As a representative of a young country, I find so much tangible evidence of history and achievement at once humbling and inspiring. But our presence here today is also an expression of the resilience, the continuity, and the dynamism of Europe.

This brilliant European civilization has, more than any other, provided the ideas and inspiration that have shaped our modern world. Much of Europe's recent achievement derives from its ability to move gradually from blind subservience, whether political or intellectual, toward freedom and tolerance. Many countries that share this tradition, including our own, have developed political systems based on the rule of law, under popular control, responsive to fundamental human needs for freedom, dignity, and social justice, and open to a wide variety of ideas.

Canada is an ocean away from Europe, but bound to you by both tradition and destiny.

In the event of a nuclear exchange, our capital city would be 30 minutes away from destruction by a modern ICBM. Canadian land and lives lie directly below the path of any polar strike between the superpowers. We are the

second largest country in the world, with nearly 10 million square kilometers, and all that would be a battle-ground if the catastrophe we are seeking to prevent in fact occurred.

Nearly five thousand Canadian troops are stationed permanently in Europe, and their numbers are increasing. Thousands of their predecessors fought in world wars here, and of those, thousands lie buried beneath the stark crosses of soldiers' graves in Flanders and Dieppe, at Klagenfurt and Salerno, and at Vimy Ridge.

We trade with every nation here. We draw upon your culture and your history and your art, and increasingly, enrich yours with our own. As a strong nation in a young continent, our Canadian people come from everywhere, but particularly from Europe. One in seven Canadians has family origins in Eastern Europe -- and for those millions of Canadians, questions of human rights, of the right to move freely, of the reunification of families, are intensely personal questions, which affect not statistics, but uncles and aunts and sisters and mothers and brothers and fathers and children.

The human web between Canada and Europe is pervasive. Of my colleagues in the Canadian Cabinet, one was born in Czechoslovakia, one in Germany, another is the grandson of Russian émigrés. Danylo Shumuk, a prisoner until February in Soviet confinement, is awaited by his relatives in the province of British Columbia. Europeans, who left their homelands in hope or flight, have built the solid basis of schools and businesses and communities from our Atlantic to our Pacific, and to our Arctic oceans. Every language spoken in every country represented here is also spoken in Canada. When the earth trembles near Naples, disaster strikes at Chernobyl, a mountain slides in Sicily, or a terrorist bomb explodes anywhere in Europe, Canadians are involved directly, personally. And the issues which divide Europe are our issues -- our values, our safety, our families, in both the generic and the particular sense.

It is therefore clear to us that Europe, and the world, can only be a safe place when tensions and conflicts are managed, when the will exists to address fundamental problems and promote practical solutions. Canada has therefore worked for years to establish a significant role in arms control fora. We contributed to the concept of the peacekeeping force, and Canadian troops have served in that capacity in Asia, in Africa, in the

Mediterranean and throughout the Middle East. We defend the United Nations. We seek to reduce the causes and restrain the course of regional conflicts. We believe the pursuit of peace cannot be the exclusive preserve of the superpowers. If we are to move to a more cooperative and less confrontational relationship, all of us must do all we can to stimulate dialogue, pursue contacts, and promote cooperation between all countries and at all levels. Without surrendering our deeply held convictions, we must exercise restraint and encourage mutual recognition of each other's legitimate needs and interests.

Mr. Chairman, we are here at an uncertain time in East-West relations. In recent weeks, the superpowers came tantalizingly close to a framework for major reductions in nuclear arsenals, only to be held back by the complexity of the issues facing them. We have seen certain CSCE signatories release some longtime dissidents and political prisoners, only, in some cases, to practice renewed repression against others. It is difficult to tell whether the omens are good or bad, whether we stand on the threshold of dramatic progress or renewed disenchantment.

A curiosity of these times is that we do not lack for leadership. There was leadership, on both sides, at Reykjavik. There was leadership by a wider cast, at Stockholm. What restrains that leadership is the deep legacy of suspicion. What is demanded of us, now more than ever, is the practical construction of confidence and trust.

Confidence-building is the essence of the CSCE process. It is the central theme of all three baskets of the Helsinki Final Act. In the CSCE all but one of the countries of Europe, as well as the two North American countries whose destiny is inextricably linked with that continent, can consider all the important, interrelated issues involved in political confidence-building between East and West. The CSCE has had its frustrations and failures, but despite this, it has performed a vital role in keeping alive a candid dialogue among many countries, including those who are neutral or non-aligned, that might otherwise have been impossible. Canada is wholly committed to the CSCE process. We want to see this Follow-up Meeting achieve substantial progress.

In order to achieve progress, however, we will have to come to grips with a significant problem affecting confidence. Simply put, that problem is that confidence

requires compliance. Some countries represented here today have failed signally to implement many of the commitments they undertook at Helsinki and Madrid, and indeed in some cases there has been backsliding since 1975. An important opportunity has thus been lost to strengthen security and cooperation in Europe. Even worse, by failing to implement commitments they made at the highest political level, these countries have contributed not to the building, but to the erosion, of confidence in the CSCE process and, to a great extent, to an erosion of our confidence in their willingness to honour commitments in other areas.

Some participating countries have rewarded with imprisonment, exile, and other forms of punishment, people whose only real crime seems to have been to have believed that we all meant what we said in 1975 when we pledged -- and I quote from the Final Act -- to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion", and when we further undertook to "confirm the right of the individual to know and act upon his rights and duties in this field". In some countries, thousands of people remain prevented by national policy or bureaucratic obduracy from having regular contact with members of their families in other countries, regular access to culture and information from outside, or, should they choose to do so, the opportunity to leave their country. And we cannot forget that one participating state has, over the past seven years, violated virtually all of the principles guiding relations between states by its continuing military intervention in Afghanistan.

For Vienna to be a step toward restoring confidence, and not accelerating its decline, we need to receive -- and may I say, Mr. Chairman, we hope to receive -- positive signs from these countries that, henceforward, the trend lines in observing these other commitments shall be steadily and visibly upward; and that real steps will be taken to honour them. For many Canadians, progress at Vienna, and their confidence in the CSCE process, will be primarily measured by the degree to which the contradiction between the actions of these countries, and their professed desire for détente, can be reconciled.

Progress in this area would be significant, and perhaps sufficient for us to regard Vienna as a success. But we would like, if possible, to go further, and to

build on enhanced implementation by balanced progress in all areas covered by the Final Act.

We are very satisfied with the successful outcome of the Stockholm Conference. It is an important development in East-West relations and an event of considerable political and military significance for Europe. The agreed set of confidence-building measures represent a substantial improvement over that in the Helsinki Final Act. We are pleased to be able to say that we did our best to participate fully and constructively in facilitating the formation and adoption of the Stockholm Document. Our very ability to reach agreement inspires confidence.

As we approach discussions in further steps, we will watch closely the practical operation of these confidence-building measures. Mr. Chairman, for many years Canada has worked with others to achieve balanced and verifiable arms reductions in order to create a stable balance of conventional forces in Europe, and we hope that further progress can be made. In considering any proposals that might supersede existing arms control discussions, we will want to ensure that they offer greater chances of success, and are not merely old wine in new bottles. Progress in existing fora such as MBFR, especially in the vital area of verification, would build confidence too.

In Basket II, Canada as a trading nation has an interest in the increased commercial and industrial cooperation that might be possible if the measures in the Final Act dealing with statistical and other information, business contacts including access to end users, and liberalization of trade and industrial cooperation, could be implemented and improved upon. In science and technology, more direct contacts among scientists and better access to publications, research, and information, would benefit us all. In problems of the environment, greater openness and cooperation to solve common problems, both local and continent-wide, would build confidence.

