

PRÉFACE

par

S.E. Jean-Paul Hubert

Ambassadeur

Représentant permanent du Canada

auprès de

l'Organisation des États Américains

Washington

Je suis reconnaissant envers l'Association Interaméricaine des Professeurs de Droit pour cette occasion qui m'est offerte de préfacer les Actes de sa conférence de 1990 dédiée au centenaire du Système Interaméricain. C'est sans doute le hasard qui a fait que le Canada décide enfin d'occuper la chaise qui l'attendait depuis si longtemps, et que j'étais loin de me douter que j'aurais l'honneur d'occuper un jour lorsque, en 1961, jeune collégien je visitais le siège de l'OEAs 28 ans avant d'y devenir le premier Représentant permanent canadien ! Les quelques remarques qui suivent, fruit de notre bien brève expérience comme membre à part entière de l'Organisation, se veulent le reflet d'une conviction: le Canada a misé juste en s'incorporant à l'OEAs à ce moment-ci de l'évolution des relations hémisphériques.

When President Carlos Andres Perez of Venezuela appeared before a protocolary meeting called in his honour by the OAS Permanent Council in April of 1990, less than four months after Canada's full membership into the Organization, he chose, in his own words, to center his remarks on "the present and future of the OAS, caught up in the web of a traditionalism out of style in the world in which we live today". And immediately thereafter, he added:

" (...) la incorporación del Canadá, que recibimos con beneplácito, abre nueva e interesante expectativa para la renovación de la OEA, integrada por las dos regiones al Norte y al Sur del Río Bravo. Reconocimiento esencial que permite reestructurarla y modernizarla. Hacer de ello el Foro donde las dos regiones hemisféricas establecen sus coincidencias y comunes objetivos; y también sus desentendimientos para darles solución, reducirlos o conducirlos".

Those words had of course a very pleasant ring to the ears of Canada's first ever Permanent Representative to the OAS. But even more so, they epitomized in no uncertain way how, in some hemispheric circles at very least, Canada's long-awaited entry into the OAS was being viewed; at the same time they pointed to the

challenge inherent in that move.

There should be no doubt, as was immediately and readily apparent, that Canada's decision to alter its perception of the Americas so as to henceforth perceive the Hemisphere as its "home" rather than merely as its "house", to paraphrase the then Secretary of State for External Affairs, the Rt. Hon. Joe Clark, was universally welcomed, in Latin-America, in the Caribbean, in the United States.

On the basis of the above opinion voiced by President Perez and similarly by several other political leaders in the region, it can be said that not only was Canada welcome, but that its presence was awaited as a potential catalyst for a much-needed exercise in renewal and adaptation of the Interamerican System to fast-changing realities within and outside the Hemisphere.

After scarcely 18 months of full membership, and two General Assemblies, and while well conscious that this will sound somewhat self-serving, I am fully and deeply convinced that Canada *did* and *does* make a difference. Comments within the OAS headquarters, from members' missions in Washington, and in capitals throughout the region bear this out. Canada's presence *did* and *does* contribute to a changing in the tone of some debates, to new approaches to problems, to subjects heretofore considered too sensitive or even taboo being raised more naturally and more frankly than ever before.

I firmly believe that Canada could not have joined the OAS at a better and more timely moment. In a way, it could be argued without diminishing in any fashion the "political wisdom" that was applied to our decision, that we were "compelled" to do so for the very same reasons that are transforming the Organization.

Indeed, in the light of the fast and profound political and economic transformations which are altering all parts of the world, one's *national* interests are increasingly found to be *interests shared with others*. In the particular case of the Americas, the growing development, importance (and perception thereof) of *shared or common interest* demanded, in my view, that Canada take the step of becoming a full partner in what, in many areas crucial to our own national well-being, has become a *joint hemispheric enterprise*. Very

importantly, but not surprisingly, that coincided with a period when, probably for the first time in the history of the Americas, or at very least to a degree heretofore unknown, *all* countries in the Hemisphere (with the notable exception and anachronism of Cuba) are discovering that they have a vast *commonality of interests*. And for things to coalesce in a multilateral body composed of so many different members, a "collective will" of some sort must somehow emerge; I believe that it is beginning to, to an unprecedented degree.

