HISTORY DOESN'T GO IN A STRAIGHT LINE — IT HAS UPS AND DOWNS AND UPS AGAIN

BOB RAE

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Bob Rae spoke from New York via Zoom with Randy Boswell, guest editor of this edition of Canadian Issues, in September 2023

Your father's time at External Affairs and at the UN would have overlapped with John Humphrey's time. I just wondered if you knew Mr. Humphrey personally?

I did. I had the chance to meet him as a teenager when my dad (Saul Rae) was ambassador to the UN in Geneva (early 1960s), and John would come through. My dad used to have people to dinner all the time when they came through. He introduced John; we had dinner together and one very interesting night he told the stories about working with Eleanor Roosevelt and his work as the pen holder of the declaration — and also the delay in Canada on ratifying the declaration, which is not a story that's frequently admitted to.

I was going to ask you about that, as a matter of fact.

So, I did know him, and he was a very kind man. He encouraged me and my taking an interest in this. I was always fascinated by listening to people's stories, and he was a great storyteller. And he was obviously very proud of his work — and very happy

to talk about it. So yeah, I remember him very well.

As you've noted, John Humphrey held the pen on that first draft of the Universal Declaration. Can you describe the context in which a Canadian would have played such a prominent role at the time? In other words, how was the project of the universal rights charter and the UN itself seen from Canada's perspective in that postwar period?

John had a job at the UN. He was what would now be called the assistant secretary-general for human rights in the Secretariat. So, he had responsibility for that. The fact that he was the penholder wasn't because he was appointed simply as a Canadian. He happened to be working in the Secretariat at the time, when there was a feeling that a stronger clarion call on human rights needed to find its place in international law. And I think one has to put that in the context of the challenging situation in the world — where, at the time the UN was founded, was just when one war was ending, and another war was starting. A hot war was ending — the Second World War – and a Cold War was starting, almost simultaneously. And there was this tremendous challenge in the world of figuring out: Now where do we go? And where there was a sense, I think, particularly from the (U.S. president Harry) Truman administration, but from others, that there needed to be a stronger way of expressing support for human rights. And that's really what led to the UN declaration and to the debate around it, and what did it mean, and the wording and all of that — the drafting of it. But eventually it was accepted. The initial days of the Universal Declaration were a question of how many countries would ratify it, but then also the question of … what structures do you need within the UN organization to make it real? And that's a longer story, that's a longer process — getting to the Human Rights Council, getting to the Office of the High Commissioner for Human Rights and so on. This is much longer-term discussion. But it was an important moment. And John was part of a generation of people — Canadians — who engaged in diplomacy as a matter of commitment and feeling for the kind of world that people wanted to build after the war. And that was very much part of who he was and how he saw things.

You alluded earlier to the — let's call it a hesitation — on the part of Canada to endorse the declaration at the very outset. It only took a few days before Canada actually expressed its formal support in the General Assembly, but what at that time might have created that hesitation? And what were the factors that were at play in that moment in terms of the independence of nation states and their commitment to a universalist ideal?

We still have these issues today. There were political and legal issues. And these have not gone away. Many of the areas covered by the Universal Declaration are areas of provincial jurisdiction in Canada — property and civil rights, as you know, are under a provincial heading. So parallel to this discussion going on in New York, there were discussions going on in Canada, that eventually did not bear much fruit, about the patriation of the Constitution and ways in which this could happen. Mr. (Maurice) Duplessis was the premier of Quebec, a very strong advocate for provincial rights and provincial jurisdiction. And I think there was a debate inside cabinet about whether this was going to help or hurt, or how it fitted in with that (domestic political) conversation. But I think as in other debates, eventually it became very clear that

politically this was the way things were moving and it was important for Canada to be engaged in this issue — and to be engaged in a way that was that was going to be effective.

And I think there was a sense that having been as effective as Mr. Humphrey was … secretary of the committee and of the discussion, and trying to really produce the drafts that would be negotiated and worked through — that it was important for Canada to embrace it.

So, you would have had people like Mr. (Louis) St. Laurent (prime minister by November 1948) on perhaps one side of the conversation and Mr. (Lester B.) Pearson (external affairs minister by September 1948) on the other side of the conversation, just at a moment when Mr. St. Laurent was taking over from Mr. (Mackenzie) King, and Mr. King himself was not enthusiastic about treaties or foreign involvement. He had a very cautious view.

