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D'ÉTAT AUX
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EXTÉRIEURES.



NOTES FOR AN ADDRESS BY
THE SECRETARY OF STATE FOR
EXTERNAL AFFAIRS, THE
HONOURABLE DON JAMIESON,
TO A LUNCHEON CO-SPONSORED BY
THE CANADIAN HUMAN RIGHTS
FOUNDATION, THE CANADIAN COUNCIL
ON INTERNATIONAL LAW, AND THE
CANADIAN SECTION OF THE
INTERNATIONAL COMMISSION OF
JURISTS, OCTOBER 26, 1978

"CONFERENCE ON INTERNATIONAL
HUMAN RIGHTS"



Mr. Chairman,

I am pleased to have the opportunity to address this Conference convened jointly by three highly respected Canadian organizations, the Canadian Human Rights Foundation, the Canadian Council on International Law, and the International Commission of Jurist's Canadian Section. The Choice of the Conference theme, "International Human Rights", reflects growing debate in Canada and in other western-styled democracies on how we can effectively promote respect for human rights internationally. A subsidiary discussion is focussing on the impact which massive violations of basic human rights should have on our relations with the countries in which they occur. It is on these closely-linked questions that I will comment today.

Canada's obligation to be involved

Canada has moral and legal obligations to be involved in the promotion of human rights both at home and abroad. Canadians are demonstrating growing interest in perfecting the protections for human rights at home. They are also increasingly making known their hope that the Canadian government will observe a morality which reflects Canadian standards in its dealings with other governments.

The Charter of the United Nations establishes as one of its key purposes the promotion and encouragement of respect for human rights and fundamental freedoms for all without distinction. In adhering to the Charter, Canada and all other member states have incurred obligations to support that objective. No country can contend with any justification that its performance is a purely domestic matter in which the international community has no right to intercede.

The United Nations has established high standards of human rights. The Universal Declaration of Human Rights, a resolution adopted by the UN General Assembly in 1948, established basic parameters. In the intervening 30 years, more than 20 international covenants, conventions, protocols and other agreements have defined more specifically standards of behaviour. The ILO has also elaborated more than 100 specialized conventions. We might anticipate then that there would be little debate on the standards to which states should aspire and be held accountable. That is not the case.

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All states have moral obligations to respect the norms of international human rights. They have legally binding obligations, however, only in respect of covenants and conventions to which they have become signatories. Even when a state accedes to a convention it does not necessarily mean that it accepts its obligations immediately. It may interpret the convention's provisions as constituting a long-term program towards which participants should strive. It may also attach low priority to provisions to which we attach the highest priority.

Canada has been active over the years in supporting the development of the international norms and is now encouraging broad adherence to them. We also support the development of standards in fields not yet dealt with, for example the elimination of religious intolerance, the elimination of torture and the promotion of the status of women.

Canada has become a party to the most important human rights covenants and conventions. Through that process international actions have directly affected domestic developments in the human rights field. Consultations related to Canada signing and ratifying the important human rights covenants for example, had a catalytic effect on the evolution of human rights legislation in Canada. It encouraged as well the establishment of statutory human rights agencies at the federal and provincial levels. The international obligations we have assumed by ratifying the covenants ensures a continuing review of domestic performance judged against the covenants standards. That is to say our support for human rights works in both directions. While we are promoting human rights internationally, we have the obligation to pursue our efforts domestically on the basis of our domestic objectives and our international obligations.

The problem of differing international perceptions

When I spoke on the subject of human rights last year, I drew attention to the differences in perception of human rights as between western democracies and the vast majority of member states of the United Nations. I noted that while western countries traditionally accord priority to civil and political

rights, third world countries consider that the most essential human rights are the economic rights of their citizens to the basic necessities for survival. While western countries emphasize the rights of the individual, most other countries stress equally the rights of the citizen in his society and his concurrent responsibilities to that society.