The Final Act broke new ground by incorporating as an integral part of security and cooperation in Europe, the "human dimension" -- an idea that runs through the document like a thread. It establishes that people, as well as their governments, have a vital role to play in creating international stability and confidence, and that the freer flow of people, ideas, and information is an indispensable element in all facets of European security

and cooperation. Canada took a leading role at Geneva in developing the human contacts sections of Basket III. We were pleased to host the Ottawa Meeting of Experts on Human Rights, which made a real contribution to dialogue on Principle VII and related issues.

We are therefore keenly disappointed that the Experts Meetings on Human Rights and on Human Contacts, and the Cultural Forum, made no apparent progress either in elaborating on our commitments in the Final Act and the Madrid Concluding Document, or in encouraging their implementation. At Ottawa and Budapest, it appeared to us that some countries did not come to discuss these matters seriously, but to prevent serious discussion. At Berne, these countries made such minimal concessions that, even if a concluding document had been adopted, there would still have been a great deal of unfinished business. Canada will do everything in its power to improve this record here. We must all recognize, Mr. Chairman, that these issues will not go away. It is not a matter of our imposing our own ideas and values on anyone, or of stressing one element of the CSCE at the expense of others. It is a simple recognition of the fact that the Final Act is indivisible, and that confidence depends on making progress in all aspects.

Mr. Chairman, I have had occasion to speak frankly today on issues my country considers of prime importance in building confidence. But my message is one of hope. The problems are real; they cannot be wished away. But if they are faced squarely and discussed in a constructive fashion, and if recent indications from certain countries that they might be prepared to make substantial changes in their approach to key areas of the Final Act are borne out in practice, then real progress is indeed possible.

Progress can be finally measured only in deeds, not in words. But even modest improvements in implementing the Final Act and the Madrid Concluding Document would profoundly affect the lives of millions of Europeans and North Americans. A climate of confidence could be created in which bolder steps would be possible in all areas covered by the Final Act, as well as in other areas such as nuclear disarmament, superpower dialogue and broader and deeper relations among all participating states.

The issue is confidence, and the challenge is before us. If we shun the heat and dust, we cannot win the prize. But if we keep our courage, goodwill, and above all our patience, we may yet achieve real gains that would make us worthy successors not only of the political, but of the intellectual, cultural, and spiritual giants of Europe who have walked here in generations gone by.

Section E:

**Human Rights
in their Regional Contexts**

Canada Reaffirms Its Abhorrence Of Apartheid

Statement by Mr. William Barton,
Permanent Representative of Canada to the United Nations,
to the Security Council of the United Nations,
New York, 30 March, 1977.

We are meeting in response to the request of the African Group that the Security Council consider the question of South Africa, in the context of the General Assembly's Resolution 31/6 of November 9, 1976, on the subject of apartheid, and the Security Council's Resolution 392 (1976) of June 19, 1976, concerning the violence at Soweto.

To say that this is not the first or second time the Security Council has taken up a subject related to the policies of South Africa is a considerable understatement. Over the past 17 years, the Security Council has repeatedly had to turn its attention to the policies of the Government of South Africa. It has examined the African policies of apartheid and so-called separate development in the light of Sharpeville and Soweto. It has been obliged to comment on the continuing occupation by that Government of Namibia, an international territory, and on its attacks on neighbouring African states in defence of that occupation. The Security Council has similarly deplored South Africa's refusal to live up to its international obligations under the UN Charter to respect the mandatory sanctions of the UN against the illegal regime of Southern Rhodesia.

All of these questions are still before us, but the core of the complex problems involved in the question of South Africa is the policy of apartheid of the Government of South Africa, and it is on this issue that I intend primarily to focus my remarks today.

The Charter of the United Nations established, as one of our fundamental purposes, the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, religion or language. Today, more than 30 years after those words of hope were written into the Charter, the task of developing international respect for basic human rights remains before us, largely unresolved.

But in one area of human rights we can point to real progress -- the colonial era is virtually ended. The change of regime in Portugal in 1974 foreshadowed the end of that period of African history wherein the fate and future of African peoples were decided by the foreign minorities. In Southern Africa there remain now to be resolved only the colonial situations of Namibia and Rhodesia. These are on their way to solution, whether by the peaceful means which the UN Charter urges us collectively to pursue or, I fear, by violence if we fail in our efforts.

But what about the situation in South Africa itself? One perceives there policies and attitudes that resemble in all the most negative aspects those of the colonial era in Africa. And yet this is not a colonial situation; this is a situation in which people of different origins have been sharing for some 300 years a large and prosperous land but have not been sharing the privileges and obligations of common citizenship in an equitable manner.

The Canadian Government has spoken out time and again about its abhorrence of the apartheid policies of South Africa and of the pattern of institutionalized racial discrimination that is established under them. The apartheid system is cruel and demeaning in that it infringes upon the daily life and possibilities of the great majority of the citizens of that country. They are not permitted to participate fully in the economic, social, political and cultural life of their country on equal terms with all other citizens. Their lives are circumscribed by a web of legislation that prescribes which jobs they may hold, on which level, and at what salary, what kind of education is available to them and to their children, where they may live, whether they must live separated from their families, with whom they may meet, and in what circumstances. The cruelty of the

system lies not only in the daily persecutions and repressions of African and other non-white peoples but also in the fact that men and women can hope to live peaceable lives only by accepting the inferior and unequal role assigned by that society, and accept it as the lot in perpetuity for their children and grandchildren for generations to come.

A direct and unacceptable development of apartheid is the policy of "Bantustanization". The Canadian Government, along with all other member states of this organization, has rejected the so-called independence of the Transkei, the first offspring of the "Bantustan" system. We have done so because it purports to present as self-determination a system that allocates to 80 per cent of the population of South Africa rights in only 13 percent of that territory. Frequently the territory allocated to the blacks is poor and incapable of being developed. Furthermore, the Bantustans are divided up into as many as ten unviable tiny parcels of land with no contiguous areas and separated by land reserved for use by whites. The Bantustan policy also discriminates cruelly against the millions of urban Africans who have not seen or have not been directly attached to any homeland, and whose present and future attachment lies with the industrialized city in which they work and to the townships from which they commute long distances each day of their working lives. This no solution for the future needs of all South Africans. These artificial economic divisions, furthermore, make no sense in a sophisticated national and international economy that demands increasing regional economic integration rather than the contrary.

The violence that took place at Sharpeville years ago and last year at Soweto (the latter resulting in a least 400 deaths) was not the result of outside instigations, as has been alleged by South Africa; rather, it reflects the profound discontent and frustration of the majority and their determination to obtain the justice they have been so long denied. They look to the north and see that all their African neighbours have obtained the right to rule themselves. That does not mean to say that these countries have achieved perfect societies -- no country can claim that distinction. The challenges of development in Africa are great, and the problems severe. But each country in its own way is seeking ways of bringing the fruits of development to all of its citizens. The disadvantaged citizens of South Africa demand nothing more than the same basic human rights, and they will not rest until they have achieved their goal.

The events at and following Soweto constituted a terrible human tragedy. But the greatest tragedy of all has been the South African Government's reaction to these events. Thousands of people were detained without charge or were arrested for no other reason than their status as social, religious or political leaders. Scores of them have been brought to trial under the repressive body of apartheid legislation. As many as 18 are said to have died during interrogations and captivity, and there are indications that large numbers of others have been tortured or subjected to undue coercion.

We recall that, in October 1974, the representative of South Africa said here, in this body, that it was the intention of his Government to do away with discrimination on a racial basis. We have waited in vain for meaningful action, but only to the extent that they presage a change of mentality within the South African Government. It has remained evident, however, that in reality no effort is being made to begin dismantling apartheid or removing from it even its harshest and most repressive aspects. On the contrary, the Government has continued to add to the body of repressive legislation that supports the system. Recently it indicated the intention to severely restrict the freedom of the press. That action, if pursued, would constitute a severe blow to the very limited body of freedoms existing in South Africa and to one valued by all South Africans. We have noted that consideration of the pertinent legislation has been deferred for a year in the expectation that the press will discipline itself. These moves towards control of the press seem to us ominous, as they will jeopardize the possibilities that a free press offers to the South African population for analyzing its situation and seeking solutions to its pressing problems.

