

Notes for a Presentation

by Paul Heinbecker*

**On the Occasion of the 60th Anniversary
of the Adoption
of the Universal Declaration of Human Rights,**

Wilfrid Laurier University

December 10, 2008

Check Against Delivery

** Paul Heinbecker is a Distinguished Fellow, International Relations, at the Centre for International Governance Innovation, Waterloo, and Director of the Centre for Global Relations at Wilfrid Laurier University. He served as Canada's Ambassador to the United Nations (2000-2003). This paper does not necessarily reflect the views of the institutions above.*

Introduction

It is an honour to speak here this evening on this panel convened by the Academic Council on the UN System (ACUNS) commemorating the Universal Declaration of Human Rights,, on the Declaration's 60th anniversary.

My contribution will discuss human rights and Canadian foreign policy.

I will develop briefly just two points.

First, I will assert that,

while we properly engage in self-reflection

**as we commemorate the issuance of the
Universal Declaration of Human Rights,**

**and as we inevitably in the process contemplate our
short-comings,**

**we should take care not to belittle the truly
extraordinary progress we have accomplished
together.**

To substantiate that point, I will talk about how others see us,

drawing on my experience abroad, especially at the United Nations.

And, second, I will offer some observations and advice on contemporary Canadian policy and practices

so that we can maintain our reputation as a promoter of international human rights standards.

Canada and Human Rights—Building a Reputation

Professor John Humphrey of McGill University set up the first Division for Human Rights in the UN Secretariat,

a division he remained in charge of for the next twenty years.

It was during his first few years with the UN that he prepared the first draft of the Universal Declaration on Human Rights

and guided it to its adoption by the General Assembly in 1948.

His accomplishment remains one of the standards by which the contributions of Canadians to global affairs are measured.

In my judgment, it is not just an accident of history that the Declaration was drafted by a Canadian.

Tolerance,

respect for others, and

appreciation of diversity,

are all values that go deep into the roots of Canada.

Those values are part of Canada's DNA,

a DNA that is traceable back to the 16th Century,

**to the tolerant attitudes of our aboriginal
peoples to European immigrants**

**and to the 18th Century, when the English and
French,**

**found themselves having to develop a *modus
vivendi* in the New World.**

**Our New World is not so new, anymore, but living
together is still a work in progress,**

as is painfully evident in the recent intemperate,

**decidedly un-parliamentary language heard in
Ottawa in the last couple of weeks,**

and in some of the intolerant commentary heard earlier this year in Quebec by the Bouchard-Taylor Commission.

But while it is important not to romanticize our history, which has often been painful,

especially to aboriginal Canadians,

but to newcomers, as well, as the many apologies of our recent leaders attest,

And while it is important to be honest and clear-headed about our contemporary behaviour,

which is sometimes short of the mark internationally and self-destructive at home,

it is, also, important not to belittle the real progress we have made together.

During a long public service career,

half of it spent abroad,

**and over the subsequent years working with
foreigners,**

**I have come to understand that most of the rest of
the world respects Canadians for creating one of
the best countries on earth.**

**Over the years, we have transformed ourselves into a
compassionate, bilingual, multicultural society,**

perhaps the most diverse on earth,

where none is a majority,

and where minorities can prosper.

**For example, 52 percent of the population of Toronto
over 15 years of age was born in another country,**

**making Toronto probably the most diverse major
city in the world.**

The world knows that we value diversity

and integrate foreigners into national life and purpose

not perfectly

but as well or better than anyone else.

We are seen as a country that tries,

and, mostly, succeeds

to respect human rights and to protect minorities,

a country worthy of emulation,

albeit one that ought to do better by its aboriginal population.

That reservation is not trivial, for reasons that are evident, or should be, to all Canadians

But while self-satisfaction and complacency would be fatal to the Canadian enterprise,

it remains, nonetheless, true

that we are recognized abroad as a country that delivers its citizens a very high standard of living

and an exceptional quality of life.

We are also known for a culture that generates remarkable excellence in literature, the arts and science.

