

*The Australian Post-War Utopia:
Reconsidering Herbert Evatt's human rights
contribution in the 1940's*

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A thesis submitted in partial fulfilment of the requirements for the degree of
BA (Adv.) (Hons) in History.
University of Sydney
October 2012

Abstract:

This thesis contests the assumption that Herbert Evatt's 1940's career was devoted to the promotion of a universal post-war human rights regime. As Australian Minister for External Affairs, Evatt developed an independent small state strategy that pursued a system of international democracy and social justice to facilitate the expansion of Australian influence in the Pacific and curb American hegemony. Evatt's subscription to the White Australia Policy undermined the realization of human rights by strengthening domestic sovereignty against international intervention. Human rights became the vehicle through which Evatt sought to shape the post-war order for the benefit of Australian national interests.

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Acknowledgements:

My thanks to Marco for his insights and guidance that went above and beyond.

To Mum, Dad, Jemimah and Kiera for their support and humour.

To Tim for his endless patience.

Introduction:

Recent histories of the 1940's consider the post-war human rights regime to be a vision of utopia constructed by war-wearied statesmen and women.¹ The characterization of this period as a utopian moment is useful for two reasons. First, that it effectively encapsulates the climate of the 1940's reconstructive effort and the desire for a new world order born out of the ashes of war and crisis.² Second, that despite envisaging a world unlike their own, the human rights activists of this period were unavoidably defined by the permeating influence of their historical and political context. These two contradictory elements form a utopian discourse that, in the words of Jay Winter, 'inevitably shows where they are, even as it describes where they want to be.'³

This tension within the utopian discourse makes the study of individuals highly valuable to reflections on the 1940's human rights moment. More so than any text, event or institution, the men and women who left the United Nations and the Universal Declaration of Human Rights as their legacy embodied the utopian vision

¹ Jay Winter, *Dreams of Peace and Freedom* (London: Yale University Press, 2006). See also: Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001); Samuel Moyn, *The Last Utopia: Human Rights in History* (Massachusetts: Harvard University Press, 2010); Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (Philadelphia, University of Pennsylvania Press, 2011); Alan S. Milward, *The European Rescue of the Nation-State* (New York: Routledge, 2000); Ken Booth, 'Three Tyrannies', in Tim Dunne (with Nicholas J. Wheeler), eds., *Human Rights in Global Politics* (Cambridge: Cambridge University Press, 1999); Susan Buck-Morss, *Dreamworld and Catastrophe: The Passing of Mass Utopia in East and West* (Massachusetts: Massachusetts Institute of Technology, 2002); Paul Gordon Lauren, 'First Principles of Racial Equality: History and the Politics and Diplomacy of Human Rights Provisions in the United Nations Charter', *Human Rights Quarterly* 5, no. 1 (February 1983), pp. 1-26.

² Jaime Torres Bodet, 'UNESCO', *Peace on Earth* 1 (1949), pp. 75-76.

³ Winter, *Dreams of Peace and Freedom*, p. 3.

for the future defined by the limitations of their present.⁴ The consideration of these actors within their domestic and international contexts offers a unique insight into the post-war human rights regime of the 1940's. One such activist was Herbert Evatt, who served as Australian Minister for External Affairs, Attorney General and Labor Party leader. Throughout the 1940's, Evatt notably represented Australia at the San Francisco Conference, Paris Peace Conference and Atomic Commission, chaired the Committee on Palestine and presided over the third session of the General Assembly. Evatt's influence on the post-war human rights system has earned many admiring histories detailing his successes as a champion of internationalism.

Current histories of Herbert Evatt situate him within his domestic context and defend his status as a genuine internationalist and human rights activist. Biographies by Tennant and Buckley, Dale and Reynolds detail the influence that Evatt's early life, career and Labor controversies had upon his international career.⁵ Evatt's colleagues Alan Renouf, Paul Hasluck and Allan Dalziel likewise locate Evatt within the specific political context of the Ministry of External Affairs and seek to attenuate the claims of Evatt's critics.⁶ Their admiring reports see Evatt's radical nonconformity as the cause of the criticisms of his colleagues.⁷ Those who praise Evatt's nonconformity depict him as the champion of the Labor party, defying expectations, forging a radical and independent Australian foreign policy and pursuing internationalism and a post-war

⁴ Winter, *Dreams of Peace and Freedom*, p. 99.

⁵ Kylie Tennant, *Evatt: Politics and Justice* (Sydney: Angus and Robertson, 1970). See also: Buckley, Ken (with Barbara Dale and Wayne Reynolds), *Doc Evatt: patriot, internationalist, fighter and scholar* (Melbourne, Longman Cheshire, 1994).

⁶ Paul Hasluck, *Diplomatic Witness: Australian Foreign Affairs 1941-1947* (Melbourne: Melbourne University Press 1980). See also: Allan Dalziel, *Evatt the Enigma* (Melbourne: Lansdowne Press, 1967); Alan Renouf, *Let Justice Be Done: The Foreign Policy of Dr H.V. Evatt* (London: University of Queensland Press, 1983).

⁷ Dalziel, *Evatt the Enigma*, p. ix. See also: Ross Fitzgerald (with Stephen Holt), 'New Light on Dr Evatt', *The Sydney Institute Quarterly* 37 (July 2010), p. 28.

system based on universal human rights. Prominent historian W. J. Hudson develops this argument, admitting that Evatt pursued an Australian national agenda but characterizing him as a ‘constitutionalist [who] pursued positive internationalist goals’.⁸

In addition to these works, a 2008 thesis by Emma Ede considered the discrepancies between these accounts and complicated Evatt’s internationalism.⁹ Ede depicts Evatt as an internationalist marred by his devotion to domestic demands.¹⁰ Whilst Ede considers Evatt a proponent of internationalism, equality and human rights, she considers the label of ‘internationalist’ to be misleading, as these were just a few of the multiplicity of factors that influenced Evatt’s foreign policy.¹¹ Her thesis argues that Evatt’s commitment to Australian legal heritage, the White Australia policy and strategic interests in the Pacific affirmed pre-war ideologies and undermined post-war internationalism.¹² Yet Ede subscribes to the common view that Evatt was, to a great extent, a genuine internationalist.

These studies make valuable contributions to the interpretation of Evatt’s international agenda. However, whilst they note Evatt’s deviations from a professed universal human rights agenda, these deviations are either discounted as an unavoidable external constraint or as an unfortunate departure from Evatt’s otherwise universalist agenda. Renouf considers Evatt’s enduring support for the White

⁸ W. J. Hudson, *Australia and the New World Order: Evatt at San Francisco, 1945* (Canberra: The Australian Foreign Policy Publications Programme, 1993), p. 7.

⁹ Ede, Emma, *Internationalist Vision for a Postwar World: H.V. Evatt, Politics & the Law*, Unpublished Honours Thesis, University of Sydney, 2008.

¹⁰ Ede, *Internationalist Vision for a Postwar World*, p. 74.

¹¹ Ede, *Internationalist Vision for a Postwar World*, p. 74.

¹² Ede, *Internationalist Vision for a Postwar World*, p. 74.