It is important to recognize that the key element in the evolution of South African policies in the direction we all want to see is the attitude of the South Africans themselves -- and by that I mean the totality of the population. I have no doubt that, over time, the pressures induced by the events in Soweto and Sharpeville, the solidarity demonstrated by white university students for their black and coloured comrades, and the increasing level of active resistance to social and economic abuse will be the decisive element in changing the present policies of the Government.

This, of course, does not relieve us of the responsibility to do everything within our power that we collectively deem appropriate to support the efforts of the people of South Africa to achieve self-determination and to promote the objectives that we have identified and, one hopes, will agree upon in the course of this debate.

Canada, for its part, in 1963 voluntarily placed an embargo on the sale of military equipment to South Africa and in 1970 extended this embargo to the export of spare parts for such equipment in accordance with relevant Security Council resolutions. Canada is, furthermore, a major contributor to the United Nations and other multilateral non-governmental funds that have been established to provide education, training and humanitarian and development assistance to the African peoples of Southern Africa. We discourage sporting contacts with South Africa by refusing any moral or financial assistance to Canadian individuals and teams that decide to compete in South Africa and to any sporting event held in Canada in which South African teams participate. We support international actions on this subject because sport in South Africa, by law, has been and is still organized on a racial basis, contrary to the Olympic principle.

We also engage in major programs of cooperation with the independent countries of Southern Africa in order to contribute to the development of these countries and to assist in their task of building societies with social and economic justice for all their citizens. These will stand as proof that there is no foundation for the racist arguments of minority regimes that stability, justice and civilization will be undermined should the majority of African peoples of their countries be permitted a full and equal voice in the government of those countries.

An essential element of Canadian foreign policy is that we trade in peaceful goods with all countries, even those with whose politics we are in profound disagreement, subject to our obligations under Chapter VII of the UN Charter. Canada will, of course, continue faithfully to implement all mandatory decisions of the Security Council in accordance with the obligations under the UN Charter. The Council will be influenced in its decisions by the nature of future developments, as they affect not only South Africa itself but also Zimbabwe and Namibia, and in that respect the Canadian Secretary of State for External Affairs said recently: "It is my judgement that, if there is not some movement, clear and

visible in the foreseeable future, then we run the real risk in Southern Africa of seeing a very bloody conflict erupt...".

The Canadian Government believes it is essential at this stage to take fullest advantage, and to make constructive use, of any influence that can be brought to bear on the Government of South Africa by those countries that maintain relations with it. In this group of countries, let us be frank, the United States is preeminent and we are impressed by the resolve expressed by the new Administration to use its best efforts to achieve our common purpose. In our view, the Council as a whole should do everything possible to take advantage of it. Of course, we cannot be sure of the outcome, but that, in itself, cannot help but influence the future policies of governments whose position on these issues will be decisive.

We believe that the Security Council at this moment has the possibility to take a significant and constructive step. We hope that it will have the courage and wisdom to do just that. It is for this reason we consider it important that the Security Council, for a period, depart from the kind of approach that has so far proved ineffective, and instead adopt a declaration of principles on Southern Africa that will serve as a statement of purpose for all members of this Council in terms of our objectives in Southern Africa. The adoption by consensus of such a declaration will serve a dual purpose. It will, on the one hand, serve as an unequivocal declaration to the Government of South Africa of our intentions. On the other, it will serve as a clear description for the citizens of our countries of the policies of Security Council members towards these unresolved problems and thereby as a vehicle to mobilize public opinion towards our objectives. In other words, in pursuing this course of action, we shall be enlisting the active support of all members of the Council in working towards a resolution of the problems of the area.

Human Rights Violations and Refugees

Speech by Mr. Allan Gotlieb,
Under-Secretary of State for External Affairs,
to the Canadian Human Rights Foundation,
11 June, 1979.

I was invited by the Canadian Human Rights Foundation, an organization that I hold in the highest esteem, to address this conference on a human rights subject of my own choice. Since the conference is focusing on human rights aspects of Canadian immigration and refugee policy, I thought I would attempt an analysis of the relationship between human rights violations and refugees, drawing in particular upon the situation in the Indochina region.

Many factors can lead to the displacement of people within their own countries and on occasion from their own to neighbouring countries. Whatever the cause, be it civil war, regional conflict or natural disaster, the international community responds to the plight of those affected through international humanitarian organizations. It is Canada's practise to give full support to international relief activities. We have at times contributed as much as 10 percent of the total cost, particularly to Red Cross appeals for immediate and invaluable on-the-spot assistance to victims of disasters.

Movements of people of the kind I have just described may, though large in magnitude, be of a nature susceptible to solution in the short or medium term. More intractable, however, are the situations which give rise to the creation of refugees in the internationally accepted sense, that is, persons who, owing to a well-founded fear of persecution, have left their country of nationality and are unable or unwilling to return.

The existence of small numbers of refugees from a country may suggest that it falls well below international standards in certain areas in the treatment of its citizenry, though it may have a relatively decent over-all record in human rights terms. When, however, the flow of refugees assumes major proportions, one must look to the root causes. National and regional conflicts may be a factor, but experience shows that there is frequently a relationship between major outflows from a country and gross and persistent violations of human rights in the country concerned.

The United Nations High Commissioner for Refugees (UNHCR) estimates that there are at present as many as 10 million refugees in different parts of the world. It is a distressing situation and one, I believe, which reflects the state of human rights in many areas of the world.

There appears to be a causal relationship between human rights violations and political instability -- both within a country and within a region. The stability of most countries and of most regions is tenuous at best. When a regime severely represses its citizens, it causes a reaction which in turn threatens the country's stability. In response to the threat to its stability, the regime tends to increase its repression, which in turn increases the reaction. There is therefore a mutually reinforcing spiral of repression and instability.

When the state of repression within a country is serious enough to cause major outflows of refugees to a neighbouring country or countries, the stability of those countries may be threatened. This is particularly the case where there are territorial claims by one country on the other or aspirations to the territory of one on the part of the other. The refugees can be judged by the receiving country as constituting a potential fifth column. Such events can lead to further serious deterioration of relations between the countries in question. It can even lead to conflict.

As an example, we might consider the situation which is commanding international attention -- the continuing exodus of people from the countries of Indochina. That exodus -- tragic in its human proportions -- is causing great strain on the countries providing first asylum to the refugees, and risks increasing further the instability of the region.

The number of Indochinese who have fled their countries of origin since 1975 has reached 900,000. Of these, 200,000 have been resettled in China and 300,000 primarily in the U.S.A., but also in significant numbers in France, Australia, and Canada. A further 150,000 Cambodians are in Vietnam awaiting repatriation. As well, 265,000 Indochinese refugees are in temporary asylum in camps throughout Southeast Asia.

What has caused these movements?

The atrocious conditions in Cambodia under the Pol Pot regime resulted in an outpouring to Vietnam and Thailand of approximately 190,000 people. Well-founded reports suggested a situation in Cambodia of seldom paralleled barbarity. Killings had been indiscriminate and the population existed in a state of fear and misery. I might note that Canada took an unprecedented action in presenting a report on the situation to the UN Human Rights Commission and calling for an immediate investigation. Later at the UN General Assembly the Secretary of State for External Affairs urged that international opinion be brought to bear on the Cambodian Government for the sake of the victims of its actions.

The flow from Cambodia continues, but its nature has changed. The present conflict there involving Vietnamese troops and Cambodian Khmer Rouge forces continues to generate a major influx of Cambodians into Thailand. Some are supporters of the former Pol Pot regime, but others are helpless civilians caught up in the turmoil of the conflict.

