

CANADIAN

FOREIGN POLICY

SERIES



External Affairs    Affaires extérieures  
Canada                Canada

# STATEMENTS AND SPEECHES

Statement by Mr. Stephen Lewis,  
Ambassador and Permanent Representative  
of Canada, to the 41st Session  
of the United Nations General Assembly  
on item 12: Human Rights

NEW YORK, UNITED STATES

November 25, 1986

Canada

## CANADIAN INTERVENTION

### ITEM 12: REPORT OF THE ECOSOC

Mr. Chairman,

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

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

Our confidence in the value of this collective work should not be confused with complacency. We are conscious of the frailty of some of our procedures and of the machinery for promoting human rights. We have recently seen that budgetary measures can have debilitating effects on already strained programs. Indeed, any additional reductions in the absurdly meagre support allocated to the human rights activities of the United Nations would have an even more deleterious impact. If I may be blunt: destruction of our carefully constructed mechanisms for the promotion and protection of human rights would further erode public support for this Organization in numerous members states. We cannot afford, and will not tolerate, a drift towards institutional paralysis in the human rights field.

Our concern for the promotion of human rights stems from obvious but fundamental considerations. Some can be traced to the tragedies of the Second World War and the atrocities which gave rise to the human rights provisions of the UN Charter; some are the products of more recent developments - - systematic violations of human rights which have destroyed economic and social progress in a number of developing countries, or the

heavy hand of oppression in the Soviet bloc, seeking to stifle freedom of religious expression, trade union rights and every legitimate aspiration to self-determination.

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

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

Why should the espousal of these principles engender conflict? On what basis can other governments take offence at these sentiments? Let me elaborate by way of illustration. During the 1970s, Canada raised in this forum two of the most egregious human rights situations of that era - Uganda and Argentina. In reply, we were threatened with actions by the Organization of African Unity, to which Uganda belonged, and with bilateral economic sanctions by Argentina which was, of course, a member of the Latin American group. And then, within a few years, both governments changed. Both appointed new representatives to speak for their governments and for their new situations. Both appreciated the limited measures taken by this body in an effort to promote constructive change. Both bore witness to the need for stronger procedures to prevent the violations of human rights which had taken place in their respective countries, perpetrated by governments which had lost all moral authority in the eyes of their people.

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

the bloodshed and suffering it has endured under the current regime for the past seven years.

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

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

As things now stand, the range of situations on the agenda of the Commission on Human Rights defies easy categorization. The regional scope is relatively broad. The allegations cover numerous generic and thematic rights. Emphasis, quite rightly, is placed on gross and persistent violations of human rights and on immediate situations where rapid remedial action might be possible.

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

Among the victims of oppression have been Soviet Jews who have suffered from a systematic and methodical campaign to obliterate their culture, language and religious heritage. Those who live in the Soviet Union are subjected to a growing and virulent campaign of anti-semitism - in fact, in the words of Andre Sakharov, anti-semitism has been raised to the level of religion in a godless society. Those who attempt to emigrate are the targets of intimidation, trumped-up prosecutions, incarceration in psychiatric hospitals, internal exile and imprisonment in work camps. Soviet Jewry has become a focal point in the rhetorical battles of an increasingly tendentious Cold War. Prominent

cases have been settled, not on the basis of rights and obligations, not under the provisions of the Soviet constitution, but as bargains and trade-offs in a cynical campaign of public relations that has rendered justice to a select few while leaving the more fundamental issues untouched.

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

Other religions and minorities have suffered similar fates. For the almost fifty million Muslims who reside within the borders of the Soviet Union, the free and open practice of their religion is impossible. In the past few years, there has been a dramatic escalation in Soviet activities directed against Baptists, Pentecostals, Adventists, and Catholics. All have been subjected in varying degrees to equally systematic attempts to destroy the basis of religious practices. So, too, the fate of Soviet dissidents of every faith - for them the words "human rights" are but a cynical phrase in the vocabulary of legal repression. It is difficult for a world which seeks to trust Soviet promises on arms control to reconcile those promises with what we know of equivalent Soviet commitments on human rights.

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

It would be some comfort to believe that such flagrant violations of human rights were restricted to one region or practised by one ideology. It would be equally gratifying to believe that the slow march of totalitarian and authoritarian practices had been definitively halted. But the evidence is otherwise. There continue to be reports of prisoners of conscience in countries as ideologically diverse as Chile and Cuba, South Africa and Vietnam. There are clear limits to trade union activities, restrictions on free expression and curbs on political organization in Nicaragua, a country that emerged from a dictatorship of

pervasive brutality, but which has yet to fulfill the high hopes of its liberation some seven years ago. Disappearances, summary executions, extra-judicial punishments and torture are common practices by governments of the left and right alike, and in virtually all areas of the world. Not even the servants of this Organization are free from arbitrary persecution, as we have seen in Romania's treatment of Liviu Bota.

One of the most persistent forms of repression has been directed against minority groups. In Iran, adherents of the Baha'i faith have been the object of a concerted campaign of intimidation, persecution and imprisonment that has left many of its followers dead and rendered others exiles beyond the borders of their homeland. Bulgaria authorities, seeking to create an orthodox socialist nation, have engaged in an unrelenting campaign of forced assimilation of ethnic Albanians, Gypsies and Armenians. Recently, these efforts have assumed incredible dimensions with the government denying even the existence of a group of Turkish origin comprising almost 10 per cent of the Bulgarian population. Forced name changes and abandonment of Moslem religion, customs and language, not to mention arbitrary arrests and imprisonment of resisters, are among the methods employed to ensure rightful place of ethnic Turks in socialist Bulgaria.

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

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

of the Geneva Conventions.

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

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

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

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

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

Second, the critical roles of special rapporteurs and representatives must be recognized, and their capabilities safeguarded and strengthened. We profoundly regret that several reports by special rapporteurs were subject to selective and arbitrary decisions regarding length and circulation which, in two cases - those of El Salvador and Afghanistan - rendered the document far less useful as the basis for serious discussion. In the case of Iran, the quality of the report is so lamentable as to be virtually irrelevant to this debate. These lapses are unacceptable; they severely undercut the work of the U.N. in the human rights field.

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

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

Fourth, we must work to construct a more sensitive approach to UN action in those cases where states are emerging from difficult human rights situations and require the solidarity of the international community to consolidate fragile gains.

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

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

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

In many respects this chamber is ill-suited to the tasks of discharging its charter mandates. Non-governmental organizations have always been better than governments at describing situations in comprehensive, if brutal, clarity. We represent governments. Our governments have interests. It is therefore frequently tempting to bury views behind high-sounding phrases rather than to face the issues directly.

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