I think it was the sense that the world we were entering was very different was one of the reasons why (King) decided to retire … It's a fascinating period in our international life, because we were… a whole generation of people — John Humphrey was one, my dad was another … many, many diplomats — who were on the world stage involved in the creation of the General Agreement on Tariffs and Trade, roughly the same time, Canada was very involved. Dana Wilgress was one of the drafters, one of the leaders of creating the new economic structures, the discussions going on with the IMF, and the creation of the World Bank and any number of ways in which we were building the building blocks of multilateralism. The Universal Declaration was very much one of those. And so I think I've seen it. I've seen it in other circumstances — I mean, look at the hesitation and reluctance on the part of governments to endorse the (United Nations) Declaration on the Rights of Indigenous People. The (UNDRIP) was the creation — not solely — but Canadian Indigenous leaders played a huge role. (B.C. Chief) Edward John and (Alberta Chief) Wilton Littlechild and (former Assembly of First Nations chief) Phil Fontaine and a number of people played a very strong role in the UN declaration. And then the government wouldn't sign it, which was seen by the First Nations at the time as a betrayal. And then it took some time before the Canadian government said — No, we're going to do this. And that's what happened. So, it's all part of the process.

But I think it's also important for Canadians to know that history doesn't go in a straight line. It has ups and downs and ups again, and that's the way it is.

How well do you think this country has lived up to the principles enshrined in the Universal Declaration of Human Rights?

Well, frankly, I think pretty well. One of the things that's interesting is the debate around the Charter, the debate around the patriation of the Constitution, and what it would take to achieve that was really an extension of the debate that took place on the Universal Declaration. I think there are a few ways in which we were slow. I think we were slow in recognizing the meaning of the Universal Declaration as it related to equality between women and men, as related to the treatment of Indigenous people in Canada. But over time — I mean, it's been a slow process. It's one that has come out of protest and out of struggle. There's been a recognition that, well, if

you if you say you believe in these things, these are the institutions you have to change. This is what needs to happen. There needs to be a right to vote, there needs to be a shift. But each step of the way, it's taken a long time when you look at the history of the implementation of civil rights in Canada, both provincially and federally. It's been a struggle. It didn't come automatically. And I think it's important — you can't take the politics out of civil rights, out of human rights. It is a political issue. You have a document that says I believe in the equality of women and men. I believe in all kinds of other things that are in the Universal Declaration. But then you say, well, yeah — but what am I really prepared to do about that? So how do we actually make that that progress? How do we make that change?

But I think there's been a remarkable degree of shared purpose in Canada about the importance of human rights and the inviolability of the principles of the human rights in the charter.

I was present as a member of Parliament in the late 1970s and early '80s, when the debate around a creation of the (Canadian Charter of Rights and Freedoms) was very real, very direct. And I was looking back on it now. And those were exciting and fascinating times. For a young MP, in my late 20s and early 30s, it was a very dramatic moment. And then I went into provincial politics and we had many debates around gay rights, around abortion, reproductive rights, and so on. And they're always a challenge. Nothing happens without a struggle. It's that simple.

On the international side, what do you think have been Canada's chief contributions in making the protection and extension of human rights a central mandate of the United Nations?

Well, I think it's the way we've tried to make real the institutional changes that are required if you're going to take human rights seriously. So, these institutions take time to build and are frequently weak, not as strong as they could be. But right through the work of the UN, we've always been willing to go the extra mile, and saying, we're going to fund these things, we're going to do these things, that we're going to take steps to deal with the cost and consequences of bad behavior. Again, it's not a perfect structure. I think the anthem of the of the UN should be Leonard Cohen's song *Anthem*, where the chorus is, you know, there are no perfect offerings. There's a crack in everything, a crack in everything. And that's where the light gets in. Right? We're building the little places where the light gets in. There are no perfect offerings here. We can be justly criticized, the UN can be justly criticized for our failings. But that doesn't stop us from keeping on trying, even though it's difficult to achieve the results that everybody would like to see.

What do you think are the greatest human rights challenges facing Canada and the world today?

Well, I think the biggest challenge right now is the growth of autocracy as a method of government and as a method of governing that that is being actively supported in a number of countries. And where autocratic ways of thinking and populist ways of thinking are combining to create a world of misinformation, disinformation, organized lying, propaganda and oppression. And we're seeing this — unfortunately, tragically — we're seeing it in many, many parts of the world. That's the first

thing. The second great challenge is, it's important to recognize that in the Universal Declaration, there's reference to economic and social rights. And I think generally speaking, those have been slow to really develop. There are some countries that have taken these more seriously in expanding the rights to a better life as part of what freedoms are. And this is a continuing debate among scholars — about, well, is freedom just negative liberty, as my old professor (Russian-British political philosopher) Isaiah Berlin used to call it, saying, really? The best you can do is just to be free from oppression and free from things preventing you from doing things and free from interference. And other people would say: Well, yes, that's true. It's an important part of freedom. But the other part of freedom is the creating of social conditions that allow you to exercise your rights. In other words, your rights are not just theoretical. The old statement about the rich and the poor are both free to sleep under bridges. Yeah, but it's only the poor that actually do. So, you need to understand the importance of the social condition as a place where freedom matters.