These differing approaches have hindered the development of coordinated, effective action to promote and defend human rights. Western democracies have been particularly concerned by the comparatively low priority which developing countries and Eastern European countries accord to civil and political human rights. Western countries have also been concerned by the reluctance of the UN majority to support measures to improve the UN's ability to deal with situations of gross abuses. The developing countries have on the other hand often considered western efforts and initiatives in favour of international human rights to be callous and hypocritical. They have accused us of focussing too often on the civil and political rights issues which the western democratic tradition holds dear. They consider that we have been too ready to take up human rights issues while paying insufficient attention to the economic context in which they occur.

Experience has shown that situations of severe economic hardship do impede the development of conditions and mechanisms to guarantee the enjoyment of human rights. Canada acknowledges this relationship, and accepts its responsibility to promote equally the civil and political, and economic and social rights internationally. We accept that this implies a strong commitment to international development. However, regardless of a country's level of development, we expect each nation to move progressively towards internationally accepted standards and refrain from intentional actions which serve to alienate human rights.

The gap between standards and achievement is great, and in some countries it is growing. But we must not expect rapid change. The goal of obtaining respect for human rights internationally will not be accomplished in a month or a year. We cannot coerce governments to behave decently towards their citizens, even assuming that we know the facts in each case.

We can make clear, however, that inhuman treatment and systematic violation of human rights will have a detrimental effect on the relations of the states in question with other states, including Canada.

I believe that international efforts to prevent or alleviate violations of human rights must be oriented towards seeking change. They should promote progressive and systematic evolution to a situation where the citizens of the country in question can live in greater dignity and security.

The value of multilateral action

In the long run the most effective means of promoting human rights internationally on a broad basis will lie through multilateral action under the auspices of the United Nations. Canada has been trying to expand UN mechanisms and make them more effective, in dealing with patterns of violations in given countries. We believe that UN action should be taken almost automatically, on the basis of a sound analysis of information received. This would eliminate to the greatest extent possible allegations of political motivation when the performance of a country is called into question. When, for example, the Human Rights Commission identifies a pattern of gross violations, it would dispatch a mission or a special representative to the country in question or request the good offices of a High Commissioner for Human Rights or of the United Nations Secretary General. The object of the action would be a full investigation with a view to proposing to the government concerned measures to correct the situation. The action would serve to bring international pressure to bear on the government concerned and put international opinion behind the corrective measures proposed by the investigating body.

The United Nations performance - dismal but a glimmer of hope

Over the past decade, the UN's performance in dealing with gross abuses of human rights has been dismal. There has been a lack of common will to take action in many serious situations. Differences of perceptions of human rights which I referred to earlier have been a factor. But more significantly a double standard has been in operation. Action has been taken

only in a few situations, where the UN majority considered that the political situation as well as the human rights situation warranted action.

Nonetheless, there have been signs in the past year that the UN majority may be coming to accept that it is important to take action in situations of gross and persistent violence to individuals and groups. This was shown by the decision of two developing countries of the Commonwealth to pilot through the General Assembly last year a very significant resolution on human rights. That resolution placed emphasis on the belief that the achievement of lasting progress on civil and political rights was dependent upon sound and effective national and international policies of development. But it stipulated that all human rights were nonetheless indivisible and inalienable. The initiative was influenced by the Commonwealth Heads of Government action the preceeding June to single out Uganda as a serious violator of human rights. The Commonwealth action was, I might add, the result of Prime Minister Trudeau's determination that the Commonwealth could not employ a double standard. While condemning the abhorrent system of apartheid in South Africa, it could not overlook the odious practices of the Ugandan regime.

In line with the promising trend of increasing third world involvement, the Human Rights Commission this year took in-camera decisions relating to situations in nine different countries. It set a significant precedent by making public the fact that some action vis-a-vis these nine countries was in progress. Though a small beginning, these developments are commendable. Only as such actions become less exceptional will an international climate of opinion be established permitting the systematic examination of gross violations on an apolitical basis.

When should human rights situations involve Canada more directly?

I turn now to the question of when and in what manner the Canadian Government should intercede when human rights are being violated in other countries. The question is not easily answered. No country has an unblemished human rights record.