The end of the Cold War is responsible, to a certain degree, for such a positive occurrence. The disappearance of either the reality or the perception, within the Hemisphere, of an ideological threat emanating from an outside "world power" has made it possible for the OAS to stop being used, or seen as, an instrument in Cold War confrontations; this "disforming prism", to use the words of U.S. Secretary of State Eagleburger, is hopefully gone forever and, again in his words, no longer distorts the US approach to hemispheric affairs. I would go one step further and pretend that maybe for the first time ever the USA is willing to admit that it *needs* the Americas in a way that calls for novel, open, truly cooperative approaches (as evidenced, for example, by the "Enterprise for the Americas Initiative").

The coincidental emergence of democracies (even if weak or of "low density" in some cases) in all the active members of the OAS is another clear sign that things are evolving. This in turn brings about a common, if at time prudent, desire to preserve, protect and develop or strengthen this new phenomenon. The OAS has already shown here, in a very short time span, that it can play an active and positive role in either the birth, re-birth or consolidation of those democracies. What, scarcely a year ago at the Asunción General Assembly looked like a bold initiative on the part of the "new kid on the block" that Canada was, in favour of the creation within the OAS of a "Unit for the Promotion of Democracy", received full confirmation this year at the Santiago assembly where the OAS foreign ministers adopted "The Santiago Commitment for Democracy and the Renewal of the Inter-American System".

In relative terms, Latin America and, to a lesser extent, the Caribbean region, are also going through what can justly be labelled profound economic revolutions, not to mention the potentially far-reaching initial step towards the creation of an Alaska-to-Argentina free trade area that the current Canada-USA-Mexico talks could constitute. Sincere efforts at trade liberalization and the freeing of markets, in most instances accompanied by drastic cuts in state ownership and/or interventionism, are spreading and intensifying. Foreign investments are no longer viewed as "domination". *All* countries of the Hemisphere are united as never before in achieving the best results possible in the "Uruguay Round" of GATT negotiations.

Human rights, a traditionally difficult and sensitive subject, are now being discussed around the OAS tables with an openness and a frankness that are unprecedented, even though many realize and admit much progress must still be accomplished.

The last General Assembly launched the first-ever hemispheric Program of Action for the protection of the environment.

Ways and means to curb arms proliferation and achieve more transparency in arms transfers, again a Canadian initiative (that took many by surprise), has now been squarely put on the agenda of the Organization. As an interesting spin-off, that same Canadian initiative has directly inspired the membership to agree on the creation of a Working Group of the Permanent Council on security in general in the Hemisphere, with all of its ramifications (collective security, civilian-military relationships, but also economic and environmental security).

Production, trafficking and consumption of illegal drugs, a scourge that affects all of the Americas, is also high on the OAS agenda, with positive action in such areas as preventive education and the elaboration of model regulations on precursor chemicals, money laundering and assets forfeiture.

Finally, many of the above issues are presenting the OAS and its various bodies with new and pressing challenges in the field of development of inter-american legal instruments, an area of

traditional strength which now requires renewed will and imagination, and where Canada, because of its ties to both the civil and common law traditions, certainly could contribute.

As can be seen from those examples, the OAS is, at long last, developing what its members universally consider a timely "positive agenda". It is capable of doing so because it seems that inter-american relations have indeed entered a unique phase where bilateral problems are reduced to a minimum, where old suspicions are allowed to become muffled, where, and this is worth repeating, **an** unprecedented mutuality of interests exists and is being acknowledged by all, big and small. Although it can still be very much perfected, we are convinced that it stands a better chance than ever before of becoming a forum where its members, as different as they may be, can really relate to one another in a collective and coordinated fashion.

No cabe duda que las naciones de las Américas están viviendo un momento único en la historia de sus relaciones. Se presentan en estos momentos oportunidades que sus líderes tienen que aprovechar, con la esperanza fundada, a nuestro juicio, de que ahora más que nunca puedan surgir respuestas adecuadas a los retos de ayer, a las necesidades de hoy, y a las esperanzas de mañana. Para eso, habrá que contar con la generosidad imaginativa de todos; a cada una de las fuerzas vivas de aquellas mismas naciones les corresponderá un papel tan propio como esencial, incluidos los miembros de su Asociación.

En choisissant d'inscrire les thèmes des droits de la personne et du développement économique à sa dernière conférence, l'Association Interaméricaine des Professeurs de Droit a regroupé deux sujets qui non seulement sont d'une grande actualité dans l'Hémisphère, mais qui sont aussi, dans une large mesure, intimement liés. Les documents qui suivent en attestent.

(*The above text will form the basis of a speech to be given in October 1991, at the annual meeting of the Canadian Council on International Law.)