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**Human Rights: How Can Canada Make A Difference?  
Conference Report**

**September 25-27, 1998**

**The Group of 78  
Cantley, Québec**





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*Compte-rendu d'un colloque sur la politique externe du Canada  
préparé par le Groupe des 78 pour souligner le 50<sup>e</sup> anniversaire de la  
Déclaration universelle des droits de l'homme des Nations unies  
Cantley, Québec  
25-27 septembre 1998*

*Editor: Tim Creery  
Assistant: Nancy Dwyer*



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How Can Canada Make a Difference?**

**Les droits humains: quelle contribution originale le  
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Tel: 613-230-0860  
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- A Foreign Policy for the 80s (*pamphlet*), 1984
- To Combine Our Efforts (*pamphlet*), 1985
- Canada and the World: National Interest and Global Responsibility, 56 pages, 1985
- Canada and Africa: A Common Cause, 44 pages, 1986
- Canada and Common Security: the Assertion of Sanity, 88 pages, 1987
- Canada and Her Neighbours in a Changing World (*conference report*), 1989
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- 'Arms and the Man'; Threats to Peace at the End of the Century (*conference summary report*) 1996
- Canada's Defence Policy "A Realistic and Meaningful Mandate for the Canadian Armed Forces (*conference report*), 45 pages, 1997



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## Foreword

With the fiftieth anniversary of the UN's Universal Declaration of Human Rights coming at the end of the year, the Group of 78 needed little discussion to agree on a topic for the 1998 annual conference. But more than a simple anniversary, the rapid expansion in the possibility for worldwide activism in the cause of human rights since the end of the Cold War almost ten years ago made this a timely topic. The conference drew a turnout of 66 people including 48 members.

We are much indebted to the speakers who put time and effort into giving the conference a solid base of expert knowledge on the wide range of human-rights issues on the conference program. We have many others to thank for making the conference such a success:

**Members of the Conference Coordinating Committee:** Nancy Drozd, Ross Francis, Geoffrey Pearson, Michael Shenstone, Ken Williamson, and Christopher Young.

**Chairpersons of Conference Sessions:** Marie-Hélène Courtemanche Boyle, Newton Bowles, Laurie Wiseberg, Nevitt Maybee, Dwight Fulford, Douglas Anglin, Metta Spencer, Ross Francis, and Shirley Farlinger.

**Conference Chair:** A special word of thanks goes to Christopher Young, whose chairmanship of the conference was his final duty in two years as chairperson of the Group of 78. We have greatly appreciated his deferential guidance, broad grasp of international affairs and great talents as an organizer, writer and editor.

**Reporting:** For their contribution to the report to the plenary session and this final report we would like to thank the assistant rapporteurs, Silke Reichrach and Chantal Couture, both students at the Norman Patterson School of International Affairs.

**Translation:** Jacques Langlais and Mario Longpré

**Background Papers:** Ross Francis

**Financial contributions:** The conference would not have been possible without the financial assistance of the Simons Foundation, and the Department of Foreign Affairs and International Trade. We are most grateful for their contributions.

Debbie Grisdale  
Co-Chairperson, G78

Tim Creery  
Co-Chairperson, G78 and Conference Rapporteur

## Avant-propos

Comme ce sera le 50<sup>e</sup> anniversaire de la Déclaration universelle des droits de l'Homme des Nations unies à la fin de l'année, les membres du Groupe des 78 n'ont pas eu besoin de longues discussions pour choisir un sujet pour leur conférence annuelle de 1998. Mais encore plus qu'un simple anniversaire, les possibilités croissantes d'action à l'échelle mondiale pour la cause des droits humains depuis la fin de la Guerre froide, il y a dix ans, ont rendu ce sujet très à propos. La conférence a attiré un total de 66 personnes y compris 48 membres.

Nous sommes très redevables aux conférenciers qui ont investi de leur temps et de leurs efforts pour apporter à la conférence l'expertise nécessaire afin de permettre aux participants de mieux comprendre les nombreux problèmes reliés aux droits humains. Il nous reste aussi à remercier plusieurs autres personnes qui ont aidé à faire de cette conférence un succès :

**Membres du Comité de coordination de la conférence:** Nancy Drozd, Ross Francis, Geoffrey Pearson, Michael Shenstone, Ken Williamson, et Christopher Young

**Présidents des séances de la conférence:** Marie-Hélène Courtemanche-Boyle, Newton Bowles, Laurie Wiseberg, Nevitt Maybee, Dwight Fulford, Douglas Anglin, Metta Spencer, Ross Francis, et Shirley Farlinger.

**Le président de la conférence:** Un merci spécial est dû à Christopher Young, pour qui la présidence de la conférence a été le dernier geste officiel de son mandat de deux ans comme président du Groupe des 78. Nous avons bien apprécié sa direction respectueuse, sa bonne compréhension des affaires internationales et ses grands talents d'organisateur, d'auteur et de réviseur.

**Travail de rapporteurs:** Nous aimerions remercier Silke Reichrach et Chantal Couture, deux étudiantes à l'école d'affaires internationales Norman Patterson, pour leur travail de rapporteurs auprès de l'assemblée plénière et pour le rapport final.

**Préparation des documents de référence:** Ross Francis

**Traduction:** Jacques Langlais et Mario Longpré

**Le Groupe des 78 tient à remercier pour leurs contributions financières:**  
la Simon Foundation; le ministère des Affaires étrangères et du Commerce international.

Debbie Grisdale  
Coprésidente du Groupe des 78

Tim Creery  
Coprésident du Groupe des 78 et rapporteur de la conférence

## Introduction and Summary

### Human Rights - How Can Canada Make a Difference?

Since the end of the Cold War, increasing international attention has been paid to issues of human rights--particularly those covered by the Covenant on Civil and Political Rights, but also those dealt with by the Covenant on Economic, Social and Economic Rights. In some areas, there has been a marked improvement as the two former super-powers have ceased to protect the more barbaric of their client states. On the other hand, conditions have clearly not improved or have actually deteriorated in many countries in every region of the world. The fiftieth anniversary of the adoption of the Universal Declaration of Human Rights offered a suitable occasion to assess conditions and to consider how Canada can make a difference in ensuring its implementation.

This year's conference began by looking at Canada's record in the main international institutions concerned with human rights. Canada has also been involved with a number of regional or specialized international groupings: the Commonwealth, la Francophonie, the Organization for Security and Cooperation in Europe, the Asia-Pacific Economic Cooperation forum and the Organization of American States. We looked at developments in the UN Committee on Human Rights and the OAS. Canadians have also been involved in the movement for the creation of an International Criminal Court, and our keynote speaker, Warren Allmand, dealt extensively with this development.

Apart from being active in international organizations, Canada has also been urged to make compliance with international rights standards an element in its bilateral relations with other states. There has been sharp disagreement among Canadians about the merits of constructive engagement versus confrontation in dealing with states whose records are judged to be unsatisfactory. We considered four case studies from three continents: Burma and China, Cuba, Nigeria, and Bosnia.

Although Canadians tend to smugness concerning this country's domestic record, Canada has itself been criticized in international organizations for its policies and practices in a number of fields. In this regard we considered Canada's treatment of its First Nations.

## Introduction et résumé

### Les droits humains: quelle contribution originale le Canada peut-il apporter?

Depuis la fin de la Guerre froide, la communauté internationale s'est intéressée aux questions relatives aux droits humains, en particulier celles qui relèvent de la Convention sur les droits civils et politiques et celles sur l'économie et les droits socio-économiques. Dans certaines régions, il y a eu une nette amélioration en ce que les deux anciennes superpuissances ont cessé de protéger leurs États-clients les plus barbares. Par contre, les conditions ne se sont manifestement pas améliorées ou se sont en fait détériorées dans plusieurs pays à travers le monde. Le 50<sup>e</sup> anniversaire de l'adoption de la Déclaration universelle des droits de l'Homme nous a fourni une belle occasion de faire le point et de voir comment le Canada peut apporter une contribution originale en veillant à son application.

Le congrès de cette année a débuté par un survol de la contribution du Canada aux principales institutions internationales intéressées aux droits humains. Le Canada s'est impliqué dans un certain nombre de regroupements spécialisés, régionaux ou internationaux: le Commonwealth, la Francophonie, l'Organisation pour la sécurité et la coopération en Europe, le forum de la Coopération économique en Asie et dans le Pacifique et l'Organisation des États américains (OEA). Nous nous sommes penchés sur l'évolution du Comité des Nations unies sur les droits humains et sur l'OEA, ainsi que sur l'établissement de la Cour internationale de justice et sur d'autres améliorations dans le domaine des droits humains. Des Canadiens se sont impliqués dans le mouvement pour créer la Cour internationale de justice, ce dont notre conférencier principal, Warren Allmand, nous a largement entretenu.

