

Canadian Foreign Policy and Human Rights

The Honourable Lloyd Axworthy, Minister of Foreign Affairs "THE UNIVERSITY OF OTTAWA GORDON HENDERSON DISTINGUISHED LECTURE"

I am honoured to have been asked to give this year's Gordon Henderson Lecture on human rights. I am pleased to have this opportunity to commemorate the legacy of Gordon Henderson, both for his work on human rights and as a benefactor to the University of Ottawa Centre for Human Rights. The Centre has taken up a challenge — that of making the link between human rights theory and practice — that, as Foreign Affairs Minister, I face almost every day in the international context. I would like to outline for you, in my remarks today, how I see Canada taking up that challenge in an era of profound global change.

As we approach the 50th anniversary of the Universal Declaration of Human Rights, the international community is poised on a fulcrum.

The breakdown of the old bipolar world has created new possibilities to promote and protect human rights. Globalization has opened up borders to new ideas and information, affording us new opportunities to build a universal culture of human rights. Democracy has taken root in the majority of the world's states. Civil society is thriving. The conditions are there to achieve progress on human rights unimagined by the drafters of the Universal Declaration in 1948.

At the same time, as I speak, human rights violations are being committed in many parts of the world: political dissidents are being jailed, people are being tortured, children are working in exploitative conditions, and internal conflicts are claiming innumerable civilian lives. Globalization has brought with it a dark side: transnational organized crime, terrorism, the drug trade, transboundary environmental pollutants and growing global economic inequities.

In short, although recent years have seen impressive progress in the international human rights system, there is still a significant gap between respect for human rights on the ground and the lofty principles set out in the Universal Declaration 49 years ago. I see the 50th anniversary of the Declaration next year as a watershed — a defining moment that can either build on the momentum of the past few years or stall our advance.

We have been working to adapt Canada's international human rights policy to respond to, and capitalize on, these changes in the global environment. We are learning to tackle old problems in new ways, by: developing a human rights foreign policy that maximizes Canada's effective influence, by using a range of foreign policy levers and involving civil society actors; and developing a holistic foreign policy that sees human rights through the broader lens of human security, and integrates human rights concerns into other aspects of our foreign policy. Our ultimate aim is to prevent human rights abuses by addressing their root causes.

What I propose to do today is to offer some reflections on the past, present and future of the Universal Declaration, and on how we are working to adapt Canada's international human rights policy to ensure that the Declaration gains in strength over its next 50 years.

The Past

Before the adoption of the UN Charter and the Universal Declaration, international law left states free to treat their own citizens as they saw fit. Human rights fell exclusively within the limits of state sovereignty, hidden from international view.

The Charter in 1945 and the Universal Declaration in 1948 did two things: Human rights became one of the guiding principles of international relations, with the international community affirming "faith in fundamental human rights and the dignity and worth of the human being" and promising to "promote social progress and better standards of life in larger freedom."

But at the same time, the Charter and the Declaration reaffirmed the principle that each state had a "domaine réservé" — an area of absolute sovereignty that was shielded from international scrutiny.

The early years of the international human rights system were characterized by a sterile to-and-fro between those states that sought to hide human rights abuses behind an impenetrable cloak of national sovereignty, and those that argued that human rights were a legitimate concern of the international community. A limited number of human rights treaties were negotiated, but ratification and implementation lagged behind.

The Present

What has changed? Recent years have seen the sterile polemic dissolve. With globalization, people, ideas and information are now moving across borders at unprecedented rates, and state sovereignty has become a much more diffuse concept. Many states have shown a new willingness to allow international scrutiny of their human rights records, permitting visits by special rapporteurs, signing on to international complaint mechanisms, and submitting regular reports on compliance to international treaty bodies. Processes that were formerly the province of states alone have now opened up to participation by a broad range of non-state actors. In essence, the international human rights system is evolving from an era of standard setting to an era of implementation.

At the same time, human rights are increasingly seen as inseparable from questions of international peace and security, international trade and development assistance. In effect, human rights cannot be seen as an afterthought to other considerations in international relations, but must be seen as a "threshold issue," integral to our other foreign policy concerns.

