



**ADDRESS BY SIR WILLIAM DEANE
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ON THE OCCASION OF THE OPENING OF THE
FIRST INTERNATIONAL CONFERENCE OF THE HUMAN RIGHTS
COUNCIL OF AUSTRALIA ON SPORT AND HUMAN RIGHTS
SYDNEY
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Mr Sidoti, Mr Frankovits, Ladies and Gentlemen

At the outset, I acknowledge the indigenous custodians on whose ancestral land we are gathered.

This is the right time and place for this important First International Conference on Sport and Human Rights. I offer my sincere congratulations to the Human Rights Council of Australia, its Chair, its Executive Director, its members and its staff for their foresight and work in organising it. I also thank all those other people who have contributed or will contribute to its success.

It is the right time for a variety of compelling reasons. I mention but three of them.

First, we are in the opening year of the second half-century after the adoption of the Universal Declaration of Human Rights by the General Assembly of the United Nations on 10 December 1948. At the same time, we are approaching the mid-point of the international decade designated by the United Nations as a decade for human rights education. A central objective of the international decade is increased knowledge and understanding of the nature and the content of fundamental human rights and of their impact upon, and relationship with, the various areas of human endeavour and activity.

Second, I venture to suggest that, at no time in the history of our world, have the role and nature of sport - in international relations, in national aspirations and in the lives and interests of

ordinary people - been of greater significance or under greater stress or challenge by reason of a variety of different circumstances, including ever-increasing professionalism and commercialisation.

Third, and this is a matter to which I will briefly return, the importance of the relationship between human rights and sport in our modern world is not confined to the rather obvious proposition that human rights, and the principles and standards underlying them, should be observed and promoted in both international and national sport. Sport itself, both international and national, can – and has in the past – played an extraordinarily significant role in advancing human rights, particularly among some of the world's most disadvantaged and vulnerable people.

And, as I said, this is also the right place for this first International Conference on Sport and Human Rights. As you all know, Sydney, which is our country's oldest and largest city, is the Host City for the millennium Olympic Games next year. Also, the Conference is taking place on the eve of Child Protection Week in Australia. The impact of sport upon the human rights of children is obviously an important aspect of the relationship between sport and human rights. This is also the right place for the reason that we in this country have a deep national commitment to the observance and advancement of human rights while sport probably plays as great a role in our national life as it does in the national life of any other nation. That is not, of course, to suggest that our record as regards human rights is a perfect one. No one could examine the past history and the present plight of indigenous Australians and intelligently deny that our record is not perfect. But neither, I believe, is the record of any other country in the world. What it does suggest is that the fundamental importance of human rights and human dignity and their observance and advancement which will, I am sure, be largely common ground at this Conference is also generally accepted in this country. Also, the importance of the subject matter of the Conference's deliberations would, I think, be obvious to the overwhelming majority of Australians.

It is not my intention to attempt to resolve any of the questions and issues which are involved in any deep consideration of the relationship between sport and human rights. My function is to open the Conference rather than to seek to pre-empt its work. In discharging that function, however, it would seem appropriate that I offer a few thoughts, however superficial they may be, on the overall context of the subjects upon which you will be focusing over the next few days. While I see myself these days as very much an ex-lawyer, my approach to any examination of the relationship between sport and human rights is no doubt greatly influenced by views formed over almost forty years of my former existence as a lawyer of one kind or another.

The first thought which I offer is perhaps no more than a reminder of the obvious. It is that the same words can sometimes convey different, indeed even diametrically opposed, meanings to different people. Let me give an example from a field completely unrelated to either sport or human rights. It is an example which I recently heard the Chairman of one of our leading publishers give of the difficulties which publishers are occasionally required to meet.

It would seem that an American publisher was employed to have prepared and to publish a history of a very wealthy American family. The instructions were that the history was to be

truthful but was to show the family in the best possible light consistent with truthfulness. The problem – or the skeleton in the closet – was Uncle Charles who had been sentenced to death and executed some decades before for a particularly nasty crime. After much thought, the authors and the publisher resolved the problem. Charles, it was written, had, at the time of his death, occupied a chair of applied electricity in a well known national institution. The account went on to say: “The ties that bound him to his position were strong indeed. And his death came as a great shock”.

As I say, that example is completely unrelated to anything you are likely to be discussing at this Conference unless you somehow stray into the subject of human rights and capital punishment. It is, however, important to remind ourselves that words will only adequately convey ideas and principles if there is a shared understanding about their meaning.

The very subject “Sport and Human Rights” itself invites some degree of greater definition. For example, an examination of four dictionaries has failed to locate what seems to me to be a completely acceptable inclusive and exclusive definition of “sport”. Certainly, the primary definition in the Macquarie Dictionary of “an activity pursued for exercise or pleasure, usually requiring some degree of physical prowess ...” would seem to be, with its emphasis on a purpose of “pleasure” or “exercise”, unduly confined in the context of the rush to commercialism and professionalism at the elite level of almost all sports. I refrain from commenting upon the insistence upon “physical prowess” beyond saying that, in the context of my sporting ability, I find it to border on insulting.