En plus de sa participation active aux organismes internationaux, on a vivement conseillé au Canada d'imposer le respect des standards internationaux en matière de droit comme élément de ses relations bilatérales avec les États. Il y a eu un net désaccord entre Canadiens sur les mérites d'un engagement constructif par opposition à la confrontation lors de négociations avec des États dont la performance est jugée insatisfaisante. Nous avons étudié quatre cas provenant de trois continents: la Birmanie et la Chine, Cuba, le Nigeria, et la Bosnie.

Malgré la tendance à l'indulgence des Canadiens face au bilan interne de leur pays, le Canada a lui-même été critiqué par les organismes internationaux pour ses politiques et ses pratiques dans un certain nombre de domaines. À cet égard, nous avons examiné comment le Canada traite ses Premières nations.

## Conclusions and Proposals

**Group of 78 conference participants approved the following conclusions and proposals:**

### **1. Spend More on Human Rights**

Marking the year of the 50th anniversary of the Universal Declaration of Human Rights, the 1998 annual conference of the Group of 78 recommended that Canada increase the resources devoted to human rights internationally and encourage other nations to do the same. Members believed such a move is essential after hearing reports of the extremely limited human rights budgets of both the United Nations and the Organization of American States.

The Group of 78 holds that the time is ripe to spend more on making human rights effective throughout the world because of increasing acceptance of the permeable frontier and widespread revulsion at the traditional stance that national sovereignty protects internal human rights violations. Support should be increased both generally and for promising earmarked human rights initiatives.

Further, members regretted the reduction in Canadian foreign aid to around 0.30 percent of national output, holding that one of the effects is to undercut professed support for human rights. Members deplored the fact that aid has been cut proportionally more than any other program — by 36 percent from fiscal 1991-92 to fiscal 1998-99, compared with 15 percent for overall federal program spending and 25 percent for defence spending. The Group of 78 urges the Government to at least adopt the goal of the Canadian Council for International Cooperation to rebuild aid to 0.35 percent of GNP by 2005-06.

### **2. Ratify Protocol Against Capital Punishment**

The Group of 78 membership felt strongly that Canada should ratify the protocol against capital punishment of the UN convention on political and civil rights, as soon as possible after final approval of the amendment to the *National Defence Act* that removes the last provisions for capital punishment under Canadian law.

### **3. Ratify American Convention on Human Rights**

Members also felt it would strengthen the Organization of American States and Canada's ability to play a full role in it if this country were to ratify the 1959 American Convention on Human Rights administered by the Inter-American Commission on Human Rights of the OAS.

### **4. Coherence in Foreign Policy**

The Group of 78 stresses the importance of ensuring coherence among different aspects of foreign policy, including human rights, when Canada participates in international financial institutions.

### **5. Human Rights as a Threshold Issue**

Members were in accord with the active policy of Foreign Affairs Minister Lloyd Axworthy in pressing forward with human rights concerns as a "threshold issue integral to other foreign policy concerns", such as trade. They applauded his view that human rights should be approached "through the more comprehensive lens of 'human security'," and that policy should be concerned not only with remedial actions but also with prevention by getting at root causes.

## **6. More Active Group of 78 Role**

Members concluded that the Group of 78, in order to play a more active role in supporting human rights, should be invited to participate in the annual consultations of the Department of Foreign Affairs and International Trade on human rights.

Members were impressed by the view of the conference's keynote speaker, Warren Allmand, president of the International Centre for Human Rights and Democratic Development, Montreal, that public discussion of international affairs had fallen to an extremely low level, as evidenced by neglect of international issues in the last federal election campaign. Recalling that one of the original purposes of the Group of 78 was to stimulate public discussion of international issues vital to Canada, the meeting adopted the following resolution:

The Group of 78 should explore ways and means to promote public discussion of foreign policy issues in the period leading up to the next federal election. These efforts might include collaboration with the International Centre for Human Rights and Democratic Development.

## **Discussion groups: Constructive Engagement or Confrontation?**

The conference also approved many views and proposals received in reports to the general meeting from discussion groups of a dozen or so members each, led by experts in each field. Under the general heading of "Constructive engagement or confrontation", the groups considered the human rights situation in China and Burma, Cuba, Nigeria, and Bosnia.

### **1. Should China and Burma be Treated Similarly?**

There is a clear distinction to be drawn between China, where there is a gleam of hope for human rights, and Burma, which remains under arbitrary military rule. China has been increasing economic opportunities for its people and moving toward more responsible, law-based government, which gives the regime a certain legitimacy with the people. In Burma the regime impoverishes the people, drawing financial support from the drug trade and foreign investment.

The Group of 78 strongly supports the UN program for controlling the global traffic in narcotic drugs, as reaffirmed by the Special Session of the General Assembly in June 1998. In particular it supports the UN undertaking to stem the flow of drugs from Burma. The Group approves the Canadian economic sanctions against Burma; Canada should continue to press other countries, particularly ASEAN countries, to enact sanctions against Burma. On the other hand there should be no trade sanctions against China, though some members urged no sale of Canadian nuclear reactors to China.

### **2. Promotion of a Democratic Cuba**

The conference adopted the following resolution:

(1) The Group of 78 supports the general thrust of Canadian policy toward Cuba, including trade, investment, tourism and modest development initiatives, in particular exchanges that bring Cubans to Canada and send Canadian experts to Cuba, such as the program of graduate studies at the University of Havana sponsored by Carleton University.

(2) Given the current resistance in Cuba to fundamental change, the Group recommends that Canadian policy focus on the long term evolution of the Cuban political system rather than expect dramatic short-term improvements.

(3) Canada should, however, continue to react publicly and privately to the arrest of dissidents and the curtailing of community organizations, as well as continue to press for the release of political prisoners, but not in a way that would hamper programs in Cuba of such organizations as Oxfam. Canada should use the leverage available to it through trade, investment, tourism and general political approach to promote human rights improvements.

(4) Cuba is the only formally non-democratic state in the Americas and should not be accorded more importance than it warrants in relation to major countries in Latin America on which Canadian foreign policy should be focused.

Arising from the Cuba discussion:

(5) The Group of 78 regrets the invitation to President Fujimori of Peru to visit Canada this fall in view of his authoritarian tendencies as illustrated in recent action by the Fujimori-dominated Congress to remove judges of the Constitutional Court and to prevent a referendum on whether he could run for a third term. The Canadian Government should impress on President Fujimori our disappointment at recent events in Peru and Canadian support for democratic processes in that country, including an independent judiciary and the delegation of power to elected local authorities.

### **3. The Commonwealth and Nigeria**

The promise of a return to democracy in Nigeria, ending years of an abusive dictatorship, gives Canada the opportunity of helping to assure free and fair elections for the legislature in December and the presidency in February. The following steps should be taken immediately:

1. Canada can use money from the Democratic Development funds of CIDA to support civil society in Nigeria in mobilizing for the elections. The Group of 78 welcomes Minister Axworthy's statement of August 24 promising to sponsor a forum for pan-Commonwealth NGOs to give guidance to this process. Canada should encourage participation of all Nigerian groups, including the military, in the election process and in subsequent political arrangements.

2. Canada can take advantage of the coming meeting of the Commonwealth Ministerial Assistants Group to promote a strong Commonwealth contribution.

3. The services of Elections Canada should be made available.

4. Canada should offer strong participation in election monitoring.

Canada should await the success of the Nigerian elections, and the formation of a democratic government, before restoring full Canadian diplomatic representation. Canada should urge the Commonwealth to be prepared to lift the suspension of Nigerian membership, and to end all sanctions, when the new democratic government has been formed -- but not before.

#### 4. The Yugoslav Dilemma

The discussion group was able to consider Bosnia but not the more current upsets in present-day Yugoslavia, more particularly the Kosovo region.

Although elections in Bosnia have not favoured the candidates backed by the West, the group considered that Western authorities have no alternative but to recognize the people's choices. Unconditional humanitarian aid should be provided.

There should be no let-up in the effort to apprehend war criminals and bring them to trial. Bosnians should take more responsibility for their elections, which have been largely conducted by the OSCE, and running their own affairs in general; but the SFOR (Sustaining Force), including the Canadian contingent, should remain in place to encourage stability.

More effective coordination is needed between the international organizations and the NGOs. One way and another, the situation in the Balkans illustrates the limits of soft power.

## Conclusions et propositions

**Les participants à la conférence du Groupe des 78 ont approuvé les conclusions et les propositions suivantes:**

### **1. Consacrer plus d'argent aux droits humains**

Pour souligner le 50<sup>e</sup> anniversaire de la Déclaration universelle des droits de l'Homme des Nations unies, les participants à la Conférence du Groupe des 78 ont recommandé que le Canada augmente le budget consacré au respect des droits humains à l'échelle internationale et encourage d'autres pays à en faire autant. Après s'être rendu compte du peu d'importance du budget consacré aux droits humains par les Nations unies et l'Organisation des États américains, les membres croient qu'une telle démarche s'impose.

