

**Notes for a Presentation**

**by Paul Heinbecker\***

**To the Association for Canadian Studies**

**On the Occasion of the 60<sup>th</sup> Anniversary**

**of the Adoption**

**of the Universal Declaration of Human Rights,**

**McGill University**

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**Check Against Delivery**

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**Mr. Marx,**

**Mr. Gall,**

**Mr. Jedwab,**

**Ladies and gentlemen,**

**Mesdames et Monsieur,**

**It is an honour to be asked to speak here, today, on the  
60th anniversary of the Universal Declaration of  
Human Rights,**

**at the university where its main author, John  
Humphrey, had taught**

**(and which helped educate both of my daughters!)**

## **Introduction**

**Today I will develop just three points.**

**First, I will assert that as we properly engage in self-reflection as we commemorate the issuance of the Universal Declaration of Human Rights,**

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

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

**Second, to substantiate that point, I will talk about how others see us, drawing on my experience abroad, especially at the United Nations, and subsequently.**

**And, third, I will offer some observations and advice on contemporary Canadian policy and practices as regards the promotion of international human rights standards.**

### **Canada and Human Rights—Building a Reputation**

**People in this audience will know that John Humphrey set up the Division for Human Rights in the UN Secretariat, a division he remained in charge of for the next twenty years.**

**And that 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 still measured.**

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

**Tolerance,**

**respect for others, and**

**appreciation of diversity,**

**are all values that go deep into the roots of Canada, and of McGill, the intellectual cross roads of English and French in Canada.**

**Those values are part of Canada's DNA,  
a DNA that is traceable back to the 16<sup>th</sup> Century,  
to the tolerant attitudes of our aboriginal peoples to  
European immigrants  
and to the 18<sup>th</sup> Century, when the English and  
French,  
Canada's two founding nations,  
found themselves having to develop a *modus  
vivendi* in a new world.**

**Our 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 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 what we have accomplished 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.**

**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**

**and that were discussed in the previous session of the conference on the rights of indigenous peoples.**

**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 McGill leading the way in several fields.**



**Our economy ranks about 10th in the world,**

**we are a major trading country,**

**our resource base is vast,**

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

**and even our military capacity is not negligible;**

**our military spending ranks Canada 12<sup>th</sup> out of 192  
countries.**

**It was for all these reasons,**

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

**that I found myself invariably getting a willing,  
respectful hearing whenever I spoke in the UN Security  
Council.**

**When I spoke in the Council in defence of the International Criminal Court from American attempts to undermine it,**

**or on protecting civilians in armed conflict,**

**or on assuring women's rights in Afghanistan,**

**or on ending 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, we have acquired a reputation abroad as a principled, constructive 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?**

**Kofi Annan said that Canada's "multicultural character and bilingual tradition give it special qualifications as an exemplary member of our organization."**

**Harmid Karzai has called Canada "a great nation that is a model to the rest of us for all that is good."**

**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**

**...the creative power of individualism**

**and the ultimate need to protect human rights."**

**And 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 because they reinforce the point, 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 of American allies in Central America.**

**In its 1984 foreign policy review entitled Security and Competitiveness (of which I was the "pen"), the Conservative government 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,**

**against 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,**

**now with 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 had a strong human rights and human security core.**

**That government's accomplishments included:**

- **Leadership in the creation of the International Criminal Court,**
- **the initiation and conclusion of the Ottawa land-mines treaty,**
- **the intensification and normalization 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,**

**some would say ironically,**

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

**with its emphasis on human rights, humanitarian law, prevention and peace-building.**

**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.**

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

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



**The Martin government, in its short time in office, was instrumental in the adoption by the UN of the Responsibility to Protect.**

**It, also, gave human rights and democracy promotion a prominent place in its 2005 International Policy Statement.**

**Over time, uncounted Canadians**

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

**contributed hugely to the promotion of human rights instruments from Geneva to Vienna to Cairo to Beijing to Durban...**

**and to the actual practices of human rights promotion and protection in places as difficult and dangerous as**

**Afghanistan, Angola, Bosnia, the Congo, Darfur, Haiti, Guatemala, Kosovo, Liberia, Sierra Leone and Sri Lanka.**

**Louise Arbour, both as prosecutor of the international 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 the Harper government, the only attending member of the Human Rights Council to withhold gratitude for her contribution.)**

### **Canada and Human Rights—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.**

**Governments shift their positions according to the personality and ambitions of the incoming office holder**

**and in response to the “not-invented-here syndrome.**

**Light switch diplomacy is a strong temptation in Canada as well.**

**Canada's priorities often shift not just between governments but between Prime Ministers and Ministers of the same party,**

**as the goals of the progression of foreign ministers from Axworthy to Manley, Pettigrew and Graham**

**to McKay, Bernier, Emerson and Cannon**

**illustrates.**

**The instinct to self-definition, even self-promotion, seems as powerful as the nation's interests and values are constant.**

**Added to the mix in recent years has been a partisan political quotient that has produced Diaspora-oriented policies that are at once principled and high-minded**

**as well as ideological and politically mercantile.**

**At the UN, the Martin Government began to change votes on the Middle East issue even when the facts on the ground had not changed,**

**not calling them as it saw them as previous governments had done but seeking “balance”.**

**The Harper Government took the practice further, changing more votes.**

**And in the Israeli-Lebanon war, Prime Minister Harper described the massively disproportionate Israeli response to the illegal Hezbollah provocation to its security as**

**“measured”.**

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

**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,**

**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, Canada did not co-sponsor the annual death penalty resolution at the UN General Assembly, although it ultimately voted for it,**

**sending a discordant signal to most countries promoting respect for human rights.**

**In the Ronald Smith case, the Government of Canada 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 abroad.**

**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 some 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 made at an international conference against the singling out of Israel.**

**But, there will be more to the Durban Review Conference 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.**

**Within the department of Foreign Affairs, human rights capacity has been allowed to erode, especially as regards women's rights.**

**At the same time, 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.**

**They have, also, persevered in "running" successfully the annual Iranian resolution, thus far, at least.**

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

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

**Still, it is difficult to avoid the judgment that there has been an arbitrary character to Canada's approach to international human rights issues in recent years,**

**And a retreat from leadership.**

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

### **Conclusion**

**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.**

**That insight has not yet been assimilated in most capitals, not least Ottawa.**

**In fact, Ottawa's position on human rights promotion has often recently seemed to be a mix of declared principle (often selective) and politics,**

**appealing to targeted groups inside the country.**

**Also, Ottawa's engagement on human rights has been geared back, possibly because of the distractions of minority governments and the press of economic news.**

**In my view, Canadian Governments would be wise to make respect for human rights the third pillar of Canadian foreign policy.**

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

**Respect for the rule of law, especially international human rights treaties and humanitarian law, would bring such coherence to Canadian international relations.**

**Thank You.**