In the case of Laos, some 140,000 of its people have fled to Thailand. It is little known in Canada that the Laotian Government, assisted by an estimated 50,000 Vietnamese troops garrisoned in Laos, has over the past several years conducted a systematic campaign against the hill tribe people. There have been persistent violations of human rights in lowland Laos as well, particularly against the non-ethnic Laotians. An imposed restructuring of the Laotian economy, forced labour camps and political indoctrination are all part of the picture. It is not surprising therefore that several thousand Laotians continue to leave their country each month.

But the aspect of the Indochina refugee problem that has seized the attention of the international community is the exodus of Vietnamese from their country in boats. It is true that the flight of those closely

connected with the former South Vietnamese Government was anticipated after the fall of Saigon in 1975. What has come however as a shock to the international community and a blow to the ASEAN (Association of Southeast Asian Nations) countries of the region, is the dramatically increasing outward movement which dates from the spring of 1978. Early in 1978 it averaged 3,500 a month. By the end of the year it reached a level of 10,000 a month. It is now rising again. The estimated outflow for April was 25,000, and there are few signs that it will diminish in the immediate future. This is no minor phenomenon indicating localized discontent; it is an exodus. When a flow of people reaches these proportions, there must be something seriously wrong in the way in which they are being treated by their government.

The situation in Vietnam is complex. The country has been disrupted by decades of warfare. It has recently suffered serious floods. There is a shortage of basic food staples and for a variety of reasons, the economy is in serious difficulty. Military activity has not ceased; Vietnam is engaged in military activity in Cambodia, and although open hostilities with China were short-lived, the tension on the border continues.

Are these factors the cause of the outpouring of refugees from Vietnam? It is our belief that while they are contributing factors, they are not at the heart of the problem. All evidence available to us indicates that human rights are being seriously disregarded in Vietnam and that there is a deliberate Vietnamese policy to rid the country of certain elements of its population.

The refugees face tremendous hazards in leaving. Many thousands have perished at sea, or as a result of attacks by pirates. It is a telling reflection of the situation in Vietnam that the prospect of such a fate should be more attractive than remaining at home. The precipitate outflow from Vietnam means that the refugees either will perish or will turn up unwelcome on the shores of countries which have their own serious social, political and economic problems.

Humanity demands that the countries of asylum take in the refugees and for the most part the response of the countries of Southeast Asia has been extremely generous. We might ask ourselves how Canadians would respond if thousands of individuals from any other country landed uninvited on our shores. With the increasing burden, and the resulting social and economic tensions, we

are seeing an increasing tendency of the countries concerned to react less generously and to seek to discourage refugees from landing on their shores. The refugees then have no choice but to try another nearby country and, once again, to risk being rejected. A rigid policy on the part of one country will cause predictable difficulties for others. Yet the refugees' fundamental right to leave must be respected, particularly as remaining, in the present circumstances, threatens their very survival.

A situation of such magnitude in humanitarian and political terms demands, and is receiving, an international response.

The countries most concerned with the Indochina refugee situation include, of course, the countries of the Southeast Asian neighbourhood which are providing temporary asylum to the refugees; those which have traditionally resettled refugees; and those which are major financial supporters of UNHCR programs. These countries, of which Canada is one, met in December and January under UNHCR auspices in an attempt to develop a co-ordinated international response to the situation.

The UNHCR seeks as a first preference to return refugees to their country if circumstances permit or, alternatively, to provide for resettlement in neighbouring countries. In the case of the Indochinese refugees, it is unlikely that in the foreseeable future they will be able -- or indeed willing -- to return to their countries. Furthermore, for political and sociological reasons, it is not possible for the great majority of them to be resettled in the countries of first asylum. In fact, of those involved, only some proportion of the Laotians in Thailand would appear to be able to be temporarily resettled in their country of first asylum. The High Commissioner has had to seek resettlement places for most of the 265,000 in his care in camps in Malaysia, Thailand, Indonesia, Philippines, Singapore and Hong Kong.

It is clear, however, that the situation cannot be addressed only in terms of finding resettlement places. The High Commissioner for Refugees must, with the support of the international community, ensure that each refugee is provided first asylum in the country on whose shores, or at whose frontier, he has arrived. Each refugee must be protected against forcible return to the country he has just fled. Each must be provided with the food, shelter and medical care necessary to ensure his

survival. The UNHCR must, subsequently, seek to obtain a final resettlement place for him.

One must ask how the international community can respond in political terms to the problems created by Vietnam.

The answer is not easy to find. It is Vietnam's closest neighbours, the countries of the Association of Southeast Asian Nations -- Indonesia, Thailand, Malaysia, Singapore and the Philippines -- which are likely to have the greatest impact on the policies of their neighbour. The ASEAN countries are increasingly, but in low-key terms, drawing to Vietnam's attention the seriousness of the effects on them of Vietnam's policies. They speak too of Vietnam's responsibilities in terms of controlling the outflow and of managing the departures from the country in a civilized, humane way, not involving blackmail and danger. But they are also calling on Vietnam to create conditions from which people will not want to flee. They made these views known at a meeting in Jakarta May 15 and 16 which considered a proposal for an ASEAN refugee processing island. At that meeting, Canada and other countries also voiced their concern. I might note that Canada made the same point at the UN General Assembly last December, urging that the Vietnamese Government make the necessary adjustments to its society to provide a place for each and every citizen.

I will digress here to comment for a moment on the ASEAN processing island concept. It is an interesting proposal, and one which we support. But as presently envisaged, the island camp will have a limited effect in relieving the existing pressure on the countries granting first asylum, and therefore on encouraging a more generous response on their part. The Indonesian island will accept from UNHCR camps, especially those in Malaysia, up to 10,000 refugees who have already been processed and selected for resettlement in a third country, but who for lack of quota places in the resettlement country must wait in camps in Southeast Asia for a lengthy period. It will be used primarily for those destined for the U.S.A. The Americans, by making use of their quota commitments for future years, can process numbers beyond their present quota. This would relieve pressure on the existing first asylum camps.

The difficulty is that the Indonesian island camp will be limited to 10,000 refugees. Five times that number of pre-selected refugees could be moved to such a

camp almost immediately. If, therefore, the number to be accommodated by the island processing camp were to be greatly expanded, or if other facilities of a similar nature were to be created, the concept could have significant positive effect on the overall situation. As I have mentioned, however, the broader problem must also be dealt with at its source, namely in Vietnam.

Earlier this year, Vietnam appeared to be partially responding to international opinion. After a lengthy discussion initiated by Canada, Vietnam agreed to arrangements for procedures to facilitate the reunification of families of the 11,000 Vietnamese who have settled in Canada since 1975. The Vietnamese Government is demonstrating an apparent willingness to proceed with this important program. We greatly welcome these indications and hope that they will result in the earlier reunification of families too long divided. In a further positive development, Vietnam announced it would put an end to the outflow by sea by permitting an orderly movement of people, including family reunification, under the auspices of the UNHCR. This seemed to be a promising beginning. It does not appear, however, to be matched with domestic measures aimed at reassuring the large numbers of Vietnamese citizens that they have a place in their own country.

I have commented at length on the refugee situation in Indochina as an example of the complexity of the issues that come into play in such a situation. I must say that we are frustrated at the inability of the international community to put an end to the systematic persecution which has created refugee situations in all parts of the world. Enforcement mechanisms do not exist. Prospects for reaching even broad agreement on the desirability of drawing international attention to bad situations are not promising. In realistic terms, the best we can do is marshal opinion and focus attention on the problem and its causes. In matters of conscience, an articulated expression of our concern, repeated and amplified throughout the world community, can be a potent influence. While not correcting the problem, it may curb its worst excesses.