Les membres du Groupe des 78 croient que le temps est arrivé de dépenser davantage pour s'assurer du respect des droits humains partout dans le monde à cause de la perméabilité des frontières et de l'opposition très répandue à l'idée traditionnelle que la souveraineté protège les violations des droits humains. On doit augmenter l'appui aussi bien de façon générale qu'en faveur de certaines démarches prometteuses.

De plus, les membres regrettent la réduction de l'aide canadienne à l'étranger qui n'est plus que d'environ 0,30 p. 100 de la production nationale. Ils croient qu'une des conséquences de cette réduction est de miner le soutien reconnu des droits humains. Les membres déplorent le fait que l'aide à l'étranger a été plus réduite proportionnellement que d'autres domaines - de 36 % de l'exercice de 1991-1992 à celui de 1998-1999 par rapport à 15 % pour l'ensemble des programmes fédéraux et à 25 pour cent pour la défense nationale. Le Groupe des 78 presse le gouvernement d'adopter au moins l'objectif du Conseil canadien pour la coopération internationale (CCCI) de reporter l'aide extérieure à 0,35 du produit national brut (PNB) pour l'exercice de 2005-2006.

### **2. Ratifier le protocole contre la peine de mort**

Le Groupe des 78 tient à ce que le Canada ratifie le protocole contre la peine de mort de la convention des Nations unies sur le respect des droits politiques et civils le plus tôt possible après l'approbation finale de l'amendement à la *Loi sur la Défense nationale* qui élimine les dernières dispositions permettant la peine capitale en vertu de la loi canadienne.

### **3. Ratifier la Convention américaine sur les droits humains**

Les membres croient aussi que, si le Canada ratifiait la Convention américaine sur les droits humains (1959), gérée par la Commission interaméricaine des droits humains de l'OEA (Organisation des États américains), cela renforcerait cette organisation et permettrait au Canada d'y jouer pleinement son rôle.

### **4. Démontrer de la cohérence dans la politique étrangère**

Le Groupe des 78 souligne l'importance que le Canada fasse preuve de cohérence dans les différents aspects de sa politique étrangère quand il fait partie de diverses institutions financières internationales.

## **5. Faire des droits humains, une question préalable**

Les membres appuient la politique active du ministre des Affaires étrangères Lloyd Axworthy qui fait de la question des droits humains une question préalable intimement liée aux autres questions touchant les affaires étrangères comme le commerce, par exemple. Ils approuvent son point de vue de considérer que la question des droits humains doit être envisagée sous l'angle plus général de la sécurité des personnes et que la politique ne devrait pas se contenter de trouver des remèdes aux problèmes mais qu'elle devrait aussi chercher à les prévenir en s'attaquant à leurs causes profondes.

### **Rôle plus actif du Groupe des 78**

Les membres ont jugé que, pour que le Groupe des 78 puisse participer plus efficacement au soutien des droits humains, il devrait être invité à participer aux consultations annuelles du Ministère des Affaires étrangères et du Commerce international sur la question des droits humains.

Le conférencier principal, Warren Allmand, président du Centre international des droits humains et du développement démocratique, a touché les participants quand il a rappelé que l'absence de débat sur les questions internationales dans la dernière campagne électorale fédérale avait bien démontré que l'intérêt public pour ces questions avait atteint un niveau extrêmement bas. En se rappelant que l'un des premiers buts du Groupe des 78 était de stimuler le débat public sur les questions internationales vitales pour le Canada, les participants ont adopté la résolution suivante :

Le Groupe des 78 devrait imaginer des façons et des moyens de promouvoir le débat public sur les questions de politique étrangère au cours de la période précédant les prochaines élections fédérales. Pour y arriver, on pourrait collaborer avec le Centre international des droits humains et du développement démocratique.

## **Groupes de discussion : engagement constructif ou confrontation?**

Les participants à la conférence ont aussi approuvé plusieurs suggestions et propositions présentées à l'assemblée générale par les groupes de discussion d'environ une douzaine de participants chacun qui travaillaient sous la direction d'experts dans chaque domaine. Sous le thème général: «Engagement constructif ou confrontation?», les groupes ont analysé la situation des droits humains en Chine et Birmanie, à Cuba, au Nigéria, et en Bosnie.

### **1. Devrait-on traiter la Chine et la Birmanie de la même façon ?**

Il y a une distinction évidente entre la Chine où il y a un rayon d'espoir pour les droits humains et la Birmanie qui reste sous le contrôle d'un gouvernement militaire arbitraire. La Chine a multiplié les occasions d'affaires pour ses citoyens et a progressé vers la mise en place d'un gouvernement plus responsable fondé sur les lois, ce qui donne au régime au pouvoir une certaine légitimité auprès du peuple. En Birmanie, le régime appauvrit le peuple en tirant ses revenus du commerce de la drogue et des investissements étrangers.

Le Groupe des 78 appuie fortement le programme de l'ONU, tel que confirmé lors de la session spéciale de l'Assemblée générale de juin 1998, destiné à juguler le commerce mondial de la drogue. Il appuie spécialement la démarche de l'ONU visant à endiguer l'afflux de drogue en provenance de la Birmanie. Le Groupe approuve les sanctions économiques du Canada contre la Birmanie. Le Canada devrait continuer d'encourager d'autres pays, surtout ceux qui font partie de

l'Association des nations de l'Asie du sud-est (ANASE), à prendre des sanctions contre la Birmanie. Par ailleurs, on ne devrait pas adopter de sanctions commerciales contre la Chine, bien que certains membres insistent pour qu'on ne lui vende pas de réacteurs nucléaires.

## **2. Restaurer la démocratie à Cuba**

Les participants à la conférence ont adopté la proposition suivante :

Le Groupe des 78 appuie la poussée de la politique canadienne en faveur de Cuba y compris dans les domaines du commerce, des investissements, du tourisme et au moyen de modestes initiatives de développement en particulier d'échanges qui amènent des Cubains au Canada et envoient des experts canadiens à Cuba, comme le programme d'études de deuxième cycle de l'Université de la Havane parrainé par l'Université Carleton.

Étant donné la résistance de Cuba aux changements importants, le Groupe recommande que la politique canadienne se concentre surtout sur l'évolution à long terme du régime politique de Cuba plutôt que d'espérer des améliorations spectaculaires rapides.

Toutefois, le Canada devrait continuer de dénoncer de façon publique et privée l'arrêt de dissidents et les restrictions imposées aux organisations communautaires de même qu'il doit continuer de faire des pressions pour la libération des prisonniers politiques, mais pas de façon à nuire aux programmes mis sur pied à Cuba par des organisations comme Oxfam. Le Canada devrait utiliser l'influence que lui confère le commerce, les investissements, le tourisme et sa politique en général pour faire la promotion des droits humains.

Cuba est le seul État formellement non démocratique dans les Amériques et on ne devrait pas lui accorder plus d'importance qu'il mérite par rapport aux grands pays d'Amérique latine sur lesquels la politique étrangère du Canada devrait se concentrer.

Réflexions tirées de la discussion sur Cuba :

Le Groupe des 78 déplore qu'on ait invité le président Fujimori au Canada cet automne étant donné ses tendances autocratiques démontrées par la décision du Congrès dominé par le parti de Fujimori de destituer des juges de la Cour constitutionnelle et de permettre qu'il ne tienne pas de référendum sur la possibilité de solliciter un troisième mandat. Le gouvernement canadien devrait faire part au président Fujimori de notre déception quant aux récents événements survenus au Pérou et de l'appui que manifestent les Canadiens pour l'adoption d'un processus démocratique au Pérou, y compris un système judiciaire indépendant et la délégation du pouvoir aux autorités locales élues.

## **3. Le Commonwealth et le Nigéria**

La promesse du retour à la démocratie au Nigéria qui mettait fin à de longues années de dictature donne au Canada l'occasion d'aider à la tenue d'élections libres et justes à l'assemblée législative en décembre et à la présidence en février. On devrait immédiatement prendre les mesures suivantes :

1. Le Canada devrait utiliser de l'argent provenant du fonds pour le développement démocratique de l'ACDI pour aider la population du Nigéria à se préparer aux élections. Le Groupe des 78 accueille favorablement la déclaration du ministre Axworthy du 24 août promettant de parrainer un forum permettant aux organisations exerçant leurs activités à l'échelle du Commonwealth de participer à

cette démarche. Le Canada devrait encourager la participation de tous les groupes nigériens, y compris les militaires, au processus électoral et aux ententes politiques ultérieures.

2. Le Canada devrait profiter de la rencontre des adjoints des ministres du Commonwealth pour encourager une forte contribution des États du Commonwealth.

