



Statements and Speeches

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VIOLATION OF HUMAN RIGHTS IN POLAND

An Address by the Honourable Mark MacGuigan, Secretary of State for External Affairs, at the Fifth Session of the Madrid Follow-up Meeting of the Conference on Security and Co-operation in Europe (CSCE), Madrid, Spain, February 9, 1982

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

Afghanistan

It was our unhappy duty during the review of implementation to draw attention to the Soviet Union's intervention in Afghanistan, which directly challenged the principles of sovereign equality, of refraining from the threat or use of force, of the inviolability of frontiers (to which the Soviet Union claims to be much attached), of the territorial integrity of states, of non-intervention in internal affairs and of equal rights and self-determination of peoples, and also challenged the injunction to conduct our relations with all other states in the spirit of the principles contained in the Final Act. The principles are still being called seriously into question by the continuing Soviet armed presence in Afghanistan. This must inevitably have a profoundly negative effect on *détente* and harm the prospects for a meaningful dialogue between East and West on those issues which divide us.

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

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

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

Agreement sought

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

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

Polish situation

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

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

Helsinki commitment forgotten

The commitment of the Polish government to fulfil its obligations under Principle VII has clearly been abandoned in the events which have transpired in Poland since December 13, 1981. Thousands of people have been interned, simply for having been active in an organization duly recognized by the Polish courts. They have been

charged with no criminal offences. They are simply being held, being allowed minimal contacts with their families and friends, at the pleasure of the government. While it is true that some have been released, those that have been set free have, in most cases, paid a price for their liberty. They have had to sign statements, which in many cases involve renouncing their membership in what is still a legally-recognized institution, even if its activities have been suspended under the terms of the martial law decrees. It is not only those who have been interned who are being forced to sign such statements, however; thousands of ordinary Polish citizens, under the threat of losing their jobs, are being similarly coerced, as the tentacles of the verification process spread their way through the entire fabric of Polish society. These people are not being permitted to exercise their free will, nor the freedoms of thought and conscience which their country's signature of the Helsinki Final Act ought to have assured them. We have, in fact, a situation in which the governing authorities of a country which has advocated "the right to life in peace" has interned its own people in an extended "state of war".

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

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

Other restrictions

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

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

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

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

But time is moving on and patience wears thin. I therefore call for an immediate amelioration of the situation which, in addition to a genuine and visible movement towards reconciliation, would include the lifting of martial law and the release of those now held in detention. Early movement in regard to these considerations will create an environment in which the interest of all of us will be to help Poland to overcome the grave problems which it faces, resume its obligations as a signatory of the Helsinki Final Act, and take its proper place in the concept of Europe.

**U.S.S.R. action
rejected**

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

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

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

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