UNESCO, Human Rights and Courage

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Justice Michael Kirby *

HUMAN RIGHTS EDUCATION

It is a great privilege to be named the Laureate of the 1998 UNESCO Prize for Human Rights Education. It is a special privilege to receive the Prize at the hands of the Director-General, Professor Federico Mayor together with two distinguished champions of human rights, Mr Jaime Castillo Velasco, President of the Chilean Commission on Human Rights and Mr Göran Melander, Director of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law of Sweden. In such company, I feel appropriately humble.

I can remember the exact moment at which I first heard of UNESCO. It was in a small public school in Sydney, Australia near the suburb in which I grew up, appropriately named Concord. Many of our teachers at that time had themselves fought as soldiers in the recent War. They were concerned to bring to the attention of their young charges the news of the establishment of the United Nations Organisation and specifically of the agency dedicated to education, science and culture, UNESCO. From their own experience, they knew that the causes of war grow in the minds of men and women and that the defences of peace must be built, as UNESCO's *Charter* proclaims, in the human imagination. As I stand here, I remember my teachers. Fifty years have passed. But they taught me the importance and effect of educating each new generation in the messages of human rights, peace and economic equity. Each one of us owes a great debt to our teachers. It is appropriate on an occasion such as this to acknowledge that debt. Each one of us grew up in the world of the United Nations and of UNESCO. As we look forward with hope to a new millennium, we should acknowledge our debt to the United Nations and the agencies which do its vital work.

I will never forget the excitement of participating in my first General Conference of UNESCO. It was in the year 1983. The Australian delegation was skilfully deployed by Mr Gough Whitlam, former Prime Minister of Australia and then Australia's Permanent Representative to UNESCO. Excitement will also be present in a few weeks time in Budapest, Hungary, when people from virtually every land gather for the World Conference on Science. This is another initiative of UNESCO, specially timely on the brink of a new century, to reflect upon the growing impact on the lives of everyone of science and technology - even more today than fifty years ago - the great engine of the age.

Yet if I had to choose a word to describe UNESCO, it would not be excitement. Despite occasional disappointments, inevitable in a large institution, it would not be frustration. It would be courage.

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UNESCO AND COURAGE

I have seen, and participated in, activities of UNESCO which have demonstrated the courage which its founders anticipated. Under Director-General M'Bow it was my privilege to take part in an initiative addressed to exploring the meaning of the concept of the right of peoples to self-determination. This was an extremely controversial topic then, as it is now. The nation states which make up the United Nations are often extremely anxious about self-determination, fearing the dangers of fragmentation and separatism. Yet the peoples' right to self-determination is part of international law. It was anticipated by the Charter of the United Nations. It is recognised in the common first articles to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. UNESCO alone had the courage to grapple with the concept, to explore who are a "people" to whom this right belongs and to examine the many ways, including those short of political separation, in which the right to self-determination may be enjoyed by a people, consonant with the promise of international law. It was in the three working groups which examined this important topic that I came to know Professor Janusz Symonides, Director of the Department of Human Rights, Democracy and Peace of UNESCO. He and his colleagues demonstrated courage and intellectual rigour. The right to self-determination is much more than the recognition of minority linguistic rights or permission to enjoy folk dancing and traditional songs. It is an important aspect of human and peoples' rights connected with the government of peoples. Anyone who doubts the significance for the peace and security of the world of self-determination need only to look at contemporary developments in Kosovo and, closer to my own country, in East Timor. It was courageous of UNESCO to explore this subject. I hope that the Organisation will return to it for, if UNESCO does not do so, who in the United Nations and the international community will address this issue of vital concern to the peace of humanity? Under Director-General Mayor there have been many courageous initiatives. One of these I have also been privileged to see at first hand. The establishment of the International Bioethics Committee was a courageous initiative. The Committee has been led by Madame Noelle Lenoir of France and now by Professor Ryuichi Ida of Japan. The issues presented by advances in genetics are extremely puzzling and often highly controversial. Yet can there be a more important issue for human rights in the future than the question of who will be the human beings of the future? In the work of the IBC, which bore fruit in the Universal Declaration on the Human Genome and Human Rights, the Committee has had the guidance of the Director of the Division of the Ethics of Science and Technology of UNESCO, Dr Georges Kutukdjian. The work that is being done is innovative and vitally important. This is one of many tasks in which UNESCO is giving courageous global leadership.

UNESCO AT THE CUTTING EDGE

There are always people who will cry halt to innovative projects. There will always be excuses for avoiding controversy and neglecting issues that will upset some people. In my own early days as a lawyer in Australia few indeed were the colleagues who were concerned with the particular human rights of indigenous peoples, of women, of homosexuals and of ethnic minorities. Every generation must have leaders who have the gift to see wrongs before others do and the courage to voice them and to work towards just outcomes.