3. On devrait offrir les services d'Élections Canada.

4. Le Canada devrait proposer une importante participation pour la surveillance des élections.

Le Canada devrait attendre la tenue d'élections réussies au Nigéria et la mise en place d'un gouvernement démocratique avant de renouer des liens diplomatiques complets avec ce pays. Le Canada devrait inciter les États du Commonwealth à se préparer à lever la suspension du statut de membre imposée au Nigéria et à mettre fin à toute sanction quand le nouveau gouvernement démocratique aura été mis en place, mais pas avant.

#### **4. Le dilemme de la Yougoslavie**

Le groupe de discussion s'est penché sur la question de la Bosnie mais pas sur les plus récents développements dans la Yougoslavie actuelle, comme les événements du Kosovo.

Bien que les élections en Bosnie n'aient pas porté au pouvoir les candidats appuyés par les pays de l'Ouest, le Groupe pense que ceux-ci n'ont pas d'autre choix que de reconnaître les élus du peuple. On devrait fournir de l'aide humanitaire sans conditions.

Il ne devrait pas y avoir de relâchement dans l'effort déployé pour arrêter et juger les criminels de guerre. Les Bosniens devraient devenir plus autonomes pour l'organisation de leurs élections, qui cette fois se sont tenues sous la surveillance de l'OSCE (Organisation pour la sécurité et la coopération en Europe), et la direction de leurs affaires en général. Toutefois la SFOR (force de maintien de la paix), y compris le contingent canadien, devrait rester en place pour assurer la stabilité.

Une coordination plus efficace entre les organisations internationales et les ONG s'impose. De toute façon, la situation dans les Balkans montre bien les limites d'une intervention douce.

## Keynote Speech

### Human Rights - How Can Canada Make a Difference?

Warren Allmand

President, International Centre for Human Rights and Democratic Development

*(Text)*

The theme for your conference "Human Rights - How can Canada make a Difference?" raises some important and timely issues.

As we approach the new millennium, one of the major concerns in pursuing world peace, stability and justice, continues to be how the international community, including Canada, deals with issues of human rights.

If we examine world history since 1945, the year sometimes referred to as the end of the last war, we note that there have been (approximately) 120 wars in that period, in which 27 million people were killed, two-thirds of them civilians, and the vast majority in the developing world of the southern hemisphere. Not an era marked by peace or respect for human rights - especially in the south.

Some say that the developed world has exported war to the developing world as part of a pattern of economic and cultural domination.

They point to the worldwide distribution of military bases and the arms exports to the developing countries, which during the last 20 years are estimated at \$220 billion.

In recent years we have had barbaric conflicts, massacres and genocides and massive abuses of human rights in the former Yugoslavia, Afghanistan, Algeria, Rwanda, Colombia, the Middle East, and even Northern Ireland - to name only a few.

In nearly all these cases, the conflicts arose out of a disrespect for human rights, whether the freedom of religion, the freedom of expression and dissent, the right to form a union, the right to equal treatment economically and socially, or the right to gender equality. These conflicts and abuses, cascaded in turn to even more serious violations.

Faced with such deplorable and difficult human rights situations - what can Canada do to make a difference? My quick answer is that - on a larger scale - Canada can make a difference by doing exactly what it did with respect to the International Criminal Court and the Land Mines Treaty. In both cases Canada demonstrated considerable political will, committed resources, stood on principle against major powers, and worked closely with NGOs and like-minded countries from around the world to accomplish human rights improvements.

On a smaller scale, Canada can continue to support the International Centre, the human rights NGOs, and the human rights program in CIDA, all of which are working to strengthen human rights capacity and civil society around the world.

On the other hand, Canada will not make a positive difference when it acts like it did last year with respect to China and Indonesia. Last year, as a result of Chinese bullying, Canada stopped co-sponsoring the China resolution at the United Nations Commission on Human Rights, declaring that in its place, it had concluded a bilateral human rights agreement with China.

We had no problem with the bilateral agreement but could not accept that it should replace and supersede multilateral action through the United Nations. Both could have been done. If the bilateral agreement proved to be successful, then in due course the UNCHR resolution could have been dropped. It seems to me we put the cart before the horse - and at the same time undermined an important multilateral, international process. There is considerable evidence to suggest that in this case, trade was given a higher priority than human rights.

Canada was not alone in this sinister policy switch - but it is interesting to note that little Denmark which did not switch, which sponsored the China resolution, and continued to condemn China, in fact increased its trade with China during the ensuing year.

In "Canada in the World" (1995), which is the most recent comprehensive foreign policy statement made by the Canadian government, it is stated: "Canada is not an island: if the rights of people abroad are not protected, Canadians will ultimately feel the effects at home. They understand that our economic and security interests are served by the widest possible respect for the environment, human rights, participatory government, free markets and the rule of law. Where these are observed, there is a greater prospect of stability and prosperity - where they are not, of uncertainty and poverty. Their observance, therefore, is both an end in itself and a means to achieving other priority objectives."

"A priority field of international concern and action for Canadians has been and remains that of human rights. The government regards respect for human rights not only as a fundamental value, but also as a crucial element in the development of stable, democratic and prosperous societies at peace with each other".

When Mr. Axworthy was appointed Minister in 1996, he said that "respect for human rights is a critical component of the Canadian identity and it must play an important role in our foreign policy agenda".

So it is very clear in the government's declared policy that human rights should be a high priority in our foreign policy. However, policies are often easier said than done - and as pointed out, our record is mixed.

The other way Canada can make a difference is by supporting the work of the International Centre for Human Rights and Democratic Development (ICHRDD) and the network of approximately 40 human rights NGOs in Canada. The ICHRDD was established by Parliament in 1988 with a mandate to defend and promote the rights set out in the International Bill of Rights, including economic and social rights. Parliament's purpose in establishing the Centre was to have an independent institution which would continue to raise and advance these issues, free from the pressure of commercial and other extraneous interests. The Centre pursues this mandate through advocacy and capacity building in partnership with civil society in the most vulnerable and victimized countries. Because our

financial and staff resources are limited, the Board has decided, for the moment, to limit our project activity to 13 core countries and four theme priorities. The core countries are Guatemala, Mexico, Peru, Haiti, Kenya, Rwanda, Tanzania, Togo, Nigeria, Burma, Indonesia, Pakistan and Thailand. Our four themes are women's rights, indigenous rights, globalization, and democratic development and justice.

I might say that the criteria for choosing the core countries and the four themes are under review - and the countries and the themes might change in the coming year.

As I mentioned, we always work with partners in these countries - where we fund projects and provide technical assistance - all designed to strengthen the capacity of the local organizations so that they can defend and promote their own rights. We also work with them in advocating their rights before their local governments, at the UN Commission on Human Rights and the UN human rights committees, and finally before regional human rights bodies such as the Inter-American Committee for Human Rights.

I might say that while our major activity is in the 13 core countries and respects the four priority themes, we do comment and have minor activities on other human rights issues and other country situations; for recent examples: Algeria, Colombia and Afghanistan.

To give you an idea of our program during the past year we carried on major activity with respect to: the International Criminal Court; Asia-Pacific Economic Cooperation (APEC); Free Trade Area for the Americas (FTAA), codes of conduct; the Rwanda Tribunal; Human Rights in Congo/Zaire; Indigenous Women of the Americas; support for pro-democracy in Burma; and democratic development in Peru and Pakistan.

At this point I would like to mention the democratic development part of our mandate. We have a democratic development exercise that has been carried out in seven countries: Kenya, Tanzania, Guatemala, El Salvador, Peru, Thailand and Pakistan. There are three phases: report, forum, and implementation.

For the International Centre, however, no state can claim to be a democracy without guaranteeing fundamental human rights. Respect for human rights is a determining factor for any country which calls itself a democracy. Free and fair multi-party elections are not enough.

In the human rights field, the campaign to establish a permanent International Criminal Court is a good example of how Canada, working with other countries and NGOs, can make a significant difference. From the beginning Canada took a leadership role in supporting the proposal for a strong and effective court - and consequently found itself chairing the so-called "like-minded group" at the UN and at the six preparatory meetings. This was done despite the opposition of several major countries, including the U.S., France, China, Russia and until this year, the U.K.

This exciting proposal to combat impunity for war crimes, genocide, and crimes against humanity was in danger of being deflated, or being so watered-down that it would be virtually ineffective. You will recall that the idea for a permanent International Criminal Court was first put forward in the

period following the Nuremberg and Tokyo trials after World War 11, but was put on the back burner throughout the entire Cold War period, and came alive again in the 1990s.

Following the six preparatory meetings between 1995 and 1998, the 116-article draft convention went to Rome on June 15 for a five-week plenipotentiary conference.