We feel particularly well-placed to concern ourselves with refugees and human rights because our country has responded generously to virtually every major refugee crisis since the Second World War. We have, since the War, taken in 350,000 refugees and displaced persons. We have also provided significant financing to the UNHCR

for this important task. Our contribution in the five years from 1973 to 1978 totalled \$13 million. This year alone we are taking in 10,000 refugees and more through private sponsorship. We have allocated as much as \$4 million for support of the UNHCR and special refugee appeals and an additional \$5 million for international emergency relief for natural or man-made disasters. In addition we have contributed \$4 million to UNRWA (United Nations Relief and Works Agency for Palestine Refugees in the Near East), \$8.5 million to UNICEF (United Nations Children's Fund) and \$95 million to the World Food Program, all of which respond substantially to refugee and other serious humanitarian situations.

Therefore, at the Human Rights Commission this spring we determined to explore on a humanitarian and non-political basis the question of refugee outflows and human rights abuses. We tabled a resolution which noted concern about large-scale exoduses and the human suffering they cause, as well as the problems they create for the international community. Our resolution called upon all states to alleviate the conditions which precipitate such exoduses and to find enduring solutions for such situations. It asked the Chairman of the Human Rights Commission -- who was, by the way, Canadian Ambassador Yvon Beaulne -- to appoint a special rapporteur to investigate situations which had led to large-scale exoduses in order to determine possible relationships between violations of human rights and these exoduses.

The Canadian draft resolution was favourably commented upon in debate by a few western states but apart from those, it was received in silence. Countries were silent, we believe, because they feared the implications of any such investigation given that refugee situations exist in all parts of the world. It was not possible to bring the resolution to a vote, but we plan to continue to explore it. The draft resolution did provoke discussion in corridors, and may thereby have exerted some moral pressure on the states of exodus.

In many countries human rights abuses occur but people cannot flee to tell the tale. They have either been imprisoned, killed or have disappeared. Increasingly, not only western countries but also some third world countries are coming to realize that the international community must in grave situations make its concerns felt. They are beginning, though very tentatively, to support "in camera" discussions, and

subsequent contacts, with countries which appear to have serious human rights problems.

We hope that such contacts and subsequent investigations will become a matter of course. We hope that in the longer term, it will become inevitable, rather than exceptional, that the international community as a whole will take up the cause of victims of persecution.

Violation of Human Rights in Poland

Address by the Honourable Mark MacGuigan,
Secretary of State for External Affairs,
To the Fifth Session of the CSCE Madrid Follow-up Meeting,
Madrid, Spain, 9 February, 1982.

I last spoke before this meeting at its opening session on November 12, 1980. At that time I indicated that the world was a better place for the conclusion of the Helsinki Final Act in 1975. Among other achievements it has resulted, as I said then, in a "recognition that, with all due respect for national sovereignty, no state is an island unto itself, able to conduct its affairs, either internal or external in complete disregard of its neighbours". When our heads of state and government signed the Final Act, we took upon ourselves certain commitments of the highest political and moral order with respect to principles which should guide relations between states. These are contractual obligations which we made with one another. When these obligations are not observed, it is the right, and indeed the duty, of participating states to draw attention to the violations. In so doing, the question of intervention in internal affairs of other participating states simply does not arise.

It was our unhappy duty during the review of implementation to draw attention to the Soviet Union's intervention in Afghanistan, which directly challenged the principles of sovereign equality, of refraining from the threat or use of force, of the inviolability of frontiers (to which the Soviet Union claims to be much attached), of the territorial integrity of states, of non-intervention in internal affairs and of equal rights and self-determination of peoples, and also challenged the injunction to conduct our relations with all other states in the spirit of the principles contained in the Final

Act. The principles are still being called seriously into question by the continuing Soviet armed presence in Afghanistan. This must inevitably have a profoundly negative effect on détente and harm the prospects for a meaningful dialogue between East and West on those issues which divide us.

In reviewing our respective implementation of the provisions of the Final Act, it was also my unhappy duty, and that of my delegation, to draw attention to the manifold violations of human rights which have taken place in the Soviet Union and in certain other participating states. In particular, my country is distressed by the continuing suppression of members of the Helsinki monitoring groups, by state supported anti-semitism, by the denial in some participating states of the fundamental human right to leave one's country and harassment for attempting to do so, and by the persistent denial of fundamental religious freedoms.

Review of implementation is an integral part of our CSCE process. It is not only required by the obligations our countries freely undertook on an August day in Finland in 1975. It is indeed the very foundation for the validity of the CSCE process. What is the sense of drawing up new agreements when old ones are not kept? It is to build on shifting sands.

I cannot say that my government was overly sanguine when the results were in from our initial review of implementation at this Madrid meeting. But as an act of faith, if you will, and appreciating the importance of revitalizing détente, we were prepared to proceed, to try to reach agreements which would develop further the Helsinki Final Act and contribute to the strengthening of security and cooperation in Europe.

Fifteen months of the most difficult, arduous negotiations are now behind us. We have worked assiduously with others to achieve a precisely defined mandate for a conference on disarmament in Europe. We have tried to reach agreement on provisions which would afford protection for Helsinki monitors, and for the basic right of citizens of our respective countries to know and act upon their rights. As is well known, my delegation has sought the agreement of others to hold an experts' meeting which might bring us closer together in our understanding of human rights and fundamental freedoms and thus help to remove a serious impediment to better relations between East and West.

After 15 months, we can say that we have made some very modest advances. Agreement on the important issues has eluded us, although the draft final document which has been tabled by eight participating states might yet serve as a basis for negotiating the balanced and constructive results we must have. But now events have come to pass which point up how woefully inadequate our efforts have been and suggest that when we again turn to the business of negotiation, strong provisions, particularly on human rights, will be required.

A new situation has arisen, which is clearly eroding the prospects for the strengthening of security and cooperation in Europe. The imposition of martial law in Poland on December 13, 1981, and the regulations made under it have, as the Prime Minister of my country stated on December 30, further defaced the already battered vision of a European order based on respect for the obligations assumed voluntarily by governments under the Final Act of Helsinki. The situation in Poland calls into particular question of commitment of Polish authorities to the principle governing respect for human rights and fundamental freedoms, and to that of equal rights and self-determination of people. Although, as I said in November 1980, human rights are open to varying interpretations, the Final Act does require agreement on certain concepts and on the inherent dignity of the human person.

As signatories to the Helsinki Final Act we agreed, pursuant to Principle VII, to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion". We also agreed to "promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development".

The commitment of the Polish Government to fulfill its obligations under Principle VII has clearly been abandoned in the events which have transpired in Poland since December 13, 1981. Thousands of people have been interned, simply for having been active in an organization duly recognized by the Polish courts. They have been charged with no criminal offenses. They are simply being held, being allowed minimal contacts with their families and friends, at the pleasure of the

Government. While it is true that some have been released, those that have been set free have, in most cases, paid a price for their liberty. They have had to sign statements, which in many cases involve renouncing their membership in what is still a legally recognized institution, even if its activities have been suspended under the terms of the martial law decrees. It is not only those who have been interned who are being forced to sign such statements, however; thousands of ordinary Polish citizens, under the threat of losing their jobs, are being similarly coerced, as the tentacles of the verification process spread their way through the entire fabric of Polish society. These people are not being permitted to exercise their free will, nor the freedoms of thought and conscience which their country's signature of the Helsinki Final Act ought to have assured them. We have, in fact, a situation in which the governing authorities of a country which has advocated "the right to life in peace" has interned its own people in an extended "state of war".

Principle VII of the Helsinki Final Act states that the participating states will respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of states. By virtue of this principle, all people always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political economic, social and cultural development.

At the time of the imposition of martial law in Poland, nearly ten million of the country's work force of some 14 million belonged to "Solidarity". They were supported in their efforts to improve the economic and social conditions prevailing in Poland by their families and friends, by the million strong membership of Rural Solidarity and by millions of sympathizers and admirers around the world. Their valiant efforts to exercise their right to self-determination gave us all hope in the power of the individual to take his life in his own hands, to join together with other like-minded individuals, and together to build a better future. These hopes were quashed on December 13, 1981. The present Polish authorities have not, despite all their efforts, been able to explain to our satisfaction why they acted as they did, where the threat of civil war and anarchy came from.