Australia Policy to be an unfortunate exception to his liberalism and promotion of universal human rights, largely influenced by his domestic context and upbringing.¹³ Tennant explains Evatt's support for the White Australia Policy as the product of his enduring commitment to the Labor Party and its economic agenda, whilst asserting his genuine promotion of international human rights.¹⁴ Even Ede, whose thesis is devoted to the consideration of how Evatt's domestic commitments undermined his internationalism, presents Evatt as a genuine internationalist constrained by a domestic agenda.¹⁵

It is in the interpretation of Evatt's deviations from a universal human rights agenda that my work differs from previous histories of Evatt. Considering Evatt in the light of both his domestic and international context and the current historical debates over the 1940's human rights moment, I would argue not that Evatt was an internationalist marred by unfortunate domestic commitments, but that Evatt was a defender of the nation-state who used international human rights as a vehicle for the realisation of his national agenda. Admiring accounts of Evatt's career depict him as a genuine proponent of internationalism and universalism, hindered by the influence of his context and his domestic commitments.¹⁶ A more critical approach however, is to consider Evatt's commitment to the nation-state as the defining factor that shaped his international agenda.

When one considers Evatt's deviations from a universal human rights agenda in the context of post-war reconstructive efforts, the way in which Evatt's pursuit of a

¹³ Renouf, *Let Justice Be Done*, pp. 8-9.

¹⁴ Tennant, *Evatt*, p. 58.

¹⁵ Ede, *Internationalist Vision for a Postwar World*, p. 5.

¹⁶ Consider Tennant, Renouf and Ede discussed previously.

national project directed his human rights agenda is clear. It is from this position that new light can be shed not only on Evatt's deviations from, but also his proposals for a human rights regime in the post-war international system. Both his successes and failures as a human rights activist can be understood as the product of a national agenda seeking to further Australian interests abroad. Evatt's national projects can thus be considered as the unifying ideology and agenda of his career in the 1940's, rather than the unfortunate exceptions to his internationalism and human rights advocacy.

A critical interpretation of Herbert Evatt's international career also contributes to the current historical debate over the validity of the 1940's human rights moment. Traditionally, the 1940's have been considered to be the seminal moment of the international human rights movement. The creation of the United Nations, the codification of universal rights and the professed statements of internationalism and universalism embodied in the Universal Declaration of Human Rights seemingly attest to this.¹⁷ Historians such as Paul Gordon Lauren, Jay Winter and Mary Ann Glendon offer such favourable interpretations of the 1940's human rights moment. Recent histories have challenged this view. Rather than considering the United Nations to be a break away from imperial history and pre-existing structures, Mark Mazower considers it to be a reinvention of the League of Nations and defined by great state imperialism.¹⁸ Samuel Moyn likewise argues that many of the movements

¹⁷ Mary Ann Glendon, 'Justice and Human Rights: Reflections on the Address of Pope Benedict to the UN', *The European Journal of International Law* 19, no.5 (2008), p. 925. See also: Mary Ann Glendon, 'The Rule of Law in the Universal Declaration of Human Rights', *Northwestern Journal of International Human Rights* 2 (Spring 2004), p. 2.

¹⁸ Mark Mazower, *No Enchanted Palace: the End of Empire and the Origins of the United Nations* (Princeton: Princeton University Press, 2009), p. 8.

that have been accredited with being a human rights cause - anticolonialism in particular - were in fact independent from and in tension with the universal human rights scheme.¹⁹ Moyn considers the 1970's to be the moment when human rights emerged as the sole survivor of shipwrecked utopian visions.²⁰

Critical to this debate are the intentions and motivations of the human rights activists who shaped the post-war system. Whereas Lauren and Glendon offer an admiring portrait of the men and women who crafted the Universal Declaration and the United Nations, Moyn and Mazower critically examine the continuities and inconsistencies of their agendas. It is in this regard that an examination of Evatt's career is of value. As a key activist throughout the war, at the San Francisco Conference and in the early years of the United Nations, Evatt had a profound influence on the post-war human rights system. The conclusion of this thesis, that Evatt used the human rights movement to pursue his national agenda, therefore attests to the critical view of the 1940's human rights moment as the continuation of older structures and ideas. Evatt's activism in the 1940's was directed by his pre-existing national agenda. This agenda informed how Evatt manipulated the reconstruction of the post-war system. Evatt therefore offers an example of how the utopian visions proposed in this period were often motivated and limited by pre-existing national concerns.

Rather than presenting a chronological study of Evatt's career, this thesis will examine the three central areas of Evatt's foreign policy in the 1940's: his small state strategy, his promotion of social justice and his involvement in the White Australia Policy. By considering each of these, the way in which Evatt's pursuit of national

¹⁹ Moyn, *The Last Utopia*, p. 84.

²⁰ Moyn, *The Last Utopia*, p. 122.

projects shaped his engagement with the international human rights movement becomes clear. The first chapter examines the broad lines of Evatt's international policy in the 1940's, the development of a small state strategy. Evatt's foreign policy during the 1940's was shaped by the changing nature of international relations.²¹ The Second World War accelerated the collapse of the traditional imperial order as the European states struggled to maintain the international war effort.²² This destabilization also contributed to the expansion of the Third World and anticolonial political consciousness.²³

The earlier imperial world order was therefore transformed into two conflicting blocs.²⁴ The first was that of the United States and the old imperial European states. These states sought to reinvent League of Nations into a post-war institution that would protect their dominance in the world system.²⁵ The second was that of the anticolonial movement that sought to circumvent Great State politics.²⁶ These post-colonial states sought self-determination and universal equity.²⁷ Whilst both

²¹ Stefan-Ludwig Hoffman, 'Genealogies of Human Rights', in Stefan-Ludwig Hoffman, ed., *Human Rights in the Twentieth Century* (Cambridge: Cambridge University Press, 2011), p. 13.

²² Mazower, *No Enchanted Palace*, p. 14. See also: Mark Mazower 'The Strange Triumph of Human Rights, 1933-1950*', *The Historical Journal* 47, no.2 (2004), p. 389; Brian Simpson, *Human Rights and the End of Empire* (New York: Oxford University Press, 2004), p. 183.

²³ Roland Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2010), p. 4. See also: Andreas Eckhart, 'African Nationalists and Human Rights, 1940s-1970s', in Hoffman, *Human Rights in the Twentieth Century*, pp. 283-284.

²⁴ Herbert Evatt, *Task of Nations* (Westport: Greenwood Press, 1972), p. 3.

²⁵ Mazower, *No Enchanted Palace*, p. 14. See also: Mazower 'The Strange Triumph of Human Rights, 1933-1950*', p. 389.

²⁶ Burke, *Decolonization and the Evolution of International Human Rights*, p. 4.

²⁷ Emilie M. Hafner-Burton, 'International Regimes for Human Rights', *Annual Review of Political Science* 15 (June 2012), p. 268. See also; Austin Sarat (with Thomas R. Kearns), eds., *Human Rights: Concepts, Contests, Contingencies* (Michigan: University of Michigan, 2001), p. 97.

movements acted within the framework of the nation-state (and therefore, as Moyn critiques, failed to achieve a universalist human rights regime) Evatt's engagement with their agendas reveals a subscription to neither bloc and instead the pursuit of Australian interests.²⁸ Evatt balanced allegiance to both blocs by fostering a strong connection to the old and transformed imperial states whilst simultaneously constructing Australia as the leader of the small states in the post-war system.²⁹ Evatt achieved this through the strong promotion of regionalism based on the model of the Australian-New Zealand Pact.³⁰ At San Francisco, Evatt's policy shifted following his failure to secure an Australian position on the Security Council.³¹ Following this rejection Evatt sought to diminish the powers of the Security Council and develop the reach of the General Assembly.³² This pursuit of an international democratic forum was demonstrably not a pursuit of human rights, but of a system that would offer the most benefit to Australian foreign affairs.