The ICHRDD was part of an international coalition of over 700 NGOs supporting the Court. We considered its establishment to be a critical tool and important means to combat impunity for human rights violations

Ad-hoc tribunals such as those established for Rwanda and Yugoslavia were good models, but this approach was temporary (short sighted), and unfairly selective. To take but one example, between 1975 and 1979, Pol Pot engineered the extermination of some two million Cambodians, and he died an old man before the international community found the resolve to put him on trial.

Our concern and the concern of most NGOs was that we would get a court which was not worth having. The U.S., France and others wanted the Security Council to have a veto over possible prosecutions - which in our view would have led to a continued system of uneven justice based on political considerations.

It was on this point and others, that Canada and like-minded countries took a strong principled stand.

The Canadian government, leading the like-minded coalition, insisted on the following points:

1. The Court must have inherent jurisdiction over genocide, war crimes, and crimes against humanity - and these must be properly defined.
2. The Court and the Prosecutor must be independent.
3. Acceptance of the principle of complementarity - the court will have jurisdiction only when a State cannot, or will not, act; but rejection of vetoes by the Security Council.
4. Jurisdiction to apply to wars within and between states.
5. Crimes against women and children- such as rape and child soldiers - to be included.

These goals were pursued by Canada through a new approach described as "human security" and "soft power". Speaking in support of the ICC at Harvard University on April 25, 1998, Lloyd Axworthy said:

A key element of this new thinking is what has been called "human security". Essentially, this is the idea that security goals should be primarily formulated and achieved in terms of human, rather than state, needs. Let me give a brief example of what this means in practical terms.

The campaign that led to the signing last December of the convention banning anti-personnel mines was based on a human security approach. We started from the premise that the threat to life and limb of millions of individuals should take precedence over military and national security interests.

Why was an unlikely coalition of NGOs, humanitarian organizations and non-major powers able to advance the agenda so significantly in an area seen, until recently, as a backwater of disarmament efforts? The answer, I believe, lies in the growing importance of 'soft power' internationally.

As you are probably aware, Joseph Nye used this term at the start of the decade to define an increasingly important aspect of the conduct of international relations in a globalized, integrated world - the power to co-opt, rather than coerce, others to your agenda and goals. In Nye's view, military and economic power, while still important, did not have the overwhelming pre-eminence they once had. Instead, the ability to communicate, negotiate, mobilize opinion, work within multilateral bodies and promote international initiatives was increasingly effective in achieving international outcomes.

Soft power is particularly useful in addressing the many pressing problems that do not pit one state against another, but rather a group of states against some transnational threat to human security. When there is mutual benefit to finding a solution, skills in coalition-building become increasingly important. This was the case in the landmines campaign, where major exporters and major users worked together to establish a new international norm that stigmatized these weapons.

Mr. Axworthy went on to argue the same rationale and the same approach for the International Criminal Court.

At the Rome Conference, Canada continued to play a key role. Philippe Kirsch, a seasoned Canadian diplomat was elected chair of the committee of the whole. Throughout the five weeks, he worked long hours to forge a text which would attract majority approval, without sacrificing the key principles essential for an effective court.

On Friday, July 17 he put a final draft to the conference and to everyone's surprise it was approved by a vote of 120 to 7, with France and Russia finally on side, but with the U.S., China and a few others opposed. Canada's team of Kirsch, Alan Kessell, John Holmes, Dom Perigoff, and Daryl Robinson played an outstanding role and, of course, the Minister was a key figure throughout. The next challenge is to get the required 60 ratifications and to draft the rules of evidence and procedure. Our Centre and the international coalition will be active in this phase as well - and hopefully will continue to work with the Canadian government in accordance with their policy of "human security and soft power."

It is understood, however, that Canada will only make a difference if there is a strong constituency in Canada supporting international human rights, which lobbies the Canadian government to take strong positions at the UN and elsewhere.

Unfortunately, it is my observation that such a constituency in Canada has declined over the last ten years. I was absolutely shocked during the federal election last year when there was absolutely no mention of any foreign policy question, including international human rights during the televised leaders' debates: no remarks by the leaders, and no questions from the journalists or the audience, in either the English or the French debate.

I am not sure if this is a result of post-Cold War complacency, satisfaction with the Pax Americana, or ignorance of what is really happening in the world.

Perhaps this 50th Anniversary of the Universal Declaration of Human Rights will stimulate some thinking on these matters and help turn this situation around. I have already referred to a whole catalogue of human rights violations in all corners of the globe. Not only do these violations cause conflict in the countries and regions where they arise, they also very often cause instability and threaten the peace throughout the world, including Canada. Civil wars and human rights abuses in Somalia, for example, resulted in waves of refugees landing on Canada's shores, peacekeeping operations, and emergency aid. There are many other similar examples. All of these cost much more than would a preventive program dealing with conflict resolution, development assistance, and technical aid relating to human rights and democratic development (the work carried out by our Centre).

Since public support for international human rights is essential, it is important that organizations such as yours and mine - not only speak to each other - but reach out to inform and educate the general public. (As I said earlier, Canada can, and has recently made a very significant difference - with both land mines and the ICC - but will only continue to do so if there is a vibrant, informed Canadian constituency supporting and demanding that we do so. ) There must be enough Canadians who want their government and the UN to do this - that is to make a difference, in improving human rights and democracy - in Canada and throughout the world.

# Canada's Role in the Protection of Civil and Political Rights

## Through the United Nations

**Max Yalden**

Member, UN Committee on Human Rights

### *(Rapporteur's summary)*

A good deal of confusion exists about the various human rights bodies at the UN. As distinct from the UN Human Rights Commission, a political body, the UN Committee on Human Rights is one of six committees set up under different UN rights treaties, in this case the Convention on Political and Civil Rights.

Canada has acceded to a first protocol of this convention that enables individuals to complain against their own government, but not to a second protocol against the death penalty. The House of Commons has passed an amendment to the National Defence Act to remove the last remaining possibilities for imposing the death penalty; the measure is now in the Senate. Ratification of the protocol by Canada is still "controversial in some circles". It is to be hoped Canada will accede to the protocol "in line with its pretensions to be a leader in human rights".

African countries are under-represented on the UN Human Rights Committee because they cannot get together to back African candidates for election to it.

The committee prods states to comply with their treaty obligations. Without the work of non-governmental organizations, the committee would have to rely on the states themselves.

The committee has a number of shortcomings. Its sessions are protracted and talky. It has a large backlog of cases. Country reports are often overdue. The committee moves slowly and has only half the professional resources it had 10 years ago. It needs to become more focused, more disciplined. Its work and that of other committees dealing with human rights could be consolidated, since often the same human rights cases could be taken up under different UN conventions. The committee could work through smaller panels.

Human rights work at the UN suffers from a serious resource problem. Only 1.6 percent of the regular budget of the UN goes to human rights. "In my view this is totally unacceptable." Countries should be asked to provide more money earmarked to various areas in the human rights field where it is needed most. Canada's contribution to human rights programs is very small.

Canada should encourage countries without ombudsmen or human rights commissions to establish them; where necessary, they should be provided with technical and financial assistance.

# Canada's Role in the Protection of Civil and Political Rights

## Through the Organization of American States

**Robert Goldman**

Vice-president, Inter-American Commission on Human Rights

*(Rapporteur's summary)*

The Inter-American Commission on Human Rights was established in 1959 as an organ of the Organization of American States under the OAS charter; it also administers the American Convention on Human Rights, which has been ratified by most member states, but not by the United States, Canada, and a number of Caribbean countries.

Canada does good bilateral work on human rights; but it should not act multilaterally in a way that could damage human rights, such as underwriting Inter-American Bank financing projects that violate human rights. Canada should speak out more on human rights. The commission's standing would be strengthened if countries like Canada and the United States would ratify the American Convention on Human Rights.

Cuba should not be allowed to swallow up the debate on human rights in the Americas; there are plenty of other offenders. There has been backsliding by some member countries from the earlier advance toward more democratic regimes. The NGOs are the leading engine of the inter-American rights system.

# Canada's Role in the Protection of Economic, Social and Cultural Rights

## Trade and Human Rights

Stephen Benedict

National Director, International Department, Canadian Labour Congress

### *(Rapporteur's summary)*

Under unregulated free-market globalism in recent years, the poor have been getting poorer, the rich richer. These conditions can be contrasted with those of the quarter-century after World War II under the Bretton Woods system, when there was a certain amount of public ownership and more effective government intervention by individual nations. That was also a period of development of strong trade unions.

In the past quarter-century, the resort to unregulated globalism to advance the world from the stagnation associated with the oil crisis of the seventies has not led to the high rates of growth and low rates of inflation predicted for it, except in parts of Asia; and ironically, the Asian economic spurts have been managed not through free markets but through state intervention. And this was where the present economic crisis started owing to the unrealistic levels of private debt incurred by investing in excessive supply.