And for education that propels its students into the top levels of accomplishment,

with Laurier leading the way in several fields.

Our economy ranks about 10th in the world,

we are a major trading country,

we have some of the best business leaders there are anywhere,

our resource base is vast, and

we believe our banking system is sound.

Our modest population is larger than that of over 150 other countries,

And even our often maligned military capacity is not negligible;

Canada ranks 12th out of 192 countries on military spending.

It was for all of these reasons,

but especially for our reputation as a bilingual, multi-cultural, law-abiding, compassionate, welcoming society,

that I found myself invariably getting a willing, respectful hearing whenever I spoke at the United Nations.

When I spoke in the UN Security Council in defence of the International Criminal Court from the Bush Administration's attempts to undermine it,

or on protecting civilians in armed conflict,

or on promoting women's rights in Afghanistan,

or on stopping the blood diamonds trade in Africa

or on avoiding what was evidently going to be a catastrophic war in Iraq,

my words carried weight because they were coming from the representative of Canada.

Over many generations,

but especially in the years since the Declaration was made in 1948,

Canada has acquired a reputation abroad as a principled, constructive, effective contributor to international affairs,

especially to the development of human rights and humanitarian norms.

To see ourselves as others see us would save us from many a blunder and foolish notion, to paraphrase Burns.

How do others see us?

Former UN Secretary General Kofi Annan said that

Canada’s “multicultural character and bilingual tradition give it special qualifications as an exemplary member of our organization.”

Afghanistan President Harmid Karzai has called Canada

“a great nation that is a model to the rest of us for all that is good.”

Former UK Prime Minister Tony Blair said,

“...What binds us [Canada and the UK] together is a common belief in the values of institutionalized democracy,

the benefits of the rule of law...

and the ultimate need to protect human rights.”

And former US President Bill Clinton stated

“we share core values...[including] an ardent belief in democracy... an understanding of what we owe to the world for the gifts we have been given.

While I have chosen these citations obviously because they reinforce the point I am making,

they are representative of a widely-held view abroad.

Professor Humphreys laid the foundation of Canada’s nascent reputation, and many others helped to build it.

Prime Minister Pearson liberalized immigration policy, making it colour blind,

and his foreign minister, Paul Martin (Sr.), helped the recently de-colonized countries achieve United Nations membership.

Prime Minister Diefenbaker took a strong stand against apartheid that resulted in South Africa's expulsion from the Commonwealth.

In Prime Minister Trudeau's time, Canada led the work on "basket three",

the human rights dimension of "the Helsinki Final Act",

which was progressively to loosen Communism's grip on the countries of Eastern Europe.

Under Mr. Trudeau, Canada, also, criticized the human rights abuses in Central America.

In Mr. Clark's short-lived government, Vietnamese boat people were brought to new lives in Canada.

The Mulroney Progressive Conservative government in its 1984 foreign policy review entitled

(of which I was the "pen"),

acknowledged the significance of human rights to Canada's influence in the world.

Prime Minister Mulroney led the successful fight to impose and maintain sanctions against the apartheid regime in South Africa,

over powerful British and American opposition,

for which he was thanked personally by Nelson Mandela.

Mr. Mulroney, also, co-chaired the UN Summit on Children's Rights, which brought about the UN Convention on the Rights of the Child,

which now enjoys near universal adherence.

The Chretien government's 1995 foreign policy review made democracy and human rights promotion a prominent objective.

The Chretien government, also, implemented Foreign Minister Lloyd Axworthy's Human Security agenda, which included:

- **Leadership in the creation of the International Criminal Court, and the Sierra Leone hybrid court**
- **the initiation and conclusion of the Ottawa land-mines treaty,**
- **the initiation and intensification of the UN's efforts to protect civilians in armed conflict,**
- **endorsement of UN Security Council Resolution 1325 on women, peace and security,**
- **ratification of both optional protocols to the Convention on the Rights of the Child, [Canada was the first to sign and ratify the optional protocol on children in armed conflict; the second optional protocol was on the prevention of the sale of children, child prostitution and child pornography]**
- **leadership on women's rights, especially at the Beijing conference, and Beijing plus five,**
- **the imposition of effective sanctions on UNITA regarding blood diamonds,**
- **the establishment of the International Commission on Intervention and State Sovereignty (ICSS)**

- etc.

