

Book Review

Andrew S. Thompson,
On The Side of Angels: Canada and the United Nations Commission on Human Rights
(Vancouver: UBC Press, 2017) 193 pages.

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Human rights are a controversial and contentious issue that many countries have struggled to discuss and solve. Human rights, to a certain extent, are the elephant in the room for many countries who acknowledge their existence. These countries seem to ignore, delay, overlook or even revoke them if they are not in conformance with the economic, political and social climate of the country.

Andrew Thompson takes his readers through six decades of Canada's history and the nuances of human rights both at home and abroad. The book gives a detailed and comprehensive analysis of Canada's struggle to remain "on the side of angels,"¹ where Canada makes optimistic and progressive, but at times poor, decisions on human rights. This book gives a glimpse into Canada's history of diplomacy and foreign policy, which illustrates how our role at home and abroad has been complex and difficult to balance and maintain.

Canada's complicated history with human rights has always been a balancing act. The protection of Canada's economic, political and cultural aims often outweighs what the members of the United Nations (UN) think is best for the country. In eight different chapters, Thompson attempts to explain Canada's history and evolution through the work this country has done for the United Nations Commission on Human Rights ("CHR").

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¹ Andrew S Thompson, *On The Side of Angels: Canada and the United Nations Commission on Human Rights* (Vancouver: UBC Press, 2017).

Thompson comprehensively illustrates the history of Canada as well as the beginning and demise of the CHR, from the 1950s to the present day. Canada's skepticism and reservation towards the newly formed CHR was apparent in the mid-1940s to the 1950s. Thompson argues that Canada was not always "on the side of angels" as it went against the Universal Declaration of Human Rights and regarded the CHR as impractical and a nuisance for Canadian law.² In the early 1960s Canada began to engage with the CHR as the country's views and attitudes began to shift towards human rights and international law with the fall of British influence over Canada.³ At this same time, the idea of individual rights started to become more important to Canadian citizens.⁴

Canada was elected to the CHR in 1963 and played an important role in pushing towards the elimination of racial discrimination by promoting the International Covenant on the Elimination of All Forms of Racial Discrimination ("ICEFRD"). While the ICEFRD was ultimately adopted, it did not come easy, with opposition from various countries – a battle between the east and the west and the south and the north, each with their own underlying agendas and interests. Canada worked hard to negotiate the adoption of the covenant and it is an important achievement but, while ready to implement the treaty, Canada did not want the Committee on the Elimination of Racial Discrimination to have the authority to hear individual complaints from Canadians. Thompson effectively shows the reader how Canada was, at times, obstructionist and dismissive towards certain covenants that the UN was trying to implement, specifically towards Indigenous groups⁵ and women.⁶ This sets the tone for future issues that Canada has continued to ignore, which has fueled criticism regarding human rights issues happening in their own backyard. Thompson persistently argues this point throughout his book, reinforcing the image of a balancing act between foreign and Canadian policy.

Thompson argues that the first World Conference on Human Rights in Tehran, Iran that took place between April 22 to May 12, 1968, was supposed to be a historic, progressive summit that reached a consensus to affix the UN Human Rights agenda and its broader development. According to Thompson, this was expected to be a conference that helped shift the individual rights ideology of the West to a much more collective consensus on human rights in developing countries. Thompson added that this conference was more than just bringing everyone to an agreement. It was supposed to be an opportunity

² *Ibid* at 38.

³ *Ibid*.

⁴ *Ibid*.

⁵ *Ibid* at 76-87.

⁶ *Ibid* at 98-113.

for the West to “push back”⁷ their dominant ideas, agendas and platforms and work with the members of the developing world to help their needs.

Thompson describes, throughout his book, the many times that Canada tried to propose life-changing resolutions to the UN. One proposal involved an attempt to introduce the right to universal legal aid to help solve human rights complaints on a national level. This proposal would force governments to provide legal representation for those whose human rights had been violated.⁸ This idea successfully passed, receiving support from the United Kingdom and the United States. Despite this, it did not gain traction as all members soon forgot it, just as they forgot the purpose and importance of the conference in Tehran.