The main measures needed to secure workers' economic and social rights is a return to lower interest rates and to some financial controls and government economic strategies for the good of the people. Where human rights can be directly dealt with, follow-up mechanisms are needed to ensure that good resolutions and decisions are put into effect.

# Canada's Role in the Protection of Economic, Social and Cultural Rights

## Development Assistance

**Gauri Sreenivasan**

Policy Co-ordinator, Canadian Council for International Cooperation

*(Text)*

### **"A Mean Season for Human Rights"**

At a recent Canadian Council for International Cooperation (CCIC) conference Clarenz Diaz, President of the Centre for International Law in Development in New York, said that this is a mean season for human rights, by which he meant that the current global context is predominantly one of human rights deprivation.

Even as we doubt the outcomes of the wave of democratization in Latin America, Eastern Europe and elsewhere, in terms of the depth of protection it affords for civil and political rights, we are certain about the worsening global context for economic, cultural and social rights.

Global poverty has its familiar statistics: 1.3 billion living on less than \$1 a day, predominantly women. Less well-known is that 3 billion live on less than \$2 a day; and the gap between rich and poor is ever widening.

#### **Stricken tigers**

Recently I returned from a CCIC-led mission to South East Asia, as part of the 'In Common Campaign' to investigate the roots of the economic crisis, the impacts particularly on the poor, and lessons for poverty-fighting strategies. What we found was a human and developmental crisis of staggering proportions.

The tragedy is that South East Asia had made, however controversially, gains against poverty. Absolute poverty had been virtually eliminated from South Korea, Malaysia, and Thailand. Indonesia was rapidly approaching the same goal. Today they face an acute and worsening situation.

Countries hailed as models of economic growth have fallen hard and fast with devastating impacts for the poor, with whole new classes of working people falling into poverty due to layoffs as well as to bank and business closures. Gains so hard won have been lost in a matter of months.

The crisis is far from over. With little in the way of social safety nets to protect them, the future looks grim for the region's poor and newly poor. By the end of the year Thailand may witness 12 million people, a fifth of its population, plunge below the poverty line. But in Indonesia, the fourth most populous nation of the planet, the situation is worse still. The economy is still in free fall, and the number of people living in poverty may grow to half the population—100 million people, with projections of 15 to 25 million people unemployed.

We heard strong and widespread testimony that the International Monetary Fund has worsened the impact of the crisis by demanding tough fiscal and monetary policy measures that forced government

cutbacks at a time when social spending was key. In Thailand, for example, the public school lunch subsidy ended under these conditionalities.

We saw and heard the human implications of poverty statistics. In Indonesia the price of rice has more than tripled from 1,300 to 4,000 rupiah a kilogram — more than half the daily minimum wage. In Yogyakarta we met students at the Gajaha Mada University who are hungry; over half of them are down to eating only one meal a day, and this is dependent on charitable works of university staff and their families. One professor at the university noted that 700 students had not enrolled this term. We met a farmers' organization in the area that told us people from the cities have come and stolen their crops. SAMIN, an organization working with street kids in Yogyakarta, has seen the numbers of children on the streets jump dramatically from 700 in 1997 to 2,000 in 1998. They estimate 30 percent of these children are now engaged in prostitution. In Thailand, hill tribe communities are afraid to send their children to school since many have turned to selling readily available amphetamines as a source of income.

The crisis did not hit all equally. Pasuk Phongpaichit, professor of economics at Chulalongkorn University, Bangkok, commented: "For the poor, growth may trickle down, but disaster sweeps down like an avalanche."

Women have been particularly affected by the crisis. Not only were they employed in the industries most affected by the layoffs, such as textile factories, but women's organizations have told us of the rising incidence of domestic abuse, given the loss of employment and increased economic hardship. More and more women are turning to the sex trade, and although business is up, prices have dropped.

### **Human rights take a beating**

The crisis in South East Asia illustrates the vulnerability of human rights and raises the question of how they can be sustained in bad times. How do we ensure not only poverty reduction but sustainability of economic rights to ensure people just over the threshold can't fall back so easily. And how can a policy instrument like ODA address this issue?

Many complexities cannot be covered here, they relate to both the national development model of tiger economies and flaws in the global system. But a main observation from our mission arises from the relative capacities and vulnerabilities of Thailand and Indonesia.

The delegation saw how Thailand's capacity to respond and manage the economic crisis is far greater than Indonesia's, where the bankruptcy of political legitimacy, the lack of credible channels for public debate, and the preponderance of military control have resulted in social and political breakdown, and violent military crackdowns.

Early investments in the strengthening of civil society and human rights in Thailand have won Canada a strong reputation and have served Thailand well in a time of economic turmoil. Despite continued challenges, the democratization movement in Thailand has built both a practice and capacity for public dialogue as well as institutional channels for participation in decision making through the new constitution. Lessons need to be drawn for Indonesia.

The lesson lies in the importance of building democracy, respect for human rights and civil society. Primarily this is a role for local groups in their own national context, but aid investments can make a difference. It is a slow process, can take 25-30 years, and may be intangible at first. But results can already be seen in Thailand: a new constitution with broad public input, reduced role of military, higher hope and optimism and spirit; better quality of public debate, and greater capacity for analysis, proposal, and coalition building.

### **Aid really does aid**

What can aid do? ODA is a modest though catalytic factor. It must work synergistically with other international policies on finance, foreign policies, reform of global institutions. Our main message was that aid and bailout are not enough to attack the depth of the crisis and the root causes of instability, but aid is important nonetheless.

Through basic human needs the roots of poverty can be attacked with education, but not just at the primary level, and especially for women.

Community development can be pressed forward.

Participation in civil society, can be strengthened by increasing local capacities for:

- analysis and making proposals;
- monitoring of corporations, policy, and decision making; and
- networking and coalition building (such as through the APEC popular summit)

But aid is at its lowest level in 30 years in Canada, reduced by almost 40% since 1991. Aid policy continues to be beset by confused objectives, from peace-building to police training to infrastructure to more traditional basic human needs, to development of export markets for Canadian goods and services. Despite strong policy frameworks, implementation is weak.

Indeed, notwithstanding the difficulty of measurement from CIDA's own statistics, our calculations are that only 19 percent of Canadian aid is spent on basic human needs, despite our own goal of 35 percent.

- Aid to sub-Saharan Africa declined at a greater rate than to the whole aid program.
- CIDA has experienced only minor cuts since 1992, yet almost half in countries of serious human rights violations.

### **Proposals for aid reform**

The ODA Reform Agenda of CCIC and the NGO community would refocus aid on poverty eradication; building development strategies with the South that lead to sustained poverty reduction and respect for human rights.

1. Sixty percent of Canadian aid must be focused on sustainable human development, including civil society and human rights; benefitting directly people living in poverty.
2. Programs must be led by the developing countries themselves.
3. The commercial component should be reduced or eliminated.
4. A strategy for public engagement is needed to build Canadian awareness and sense of responsibility in global issues.

5. A timetable is required to restore the aid budget to at least .35 percent of GNP in the next seven years (2005). Aid resources must be predictable and long term.

Aid must work coherently with other facets of Canadian foreign policy. For example, the role of international financial institutions in the Asian crisis is extremely problematic. We need much more transparent and participatory decision making with developing countries and civil society representatives, both in crisis response and long term development programming, such as in the Country Assistance strategies of the Bank. Aid objectives also demonstrate the importance of building international consensus for regulation of capital flows, discouraging short-term speculation, and ensuring sustainability and developmental impact of long-term flows.

## Discussion Groups

### Constructive Engagement or Confrontation?

#### 1. Asia: Should Burma and China be Treated Similarly?

*Lead Speaker:* Fred Bild, former Canadian Ambassador to China, Thailand, Laos and Vietnam

(Summary of group report to plenary)

The short answer to the question put to the group is no.

True, both are autocratic regimes with arbitrary measures. They intimidate the population. The regimes are generally insulated from their own media. They fear organized opposition and their own populations as well. There is a high degree of corruption.

But China has evolved since the Cultural Revolution, offering increasing opportunities to its people and increasing the standard of living. Education, a market-led economic orientation, more and more individual options, the rule of law, and greater openness are among the government's concerns and are debated as issues in magazines. For these reasons there is a gleam of hope that China is advancing with a spirit of responsibility. The Chinese government therefore has a certain legitimacy and is tolerated by the population.

In Burma, on the other hand, the coup d'etat and the military government resulting from it are not recognized by the population. The government has no legitimacy. The regime impoverishes the people. Human rights are grossly violated and there is no significant evidence of evolution to something better. Foreign investment is one of the financial supports of the regime; the drug trade is another.

The group concluded that the two cases are quite different and the two countries should be treated differently. The group approved the Canadian economic sanctions taken against Burma and favoured pressing other countries, particularly the ASEAN nations, to adopt sanctions. Canada should take strong and coherent measures against the regime. It should not impose trade sanctions on China.