In almost all countries, conditions of internal insecurity or extreme stress can lead to the setting aside of established norms. Even the normal performance in dozens of countries falls well below accepted standards. Amnesty International currently places some 60 countries on its list of nations practicing torture. Freedom House has another 100 on its list of societies, which judged from the western democratic point of view, are not free. If Canada were to take up human rights causes in many countries simultaneously, our efforts would be so diffuse that they would be unproductive. They would also not be taken seriously. We must then be prudent and focus our actions where they are most needed and where they may have a useful effect.

Canadian Priorities

As a priority, we must seek international action and consider as well bilateral action when there is reliable evidence that the grossest of human rights violations are systematically perpetrated. We should act where there is evidence of genocide, mass murder and widespread repression, or evidence of a government intentionally depriving a group or a region of basic resources for survival.

Apart from these extreme cases, there is also a place for Canadian action in serious human rights situations of direct concern to Canadians and where close links of one nature or another exist. We can in such cases, where reliable evidence exists, examine whether there is some action, apart from multilateral action, which the government can take to seek improvement in the situation. We must bear in mind that if we seek to rectify isolated abuses or aberrations in a state's normal performance in the human rights field, there may be prospects for progress. But if we seek to alter a firm policy or the fundamental basis of another state's society, the issue is not likely to be resolved quickly or easily. It is not desirable to generalize on the circumstances in which action should be taken or the means by which it should be taken. Each situation must be examined on its own merits and in light of the level of direct Canadian interest.

A careful judgement must be made as to the results which can be achieved. In some instances, a bilateral expression of Canadian concern about a situation may bring about positive change; in others it may cause a negative reaction and do nothing to help the very persons or groups about which we are concerned. At times it is useful to make public the fact that we have interceded with a government. At others, it is counter-productive. We have had some limited success, I might note, in dealing bilaterally, and in the context of the CSCE Final Act, with Eastern European countries on humanitarian matters relating to the reunification of families. On the other hand our efforts on broader human rights issues, when dealt with bilaterally or within the CSCE context, have met with minimal success. Our broader human rights concerns in relation to Eastern Europe may better be advanced by challenging Eastern European countries on the basis of the legal obligations which they have assumed as parties to the international human rights covenants. Their performance in terms of civil and political rights is, as is ours, thereby subject to scrutiny by the Human Rights Committee established under the terms of the Covenant on Civil and Political Rights. They and we must also report regularly on our progressive realization of the Economic, Social and Cultural Rights defined in the other Covenant.

Action in the United Nations cannot be divorced from action outside the United Nations. Canada's relations with some countries are limited or indeed nonexistent, and there are therefore few possibilities for quiet diplomacy. I have in mind the cases of Uganda and Democratic Kampuchea. In the first case, our action at the Commonwealth Heads of Government Meeting was followed up with pressure for action in the Human Rights Commission. In the second, after an on-the-spot enquiry carried out by Canadian officials among Kampuchean refugees, we provided a detailed report to the Human Rights Commission and called for action. I then spoke out in strong terms in the United Nations and called for action both by the General Assembly and by the Human Rights Commission. We had concluded that the self-imposed isolation of the Kampuchean government made it essential to take unusually strong steps. We felt compelled to urge the international community to pay heed to the tragic situation prevailing in that beleaguered country.

We are keeping a close watch on the situation in Kampuchea and, as a member of the UN Human Rights Commission, will continue to seek a full investigation of the situation and corrective measures. In the interim, it is interesting to note that the Kampuchean government has invited the Secretary General to visit Kampuchea. We hope it is a sign that it has accepted the validity of international concerns about the systematic murder and repression of its citizens. We will continue to spare no effort in multilateral fora and in our bilateral contacts with influential countries in the area - countries such as China - to urge them to exert their influence in the interest of improving the situation in Kampuchea and in the whole Southeast Asia area.

Canada's support to refugees and displaced persons

Canada has a special national interest in seeking action in situations as serious as that of Kampuchea. Tragic human rights situations frequently trigger a major outflow of people from countries where the grossest violations are occurring. Massive financial and material resources are required for emergency humanitarian assistance to the destitute refugees and displaced persons from such situations. The Canadian Government, with the strong support of the Canadian public, has always played a full part in contributing to international emergency relief operations. It has supported the subsequent efforts of the United Nations High Commissioner for Refugees to bring about resettlement of the refugees. The first preference is that refugees be returned to their countries of origin if improved conditions can be obtained, or as a second alternative settled in the neighbouring countries of refuge if conditions permit. But if as a last resort homes must be found for them in third countries, only a small number of countries, and primarily Canada, the United States and Australia, are able to accommodate a refugee inflow. Since World War II, Canada has resettled more than 350 thousand of these persecuted and displaced persons.