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I feel sure that UNESCO, facing a new century, will not rest on its laurels in the matter of human rights. There are so many new topics which require UNESCO's attention. Many of them grow out of the developments of science and technology which naturally engage the concerns of UNESCO. The Human Genome Project, which will result in the mapping of the genes of the human species, will present questions about so-called "defective" genes. It will be important that UNESCO is there to speak for the diversity of humanity and against the creation of a human species in which all so-called "defects" are removed from the gene pool. The technology of informatics is also presenting great challenges to human rights. For example, will privacy, as guaranteed by the International Covenant on Civil and Political Rights, survive in cyberspace? UNESCO's mission imposes upon it the daunting responsibility to consider the social and cultural implications of science.

Many developments demonstrate the constant expansion of the concerns of human rights. They include such questions as:

- The human rights of people living with HIV and AIDS;
- The human rights of drug dependant persons, of occasional drug users and of their families;
- The human rights of homosexual, bisexual and transgender people;
- The human rights of the mentally ill; and
- The constant need to integrate economic, social and cultural rights with the old catalogue of civil and political rights. My work for the United Nations in Cambodia taught me that access to clean water is a true subject of human rights. So is the right to education, to work and to basic health care.

Upon all of these topics of the present and of the future, UNESCO must give courageous leadership. Its voice must be lifted and its influence brought to bear on those who do not yet see the truth.

RECOGNITION OF OTHERS

Coinciding with this ceremony, and with special appropriateness, is an exhibition at UNESCO Headquarters on the life and work of Raoul Wallenberg, whose Institute is honoured on this occasion. His courageous and bold initiatives, centred in Budapest in terrible times in the midst of the Holocaust, contain lessons for everyone engaged in human rights education. Reflecting on Raoul Wallenberg's story and on his inspiring achievements affords a cure to hubris. How, against his example, can my small efforts even deserve mention? Of course, they cannot. It is not enough for me to claim this Prize for my own work. So I invoke the work of others which, I believe, is recognised in the award to me:

- To the many in Australia who have been engaged in the struggle for human rights, the promotion of these ideals and to the education of the community in their importance. No country, even one much blessed as my own, is without human rights problems. In Australia, those problems extend to the continuing disadvantages suffered by indigenous peoples, by women, by refugees, by gays and lesbians and by many other groups. Yet in my lifetime I have seen Australia transformed from a

country effectively dedicated to legally protected ethnic purity to one that is building a truly multicultural and tolerant society. There are thousands of people in Australia devoted to promoting respect for diversity. The community we are creating beckons us and other nations to the future of humanity in the coming century. I dedicate this award to all those in my country who are working to promote the ideals of human rights.

- It is unusual to give a prize such as this to a judge. Judges and magistrates are usually anonymous, hard-working public officials. Yet their functions are inescapably bound up in the promotion and application of human rights. By their decisions and in their reasons they teach their own and future generations the lessons of respect for basic human rights. In countries of the common law tradition, and doubtless also in countries of the civil law tradition, judges throughout the world are invoking international human rights principles in reaching their decisions. When constitutions and statutes are ambiguous or where there is no clearly applicable legal principle, the growing body of human rights can often guide the judge's way. I therefore dedicate this award to my judicial colleagues in every land. Judges and magistrates uphold the rule of law and human rights. When they do so justly and lawfully, they deserve the honour of their fellow citizens.

- I also dedicate this award to the thousands of colleagues in the non-governmental organisations, civil society organisations and agencies of the United Nations in which I have been privileged to serve. From my earliest days, I have been a "joiner". Association in community bodies, public agencies and international organs of the United Nations is a precious way by which human rights can be extended and their practical lessons taught to succeeding generations. I pay special tribute to the International Commission of Jurists whose Secretary-General, Adama Dieng, was the Chairman of the International Jury which decided this Prize. Maître Dieng is himself a living example of the universality of human rights and the power of the message of human rights throughout Africa and the world. Like many dedicated colleagues, such as those working for the United Nations in Cambodia, he points the way to the century ahead.

I accept this award remembering the many others with whom I have worked and without whom, I am nothing. I will think of them and of those who are honoured with me as I leave this ceremony. Walking past the Raoul Wallenberg Exhibition in this building I will remember the human rights educators who, by their noble example, have secured for us the hope and promise of a better world. UNESCO's first fifty years are but a preparation. Yet great have been the achievements that have been secured. The century that is about to conclude saw some of the most terrible affronts to human rights in history. Many are continuing. But the century to come will be one full of hope and achievement. And UNESCO's bright light will courageously shine the way ahead.

* Laureate of the 1998 UNESCO Prize for Human Rights Education. Justice of the High Court of Australia. Member of the UNESCO International Bioethics Committee. One-time Special

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