The Way Forward: Developing a Canadian Human Rights Tool Kit

What does this sea change in the international environment mean for Canadian international human rights policy? It means that:
human rights must be an integral part of our foreign policy and a consideration in any relationship Canada has with another country, from the moment we enter into that relationship;
such a policy is not pure altruism or idealism. While it reflects Canadian values, it also serves Canadian interests;
in order to effect positive change, Canada has to be ready to engage a whole range of foreign policy levers;
the active involvement of civil society is essential, both at home in Canada and abroad;
and
we have a uniquely Canadian contribution to make to international human rights protection and promotion.

Human Rights Are Integral to Canada's Foreign Policy

International respect for human rights is not a luxury, it is an imperative of living in a global society. Today, most important Canadian "domestic" issues have an international dimension. All are shaped by international forces and events. None can successfully be addressed by governments in isolation from the international sphere.

New threats to human security, if not addressed in a comprehensive manner, affect the health, security and quality of life of Canadians. With trade, travel and telecommunications linking countries more closely together than ever, each individual country has a growing stake in how other nations govern, or misgovern, their citizens. Mature democracies are less likely to go to war with one another, unleash waves of refugees, create environmental catastrophes or engage in terrorism.

Jobs and growth at home are increasingly dependent on trade and investment abroad. States that respect human rights and the rule of law are more likely to honour their commercial commitments. The well-being of the international economy is linked to issues of stability and security.

All of this means that human rights must be integral to our overall foreign policy. It means that we have to be ready to maximize our effective influence through a whole range of foreign policy tools:
from "soft diplomacy" measures such as: democratic development and peace-building, improved trading relationships, support of the work of NGOs [non-governmental organizations] and the private sector, bilateral human rights dialogues and technical assistance;
to "hard diplomacy" coercive measures such as: international condemnation in resolutions at the UN Human Rights Commission, international monitoring missions, economic sanctions and peacekeeping missions.

These measures are not mutually exclusive. The steps we take will necessarily vary from country to country, depending on a range of complex factors: the severity of human rights

abuses; the number and strength of indigenous human rights NGOs; and the capacity of the country to build a judicial, legal and human rights infrastructure.

At times, the Government of Canada has been criticized for being inconsistent in its approach to different countries. But a coherent human rights policy does not require or even imply uniformity of treatment. It would be easy to take very public stands on every human rights abuse in every country, and it might even be quite popular, but this would not, on its own, change much in the country concerned. Each situation and each country holds a different potential for effective action. The key is to find the right foreign policy approach to fulfil that potential.

Linking Human Rights and Trade

Perhaps the most sensitive issue in this regard is the relationship between trade and human rights. Critics of engagement see a dichotomy between trade and human rights. I would argue that it is a false one. Although trade on its own does not promote democratization or greater respect for human rights, it does open doors. It creates a relationship, within which we can begin to speak about human rights. In addition, as countries open up to foreign trade and investment, they come under increasing pressure to respect the rule of law. At the same time, they see more and more reasons why it is in their own interests to do so. The issue here is not a crude choice between trade or human rights, but rather a need for responsible trade. I think the area of child labour best illustrates my point that megaphone diplomacy and coercive measures are not always the most effective route for bringing about positive change, and that encouraging ethical trade can be a positive tool for change. Punitive measures, such as limiting the importation of certain products made with child labour, risk displacing child workers into even worse situations, such as prostitution. They also ignore the plight of the vast majority of child labourers in developing countries who are employed in the domestic and informal sectors.

The underlying cause of child labour in developing countries is poverty. The solution is to attack the root cause of the problem, and to offer viable alternatives to exploitative child labour. This is why Canada approaches child labour issues through technical co-operation based on reducing poverty and meeting basic human needs, and through partnerships with non-governmental organizations and the private sector.

For example, Canada has established a \$500 000 child development fund in India to help combat exploitative child labour. Canada funds a range of preventative projects through CIDA [Canadian International Development Agency], for example providing for the education of girls in Africa. In the Golden Triangle, we fund crop substitution and rehabilitation for people who lived off the heroin trade, many of them former child prostitutes or the children of prostitutes.