#### 2. Latin America: Promotion of a Democratic Cuba

*Lead Speaker:* Mark Fried, Americas Programme in Democratic Rights, Oxfam Canada

(Text of group report to plenary)

The discussion group supports the general thrust of Canadian policy toward Cuba, including trade, investment, tourism and modest development initiatives, in particular exchanges that bring Cubans to Canada and send Canadian experts to Cuba, such as the program of graduate studies at the University of Havana sponsored by Carleton University.

Given the current resistance in Cuba to fundamental change, the group recommends that Canadian policy focus on the long term evolution of the Cuban political system rather than expect dramatic short-term improvements.

Canada should, however, continue to react publicly and privately to the arrest of dissidents and the curtailing of community organizations, as well as continue to press for the release of political prisoners, but not in a way that would hamper programs in Cuba of such organizations as Oxfam. Canada should use the leverage available to it through trade, investment, tourism and general political approach to promote human rights improvements.

Cuba is the only formally non-democratic state in the Americas and should not be accorded more importance than it warrants in relation to major countries in Latin America on which Canadian foreign policy should be focused.

### **3. Africa: The Commonwealth and Nigeria:**

*Lead Speaker: Collins Babalola*, Director, Common Cause Canada-Nigeria

(Text)

#### **A Revised Canadian Government Strategy on Nigeria**

##### **The domestic context**

The death of General Sani Abacha in June 1998 has renewed hope for civilian politics in Nigeria. General Abubakar Abdulsalam, who succeeded as head of state, has announced the military will go back to the barracks on May 29, 1999.

Many prominent politicians, journalists, and trade unionists have been released from detention. Some military decrees that hamstrung the trade unions have been repealed. New transitional committees have been established and the previous committees and the elections conducted under their supervision and the previously registered political parties have been abolished.

Still, the death of Chief M.K.O. Abiola in detention and the refusal of the military regime to accept two key recommendations of the democratic opposition, the convening of the sovereign national conference, and formation of a government of national unity and reconciliation have cast doubts on the regime. Many political prisoners are still in detention, though apparently most have been released; many of the decrees used by the military to detain people are still in place.

##### **The international and Commonwealth context**

The international community has enthusiastically welcomed the General Abubakar regime. The UN, Commonwealth, and OAU secretaries-general have visited the country, as have representatives of important African countries such as South Africa. The Canadian Secretary of State for Africa and Latin America, David Kilgour, was recently in Nigeria and met government leaders and representatives of a cross section of civil society. A new Canadian representative has been appointed to Nigeria; Canada's high commission, closed in 1997, officially for security reasons, may reopen soon.

Canada invested heavily in the Commonwealth Ministerial Action Group (CMAG) but by June 1998 it had not produced effective results. Despite the renewed contacts between Nigeria and the

Commonwealth, the suspension of Nigerian membership is not likely to be lifted unless there is a transition to an elected government. The coming October CMAG meeting may set out terms of Nigeria's possible re-acceptance into the Commonwealth and the Commonwealth's action plans for the 1999 Nigerian elections. Hopefully, any contribution to the elections will adopt the goal of enabling non-governmental and civil society mobilization and will apply strategic pressure on Abubakar and the Nigerian government to refrain from manipulating the electoral process.

Effective, credible election monitoring is of the greatest importance, especially the monitoring of many pre-election activities, not so much the polls themselves.

### **Canadian strategy**

Canada's policy now needs to be revised. The Working Group on Nigeria (WGN) has discussed the following options.

Canada should set a longer-term framework for its policy objectives, linked neither exclusively to the presidential or other elections, nor exclusively to a May 1999 planned handover to a civilian government. The framework could have two phases. The first would encompass a transitional period to the point where power has been effectively handed over to democratically elected civilian authorities after May 29, 1999. The second would cover up to five years beyond the handover, and involve working with groups in Nigeria to shore up and secure democratic gains and enable key institutions to play an effective role in pursuit of continuing democratic rule.

During the transitional period, Canada must take an active part in building a new and strong international alliance around Nigeria and work with groups inside Nigeria to ensure the democratic transition takes place.

Canada must work with like-minded countries and like-minded NGOs, both within the Commonwealth and outside, to establish clear benchmarks for a genuine, open democratic transition. Current sanctions must stay in place until the full transition to civilian government is accomplished.

Canada must continue to speak out in international forums when there are continuing human rights issues in Nigeria. Canada must condemn human rights abuses by the prevailing military power. It must press for release of those in detention, a clearing out of the jails, and the release of those convicted and imprisoned by unfair trials and those charged with treason. [At the 55th session of the UN Commission on Human Rights in March and April 1999, on the resolution on Nigeria, Canada should call for the extension of the Special Rapporteur's mandate for another year and also call for continued visits to Nigeria by relevant thematic rapporteurs.]

All Canadian government efforts should be seen as, and be effective at, supporting progressive civil society groups and related democratic processes in Nigeria throughout the whole period from now up to and including the three stages of the elections, through the transfer of power, and beyond.

Canada must press for the removal of all Abacha decrees that thwart the democratic process.

Canada must press for the return of the army to its barracks.

Canada must press the Abubakar government to commence the investigation of abuses of military power under the Abacha and Babangida regimes and secure the return of all ill-gotten gains: all funds and property stolen by military personnel.

Canada must press General Abubakar to publish the constitution under which the new elections are occurring. It is critical that the law be publicly known.

Support must go to groups inside Nigeria that are in the heat of the struggle, those who are continuing the internal pressure to ensure the transition to democracy, such as journalists, trade unionists, pro-democracy groups, minority groups, and church and religious groups.

Canada must continue to support Nigerians in exile, especially promoting links between exiles and the democratic movements in Nigeria to ensure exiles are not isolated and are enabled to play an effective external representative role. Canada should substantially support external communications into Nigeria, like Radio Kudirat. Canada must ensure that the Nigerian situation is well known outside Nigeria, and specially promote a relationship between Nigerian journalists and those from other African countries.

Canada, in its consideration of overall refugee numbers, must recognize and be open to receiving political refugees from Nigeria, including for example Ogoni refugees and other minorities subjected to oppression and denial of fundamental rights. As well, where refugees feel the time is right to return to Nigeria, Canada must press for the creation of acceptable conditions of return and provide support for the return of such refugees.

Canada must press Nigeria for the return of the bodies of persons murdered by the military regime, in particular the Agoni 9 hanged in 1995.

(Text of group report to plenary)

The promise of a return to democracy in Nigeria, ending years of an abusive dictatorship, gives Canada the opportunity of helping to assure free and fair elections for the legislature in December and the presidency in February. The following steps should be taken immediately:

1. Canada can use money from the Democratic Development funds of CIDA to support civil society in Nigeria in mobilizing for the elections. The Group of 78 welcomes Minister Axworthy's statement of August 24 promising to sponsor a forum for pan-Commonwealth NGOs to give guidance to this process. Canada should encourage participation of all Nigerian groups, including the military, in the election process and in subsequent political arrangements.
2. Canada can take advantage of the coming meeting of the Commonwealth Ministerial Assistants Group to promote a strong Commonwealth contribution.
3. The services of Elections Canada should be made available.
4. Canada should offer strong participation in election monitoring.

Canada should await the success of the Nigerian elections, and the formation of a democratic government, before restoring full Canadian diplomatic representation. Canada should urge the

Commonwealth to be prepared to lift the suspension of Nigerian membership, and to end all sanctions, when the new democratic government has been formed -- but not before.

#### **4. Europe: The Yugoslav Dilemma:**

**Lead Speaker: John Graham**, Former Senior Elections Officer for OSCE in Bosnia

(Rapporteur's Summary)

The discussion group focused on Bosnia but not the crises in other parts of Yugoslavia, more particularly the Kosovo region.

The group heard that three years after the Dayton accord, there has at least been no resumption of hostilities and no terrorist activities. Economic progress is evident in some regions but not the Serb sector. But the elections were called far too soon, in 1996, as part of the American exit strategy in connection with the 1996 presidential election in the U.S. It was a terribly unrealistic calendar.

Ethnic-based parties and their media were aggressive, abusive and selective in 1996, but improved later under pressure and sanctions from the international community. Police conduct has changed becoming more professional. It is remarkable that there has been no outbreak of terrorism.

The fundamental objective of Dayton was the reintegration of society, but there are still huge numbers of refugees; only a trickle have gone back to areas where they would be an ethnic minority.

In the elections of September 1998, the ruling parties have consolidated control in every area. They don't believe in multiparty democracy. The parties come from an authoritarian background and are based on ethnicity. In short, there were too many elections and they served to entrench hardline people in power. Heavy-handed leadership representing the United States and the Organization for Cooperation and Security in Europe (OSCE) sought to swing the vote in the September elections in Republika Serbska with promises and threats, playing into the hands of the hardliners who won. Now the West will have to accept uncomfortable democratic results.