I also wish to denounce other restrictions imposed following the declaration of martial law. Prior to December 13, the Polish Government had undertaken a number of measures, specifically a liberalization of passport regulations which enabled more Polish citizens to travel abroad, many for the first time. We commended these steps on the part of the Polish Government which clearly facilitated the freer movements and contacts, individually and collectively agreed to in the Human Contacts section of the Helsinki Final Act. This encouraging development was effectively guillotined on December 13, and now even private travel to Poland is virtually impossible. Family meetings, except in cases of grave illness or death, have been virtually halted.

As signatories to the Helsinki Final Act, we agreed to facilitate the freer and wider dissemination of information of all kinds. With the imposition of martial law, the jamming of certain radio stations broadcasting into Poland began, some of it from another country. This action directly contravenes the obligations undertaken by Poland in the Third Basket of the Final Act, and is therefore entirely unacceptable.

Canada has stated on numerous occasions that Poland must be left to resolve its political and social difficulties without outside intervention. We believe firmly that only the Poles themselves have the right to determine their national destiny -- but it must be all Poles, not just a small ruling class.

In his statement on December 30, 1981, the Prime Minister of Canada called for national reconciliation in Poland. As he put it, "Now is the time to begin the movement towards compromise and renewal. Military rule cannot be a permanent answer in Poland or in any other country. Armies may command the streets, but they cannot command the confidence of the people; that can only be earned through actions which engender political assent. The earnest desire of the Canadian Government is that the spirit of reform will be allowed to revive among all those forces in the society that can contribute to a peaceful and constructive solution of Poland's problems".

But time is moving on and patience wears thin. I therefore call for an immediate amelioration of the situation which, in addition to a genuine and visible movement towards reconciliation, would include the lifting of martial law and the release of those now held in

detention. Early movement in regard to these considerations will create an environment in which the interest of all of us will be to help Poland to overcome the grave problems which it faces, resume its obligations as a signatory of the Helsinki Final Act, and take its proper place in the concept of Europe.

The Soviet Union evidently considers that it has the privilege of playing a role in influencing the internal affairs of Poland and other states of Eastern Europe. We reject this position. The political configuration of Eastern Europe is not immutable. The Final Act held out the prospect of peaceful change, and of the development of a constructive understanding in East-West relations. The U.S.S.R. has no right to interfere in the national political and social development of any country. Such action is contrary to the spirit of the Final Act.

The Soviet Union denies it has played a direct role in events in Poland but we see otherwise. The Soviet Union cannot deny that twice in the last year, in an obvious effort to intimidate its neighbour, Soviet forces held unusually large exercises close to the Polish border. The political message was obvious to all. The Soviet Union cannot deny that for months prior to the imposition of martial law, the government controlled Soviet media undertook a strident propaganda campaign designed to treat national antipathy towards the Polish people and to intimidate their efforts to reconstruct their social system.

The Soviet Union must cease its interference. The events in Poland were counselled, induced and abetted by Soviet actions. The threat of direct intervention remains. I call on the Soviet Union to honour its international commitments and allow the Polish people their inalienable right to pursue a policy of national renewal and reconstruction without threat or menace.

In summary, I believe we now find ourselves confronted with a situation which, if the CSCE process is to retain its credibility, cannot be ignored. Failure to face this situation squarely will do yet further damage both to détente and the CSCE process in which we have all placed so much hope for the future.

Urgent Need for Peaceful Reform in South Africa

Speech by the Right Honourable Joe Clark,
Secretary of State for External Affairs,
to the Royal Commonwealth Society,
London, England, 29 July, 1985.

I am here in two capacities. The first is that it is now my honour to lead Arnold Smith's old Department, and there is a particular Canadian pride in the anniversary and success of the Commonwealth Secretariat.

My second credential is as a reformed sceptic about the Commonwealth -- made sceptical originally by a suspicion that a club of old colonies would be better at talking than acting; and reformed by the best teacher -- the experience of seeing the Commonwealth at work. I represented Canada at the Heads of Government Meeting in Lusaka, when the prime ministers of Great Britain, Tanzania and Zambia, with encouragement from the rest of us, worked out the agreement on Zimbabwe. That was action, not talk -- historic action reflecting great courage and skilful compromise. Many leaders contributed to that result, but I think it appropriate to note the particular determination and vision of the Prime Minister of Great Britain, in choosing the right time to move her country and our Commonwealth forward on a crucial issue. The example should remind us that the Commonwealth can be an instrument of profound change, if its members work steadily together.

A determination to work together that way is more important now than ever -- not simply in the face of urgent current issues, but also because the world needs international institutions that work. If I may be immodest on my country's behalf, Canada is well placed to make that observation. Through 40 years and governments of both our parties, Canadians have been unusually active

in helping to extend international order -- in Indochina and in Cyprus; in development and on arms control; in response to the crisis of refugees or famine; and in preparing the way for new regimes of international law. Whatever that says of our character, it is testimony to our prudence because we know that the interests and security of Canada depend on making constant progress against the poverty and prejudice, the fear and zeal that are the enemies of international order.

No one is immune to the consequences of disorder. The bomb at Narita Airport was in baggage shipped from Canada. The breakdown of world trading arrangements cost Canadian jobs. Local conflicts that escalate, or become infected by larger rivalries, threaten the security of all of us equally.

There is nothing new about these observations except, perhaps, that they have become so familiar that we take less account of them than we should. Forty years ago, freshly conscious of the devastation that can grow when nations go their separate ways to war, world leaders established the United Nations system. Much of our successful history since that time has been a history of alliances -- the North Atlantic Treaty Organization (NATO), the General Agreement on Tariffs and Trade (GATT), the European Community, and a multitude of more local arrangements -- whether bringing together the nations of Southeast Asia, or keeping peace in Cyprus or the Sinai.

Shocked by war, we found ways to work together. Now, sheltered by relative peace, we are drifting away from the international system that helped build that peace. The United States, Great Britain and Singapore, after careful consideration of their national interests, have served notice on the United Nations Educational, Scientific and Cultural Organization (UNESCO). India and Brazil and others resist renewal of multilateral trading negotiations. Greece is reconsidering its role in NATO. Instead of sending signals of leadership, the European Community is characterized by its bureaucracy and disputes, the General Assembly by its cacophony, the Security Council by wilful impotence. In Central America, the Contadora process seems stalled. In Namibia, the Contact Group, including Canada, has taken no effective initiatives. While bombs kill baggage-handlers, and the hostage-taking at Beirut is treated as live "soap opera", all civilized nations lament terrorism, but are slow in finding practical ways to fight it.

Against that trend of course, there are solid new international initiatives: The response to the famine in Ethiopia; the refreshing possibility of a summit of francophone countries; the new attention that is being paid to terrorism and to the trade in drugs.

And there are brilliant, unsung, successes. I spent part of last week in a refugee camp just inside Thailand, where the United Nations Border Relief Organization (UNBRO) is working with some of the bravest people I have ever met -- Cambodians uprooted from their homes and, with UNBRO, building literacy and hope and health in the shadow of Vietnamese shelling.

The world works. The United Nations Children's Fund (UNICEF) is saving 400,000 children each year from death by malnutrition and disease. The crushing debts of Mexico and Brazil are gradually being worked down by international agreement, as was India's earlier. While local wars have taken countless lives, and atrocities continue daily in Afghanistan, and South Africa, and Cambodia, and Chile, the striking fact of these last four decades is that we have escaped the devastating global wars that twice destroyed the world in the 40 years before 1945.

But one does not save children, or reschedule debt or avoid world war by accident. That is the hardest of work, and requires, in addition to dedication, a continuing commitment to international systems and institutions.