The second chapter considers further how Evatt balanced his allegiances with the imperial and anticolonial blocs. A central element of Evatt's international agenda was the pursuit of social justice.³³ Whilst this policy contributed to the development of technical systems that benefited the human rights movement, Evatt's motivations

²⁸ Moyn, *The Last Utopia*, p. 86.

²⁹ Wayne Reynolds, 'Dr H.V. Evatt: Foreign Minister for a Small Power', in David Day, ed., *Brave New World: Dr H. V. Evatt and Australian Foreign Policy 1941-1949* (St Lucia: University of Queensland Press, 1996), p.150.

³⁰ H.V. Evatt, 'Australia's Approach to Security in the Pacific', in *Regionalism and Security* (London: Oxford University Press, 1946), p. 14.

³¹ Hasluck, *Diplomatic Witness*, pp. 249-250. See also: Buckley, *Doc Evatt*, p. 305.

³² Renouf, *Let Justice Be Done*, p.220.

³³ Ashley Hogan, *Moving in the Open Daylight, Doc Evatt, an Australian at the United Nations* (Sydney: Sydney University Press, 2008), p. 41.

were the betterment of Australia's position in the world.³⁴ Evatt's pursuit of social justice concerns in international fora was largely shaped by his anxieties over the Australian-American diplomatic relationship.³⁵ The Second World War crippled the European imperial regimes and left the United States poised as an economic and political superpower.³⁶ The Australian government under Prime Minister Curtin recognized this shift and sought to foster strong connections to the United States.³⁷

The Australian-American relationship in the 1940's was disturbed by the traditional British and Australian preferential economic system.³⁸ U.S proposals for post-war economic reconstruction therefore sought to mitigate such vestiges of colonialism.³⁹ Evatt spent much of his early career as Minister for External Affairs developing Australia's relationship with the United States.⁴⁰ He encouraged the U.S statesmen and public to consider the commonalities between their two countries and to consider

³⁴ Evatt discusses these successes in: Herbert V. Evatt, 'The World's Most Powerful Influence For Peace', *United Nations Bulletin* 6, no. 2 (1949), pp. 2-3.

³⁵ Trevor R. Reese, *Australia, New Zealand and the United States: A Survey of International Relations 1941-1968* (London: Oxford University Press, 1969), p. 68.

³⁶ Buckley, *Doc Evatt*, p. 187.

³⁷ Hudson, *Australia and the New World Order*, p. 14. See also: Alan Watt, *The Evolution of Australian Foreign Policy: 1938-1965* (London: Cambridge University Press, 1967), p. 65; Herbert Evatt, 'Australia's Danger and the Organization of Allied Resources: Speech at the Overseas Writers' Club at the Hotel Willard, Washington, 28 March 1942', in Herbert Evatt, *Foreign Policy of Australia: Speeches* (Sydney: Angus and Robertson Ltd, 1945), p. 50; Herbert Evatt, 'Australian-American Co-Operation: Broadcast by Dr Evatt on Mutual Broadcasting System Network, New York 5 April 1942', in *Foreign Policy of Australia*, p. 52.

³⁸ Buckley, *Doc Evatt*, pp. 186-187. See also: Reese, *Australia, New Zealand and the United States*, pp. 68, 71; Roger White (with Bethany Tadesse), 'Immigration Policy, Cultural Pluralism and Trade: Evidence from the White Australia Policy', *Pacific Economic Review* 12, no. 4 (2007), p. 490.

³⁹ Buckley, *Doc Evatt*, pp. 186-187.

⁴⁰ Hasluck, *Diplomatic Witness*, p. 60. See also: Watt, *The Evolution of Australian Foreign Policy*, p. 62.

Australia a vital ally.⁴¹ This involved the adoption of the Rooseveltian language that conflated the languages of democracy and human rights.⁴²

Whilst Evatt sought to develop the Australian-American relationship, his work at San Francisco demonstrated his personal vision of a post-war economic order. Evatt viewed economic instability and unemployment as the central factors contributing to the outbreak of war in Europe.⁴³ Recognising the international nature of world affairs, Evatt encouraged his contemporaries to make the pursuit of full employment and social justice a central element of the post-war institution.⁴⁴ This policy was based on Australian domestic policies and sought to impose such policies on the international system, whilst curbing U.S dominance in the both politics and economics.⁴⁵ This pursuit manifested in the expansion of the Economic and Social Council and the inclusion of a full employment agenda.⁴⁶

Evatt's attempts to protect Australian security and extend the reach of Australian policies were also expressed through the trusteeship system.⁴⁷ Evatt sought to alleviate threats in the Pacific by encouraging the pursuit of strong economic policies

⁴¹ Watt, *The Evolution of Australian Foreign Policy*, p. 67.

⁴² Emmanuelle Jouannet, *The Liberal-Welfarist Law of Nations*, Cambridge: Cambridge University Press, 2012), pp. 218-219. See also: John Keane, *The Life and Death of Democracy* (London: Simon & Schuster, 2009), p. 735; Neville Meaney, *Australia and the World: A Documentary History from the 1870s to the 1970s* (Melbourne: Longman Cheshire, 1985), p. 3.

⁴³ Glendon, *A World Made New*, p. 14.

⁴⁴ 'Economic Foundations for Peace: H.V. Evatt's Address to the International Centre 15 May 1945', in H.V. Evatt, *Australia in World Affairs* (Sydney: Angus and Robertson, 1946), p.37.

⁴⁵ Buckley, *Doc Evatt*, p. 187. See also: Andrew Byrnes (with Hillary Charlesworth and Gabriel McKinnon), *Bill of Rights in Australia: history, politics and law* (Sydney: University of New South Wales Press, 2009), p.27.

⁴⁶ Evatt, *Task of Nations*, pp. 212-213. See also: Herbert V. Evatt, *The United Nations* (Cambridge: Harvard University Press: 1948), p. 31.

⁴⁷ Evatt, 'The Future Peace and Stability of the Pacific', in *Foreign Policy*, p. 117.

in the Australian trust territories of Papua and New Guinea.⁴⁸ This policy sought to avoid the upheaval that had been experienced in Indonesia by stabilizing the region and avoiding colonial disputes.⁴⁹ Evatt's challenge to the political post-war vision can be considered as a national agenda in the guise of universalism. Whilst Evatt's policies seemingly supported a human rights regime, Australian interests motivated them. Recognising that Australia could not oppose the power of a hegemonic United States, Evatt defended a system within which Australian power was amplified and U.S. dominance diluted. Thus social justice became the vehicle through which Evatt ensured Australian security and the expansion of influence.