We are also working within Canada to target sexual exploitation of children. Through Bill C-27, we have amended the Criminal Code to allow for the prosecution of Canadians who engage in commercial sexual activities with children while abroad. Senator Landon

Pearson, my special advisor on children's rights, is organizing an International Summit of Sexually Exploited Youth, which will bring together youth from around the world who have worked in the sex trade to talk about their experiences and solutions to the problem.

The key to success on issues of child labour is engaging the private sector and fostering change from within. Earlier this year, Errol Mendes, Director of the Centre for Human Rights at the University of Ottawa, spearheaded an initiative with the Canadian Alliance of Manufacturers to draft a voluntary code of conduct for Canadian business overseas. I am very pleased that the Alliance and a group of Canadian businesses have now adopted such a code, aimed at issues of corruption, fair labour practices, human rights and health and safety. Progressive business practices by Canadian companies overseas can help instil a culture of respect for core labour standards and fair conditions of work in local businesses.

The Canadian government has also launched the Child Labour Challenge Fund to support Canadian private sector initiatives aimed at addressing exploitative child labour internationally. We will provide matching funds to the private sector to support projects such as voluntary guidelines, codes of conduct and consumer labelling. More broadly, we are working in the ILO [International Labour Organization] and the WTO [World Trade Organization] to promote international commitment to core labour standards. By moving beyond an artificial dichotomy between trade and human rights, we open up new avenues to pursue the goal of responsible and ethical trade.

Linking Human Rights to Peace and Security

At the intersection of peace and security and respect for human rights lies what I have termed "peace-building." Our work on peace-building provides another example of how Canada is working to adapt its foreign policy tools. The link between human rights and building sustainable peace in countries prone to recurring cycles of violence is clear. Human rights abuses are a key diagnostic tool for early warning of emerging conflicts, identifying vulnerable populations for humanitarian assistance during conflict, and assessing progress in fragile periods of post-conflict reconstruction. In countries torn by inter-ethnic conflict, ensuring respect for the human rights of every sector of the population is the key to building sustainable peace. The establishment last year of the Canadian Peace-building Initiative, including the Canadian Peace-building Fund and a roster of Canadian human rights experts, aims at increasing Canada's capacity for rapid, co-ordinated and flexible responses to intra-state conflicts. We are committed to ensuring that Canadian capacities are identified and deployed quickly and effectively in response to human rights emergencies.

To give some concrete examples, over the last six months we have used the Fund to: provide critical start-up funding for the Guatemala Historical Clarification Commission; assist the Preparatory Commission for the Establishment of an International Criminal Court by underwriting the participation of delegates from developing countries; provide financial assistance for the work of the joint UN/OAU [Organization of African

Unity] Special Representative for the Great Lakes Region of Central Africa; and establish a free-media project in the Balkans.

An important element of healing war-torn societies is restoring the rule of law and ending impunity. The international tribunals for Rwanda and the former Yugoslavia will not only bring specific war crimes and crimes against humanity to light, but will also serve as an invaluable precedent for the creation of an International Criminal Court. The tribunals must have the support of the international community in order to be credible and effective. It was in this belief that Canada recently submitted an amicus brief to the Tribunal for the former Yugoslavia, defending its authority to issue orders for the production of evidence.

We have been working hard for the timely establishment of an independent and effective International Criminal Court, with inherent jurisdiction over the "core" crimes of genocide, war crimes and crimes against humanity. If there is no impartial means to uncover truth and administer justice in the aftermath of war, nations will find themselves plunged into continued cycles of violence, fuelled by unfinished business.

Linking Human Rights to Development

Experience has demonstrated the link between economic development and human rights. The success of development programs and macro-economic reforms hinges on the existence of stable, predictable and transparent systems of government, which respect human rights and the rule of law. In other words, on good governance.

The situation in Algeria is a case in point. All Canadians have been horrified by the massacres in Algeria in recent months. We condemn in the strongest terms the terrorists who have carried out these vicious attacks on innocent, defenceless women and men, young children and the elderly.