Recalling Srebrenica: 8,000 men and boys were taken out and executed. Srebrenica was 74 percent Muslim before the war, now is 100 percent Serb. Unemployment in the town is 70 to 80 percent; it is a depressed, miserable area. Most of the mass graves have been emptied and their contents hidden from the international community. There is zero interest in the return of any former Muslim residents.

(Summary of group report to plenary)

Although elections in the Serb sector of Bosnia have not favoured the candidates backed by the West, the group considered that Western authorities have no alternative but to recognize the people's choices. Unconditional humanitarian aid should be provided, not withheld from regions opposed to the Dayton formula.

There should be no let-up in the effort to apprehend war criminals and bring them to trial. Bosnians should be given more responsibility for their elections, which have been largely conducted by the OSCE, and running their own affairs in general; but the SFOR (Stabilization Force), including the Canadian contingent, should remain in place to encourage stability. More effective coordination is needed between the international organizations and the NGOs. One way and another, the situation in the Balkans, including Kosovo, illustrates the limits of soft power.

## The Rights of Indigenous Peoples

Wayne Lord

Director, Aboriginal and Circumpolar Affairs, DFAIT

(Rapporteur's summary)

The confrontational relationship of government and Native Peoples, when Aboriginal groups took their case to the United Nations to embarrass the government, has largely given way to more constructive relations.

The Aboriginal peoples put more emphasis on collective than on individual rights. But the collective rights they seek - economic, social, and cultural - are achievable within the Canadian Constitution and Charter of Rights. Since about half the Aboriginal population of Canada is under 15, "This is our last best chance to do something."

Canada is ready to sign a number of articles of the draft UN Declaration of Rights of Indigenous Peoples, although the UN does not appear to really want to deal with this area. The draft declaration represents an Indigenous wish list. Among the difficulties is defining what self-determination for Indigenous Peoples means. Canada wants to recognize collective rights such as property, language and culture, education, ways of conduct, laws and justice system. Some Native groups in the United States exert greater sovereignty than any Native groups in Canada.

Foreign Affairs has a two-track policy on Indigenous Peoples' interests: first, the rights-based issues; second, partnership projects abroad, as in Chiapas, Guatemala, the youth international apprenticeship program, and the World Bank program for contractors and small businesses.

## Progress and Challenges in Human Rights

**Kerry Buck**

Deputy Director of the Human Rights Division, DFAIT

(Rapporteur's summary)

There has been a real opening up of the human rights system in recent years. While the concept of state sovereignty dominated in earlier years, there is now a movement to considering human security at the sub-state level. Linkages are being made between human rights and other international activities, such as trade. A global culture of human rights is emerging as universalism replaces relativism in discourse on human rights. That is, there is less of a tendency to see universalism as an attempt to impose Western values on other cultures.

A host of new issues are being discussed in the human rights context. Often Canada finds itself with other than its traditional partners in forwarding rights issues. One alliance on behalf of advancing human rights rejoiced in the acronym JUSCANZ, for Japan, United States, Canada, Australia, and New Zealand. The department often works in partnership with nongovernmental organizations on rights issues.

Human rights and trade are not an either-or issue. Trade opens doors to apply pressure on human rights questions. The department is also working with the private sector to develop codes of conduct on their operations abroad.

Development of codes of conduct is more effective with large companies than small (some of which have been known to say that fascism is good for business) and is still just scratching the surface of the problem.

Human rights initiatives are not a sufficient response to great economic swings: "The UN human rights system cannot turn the tide around."

## **The Group of 78**

The Group of 78 is an informal association of Canadians seeking to promote global priorities for peace and disarmament, equitable and sustainable development, and a strong and revitalized United Nations system.

It began in 1980 when a small group including Andrew Brewin MP and Peggy Brewin, Murray Thomson of Project Ploughshares, Robert McClure, former Moderator of the United Church, and King Gordon, formerly of the United Nations Secretariat, drafted a statement on how best Canada could contribute to the building of a peaceful and secure world. In November 1981 that statement, Canadian Foreign Policy in the 80s, was sent to Prime Minister Trudeau. It was signed by 78 Canadians - a group of 78.

The statement set out three inter-related objectives:

1. removal of the threat of nuclear war;
2. the mobilization of world resources to achieve a more equitable international order and bring an end to the crushing poverty which is the common lot of the majority in the Third World;
3. the strengthening and reform of the United Nations and other global institutions designed to bring about a pacific settlement of disputes, foster international cooperation, promote the growth of world law and the protection of basic human rights.

That was the beginning of a dialogue between the Group of 78 and the Canadian government. In the following years, members of the Group discussed, and made their views known, about new issues facing Canada in international relations and their implications for the central, and universal, objectives of policy already mentioned.

The Group of 78

- meets in conferences to consider needed changes in foreign policy, seeking consensus on recommendations to government;
- produces publications on conference findings and special issues;
- publishes "Newslink", a newsletter for general distribution;
- organizes lunches with invited speakers.

## **Le Groupe des 78**

Le groupe des 78 est une association à titre informel de Canadiens qui ont pour but d'atteindre que le monde considère comme priorités essentiels la paix et le désarmement, le développement soutenable et équitable pour tous et le renforcement total du système des Nations Unies.

Cette association vit le jour au bout d'une certaine réunion de personnes clefs pendant laquelle on rédigea une déclaration sur le rôle de Canada dans la marche vers un monde de paix et de sécurité. Parmi ces personnes clefs se trouvèrent le député Andrew Brewin et Peggy Brewin, Murray Thomson du Project Ploughshares, Robert McClure, ancien modérateur de l'Eglise Unie et King Gordon, autrefois du Secrétariat des Nations Unies.

Cette déclaration, intitulée Canadian Foreign Policy in the 80s, fut adressée au premier ministre Trudeau au mois de novembre 1981. Soixante-dix-huit Canadiens l'avaient signée, soit un groupe de 78.

La déclaration proposa trois objectifs intimement reliés:

1. L'élimination du danger de guerre nucléaire, la plus grave menace à laquelle l'humanité fait face aujourd'hui;
2. La mobilisation des ressources mondiales afin d'instaurer un ordre international plus équitable et de mettre fin à la pauvreté qui accable la majorité des populations du Tiers-Monde;
3. Le renforcement des Nations Unies et des autres organismes internationaux qui se consacrent au maintien de la paix, à la promotion de la coopération internationale et du droit international ainsi qu'à la protection des droits fondamentaux.

Le groupe des 78

- organise des conférences où l'on se penche sur les changements à apporter à la politique étrangère, où l'on adopte des politiques d'action communes qui seront ensuite acheminées au gouvernement canadien sous forme de recommandations;
- publie des documents sur les résultats des conférences et sur d'autres sujets d'intérêt public;
- publie le *Newslink*, un bulletin pour diffusion générale;
- organise des dîners-rencontres avec conférencier invité.

### The Group of 78 - Founding Members *Le Groupe des 78 - membres fondateurs*

Margaret Atwood	Maynard Gertler	Yvon Madore	Patrick Watson
Donald Bates	J. King Gordon	Robert McClure	Hellie Wilson
Pierre Berton	Walter Gordon	Dennis McDermott	Lois Wilson
Florence Bird	Roger Guindon	Peter Meincke	Gregory Wirick
Elisabeth Mann Borgese	James Ham	John Meisel	Diana Wright
Andrew Brewin	Richard Harmston	Brian Meredith	
Tim Brodhead	Jacques Hébert	Joanna Miller	
General E.L.M. Burns	Gerhard Herzberg	Michael Oliver	
Rita Cadieux	John Holmes	Archbishop A. L. Penney	
Thérèse Casgrain	John Humphrey	Lucie Pépin	
Maxwell Cohen	George Ignatieff	Beryl Plumptre	
Irwin Cotler	Heather Johnston	Nancy Pocock	
Marion Dewar	Kalmen Kaplansky	John Polanyi	
T.C. Douglas	Hugh Keenleyside	Escott Reid	
William Epstein	Roby Kidd	Clyde Sanger	
Gordon Fairweather	David Kirk	Archbishop E.W. Scott	
Geraldine Farmer	Anton Kuerti	Frank Scott	
Eugene Forsey	Renaude Lapointe	Marian Scott	
Ursula Franklin	Margaret Laurence	John Sigler	
Northrop Frye	J. Francis Leddy	Adelaide Sinclair	
E. Margaret Fulton	Clarke MacDonald	David Smith	
Sylva Gelber	David MacDonald	Maurice Strong	
Alfred Gleave	Donald MacDonald	Murray Thomson	
James George	R. St. J. MacDonald	Bruce Thordarson	
Paul Gérin-Lajoie	Gregory MacKinnon	Norma E. Walmsley	

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