The difficulties involved in formulating a precise definition of sport are, however, of comparative insignificance compared to the difficulties involved in assigning a precise meaning to some of the phraseology commonly used in identifying human rights and their content and in formulating the principles and standards which inspire them. I am not suggesting that, in a gathering such as this, those difficulties will constitute a significant obstacle to understanding and even consensus. They need, however, to be borne in mind when formulating propositions which are intended for more general publication since it is important to minimise the possibility of misunderstanding or even misrepresentation by those who are unconvinced of, or even opposed to, acceptance of the absolutely fundamental importance of the observance and promotion of human rights both domestically and internationally in our modern world. In particular, statements of rights in an unqualified form need to be understood in the context that some regulation and adjustment of individual rights are necessary and acceptable as the price of escape from the anarchy which is antithetical to the existence of any rights at all.

Again, to take a more specific example of particular present relevance, there is room for debate about the precise content and effect of the assertion in the Olympic Charter that “the practice of sport is a human right. Every individual must have the possibility of practicing sport in accordance with his or her needs”. Obviously, the human right referred to in that assertion encompasses that asserted by Article 24 of the Universal Declaration, namely, “the right to ...leisure”. However, to what extent, if at all, does it impose a positive obligation to provide not only a discrimination-free environment but a positive opportunity (including the means) to engage either in some sport or sports or in a particular sport?

At least two distinct points would seem to emerge from this question of language. The first is that both in framing, and in interpreting, human rights there will frequently be room for legitimate differences of opinion about the choice or meaning of words even among people who are genuinely committed to the protection and promotion of human rights. The second is that it is not always the case that the wider and less qualified the words used, the greater the protection. To the contrary, over-wide and unwisely unqualified words can lead to the implication of excessive qualifications or to what was intended as a right being treated as no more than an aspiration.

There are many aspects of the relationship between sport and human rights. I refer to but some of them.

The most obvious is the direct impact of human rights upon sport. Upon government or other public supervision or regulation of sport. Upon the way it is organised. Upon who may play it. Upon the way it is played. At all those levels, human rights and human rights standards and principles have an important role to play. And, at all those levels, difficulties may arise in relation to what is and what is not permissible or appropriate in particular circumstances such as cases where positive discrimination is seen as necessary to overcome entrenched disadvantage or where exclusion is imposed or maintained, particularly in the case of young people, by reason, for example, of what is considered to be unacceptable modes of conduct or standards of behaviour, dress, or hygiene either on or off the field.

Particularly in the area of ensuring observance of human rights and human rights standards by those engaged in an actual sporting contest, there is again room for legitimate differences of opinion about the most effective means of dealing with unacceptable conduct on the part of one player directed towards another, such as racial abuse. In this country, there is considerable support for the view that conciliation or mediation leading to an apology is commonly preferable to the appearance of harsh punishment which may, in a sporting context where a popular sporting figure is involved, sometimes seem even counterproductive. On the other hand, there is obviously something to be said for the view that harsh punitive action is, in the long term, likely to be most effective.

Another difficulty in respect of which legitimate differences of opinion may exist as to appropriate conduct is where human rights standards are not being observed at the organisational level. Perhaps the question may be whether to participate or boycott. In some cases the choice between the two may seem clear. For example, in the case of sport in South Africa under apartheid, I personally have never doubted that boycott was the correct approach. On the other hand, if I had been advising Jesse Owens faced with the unique racist circumstances surrounding the 1936 Berlin Olympics, I think I would have been equally confident that the preferable decision was to decline to participate. But, with the benefit of hindsight, I would not dispute that history demonstrates how wrong I would have been.

In view of constraints of time, I shall confine myself to making brief reference to but one other aspect of the relationship between sport and human rights. That is, to the part that sport can legitimately play in positively advancing the human rights of people in ways that reach far beyond the sporting arena.

Currently, we in Australia are engaged in a critically important search for true and lasting reconciliation between the Aboriginal and Torres Strait Islander peoples and the Australian nation as a whole of which they form such an important part. The Council for Aboriginal Reconciliation has identified sport as one of the key areas of its work. In that, it is clearly correct. The great successes of our indigenous sportsmen and women on the athletic track, on the tennis court, on the football fields and in other sporting areas and the resulting standing which leading Aboriginal sportsmen and women enjoy in the general community have been among the most important positive influences in the long process towards reconciliation. The same can be said of the contact, in sporting teams and on sporting fields, between indigenous and non-indigenous Australians. Equally importantly, those successes and that contact have been of immeasurable significance in helping raise the levels of confidence, self-esteem, motivation and achievement of indigenous Australians, particularly the young. And here, of course, one enters the area of human rights since it is surely clear beyond reasonable argument that the present plight of our indigenous people, with their average life expectancy of up to 20 years less than that of non-indigenous Australians and their incomparably disadvantaged standards of living and education and rates of employment, takes us into the very heartland of human rights concern. See, for example, Articles 23, 25 and 26 of the Universal Declaration.

Let me conclude by extending a special welcome to all the overseas visitors who are attending the Conference. I sincerely hope your visit to our country is a very happy one, and that, when the time comes for you to return to your own homes, you carry with you fond memories of Australia and of Australians. And to all attending the Conference, I express the sincere hope that the Conference itself is outstandingly successful in every way.

And now, with great pleasure, I declare this First International Conference on Sport and Human Rights "How You Play The Game" to be officially open.