We have acted to provide support to the Algerian people, and to promote an eventual resolution of the crisis. Canadian development assistance funds support day-care centres so that Algerian women can work, support work for the handicapped, support the independent Algerian press, and helped rebuild the Press Centre when a bomb destroyed it. We are promoting political and economic reform in Algeria, by sending election observers, by promoting new enterprises and job creation, and by encouraging enhanced trade and investment relations between Canadian and Algerian companies. A new CIDA program to promote enhanced institutional linkages — for example, between our universities and colleges — is currently getting under way.

As both sides of the conflict reject direct international intervention, the scope for it to work is very limited. Rather, we believe that broad, sustained reforms of Algeria's political and economic institutions hold the key to an eventual resolution of this crisis. I have stressed this point to Algeria's Foreign Minister, with whom I have met twice this year. Canada also emphasizes the importance of observing accepted international human rights standards, and we do not accept that the need to apprehend and neutralize the

terrorists — urgent though it is — provides an excuse for human rights abuses by Algeria's security forces.

Ultimately, the best defence against terrorism, and the human rights abuses it provokes, is a free and pluralistic society. Our efforts in Algeria — our political relations, our aid program and our economic co-operation — are all directed toward this goal.

Maximizing Canada's Effective Influence

In aiming for effective influence, we vary our approach depending on the degree of willingness of particular countries to engage with Canada on human rights questions, and on our leverage. Canada maximizes its leverage through "niche diplomacy," by identifying particular Canadian values we can bring to international human rights debate. We then work to redefine our alliances, partnerships and international co-operation programs to make this uniquely Canadian voice heard.

One area where Canada has made a niche for itself, and perhaps the most distinctive feature of our human rights policy, is in supporting change from within. The Canadian approach involves fostering local human rights capacity to create a space where civil society can grow.

We believe that the impulse toward respect for human rights is inevitable, but at the same time we are realistic about some of the governments we are dealing with. We do not expect these governments to become sudden converts to the cause of human rights. But they will yield gradually — because they have no choice — to pressure for change from within their own societies.

In recognition of this, Canada has recently undertaken a series of new bilateral human rights initiatives with China, Cuba and Indonesia. Our aim is to work with a range of counterparts to establish government-to-government discussions, exchanges between human rights institutions, civil society initiatives, and projects developing free media.

In fact, as I speak, Canadian officials are returning from meetings in China and Indonesia. Two major components of the package of human rights initiatives between Canada and China were the establishment of the Joint Committee on Human Rights and China's commitment to sign the UN Covenant on Economic, Social and Cultural Rights. I am pleased to announce that at the same time as our officials were in China for the second meeting of the Joint Committee, the Covenant was signed. Under the dialogue, we are also assisting with a review of China's criminal procedure, with the development of adversarial trial and legal aid systems, and with implementation of China's obligations under the Convention Against Torture. During my last visit to China, I presented the Chinese government with a list of individuals who have been imprisoned for political activities. At the October meeting, China broke with its past practice and provided Canadian officials with information about some of the individuals on that list. We will continue to press for more information.

On October 29-30, the Indonesia-Canada Human Rights Colloquium was held in Jakarta, as the first event under the Bilateral Consultative Forum I established with Indonesian Foreign Minister Alatas in July of this year. This was the first ever bilateral human rights colloquium held in Jakarta, and it was attended not only by Canadian and Indonesian officials, but also by NGOs, business representatives, the media, and ASEAN [Association of Southeast Asian Nations] and international observers. We hope that this wide participation will spur others to follow Canada's lead and will have a spill-over effect in the region.

Specific issues of concern raised by both sides included East Timor, freedom of the press, political reform, independence of the judiciary, labour standards and good governance issues. A Memorandum of Understanding on technical co-operation in human rights will be finalized shortly as an outcome of the Colloquium.

Bilateral human rights dialogues are, however, only a means to an end. The dialogues we have entered into with Cuba, China and Indonesia are slowly starting to bear fruit. But this approach will not succeed with all countries and in all instances. Even where bilateral dialogues are possible, multilateral and other diplomatic channels need to be kept open to ensure concrete results.