That brings me directly to the Commonwealth, whose success is particularly important in an age where other international institutions are less successful, but which is also vulnerable to scepticism and complacency.

It is fair to say that the modern postwar Commonwealth came of age with the establishment of the Secretariat in 1965. It found its mandate then with the launching of its highly successful aid and development programs -- and it found a new vocation in the active role it assumed in facilitating the process toward Zimbabwe's independence. In that case, and with the Gleneagles Agreement, the Commonwealth demonstrated a capacity to achieve significant political change. That capacity must be exercised with care, but it characterizes the Commonwealth as an agency of action, not just talk. So does the quieter progress made on other issues -- the survival of small island nations; the pioneering studies

on the world financial and trading system, and on indebtedness among developing countries; the nurturing of nearly 300 non-governmental Commonwealth organizations.

I am particularly pleased by the informal practice of having Commonwealth ministers meet just before major UN conferences, to explore the possibility that this particular family might find agreement that could elude larger assemblies. Special Commonwealth consultation in UNESCO has helped bring both progress and perspective to the process of reform required in that organization. The meeting of Commonwealth ministers responsible for women's affairs, just before the end-of-decade conference in Nairobi, helped focus attention on the basic questions of access to technology and credit and ownership of land.

That practice takes advantage of the two characteristics which make the Commonwealth successful. The first characteristic, of course, is that we reach across oceans and languages and races and conditions of development. The second characteristic, just as important, is precisely that we have developed the habit of working together, or looking beyond differences, instead of seeking refuge in them. To return to my own experience, the conference at Lusaka was one of three that summer. It was preceded by an economic summit at Tokyo in which Great Britain and Canada participated. It was followed by a meeting of the non-aligned in Havana, in which Great Britain and Canada did not participate, but much of the rest of the Commonwealth did. Of the three meetings, the rhetoric was calmest, the perspective broadest, at Lusaka. That ability to find common ground, in a world tempted by extremes, is what makes the Commonwealth invaluable.

Our great challenge now, of course, is to apply that tradition to make progress against the scourge of apartheid. Many of our national governments have taken individual actions respecting South Africa. In early June, I announced a series of measures by Canada: Ending our double taxation agreement and the application of our global export insurance; tightening our Code of Conduct and requiring the publication of compliance reports; stopping exports of sensitive equipment like computers; and increasing substantially our funding of the education and the training of blacks in South Africa and Canada. In our case, these actions and others were the first results of a policy review our new Government is conducting. I made it clear that other steps would follow, and that they

would be considered in close consultation with other members of the Commonwealth.

Our late Prime Minister, John Diefenbaker, was a leader in the decision by the Commonwealth Conference of 1961 to expel South Africa. He said, at that time, that there would always be a light in the window for South Africa -- an opportunity to resume old ties when apartheid was abandoned, and all South Africans were treated on the same basis under their law and constitution.

That conference of expulsion was nearly a quarter century ago and apartheid continues and violence grows in South Africa, as the revulsion against apartheid grows in my country. We cannot accept that the majority of South Africans should remain on the outside, deprived of dignity and basic human rights, harassed by police, arbitrarily held in detention, denied citizenship, some separated from their families, all deprived of a true voice in their own country's affairs.

These next few weeks seem likely to be marked by more violence within South Africa, and more condemnation outside. The worst result would be for the solitudes to deepen, the violence to grow. The special duty of the Commonwealth and its member Governments is to point the way to reforms that will both end apartheid, and rebuild relations with South Africa.

One can never judge with certainty the weight of international opinion. We must assume that leaders of government and industry in South Africa want their country to live in harmony with others, not in deepening hostility. And we must remember that our practical purpose is to change opinion and behaviour with South Africa.

That requires unflagging firmness in the condemnation of apartheid, and a determination to find ways to bring different parties together toward reform.

I applaud the initiative of Bishop Tutu in offering to meet the President of the Republic of South Africa, and have been encouraged by what appears to be a positive response to that initiative by South African authorities. Other similar actions by South Africa would improve the rate of progress, and reduce the risk of violence.

Serious dialogue must begin with leaders who have the trust of the black community. The release of Nelson Mandela, and his involvement in such a serious dialogue, would be a significant step towards trust and peaceful reform.

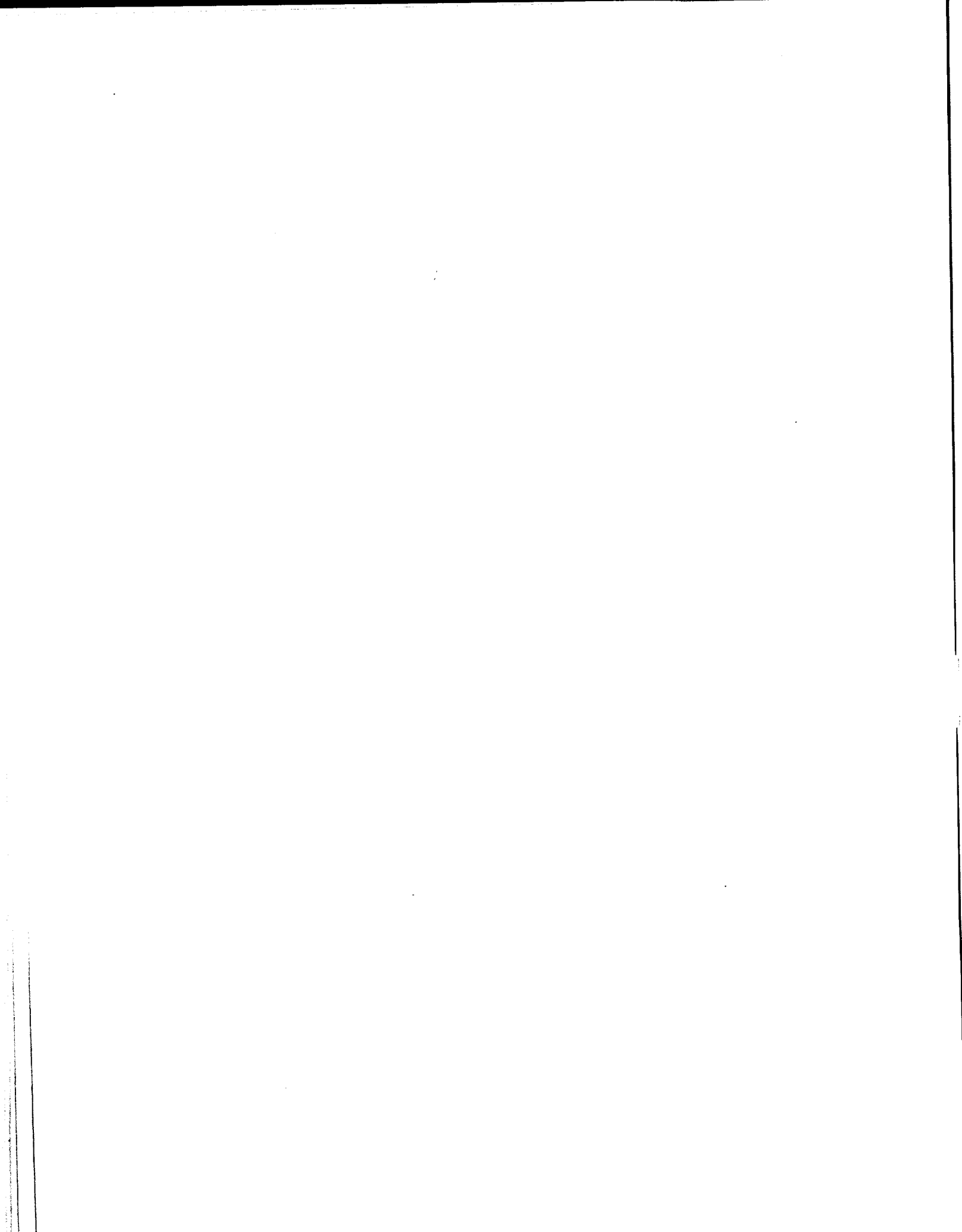
The Government of Canada urges South Africa to stop the arrests and end the detention without trial of those who have called for, and participated in, non-violent protests. Imprisoning hundreds is no way to start a dialogue. Those who are detained, and forced to be silent, cannot contribute to reconciliation, or help to achieve a true and equal partnership. In the interests of peaceful change, and as a prelude to genuine dialogue, we urge the Government of South Africa to state clearly now that its objective is to end apartheid, and to replace it by a system based on full partnership and equality.

