

CHECK AGAINST DELIVERY



# STATEMENT DISCOURS

SECRETARY  
OF STATE  
FOR EXTERNAL  
AFFAIRS.

SECÉTAIRE  
D'ÉTAT AUX  
AFFAIRES  
EXTÉRIEURES.

86/65

Luncheon speech by the  
Right Honourable Joe Clark,  
Secretary of State for  
External Affairs, to the  
Canadian Jurists and Lawyers  
for Soviet Jewry

TORONTO

November 13, 1986.

As a Member of Parliament and the 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 fail-safe 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 knows what characteristics define us consistently. One 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 Governments 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 judgment 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 judgments 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 judgment 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 the 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 long-standing 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 an 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.