The third chapter examines the greatest contradiction of Evatt's professed human rights vision, namely the tensions between domestic jurisdiction, national sovereignty and international responsibility. Throughout his career Evatt remained a staunch defender of the White Australia Policy.⁵⁰ This policy was shaped by the transformation of imperialism and the development of the Australian racial ideology and immigration policies in the 1940's.⁵¹ As a Dominion state Australia inherited the British imperial racial ideology of biological superiority.⁵² Yet by the 1940's the

⁴⁸ W. J. Hudson, ed., *Australia and Papua New Guinea* (Sydney: Sydney University Press, 1971), p. 146.

⁴⁹ Evatt, *Task of Nations*, p. 199. See also: L. Barria (with S. Roper), *The Development of Institutions of Human Rights* (New York: Palgrave MacMillan, 2010), p. 165.

⁵⁰ Renouf, *Let Justice Be Done*, p. 101.

⁵¹ Laksiri Jayasuriya, *The Australian-Asian Connection: Retrospect & Prospect* (Sydney: H.V. Evatt Research Centre, 1988), p. 7.

⁵² Stuart Ward, *Australia and the British Embrace: The demise of the imperial ideal* (Melbourne: Melbourne University Press, 2001), p. 7. See also: Philip Ehrensaft (with Warwick Armstrong), 'Dominion Capitalism: A First Statement', *Journal of Sociology* 14, no.3 (October 1978), p. 352; David Theo Goldberg, 'Heterogeneity and Hybridity: Colonial Legacy, Postcolonial Heresy', in Henry Schwartz (with Sangeeta Ray), eds., *A Companion to Postcolonial Studies* (Oxford: Blackwell Publishing, 2005), p.79; Jayasuriya, *The Australian-Asian Connection*, p. 7.

Australian racial discourse had evolved towards a socio-economic focus fearful of the implications of non-white immigration on white Australian jobs.⁵³ Evatt and his contemporaries considered racial homogeneity to be a prerequisite to economic and political security.⁵⁴ The threat of the ‘Yellow Peril’ therefore emphasized Australian racist policies against immigration.⁵⁵

Evatt’s attempts to protect the White Australia Policy were evident at the San Francisco Conference and in two precedent-making decisions in the following years. At San Francisco, Evatt contributed to the drafting of Articles 2 (7) and 73 of the UN Charter, ensuring the protection of national sovereignty. He opposed proposals to weaken domestic jurisdiction and ensured that domestic immigration policies were made exempt from any international scrutiny.⁵⁶ Furthermore his continual support for South African claims that the apartheid regime was excused from international scrutiny as it was a domestic affair, and his abstaining vote on the Ad-Hoc Committee into Palestine demonstrated the threat that a precedent of international intervention

⁵³ Jeremy Sammut, ‘The Long Demise of the White Australia Policy’, *Quadrant* (November 2005), p.34. See also: Downs, *The Australian Trusteeship Papua New Guinea 1945-1975* 75 (Canberra: Australian Government Publishing Service, 1980), pp. 4-5; Tennant, *Evatt*, p. 58; Mazower, *No Enchanted Palace*, p. 35.

⁵⁴ With regards to political security, Evatt saw the preservation of Australia’s white majority as crucial to ensuring domestic security. Internationally, however, he recognized the impossibilities of ensuring racial homogeneity and thus promoted the necessity of spreading western democratic systems in the Asian-Pacific. See: H.V. Evatt, ‘Policy Speech of the Australian Labor Party’, *The Parliament of the Commonwealth Elections, November 22, 1958*, October 15, 1958, p. 24. See also: Renouf, *Let Justice Be Done*, p. 9; Herbert Vere Evatt, ‘Japan is Still a Menace’, *New York Times*, Feb 3, 1946, p. 6; ‘Introduction by the Rt. Hon. H. V. Evatt’, in John Burton, *The Light Glows Brighter* (Glebe: Liberty Press, 1956), p. 5.

⁵⁵ Keith Windschuttle, *The White Australia Policy* (Sydney: Macleay Press, 2004), p. 271.

⁵⁶ Daniel Mandel, *H.V. Evatt and the Establishment of Israel: The Undercover Zionist* (London: Frank Cass Publishers, 2004), p. 98. See also: Buckley, *Doc Evatt*, p. 100.

would cause.⁵⁷ Thus despite allegations of human rights violations in both of these cases, Evatt's national agenda undermined his professed human rights convictions. Evatt's defense of the White Australia Policy vividly demonstrates how his international agenda was shaped by Australian national interests rather than a subscription to universal human rights.

⁵⁷ Mandel, *H.V. Evatt and the Establishment of Israel*, p. 100. See also: Buckley, *Doc Evatt*, p. 100.

Chapter One: Evatt's small state strategy

Contemporary histories of Evatt credit him with leading Australia towards an independent foreign policy based on small state relations, regionalism and the challenging of U.S and European hegemony at the United Nations.⁵⁸ Evatt has become infamous for his attempts to mitigate the Security Council veto, his representation of the interests of Australia and the Pacific region and his expansion of the Australian Ministry of External Affairs.⁵⁹ This was largely achieved by Evatt's petitioning to form the United Nations into an international democratic forum, for which many have considered him to be a human rights activist. Within the context of the Australian domestic situation such an assessment is understandable. The Ministry of External Affairs was a subsidiary colonial office until Evatt was appointed Minister in 1941.⁶⁰ Australian foreign policy had largely been conducted at the demands of the British Home Office and was centered on the war in Europe.⁶¹ Evatt's radical approach to foreign policy altered this, forging an independent and extensive

⁵⁸ Renouf, *Let Justice Be Done*, pp. 220-221. See also: Dalziel, *Evatt the Enigma*, pp. iv-x; Scott Guy, 'Herbert Vere Evatt: Jurist, Politician, Person- The Paradox', *Bond Law Review* 21, no.1 (January 2009), p.4; Andrew Campbell, 'Dr. H. V. Evatt- Part One: A Question of Sanity', *National Observer* 73 (Winter 2007), p.27; Dalziel, *Evatt the Enigma* (Melbourne: Lansdowne Press, 1967); Tennant, *Evatt*, p. 11; Hasluck, *Diplomatic Witness: Australian Foreign Affairs 1941-1947*; Hogan, *Moving in the Open Daylight*, p. 9; Hudson, *Australia and the New World Order*, pp.7-8; Christine De Matos, 'Diplomacy Interrupted?: Macmahon Ball, Evatt and Labor's Policies in Occupied Japan', *Australian Journal of Politics and History* 52, no.2 (2006), p. 193.

⁵⁹ Joan Beaumont (with David Lowe, Christopher Waters and Garry Woodard), *Ministers, Mandarins and Diplomats: Australian Foreign Policy Making 1941-1969* (Carlton: Melbourne University Press, 2003), p. 20.

⁶⁰ Beaumont, *Ministers, Mandarins and Diplomats*, p. 1. See also: Hudson, *Australia and the New World Order*, p. 15; Watt, *The Evolution of Australian Foreign Policy*, p.61.