No one mistakes the determination of the Commonwealth to end apartheid. There is no doubt that determination remains sharp and clear. We have a particular responsibility now, as events take new momentum, and the choice is between violent and non-violent reform. It is to explore every avenue that may lead quickly to reform, and to use our special influence and experience to prepare the way for progress, after apartheid is ended.

Particular steps may commend themselves to the Commonwealth as an organization. It may wish to explore whether it, or some of its members, can contribute to opening that dialogue between the South African Government, and those who stand in opposition to it. That could perhaps be done by providing an occasion for exploratory talks. If there are any possibilities for opening the door to peaceful change, we should not be deterred by fear of rebuff.

Nor should we assume South Africa will resist real change forever. The recent actions to allow blacks permanent residence in certain urban areas and suspension of forced removals of blacks are at least a step away from the past. As we urge basic reform, we must also emphasize our belief that a change of direction is possible within South Africa and in South Africa's relations with other countries. Of course, the prospect of change will seem frightening to some, and we must encourage an understanding that it is better to abandon conflict and to enter into partnership with all South Africans, and all the world, than to persist in the present course. Among

the duties of the Commonwealth is to keep the light in the window on for South Africa, to urge and facilitate reform, yet keep alive the prospect of reconciliation once apartheid is disavowed and undone.



The Soviet Occupation of Afghanistan

Statement by Mr. Stephen Lewis,
Canadian Ambassador and Permanent Representative to the UN,
to the 40th Session of the UNGA,
New York, 12 November, 1985.

The reports of the International Committee of the Red Cross (ICRC) say it all. At regular intervals, these short documents cross the desks of the missions here in New York, setting out, in unemotional language, the chronicle of a ghastly war.

Each report -- "Afghan Sitreps" they're called -- up-dates the activities of the Red Cross in the border areas of Pakistan. Let me quote briefly from report number 40, issued in July of this year:

"During July, an exceptionally high level of military operations in Pakia Province (Afghanistan) resulted in the highest ever number of war casualties evacuated through the ICRC/Pakistan Red Crescent Society first-aid mobile post in Miramshah to the surgical hospital in Peshawar... In addition to intense surgical activities, the orthopedic and paraplegic centres were also very busy, and a high level of activity was recorded for all other ICRC programmes in favour of Afghan conflict victims".

Report number 41 issued in early September, showed no let-up in the fighting. Indeed, throughout the summer of 1985, the casualties mounted. In the words of the Red Cross: "The number of patients continued to increase during August, and over last weekend, emergency measures had to be taken to strengthen ICRC's medical facilities with the provision of additional personnel and equipment".

But it all hangs on Soviet troop withdrawal. That is the sine qua non. Everyone understands it. If we are back here, same time, next year, it is solely because the Soviet Union continues to believe that nihilism is preferable to negotiation; that butchery is preferable to bargaining. It all raises a series of inescapable hypocrisies. Here we have a country, the Soviet Union, which regularly reminds this Assembly, during debates on regional conflicts, that resolutions, once passed, must be honoured. But this resolution, on the "Situation in Afghanistan and Its Implications for International Peace and Security", is never honoured by the Soviet Union.

Here we have a country, the Soviet Union, which regularly -- almost obsessively -- lectures this Assembly on the right to self-determination of certain peoples. But self-determination, when applied to the people of Afghanistan, becomes a nullity. Here we have a country, the Soviet Union, which regularly denounces, in this Assembly, acts of territorial aggression, and proclaims, in this Assembly, the sanctity of territorial borders. But when it comes to Afghanistan, the aggression is naked, and the increasing cross-border violations of Pakistan's territorial integrity matters not at all. It's awfully useful to have a dialectic which is so infinitely malleable.

Here we have a country, the Soviet Union, which is forever reminding this Assembly of "gross and massive" violations of human rights. Yet before us is Afghanistan, where violations of human rights are not merely gross and massive, they are grotesque and universal. Nothing could convey it better than this excerpt from the Helsinki Watch report whose findings, incidentally, were largely confirmed by the Special Rapporteur of the UN Human Rights Commission. I quote:

"From our interviews, it soon became clear that just about every conceivable human rights violation is occurring in Afghanistan, and on an enormous scale. The crimes of indiscriminate warfare are combined with the worst excesses of unbridled state-sanctioned violence against civilians. The ruthless savagery in the countryside is matched by the subjection of a terrorized urban population to arbitrary arrest, torture, imprisonment and execution. Totalitarian controls are being imposed on institutions and the press. The universities and

all other aspects of Afghan cultural life are being systematically 'Sovietized'."

Here we have a country, the Soviet Union, which worries, in the Assembly, about demands placed upon important agencies within the United Nations system. But directly because of the Soviet invasion of Afghanistan, there has been created in Pakistan the largest refugee population in the world, exacerbating significantly the crisis of resources within the UN High Commission of Refugees (UNHCR). Were it not for the selfless response of the Government of Pakistan, coupled with the extraordinary work of the UNHCR, we would have an ever greater disaster in Southwest Asia. None of that, however, seems to matter to the Soviet Union.

Above all, here we have a country, the Soviet Union, which regularly instructs this Assembly on the imperatives of peace. But this is a highly selective application of the principles of peace. It is meant for all the rest of us. It carefully omits Afghanistan.

As Canada said earlier, Afghanistan will not submit. The conflict may be taking an incredible toll, but there is no sign of subjugation. Karmal remains in power purely by force of Soviet arms. Hostility grows internally. The Government is at war with its own people. Indeed, despite the cruel and inhuman treatment which Russia inflicts on captured defectors and prisoners of war, there is increasing evidence, recently set out in a series of articles in the New York Times, of numbers of successful defections from the Soviet army to the ranks of the mujahideen. That's not surprising. Some Russian soldiers are bound to rebel against so perfidious a war; some will inevitably be attracted to the Afghan cause.

The Soviet Union would wish to draw the curtains of silence over Afghanistan. They wish they could wage their vengeful war in stealth and in private. They wish the war were never reported in the press. Even now, they attempt to staunch the flows of refugees so that word of military atrocities never reaches the outside world. They wish these debates never occurred. They wish the resolutions were never passed.

But it's up to this General Assembly to keep the Afghan cause alive, and to make clear, repeatedly, the condemnation of the world. We must somehow persuade the Soviet Union that negotiation is the only route to world approval. The United States has suggested a regional

initiative; it might well be worth pursuing. Anything is worth pursuing that brings the prospect of a settlement within the stated goals of this resolution.

When he spoke this morning, the Permanent Representative of the USSR made much of the benefactions bestowed upon the people of Afghanistan by Karmal of Kabul. "The campaign against illiteracy is being waged with success," he said. "After the victory of the revolution," he added, "over one million Afghans have learned to read and write."

After the victory of the revolution, over one million other Afghans have been slaughtered. In the choice between literacy and life, they would, as all the rest of us, have chosen life. But why must they make the choice? Why can they not have both? That is the question the Soviet Union refuses to answer.

LIBRARY E A/BIBLIOTHEQUE A E



3 5036 20025536 5

DOCS
CA1 EA 88H75 ENG
Human rights and Canadian foreign
policy : selected statements and
speeches
43247860