This is particularly important where dialogue or engagement is impossible. Regimes such as Nigeria and Burma have increasingly isolated themselves by refusing to co-operate with United Nations human rights mechanisms, refusing to engage with Canada and others on human rights questions, and refusing to honour their international commitments. It is in cases such as these that the more coercive measures may be the last and only resort.

The Multilateral Advantage

Canada has, for more than 50 years, made multilateralism a centrepiece of our foreign policy. Multilateralism serves us well when we need to deliver difficult messages, by providing not only balance but weight to our messages. It is not surprising, then, that Canada has been and continues to be very active in the human rights work of the UN. Canada has been active since the adoption of the Universal Declaration in ongoing work on standard setting, which has produced over 60 international human rights instruments. As we speak, Canadian officials and representatives of Aboriginal groups are working in Geneva on a UN declaration on the rights of indigenous peoples.

As we approach the 50th anniversary of the Universal Declaration, the United Nations is undergoing an intense period of renewal and reform. In the field of human rights, the focus has shifted to implementation. We have been pressing, through Canadian resolutions at the Commission on Human Rights, to ensure that the UN human rights treaty bodies have the tools needed to monitor states' commitments. We have established UN special rapporteurs on freedom of expression and violence against women. And we are working hard to ensure that the new High Commissioner for Human Rights, Mary Robinson, has the financial and political support needed to do her job.

As part of our celebrations of the 50th anniversary of the Universal Declaration, Canada is sponsoring the development and publication of a prototype annual report on the state of human rights worldwide, based on the findings of the UN's independent human rights mechanisms. We will also fund a conference on human rights and the Internet, with a focus on using the Internet for dissemination of human rights information.

At the same time as we are working to strengthen the UN, we are also working to foster the growing human rights role of regional organizations. The Commonwealth Ministerial Action Group was empowered by heads of government to address serious and persistent violations of human rights, not just through expressions of condemnation, but through concrete action. The Commonwealth was the first multilateral body to marshal international condemnation of Nigeria's human rights record, suspending it from the Commonwealth and paving the way for condemnation within the UN and the creation of a special rapporteur. The recent meeting of the CMAG established explicit benchmarks for a timely and credible return by Nigeria to democracy, promising escalating sanctions should Nigeria fail to do so.

At this year's Summit of the Americas in Santiago, Canada and Brazil will co-chair discussions on the themes of indigenous peoples and human rights and democracy. In the Organization of American States, Canada initiated the Unit for the Promotion of Democracy, a unique mechanism for the long-term promotion and strengthening of democratic institutions and processes. The strengthened role of regional organizations is also evident in Europe, where the Organization for Security and Co-operation in Europe is addressing human rights problems in Central and Eastern Europe.

Conclusion

We talk of these tools and approaches in a very matter-of-fact way. But their very existence, when we contrast the present to the early days of the Universal Declaration, represents a radical change. So, too, does the growing integration of human rights concerns into other aspects of international activity. Labour standards and children's rights, impunity and peace-building, military expenditures, the export of small arms and landmines — all have a human rights dimension. In essence, we now approach human rights through the more comprehensive lens of "human security." This means there is scope not only for remedial action, but also for a range of other measures to prevent human rights abuses and to address their root causes.

Canada's record gives us international standing to speak and act on human rights issues, but we have to be realistic about the extent of our leverage. We are neither inclined nor able to dictate. The key to our approach is maximizing Canada's effective influence.

Building respect for human rights is one of the most challenging tasks of foreign policy as we approach the end of the century. It takes time, it is prone to reversals, and it requires sustained action on the bilateral and multilateral fronts. It demands a comprehensive and flexible approach that takes into account the link between respect for human rights and peace and security, development and trade. In this way, we hope to

create the conditions needed to bring the Universal Declaration into the next 50 years with renewed vigour. And, above all, to narrow the gap between the principles that the international community set down in the Declaration 49 years ago and the reality of human rights around the world.