As Canada was re-elected to the CHR, Thompson describes the many times Canada attempted to resolve issues on the world stage, such as the elimination of racial discrimination and the end of the apartheid movement in South Africa. Further, the Canadian government wanted to stop the genocide that took place in the Democratic Kampuchea from 1976 to 1979 and the dirty wars in Argentina from 1976 to 1983, though this proved to be difficult.⁹ As Canada pushed for these goals, Thompson argues that, at the same time, Canada was criticized and chastised for their faulty domestic human rights laws, including many shortcomings in advancing indigenous¹⁰ and women’s rights¹¹.

Between 1989 and 1993, there were many successes within the commission that Canada was a part of. These successes included the completion of the 1981 Declaration on the Elimination of All forms of Intolerance and of Discrimination Based on Religion or Belief as well as the release of the Working Group on Enforced or Involuntary Disappearance. As mentioned previously, Canada also tried to use its agenda to end gross violations of human rights by pushing to eliminate the apartheid in South Africa. Thompson argues that Canada wanted to push this agenda forward, but was inconsistent in its aims.¹²

Canada wanted the apartheid to end, but at the same time, continued to trade with South Africa and reaped the economic benefits. Thompson makes the point that the Canadian government wanted to condemn the practice of apartheid, but did not want to recognize and accept it as a crime against humanity. This is because it would make apartheid an international crime subject to prosecution by an international criminal court.¹³ Thompson argues that the main problem for Canada was not that it was trading with South Africa,

⁷ *Ibid* at 49.

⁸ *Ibid* at 57-58.

⁹ *Ibid* at 67-69.

¹⁰ *Ibid* at 77-98.

¹¹ *Ibid* at 99-100.

¹² *Ibid* at 88-98.

¹³ *Ibid* at 60.

but its own relationship with Indigenous peoples in Canada. This relationship is characterized by human rights violations, expropriating and exploiting Indigenous lands and enforcing the prohibition of mixed marriages, which would be characterized as genocide, and thus, a crime against humanity.¹⁴

While Canada continued to denounce the apartheid in South Africa, it did very little to advance this agenda. Canada continued to trade with South Africa and was lax in their enforcement. This is illustrated by the arms embargo in 1977 and Canada's support for the apartheid in athletics by contributing to the International Monetary Fund.¹⁵ While the Mulroney government tried to impose limited sanctions on South Africa by introducing stricter trading rules, banning certain goods and enforcing stricter sanctions in the 1980s, Canada did not avoid criticism. At the 1989 meeting of the Working Group on Indigenous Populations (WGIP), Chief Ted Moses of the Grand Council of the Crees denounced the Canadian government for not enforcing the James Bay Treaty and denying Indigenous communities the right to their own culture, norms, traditions and land.¹⁶

One cannot analyze the history of Canada's battle with implementing human rights without talking about the important issue of Indigenous rights. Thompson provides a critical perspective on this point. Thompson argues that while Canada may engage in positive and progressive actions, such as the abolishment of racial discrimination and apartheid movements, there is a side to our history that is still considered self-serving and obstructionist.¹⁷

Thompson sheds light on Canada's fears and insecurities with the country's "serious troubles"¹⁸ upon the creation of the WGIP in 1982. The WGIP reviews the various developments in Indigenous human rights and fundamental freedoms. In its report, it was found that Indigenous groups in Canada were being exploited for their land and natural resources. Canada imposed "tyrannical laws" that included the subordination and genocide of Indigenous groups in addition to exploitation and appropriation.¹⁹ Indigenous people were treated as minorities and denied their right to self-determination in the White Paper introduced in 1970. Canada was focused on protecting its right to seize territories and lands for the sake of progress and economic gain. It also was focused on stopping the nationalist movement in Québec.²⁰

Canada had three main concerns with the introduction of the UN's WGIP. First, that the WGIP would be used as a platform to denounce the government. Second, that the WGIP would draft a legally binding treaty that

¹⁴ *Ibid.*

¹⁵ *Ibid* at 93.