⁶¹ Hasluck, *Diplomatic Witness*, p. 7. See also: Beaumont, *Ministers, Mandarins and Diplomats*, p. 2.

diplomatic system that challenged the great imperial states to consider the contribution of smaller states.⁶²

When this policy is situated within the broader international context of ‘competing universalisms’, an alternative interpretation of Evatt’s agenda can be considered.⁶³

The Second World War saw the transformation of the traditional imperial system into two competing blocs.⁶⁴ Increasingly, European imperialism became ideologically and economically unsustainable.⁶⁵ The great European states therefore sought to reconstruct their flailing empires in a post-war system that would retain their international influence and power.⁶⁶ This agenda conflicted with that of the growing anticolonial movement. Post-colonial states encouraged the creation of a post-war system that offered increased opportunities for small states.⁶⁷ These states envisaged a post-war system of self-determination and increased international decolonization.⁶⁸

To a middle Dominion state such as Australia, the forging of a new foreign policy agenda in this context was fraught with difficulty, as it required concessions from either party.⁶⁹ Evatt’s approach to the complexities of diplomacy in the 1940’s was to balance the conservation of Australia’s traditional colonial ties with Britain and its

⁶² Reynolds, ‘Dr H.V. Evatt’, p.150. See also: Guy, ‘Herbert Vere Evatt’, p. 33; Tennant, *Evatt*, p. 341.

⁶³ Hoffman, ‘Genealogies of Human Rights’, p. 13.

⁶⁴ Lauren, *The Evolution of International Human Rights*, p. 147.

⁶⁵ Susan Waltz, ‘Reclaiming and Rebuilding the History of the Universal Declaration of Human Rights’, *Third World Quarterly* 23, no.3 (June 2002), p. 400. See also: Paul Kennedy, *The Parliament of Man: The Past, Present and Future of the United Nations* (New York: Random House, 2006), p. 25; Moyn, *The Last Utopia*, p. 45.

⁶⁶ Mazower, *No Enchanted Palace*, p. 14. See also: Mazower ‘The Strange Triumph of Human Rights, 1933-1950*’, p. 389; Simpson, *Human Rights and the End of Empire*, p. 183.

⁶⁷ Burke, *Decolonization and the Evolution of International Human Rights*, p. 4.

⁶⁸ Eckhart, ‘African Nationalists and Human Rights, 1940s-1970s’, pp. 283-284.

⁶⁹ Ward, *Australia and the British Embrace*, p. 13.

developing relationship with the United States with its leadership of small states in the international community.⁷⁰ Admiring histories of Evatt consider his development of a small state strategy for Australia to be the expression of his human rights agenda.⁷¹ Such appraisals of Evatt however, fail to consider the widespread criticisms of his San Francisco activities and fluctuations in his agenda. They also fail to grapple with allegations that anticolonialism and the growth of the small state movement was not a universal human rights movement but rather a continuation of state-based politics.⁷² A closer examination of Evatt's small state strategy reveals the pervasive influence that his relentless pursuit of Australian interests and national projects had on the development of a small state strategy. Evatt recognized that Australian interests could best be served by promoting an international system based on universal democracy and the encouragement of strong state creation.⁷³ It was only within such a system that Australia could grow its subordinate role as a Dominion state. For this reason, he encouraged a small state strategy for Australia and represented the small state movement within the international community.

The three defining features of Evatt's small state strategy were his forging of an independent Australian foreign policy, his promotion of regionalism in the Australia-New Zealand Pact and his vision of an international democratic forum pursued at San Francisco. In each of these cases, Evatt took advantage of the weakening of the imperial system by seeking to establish Australia as the leading power in the Pacific.⁷⁴

⁷⁰ Reynolds, 'Dr H.V. Evatt', p. 150.

⁷¹ See footnote 1.

⁷² Moyn, *The Last Utopia*, p. 44.

⁷³ Evatt, *The United Nations*, p. 19.

⁷⁴ 'Australia's War Aims: Minister for External Affairs, Dr H.V. Evatt, speaks to the House of Representatives, 14 October 1943, about a new era of regional security and

After failing to secure a position on the Security Council and thus elevate Australia to the table of the Great States, Evatt vehemently opposed the veto and pursued a small state strategy that would consolidate the international influence available to a mid-state like Australia.⁷⁵ In short, when Australia was denied entry to the level of the imperial, Evatt pursued a world system within which Australia could exercise considerable influence: an international democratic forum.⁷⁶ His policy in the 1940's was therefore defined by his attempts to curb Great State power, secure Australian international interests and develop a strong sense of Australian leadership in the Pacific region. This chapter will examine this by considering the three central elements of Evatt's agenda, as well as the current debate over imperialism and anticolonialism in the fledgling United Nations organisation.

The development of an independent Australian foreign policy

The 1940's were a caesura both in the international system and in Australian foreign policy. For the international community, the war destabilized the imperial system and accelerated the growth of the anticolonial movement.⁷⁷ For the Australian domestic situation, the war demanded the development of a Pacific strategy and separation from the British imperial agenda.⁷⁸ Within this context, Evatt's pursuit of an independent Australian foreign policy based on regionalism and a small state strategy

international co-operation', in Meaney, *Australia and the World*, p. 484. See also: Hasluck, *Diplomatic Witness*, p. 248.

⁷⁵ Buckley, *Doc Evatt*, p. 100.

⁷⁶ Evatt, *The United Nations*, p. 19.

⁷⁷ Lauren, *The Evolution of International Human Rights*, p. 147. See also: Waltz, 'Reclaiming and Rebuilding', p. 400; Kennedy, *The Parliament of Man*, p. 25; Moyn, *The Last Utopia*, p. 45.

⁷⁸ Beaumont, *Ministers, Mandarins and Diplomats*, p. 3. See also: Christopher Waters, 'The Great Debates: H.V. Evatt and the Department of External Affairs, 1941-49', in Beaumont, *Ministers, Mandarins and Diplomats*, p.45; Watt, *The Evolution of Australian Foreign Policy*, p. 61; De Matos, 'Diplomacy Interrupted?', p. 193.

reveals his subscription to the Australian national agenda at the cost of human rights universalism. Particularly at the San Francisco Conference, Evatt strategically selected the movements with which Australia would ally, depending on the influence that they could offer in the post-war system. This pursuit of a system within which Australian influence would increase often sacrificed the realization of universal human rights. Therefore, whilst Evatt's diplomacy in the 1940's has puzzled many due to its seemingly disjointed and convoluted form, it can be cohesively and holistically understood as the vehement pursuit of Australian national interests at the cost of alternative post-war international visions.⁷⁹

The development of an independent Australian foreign policy involved balancing commitments to imperialism and anticolonialism. Such an agenda appeared to contradict the pursuit of independence, as it involved the consolidation of ties to Britain and the development of new relations with the United States.⁸⁰ However, in a world climate that was continually reinventing and reinterpreting imperialism, Evatt recognized that the maintenance of these connections was of crucial concern.⁸¹ This agenda was pursued within the broader framework of extending Australian post-war powers and influence.⁸² Recognising the likelihood of a post-war world dominated by the United States, Evatt sought strongly to develop the Australian-American diplomatic relationship whilst consolidating colonial ties to Britain.⁸³ This was largely

⁷⁹ Dalziel, *Evatt the Enigma*, p. vi. See also: Michael Kirby, 'Herbert Vere Evatt, the United Nations, and the Universal Declaration of Human Rights after 60 Years', *U.W.A Law Review* 34 (2004), p. 238.

⁸⁰ Hudson, *Australia and the New World Order*, p. 14. See also: Reynolds, 'Dr H.V. Evatt', p. 146.

⁸¹ Day, *Brave New World*, p.47.