Should aid and trade be affected by human rights considerations?

Canadians often complain to me that the government is not doing enough to help individuals in countries where they have relatives or friends. They frequently call upon the

government to cut all existing ties - economic, cultural and political - with the country in question. Generally speaking this is not desirable. To attempt to make any impression bilaterally on the attitudes of other governments, we must be able to exert influence. We cannot do so by rhetoric alone. We can sometimes do so more effectively by making use of existing ties. On the other hand, we can and do take actions which reflect moral judgements.

Our development assistance program is designed to help meet the basic human needs of the poorest people in the poorest countries. Those living in countries whose human rights standards are low are usually helpless to change the situation or the regime which governs them. Our program is therefore governed by humanitarian and developmental criteria. Human rights considerations are nonetheless a factor in determining levels of aid and the orientation of programs. We must also consider in each case whether a country with an extremely poor record in terms of human rights has the will or is in a position to implement aid programs in accordance with Canadian objectives. Thus, on a few occasions when the human rights situation in a country has deteriorated to a stage where the effective implementation of the aid program is made extremely difficult, Canadian assistance has been suspended or not renewed.

I turn now to the question of trade and trade-related operations of the government. In considering the impact which human rights considerations can have on these, it is important to recall that Canada is a trading nation.

The economic welfare of our own citizens is at stake. For this reason the Canadian Government has not traditionally used unilateral economic measures as a tool to put pressure on a given country. Our policy takes into account not only the economic interests of Canadians, but also the fact that in few countries is Canadian trade critical to the regime. Therefore, Canada trades in peaceful goods with all countries except any against which the UN Security Council has imposed mandatory sanctions.

Human Rights considerations do enter into the question of Canadian arms sales. We do not export arms either to countries where there is an immediate threat of hostilities or

to regimes considered wholly repugnant to Canadian values. This is especially true where the equipment in question could be used against civilians.

Last December, the Government announced that we were phasing out our government supported commercial activities, withdrawing Trade Commissioners from South Africa and instituting visa requirements for South Africans. We were, furthermore, in consultation with Canadian corporations, drawing up a Code of Conduct to govern the activities of Canadian interests operating in South Africa. It was an exceptional decision and one taken after many years of consideration. South Africa is a case unique in the present day world. It is the single country in which racial discrimination has been institutionalized as a basis for the entire social, political and economic system. For more than 30 years, the U.N. has been attempting to persuade the recalcitrant government of South Africa to accord to its citizens rights, privileges and responsibilities without distinction on the basis of race. The international community, as a whole, has come to conclude that both multilateral and unilateral measures against South Africa are indeed desirable. The intent is to increase pressure on South Africa for fundamental change in its policies. Such change is essential if further deterioration towards racial conflagration in that country and in the whole Southern African region is to be avoided.

Conclusion

I have described an international human rights situation which at present is difficult and trying. I have, I hope, clearly indicated that the Canadian Government is very much concerned about this situation and is using its best efforts both multilaterally and bilaterally to alleviate difficult situations wherever they occur. While the international situation may appear bleak, it is not without hope. The rights of individuals throughout the world will be increasingly respected only as generations of future leaders are educated to know and respect the standards which have been established internationally. Progress of this nature is slow but there is, nonetheless, progress. Slavery was abolished internationally little more than 100 years ago. Colonial empires have been dissolved only over the course of the past 30 years. The UN role in assisting their rapid dissolution has, I

might add, been important. There is no reason to expect, therefore, that given the political will, the major human rights problems of this century cannot equally be dealt with, over time, by the international community. It is the task of decades - indeed of generations - and I assure you that Canada will continue to support practical and pragmatic actions to promote that end.

Thank you.