Interestingly,

the new US government appears likely to implement a foreign policy that has much in common with the old Canadian Human Security agenda.

According to Clyde Sanger in the New York Times last week, President-elect Obama has signaled his intention to create a greatly expanded corps of diplomats and aid workers

that would engage in preventing conflicts and rebuilding failed states.

That sounds a lot like the human security agenda that has been deliberately expunged from Ottawa's vocabulary,

ironically just as the term has gained currency around the world.

The Martin government, in its short time in office, gave human rights and democracy promotion a prominent place in its 2005 International Policy Statement.

It, also, was instrumental in the adoption by the UN of the Responsibility to Protect.

Over time, too many Canadians to mention

- **individual citizens,**
- **civil society members,**
- **government officials and**
- **Parliamentarians**

contributed anonymously but hugely to the development of a vast regime of human rights conventions, treaties, and norms

in diplomatic gatherings from Geneva and New York to Vienna to Rome to Cairo to Beijing...

Many Canadians took extraordinary risks to contribute to the actual defence of human rights in some of the most dangerous of circumstances, including

Afghanistan, Angola, Bosnia, Darfur, Haiti, Guatemala, Sierra Leone East Timor and many others.

One person who must be mentioned for her extraordinary service is Louise Arbour,

both as prosecutor of the International Criminal Tribunals on Yugoslavia and on Rwanda,

and as UN High Commissioner for Human Rights, further enhanced Canada's reputation,

(For which she literally got no thanks from her own government, the only one at the Human Rights Council not to commend her service when she resigned.)

Canada and Human Rights—The Perils of Light Switch Diplomacy

In the Eighties, then US Secretary of State George Shultz coined the term “Light Switch Diplomacy”

to describe tendencies in American foreign policy to change directions and priorities abruptly.

He regarded the phenomenon as an error.

Light Switch Diplomacy has its strong appeal in Canada as well.

IR theory notwithstanding, governments do shift their positions according to the personality, inclinations and ambitions of the incoming office holders

and often manifest a “not-invented-here syndrome for what was launched by their predecessors.

Canada’s priorities sometimes shift not just between governments but between Prime Ministers and Ministers of the same party,

as illustrated by the shifting goals of recent Liberal governments

and by the personal priorities of a progression of foreign ministers from Axworthy to Manley, Pettigrew and Graham

to McKay, Bernier, Emerson and Cannon.

Nowhere has this impulse been stronger than on human rights.

Added to this tendency in recent years has been a partisan political quotient that has produced Diaspora-sensitive policies

that are an admixture of high principle and political mercantilism.

Further, Ottawa's overall engagement on human rights has been geared down,

partly because of the distractions of minority governments and elections

and the press of bad economic news,

both entirely defensible,

and partly because of a discernible ideological disinclination,

which is less defensible.

All of this has produced a number of policy changes that are impacting on our international reputation on human rights.

For example, at the UN, the Martin Government began to change positions taken by a succession of Canadian Governments on the annual series of votes on the Middle East,

even when the facts on the ground had not changed,

thus effectively abandoning the “fair-minded and principled” posture adopted by previous Liberal and Conservative governments going back years.

On coming to office, the Harper Government went further

and re-aligned Canadian votes on Middle East issues still closer to the USA, Israel and a handful of Pacific Island states.

In the Israeli-Lebanon war, Prime Minister Harper described the massive Israeli response to the illegal Hezbollah attack on its soldiers as

“measured”,

a judgment not shared by either Human Rights Watch or Amnesty International,

or the United Nations Secretary General

or most other governments, including like-minded western governments.