⁸² Day, *Brave New World*, p.47.

⁸³ Hudson, *Australia and the New World Order*, p. 14. See also: Watt, *Australian Foreign Policy*, p. 65; H.V. Evatt, 'The Organisation of the Australian Foreign

expressed through Evatt's diplomatic tours of the United States and representation of Australia at meeting such as the Pacific War Council.⁸⁴ In a promotional magazine published in New York, 1942, Evatt encouraged Americans to consider the similarities between their cultures and systems of government. He wrote:

Australia's machinery of government stands midway between that of Britain and that of the United States. We are linked to Britain not only by allegiance to the King and the ties of kinship, but by our adoption of the British system of "responsible government"...Side by side with this essentially British system, Australia established a federal system of government largely on the United States model.⁸⁵

Throughout the war effort, Evatt led the Ministry of External Affairs in balancing 'multilateral diplomacy' with the pursuit of independence.⁸⁶ Whilst at the outbreak of war the Ministry had been merely a 'small and relatively powerless section of the Commonwealth bureaucracy', Evatt encouraged the posting of independent Australian representatives to Washington, Tokyo and Ottawa, the growth of the office through the diplomatic cadet scheme and the expansion of the Ministry's staff and responsibilities.⁸⁷ This allowed the Ministry to distance itself from the London Home Office and forge an independent path for the war, a fact that Evatt explicitly noted in a speech to the House of Representatives in 1943. He stated:

The field of Australian external affairs has extended and is extending very rapidly...As more and more questions of post-war international reorganization arise...the need for specially trained staff will increase even further...I have enough confidence in the youth of Australia to believe that we can raise a first-class corps of trained Australian diplomats capable and eager to serve

Service', *Journal of Public Administration* 7, no.1 (September, 1944), p.3; De Matos, 'Diplomacy Interrupted?', p. 190.

⁸⁴ Evatt, 'The Australian Way of Life', p.1. See also: Watt, *Australian Foreign Policy*, pp. 63-65.

⁸⁵ Evatt, 'The Australian Way of Life', p.1.

⁸⁶ Beaumont, *Ministers, Mandarins and Diplomats*, p.11.

⁸⁷ Beaumont, *Ministers Mandarins an Diplomats*, pp.7-8. See also: W. J. Hudson, ed., *Towards a Foreign Policy: 1914-1941* (Melbourne: Cassell Australia, 1967), p. 25.

their country, and always mindful of its interests wherever in the world they may be posted.⁸⁸

Evatt reinforced the need for an independent policy, and sought to ensure that Australia's wartime commitment did not go unrecongised in the development of the post-war system.⁸⁹

The second element of Evatt's pursuit of Australian independence was the fostering of relations with the growing anticolonial movement by establishing Australia as an international leader of small states.⁹⁰ This manifested in the development of Pacific regionalism, the encouragement of regional systems of security and in Evatt's attempts to curb great state powers in the post-war United Nations institution.⁹¹ The development of Pacific regionalism was a crucial factor in mobilizing the Asian-Pacific anticolonial movement towards achieving an international political presence.⁹² Evatt's forging of a Pacific regional system based on collective security strengthened the position of anticolonial states whilst reinforcing Australia's position as a regional security power.⁹³ This model then formed the basis for Evatt's proposals at the San

⁸⁸ H.V. Evatt, 'Australia's War Aims: Speech to the House of Representatives', 14 October 1943, quoted in Meaney, *Australia and the World*, pp.483-484.

⁸⁹ H.V. Evatt, *Foreign Affairs: Ministerial Statement, Together with Related Documents Tabled by Minister for External Affairs on the 26th February 1947* (Canberra: L.F. Johnston, 1947), p. 13. See also: Watt, *Australian Foreign Policy*, pp. 64-65, 67.

⁹⁰ Robert J. Gilmore (with Denis Warner), eds., *Near North: Australia and a Thousand Million Neighbours* (London: Angus and Robertson, 1948), p.72.

⁹¹ Hudson, *Australia and the New World Order*, pp.16-17.

⁹² Amitav Acharya, 'Norm Subsidiarity and Regional Orders: Sovereignty, Regionalism and Rule-Making in the Third World', *International Studies Quarterly* 55 (2011), p. 100. See also: Peter Sjølyst-Jackson, 'Post-Colonial Futures', *New Formations* 66 (Spring 2009), p. 174.

⁹³ Acharya, 'Norm Subsidiarity and Regional Orders', p. 111. See also: Herbert Vere Evatt, 'The Future of the Pacific', *Pacific Historical Review* 14, no.2 (June 1945), p. 154.

Francisco Conference for the development of widespread regionalisms and strong regional security systems.⁹⁴

The necessity of a Pacific system of regional security became increasingly clear throughout the war effort. Prime Minister Curtin, in his New Years message in 1942, spoke retrospectively of the difficulties of Japanese hostilities experienced in the Pacific in the previous year. He considered the conflict to be the 'proper fate of any country which did not build its own defences... [and] was also the proper fate for a country that thought it could fight anybody's war before it made its own position safe.'⁹⁵ Curtin's comments highlighted the ever-growing reality that the war in the Pacific demanded a response independent of the war in Europe.⁹⁶ In recognition of this, Evatt pursued a geographically appropriate wartime and post-war strategy.⁹⁷ He wrote:

The Australian approach to the problem of post-war security is very largely determined by its geographical position in the Pacific area...Inevitably... Australia has a direct and vital concern in conditions which will ensure political stability, economic and social progress and peaceful co-operation between the peoples of South-west Asia and the South Pacific generally and the Western nations at present having authority over them.⁹⁸

Evatt's wartime policy therefore sought to establish strong international regionalisms that protected Australia from Pacific threats without relying on military protection

⁹⁴ Herbert V. Evatt, 'Risks of a Big-Power Peace', *Foreign Affairs* 24 (1945-1946), p. 203. See also: Evatt, 'The Future of the Pacific', p. 147.

⁹⁵ John Curtin, 'Report of background briefing', 30 December 1942, quoted in Day, 'Evatt and the Search for a Sub-Empire', p.49.

⁹⁶ John Chesterman, 'Natural-Born Subjects? Race and British Subjecthood in Australia', *Australian Journal of Politics and History* 51, no.1 (2005), p. 35.

⁹⁷ Evatt, 'Australia's Approach to Security in the Pacific', p.13.

⁹⁸ Evatt, 'Australia's Approach to Security', p.13.

from the far-off allies of Britain or the United States.⁹⁹ This policy was exemplified in the Australia-New Zealand Agreement of 1944, which Evatt considered to be ‘one of the pivots of [Australian] external policy’.¹⁰⁰ Precipitated by the unprecedented spread of the war to the Pacific and the threat of Pacific invasion, the Agreement recognized the common interests of both nations and promised increased cooperation in managing the region.¹⁰¹ Section 13 of the Pact read: ‘The two Governments agree that, within the framework of a general system of world security, a regional zone of defense comprising the South West and South Pacific areas shall be established and that this zone should be based on Australia and New Zealand...’¹⁰²

Largely shaped in reaction to Japanese involvement in the Pacific, this Pact solidified the Australia-New Zealand alliance against foreign aggressors.¹⁰³ As the Pacific became a front of increasing strategic value, the protection of the region became a critical concern for the two British Dominions who professed leadership over the smaller South Pacific states. Evatt recognized this in his statements regarding the Japanese Peace Settlement, ‘It is undeniable that the future of Australia and New

⁹⁹ Day, ‘Evatt and the Search for a Sub-Empire’, p.49. See also: Hudson, *Australia and the New World Order*, pp.16-17; Watt, *The Evolution of Australian Foreign Policy*, p. 61.