And finally, in addition to autocracy, I think we have to say that patriarchy and discrimination against people — against women, against freedom to sexual rights and reproductive rights. The rights of members of the gay community and the bisexual community and communities where people are not allowed to express themselves. And these are areas that are really the battlegrounds in the UN — but also, more importantly, in many, many countries where countries are reaffirming the "illegitimacy" of gay rights and sexual identity rights. And I think that's a very negative trend.

These battles don't just end.

No, they continue. And I think that's the reason why the 75th anniversary (of the Universal Declaration) is such an important thing. Why do we commemorate these events? Well, it's not just because, well, John Humphrey was one of our guys and so we should celebrate. No, it's about celebrating his contribution, which was tremendous. But it's also about taking a sense of pride in the nature of the battle that we have, the nature of the struggle that we're in. And I think it's really important for us to remember that. And that's why I call the UN — it's what (U.S. civil rights activist and congressman) John Lewis called "good trouble." We're making good trouble here. And that's what we do if we're going to succeed.

How has the challenge of protecting and extending human rights shaped your own journey in public life as a political leader, as an advisor to First Nations, as a representative of Canada on the world stage?

I think it's certainly been part of what I would call the melody of my life. I mean, it's been a very important theme through many aspects of what I've done. In politics — provincially, federally, — as I mentioned, the work on the Charter, being present at the last vote (in 1982) before I returned to the Commons (in 2008), the last vote that I voted on was the patriation of the Charter. I had the opportunity (but) I didn't want to leave and resign until I finished that. Then I went and became provincial leader. And in the province, I was leader during a time when issues around abortion rights and reproductive rights for women and rights of minorities, employment equity, moving to end systemic racism, dealing with Aboriginal issues in the province at the time, and issues around gay rights were

very, very important parts of my political advocacy. Again — didn't achieve everything. But I think we made a lot of progress and that's continued. And when I left Parliament in 2013, for the second time, it was to go back and work on Indigenous rights in Canada, and I'm very proud of that work. Unfortunately, political events, provincial elections and other things happen, which made that not come to fruition. But we did good work, and I'm very proud of the work that I did there.

Looking around the world today, with so many reasons — some of which you've enumerated — that would leave one pessimistic about the future of human rights, of peace and security, of even democracy — why shouldn't we despair?

I've been asked that question quite a lot, which I think is a reflection of the times. I would just say that, for me, despair is not an option, because of where I sit and what I do. If I were to despair, I think it would simply take all the oxygen out of the struggle. I mean, you just say, well, there's nothing I can do. So I really do believe that we have to keep the lights on. We have to keep it shining and keep working at it. And yeah, it's tough. It's very difficult. Democracy is contested around the world. Freedom is contested around the world. Civil rights are contested. Pluralism is contested. Everything that I believe in, in terms of human values and social values, and morality, is challenged everywhere. And it's very tough. But I don't believe that despair is an option for me. And I don't think it's right for Canada, either. I think you always have to say: Where can the light get in here? Where can we move this thing? And where can we create assurances in our own country that we're going to continue to take these issues seriously, and then continue to be advocates for them? And I think we really have to continue to do that. I think it's fundamental to our way of being in the world.

Can you elaborate a little bit on where you're looking to fuel hope these days? What gives you optimism about the future?

Well, it's interesting, I was at a dinner last night put on by the Center for Reproductive Rights, which is an NGO in New York. We heard testimonies from Africa, from Latin America, from Asia. And there are lots of places where we're making progress. There's lots of places where we're making breakthroughs. And I think there's also a lot of hope in the next generation. There are billions of young people who do not accept autocracy and who do not accept patriarchy, and who do not accept decisions being made for them by other people. And I think that's what gives me a lot of hope. I don't think the governments that are run by these old dictators have really got a lot of life left in them. I don't think they do. But I'm not naive about what it takes to change things. But we have to be able to continue as Canadians and as representatives of Canada, to talk clearly and emphatically about why these things are important. And I think they're important because they're based in human values, human nature. I don't care where you live in the world, oppression is wrong. Cruelty is wrong. And everybody understands that. There's no doubt about it. And so we have to keep pushing ahead on.

Ambassador, you've been very generous with your time. Thank you.