More recently, Canada has been alone among western countries in accepting the Kangaroo court process in Guantanamo,

inexplicably leaving a Canadian child soldier, Omar Khadr,

to face a process that even the US Supreme court has criticized

and that President-elect Obama has said he would end.

Further, in 2007, for the first time Canada did not co-sponsor the annual death penalty resolution at the UN General Assembly, although it ultimately voted for it,

on the unpersuasive grounds that it did not have the time to make the phone call to add Canada to the sponsors list,

sending a discordant signal to our partner countries and others.

In the Ronald Smith case, the Government abruptly reversed Canada's policy of automatically seeking clemency for its citizens facing the death penalty abroad,

sending the message that while the execution of Canadians (and Americans) is prohibited in Canada, it can be acceptable if done elsewhere.

Meanwhile the government pulled back abruptly on Canadian support for the UN *Declaration on the Rights of Indigenous Peoples*, on which Canada had been a leader.

To the disappointment of Africans, the government has decided not to participate in preparations for the Durban Review Conference,

apparently out of concern that the outcome would be too critical of Israel,

a concern that has ample justification.

I led the delegation to Durban I and was appalled by the experience.

At Durban, I made perhaps the strongest statement that a Canadian official has ever made at an international conference against the singling out of Israel.

But, I think nevertheless that pulling out of the Durban Review Conference so far ahead of the conference was a mistake in both substance and tactical terms.

On substance, there will be more under negotiation in the lead-up to Durban than the Middle East issue

and our absence from the preparations and the negotiations risks sending the wrong message to the Africans

that Canada has a political pecking order on human rights.

In tactical terms, we could have warned the organizers that our continued participation would be conditional on the conference not singling Israel out

and then negotiated for a better outcome.

Doing so would have maintained our reputation as constructive internationalists and, at the same time,

preserved our option to walk out if we could not get the kind of language we need.

Within the Department of Foreign Affairs and elsewhere in Ottawa, human rights advocacy capacity has been allowed to erode,

especially as regards women's rights.

All of this is not to say that Canada's record is unremittingly disappointing.

It is not.

In Geneva, Canadian officials have strived to carry on with Canada's international human rights agenda,

notably in the work done to develop the processes of the new Human Rights Council,

including the new Universal Periodic Review mechanism.

In New York, Canada has, also, persevered in “running” the annual resolution condemning Iranian human rights abuses,

successfully thus far, at least.

And in Afghanistan, in the most unpropitious of circumstances, progress has been made on human rights

including access to education and health care and, belatedly, on the transfer of detainees.

Conclusion and Policy Advice

All change in policy is not wrong, of course, but change that does not take account of the principles and values that underlie existing policy risks being arbitrary.

Overall, in recent years, it is difficult to avoid the judgment that an arbitrary and ideological quality has shaped Canada’s approach to international human rights issues in recent years,

and a retreat from leadership, as well.

Together, these tendencies are affecting Canada's reputation on human rights abroad and, in some cases, are disturbing the public peace at home.

In his 2005 report to the UN entitled "In Larger Freedom",

the then Secretary General Kofi Annan urged the membership to make human rights the third pillar of the UN.

The Secretary General argued that there can be no security without development,

no development without security

and no security or development without human rights protection.

He, also, argued that multilateral cooperation was essential to the achievement of all three.

Those insights have not yet been assimilated in most capitals, including Ottawa.

In my view, Canadian Governments would be wise

both to avoid the practice of “Light Switch Diplomacy” every time a government or a minister or Prime Minister changes,

and to make respect for human rights the full-fledged third pillar of Canadian foreign policy.

President-elect Barack Obama has characterized foreign policy as 10% agenda and 90% circumstances.

In the dizzying torrents of international circumstances, coherence is difficult to maintain.

Respect for the rule of law, especially international human rights treaties and humanitarian law,

together with due regard for the principles and values that underlay the policy decisions of previous governments

would bring beneficial coherence to Canada's international relations.

And would permit us to maintain Canada's reputation as an effective promoter of human rights abroad.

Thank You.

