

## Universal Declaration of Human Rights Sixtieth Anniversary Speech

### Extract from NSW Legislative Council Hansard and Papers Wednesday 3 December 2008

The Hon Ian West [2.11am]: In exactly one week it will be 60 years since nation states through the United Nations proclaimed the Universal Declaration of Human Rights. The declaration has been variously described as ‘the international Magna Carta of all mankind’ and ‘arguably the most important document ever reduced to writing, whether on paper, papyrus, vellum or tablets of stone.’ These appraisals of the declaration by Eleanor Roosevelt and former Australian High Court judge Mary Gaudron are testament to the optimism the declaration evokes. But the document is not a list of high ideals that are of no relevance to the real world. The declaration was born out of one of the most unstable periods of human history. Imperialism gave rise to the First World War, unbridled capitalism brought about the Depression, and totalitarianism led to the Second World War. The drafters of the declaration had seen firsthand mankind’s worst failures and were best placed to come up with a formula to ensure that the conditions that led to widespread hardship and countless deaths should not recur. The right enshrined in the declaration guarantee not only oppression but also that the causes of oppression should not be allowed to flourish. One example is Article 25 in the declaration which states:

*Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.*

The drafters understood that the absence of such rights led ultimately to the extremities of totalitarianism, conflict and suffering. Articles such as these reflect the practical and commonsense view Australia brought to the United Nations and the drafting of the declaration. Australia’s representative and Secretary General of the United Nations at the passing of the declaration, Bert Evatt, said peace could not be assured merely by the prevention of war, but by the prevention of inequalities that led to war. Evatt said:

*“Real stability in the post-war world can be achieved only by carefully building an organisation that will do it utmost to assure the peoples of the world a full opportunity of living in freedom from want, as well as in freedom from external aggression.”*

As government deal with the current economic crisis it would be wise of them to consider the rights enshrined in the declaration and the reasons behind them. As well as economic rights, the declaration also enshrines political rights and contains articles covering items such as freedom of expression and freedom of association. For people like Evatt those political rights were vital to the democracy he fostered and in which he lived, and were to be defended no matter how unpopular. It was Evatt as Leader of the Opposition who took up the cause when Liberal Prime Minister Robert Menzies first tried to ban the Communist Party through legislation and then through referendum.

Evatt took the side of the communists before the High Court and then led the campaign against Menzies’ referendum. This was a brave move for a leader of a major political party as Menzies’ plans were assumed to be supported by a great majority of Australians. A Gallup opinion poll in July 1951, two months before the referendum enabling the Government to legislate on the Communist Party, found that 80 per cent of Australians were in favour of Menzies’ constitutional amendment. But Evatt was vindicated in both instances, successfully challenging the legislation and convincing Australia to vote against Menzies’ proposal. For Evatt it was not a matter of defending communists but of protecting the political rights that underpin a liberal democracy. As High Court Justice Michael Kirby wrote in 1992:

*“Perhaps it took the blinkers of a lawyer or an international humanitarian, imbued with the words of the common law and the Universal Declaration of Human Rights, to press on against all odds. The choice for Evatt on this issue was between darkness and light. The clarity of the right side gave Evatt an increasing fervour and conviction.”*

No doubt Evatt’s view of something like the Australian Building Construction Industry Improvement Act, which seriously curtails the civil rights of workers in the construction industry, and its enforcer, the Australian Building and Construction Commission, would be just as stark. As the sixtieth anniversary of the declaration approaches I encourage members to read the declaration and reflect on its importance to the stability and peace of the world.