¹⁰⁰ Cablegram, Evatt to Bruce, Document 354, Canberra, 20 November 1944, Historical Publications hosted by DFAT, <<http://www.info.dfat.gov.au/info/historical/HistDocs.nsf/vVolume/703BDCE0F0EB3BE2CA256B7E002C1A59>>, accessed 26 July 2012. See also: Watt, *Australian Foreign Policy*, p. 68.

¹⁰¹ ‘Australian-New Zealand Agreement: Statement Issued by The Minister for External Affairs on the Official Release of the Full Text of the Australian-New Zealand Agreement 21 January 1944’, in *Foreign Policy of Australia*, p.154.

¹⁰² Australian-New Zealand Agreement 1944, Document 26, *Australian Treaty Collection*, Historical Publications hosted by the Department of Foreign Affairs and Trade (DFAT), <<http://www.info.dfat.gov.au/info/historical/HistDocs.nsf/vVolume/7E1F98EB7E415F0ECA256B7E001E5C8B>>, accessed 26 July.

¹⁰³ Reese, *Australia, New Zealand and the United States*, p. 3.

Zealand must be affected by the ultimate disposition of Japanese occupied territory. The decisions which will be made on this matter at the Pacific Peace Settlement will vitally affect the future security of these two countries.’¹⁰⁴

Evatt’s agenda at San Francisco

Evatt’s post-war vision for an international system allowing for the expansion of Australian interests was made vividly clear during his negotiations at the San Francisco Conference. Evatt acted tirelessly during this conference to mold post-war institutions to the benefit of Australian national projects. His promotion of regionalism was clearly expressed in negotiations over the wording of the Charter. Evatt sought to protect the authority of regionalism in the regional self-defense clause of Section C, Chapter VIII of the Dumbarton Oaks draft. Whilst the draft did afford some power over regional disputes to regional agencies, it demanded that the Security Council oversee such procedures and that enforcement action required Security Council authorization.¹⁰⁵

Evatt considered such a proposal to be the assertion of Security Council hegemony over the pursuit of collective security.¹⁰⁶ The Australian delegation therefore proposed an amendment to the draft that protected collective security against matters becoming ‘frozen’ by a Security Council disagreement.¹⁰⁷ This amendment was then translated into Article 51 of the Charter, which read: ‘Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs

¹⁰⁴ H.V. Evatt, *Japanese Peace Settlement: Statements by Australian Minister for External Affairs, the Rt. Hon. H.V. Evatt, M.P.* (Canberra: Department of External Affairs, 1947), p.9.

¹⁰⁵ Evatt, *The United Nations*, pp.26-27.

¹⁰⁶ Evatt, *The United Nations*, p.27.

¹⁰⁷ Evatt, *The United Nations*, p. 10.

against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security...'¹⁰⁸

Evatt's pursuit of regionalism strengthened Australia's position as a leading power in the Pacific whilst protecting it against a threat undeterred by either Great Britain or the United States.¹⁰⁹ Recognising the significance of Australia's regionalism in the Pacific to the war effort, Evatt sought to construct the post-war order in such a way as to protect its right to engage in self-defense before requiring authorization from the Security Council. Evatt also used this regionalism as a strategy to promote Australian influences after the war, establishing itself as an industrial and military leader of the disparate Pacific nations.¹¹⁰ Furthermore, Evatt's petitioning at San Francisco afforded the opportunity for independent self-defensive action to all states, encouraging the development of Third World and small state regionalisms across the globe.¹¹¹ This action fostered the process of decolonization and the strengthening of post-colonial international system whilst protecting Australia behind 'an Anglo-American security screen.'¹¹²

Evatt's negotiations at San Francisco crystalized the way in which his fluctuating commitments to imperialism and anticolonialism and the human rights movement were secondary to the pursuit of Australian interests. In his support of the anticolonial movement Evatt sought to curb great state powers by challenging the veto of the

¹⁰⁸ Evatt, *The United Nations*, p.29.

¹⁰⁹ Watt, *Australian Foreign Policy*, p. 68. See also: Reese, *Australia, New Zealand and the United States*, p. 1.

¹¹⁰ Day, 'Evatt and the Search for a Sub-empire', p, 52. See also: Hudson, *Australia and the New World Order*, p. 68.

¹¹¹ Tennant, *Evatt*, p. 341.

¹¹² Day, 'Evatt and the Search for Sub-Empire', p.55.

Security Council and bolstering the powers of the General Assembly.¹¹³ However this policy was only adopted after Australia had been refused a position on the Security Council, forcing Evatt to turn from his imperial to anticolonial allies in order to enhance Australia's post-war influence.¹¹⁴ Evatt's commitment to either movement was therefore of secondary concern to the betterment of the Australian post-war situation. Such fluctuations in his policies also undermine the interpretation of his San Francisco agenda as the pursuit of a universal human rights regime, as a system of international democracy was ostensibly Evatt's secondary option.

Despite Evatt's attempts to elevate the extent Australian power and influence in the post-war world, it was clear in post-war negotiations that Australia could not be considered a great state of the likes of Great Britain or the United States. Evatt was therefore forced to reconstruct his approach to the pursuit Australian interests at San Francisco. Drawing on the Canadian model, Evatt presented Australia as a 'Middle Power', balancing alliances to both the great and the small states.¹¹⁵ It was due to this status, and Australia's situation as the 'Principal Power' in the Pacific that Evatt argued for Australian representation on the Security Council.¹¹⁶ Evatt sought to use Australia's Pacific influence to develop both its primacy over the small nations in the region and its power in the United Nations organisation.¹¹⁷ After Australia was denied entry onto the Security Council however, Evatt's policy radically shifted. Whilst he had first sought to uphold the pseudo-imperial institution by seeking to participate, Australia's rejection caused Evatt to champion a small state movement against the

¹¹³ Renouf, *Let Justice Be Done*, p.220.

¹¹⁴ Buckley, *Doc Evatt*, pp.305-306.

¹¹⁵ Reynolds, 'Dr H.V. Evatt', p.150. See also: Hasluck, *Diplomatic Witness*, p. 248.

¹¹⁶ Buckley, *Doc Evatt*, pp.305-306.

¹¹⁷ Reynolds, 'Dr H.V. Evatt', p. 150.

unchecked power of the Security Council.¹¹⁸ Were he to be successful, Evatt would see a post-war system based on international democracy that afforded majority to the small state movement that Australia led.¹¹⁹

Following the rejection of Australia from the Security Council, Evatt's policy was to vehemently oppose the provision of the veto.¹²⁰ Despite strong opposition from the Great States, Evatt secured twenty votes against the veto of the fifty nations present.¹²¹ Whilst the fulfillment of his aim was almost impossible to achieve, it required direct intervention from President Truman and the expression of the non-negotiable nature of the veto for the opposition to subside.¹²² In light of his failure to completely remove the veto clause, Evatt then sought to 'chip away' at its provisions for Great State power over the decisions of the United Nations.¹²³ The position of the Australian delegation at San Francisco was described by Evatt as being 'between the two extremes of total support for and total opposition to the veto.'¹²⁴ Tempering his original position, Evatt settled on the conclusion that it was 'reasonable to allow the great powers to exercise an individual veto where enforcement measures are involved.'¹²⁵

¹¹⁸ Reynolds, 'Dr H.V. Evatt', p. 150. See also: Tennant, *Evatt*, p. 341.