¹⁶ *Ibid.*

¹⁷ *Ibid* at 77-98.

¹⁸ *Ibid* at 77.

¹⁹ *Ibid* at 81.

²⁰ *Ibid* at 82-83.

would undermine Canadian domestic law. Finally, Canada was concerned that the idea of self-determination would be imposed on governments.²¹ Canada remained guarded during sessions of the WGIP but this group never came to any resolution as discussions became impossible and Thompson effectively describes the hypocritical side of Canada, often seen as a defender of human rights, but that has its own human rights struggles within its borders.²²

While Canada has damaged its human rights image with its complicated relationship with Indigenous peoples, it also had its shortcomings with the status of women's rights in the 1950s and 1960s. The Commission on the Status of Women is responsible for shedding light on women's rights. The results of a questionnaire put Canada in the spotlight for not treating women as equal to men. The results showed that women were not being given the opportunity to take on greater roles in the workforce. It was easier for women, for example, to become nurses and teachers than engineers and physicians. The draft for the Convention of the Elimination of All Forms of Discrimination Against Women ("CEDAW") became a significant achievement that Canada was a part of. Although the CEDAW omitted some important aspects, it provided a good framework for the future. The violence in former Yugoslavia in the 1990s attracted a new focus on women rights, including the mental, physical and sexual abuse that women experienced. Canada wanted to make women's rights a priority and it did so successfully with the adoption of the Vienna Declaration and Programme of Action on June 25, 1993.²³

According to Thompson, in 1990s the CHR was persuaded to set new standards for humanitarian aid. During this time, the CHR began field operations in countries that experienced genocide, war crimes and crimes against humanity.²⁴ It was the hope of the CHR that the UN's presence in those countries would help in "UN monitoring" and preventing violence.²⁵ Thompson points out that one of Canada's last attempts to contribute to the CHR was in the genocide in Rwanda in the 1990s. Canada introduced amendments to a proposal to end the genocide in Rwanda, however, this proposal proved to be unsuccessful and a failure for Canada.²⁶

The demise of the CHR occurred in March 2006 with the creation of the Human Rights Council. Thompson explains that Canada, and the rest of the members of the CHR, tried to resolve as much as they could during the period of their existence. Significant achievements were made, but by no means were the issues easy to resolve. During the Harper government, support for the UN

²¹ *Ibid* at 78.

²² *Ibid* at 87.

²³ *Ibid* at 77-98.

²⁴ *Ibid* at 115.

²⁵ *Ibid*.

²⁶ *Ibid* at 115-125.

decreased, but the election of Justin Trudeau in 2015 proved to be promising because of his plan to recommit to the UN.²⁷

The eight chapters of this book argue and discuss Canada's contributions, successes and omissions in regard to political, economic, indigenous and women's rights. Thompson takes a critical standpoint that neither praises nor undermines Canada's greatest achievements, drawing on many relevant, interesting sources and historical accounts. Thompson's work is impressively balanced, providing the reader with different sides, both positive and negative, about Canada's history of human rights and involvement with the CHR.

Thompson admirably explains Canada's greatest human rights achievements throughout its history with the CHR. In addition, Canada's difficulties and shortcomings in implementing its own domestic and international human rights goals are explained. Not only does Thompson illustrate Canada's own role in the CHR, but also the journey that the UN has undergone to try and resolve the most difficult and sensitive human rights issues from around the world.

Thompson describes that after all the good things the CHR achieved, it did not survive membership politics and the many structural, financial and managerial difficulties it faced.²⁸ Members of the CHR were hoping that the last session of the commission would, at least, enforce the Declaration on the Rights of Indigenous Peoples, but even that proved unsuccessful. I agree with the foreword of this book, while Canada aspires to be on the side of angels, this book clearly shows that this was not always a part of our history.²⁹ What matters, upon reading Thompson's perspectives, is that while history is ultimately in the past, history does not have to keep repeating itself in the future. Canada can always change and progress for the better.

²⁷ *Ibid* at 129.

²⁸ *Ibid* at 126-130.

²⁹ *Ibid* at ix-xii.