¹¹⁹ Buckley, *Doc Evatt*, p. 302. See also: Hudson, *Australia and the New World Order*, p. 10.

¹²⁰ Glendon, *A World Made New*, p. 13.

¹²¹ Buckley, *Doc Evatt*, p.302.

¹²² Glendon, *A World Made New*, p.13.

¹²³ Buckley, *Doc Evatt*, p. 302.

¹²⁴ Evatt, *The United Nations*, p. 23.

¹²⁵ Evatt, *Task of Nations*, p. 46.

His contention however, was the unchecked authority of the Security Council over matters not related to international peace and security on a mass scale.¹²⁶ Led by Australia, a number of small states petitioned the Great States to alter the language of the Charter and restrict the allowances for the imposition of the veto.¹²⁷ Despite being informed that, in Evatt's words, 'no change in the text would be accepted and that we would have to take the Charter with this text or have no world organisation at all', some restrictions were afforded in the Charter.¹²⁸ The main change that resulted from the small state petitioning led by Australia was the allowance of free discussion.¹²⁹ Namely, that the exercise of the veto was limited to the adoption of decisions and could not be used to prevent discussion.¹³⁰

Evatt's failure to secure an Australian position on the Security Council led to his pursuit of an international system of democracy within which Australian influence could develop. This was largely achieved through the expansion of the powers of the General Assembly.¹³¹ In the original Dumbarton Oaks draft, the mandate of the General Assembly was described as the discussion of 'general principles' and the 'maintenance of international peace and security.'¹³² To Evatt, such restrictions were incompatible with the democratic spirit of the General Assembly and thus he petitioned for the removal of such phrases and the allowance for free discussion of all

¹²⁶ Evatt, *Task of Nations*, p. 47.

¹²⁷ Evatt, *The United Nations*, p.25. See also: H.V. Evatt, 'Economic Rights in the United Nations Charter', *Annals of the American Academy of Political and Social Sciences* 243 (Jan 1946), p. 4.

¹²⁸ Evatt, *The United Nations*, pp. 24-25.

¹²⁹ H.V. Evatt, 'World Wide Security Found only in World Wide Organization: Great Power Difficulties would have been Greater Without the United Nations', *Vital Speeches of the Day* 15, no. 13 (15 April 1949), p. 415.

¹³⁰ Evatt, *Task of Nations*, p. 48.

¹³¹ Ashwini Rao, *Democracy and Human Rights* (Delhi: Pacific Publication, 2010), p.34.

¹³² Evatt, *The United Nations*, p. 19.

matters.¹³³ In this regard, Evatt's attempts were much more successful. An Australian amendment presented at the San Francisco conference rectified these restrictions. In Evatt's words, this was achieved by giving 'the Assembly power to discuss all matters within the scope of the Charter. Without this change it would not have been possible to discuss the eligibility of new members, the use of veto, and many other matters on the agenda...as a result of this change the Assembly may gradually become a democratic forum in world opinion.'¹³⁴

Evatt saw the General Assembly as the forum of international democracy wherein small states were offered unprecedented opportunities for influence.¹³⁵ He sought to prevent the Assembly from becoming 'a shield for the strong and a mockery for the weak.'¹³⁶ As discussions in the General Assembly were free from Security Council control, the forum gave small, and middle states the possibility of real international influence. Within this forum, Australia as the leader of the small state movement could exercise its influence over the majority and establish for itself a strong political position for the post-war world.¹³⁷ Whilst on a superficial level Evatt's support for the General Assembly could be viewed as a subscription to international democracy and universal human rights, his fluctuating position on the veto reveals his true national agenda. Evatt's first post-war strategy sought to elevate Australia to the table of the

¹³³ Evatt, *The United Nations*, p. 19.

¹³⁴ *Statement to the House of Representatives by the Rt. Hon. H. V. Evatt, K.C., M.P., Minister for External Affairs, on 26th February, 1947* (Canberra: L.F. Johnston, 1947), p. 5.

¹³⁵ Evatt, *Task of Nations*, p.51. See also: H. V. Evatt, 'The Dominions and San Francisco: Charter Must be Amendable', *Vital Speeches of the Day* 11, no.16 (June 1945), p. 486.

¹³⁶ N. Harper (with D. Sissons), *Australia and the United Nations* (New York: Manhattan Publishing Company, 1959), p. 82.

¹³⁷ Reynolds, 'Dr H.V. Evatt', p. 150.

Great States at the Security Council.¹³⁸ When that was denied however, Evatt turned to a small state strategy that sought to curb big power politics and increase the scope of the General Assembly within which Australia could exercise influence over small states. His agenda at San Francisco was therefore shaped by his attempts to pursue Australian interests and the betterment of the Australian post-war situation.

A Small State Strategy and Human Rights?

The conventional interpretation of Evatt's small state strategy has been that it reveals his subscription to an international human rights agenda and to cosmopolitan internationalism. However, as I have considered in this chapter, Evatt's development of an independent Australian foreign policy through the promotion of regionalism, campaigns to mitigate great state dominance in the United Nations and support of the General Assembly were motivated not by a universal human rights agenda but by the pursuit of Australian national interests. The unifying logic behind Evatt's international agenda in the 1940's was not a cosmopolitan human rights commitment but an attempt to extend Australian post-war power and influence. This was largely achieved by balancing relations with the imperial and anticolonial movements. If one considers this diplomacy to be at the center of Evatt's 1940's activism, then the relationship between imperialism, anticolonialism and human rights is of crucial concern. It is in this regard that it is critical to note that neither imperialism nor anticolonialism were a human rights movement.

¹³⁸ Buckley, *Doc Evatt*, pp. 305-306.

When considering the relationship between imperialism and human rights, it is seemingly straightforward that there was a discontinuity.¹³⁹ Imperial visions of a post-war world were largely fixated upon the protection of power at the expense of a system of international equity.¹⁴⁰ Despite the liberal civilizing missions that often challenged this hegemonic paradigm, the imperial system pursued post-war reconstruction based on the continuation of great state dominated politics.¹⁴¹ As the traditional imperial world system had become economically and ideologically incompatible with demands for the post-war world, the great states sought to reconstruct the international system in such a way as to retain their international dominance.¹⁴² This agenda contributed greatly to the United Nations becoming the reinvention of the League of Nations, centralizing power in the Security Council and strengthening the nation-state.¹⁴³ Whilst Evatt challenged the centrality of the Security Council, his original attempt to secure an Australian seat demonstrates how his opposition to the institution was based on national, rather than international, concerns.

Interpretations of the relationship between the anticolonial movement and the international human rights movement have proved more hazardous. Superficially, the anticolonial movement seems to support an international human rights regime. The

¹³⁹ Susan Waltz, 'Universalizing Human Rights: The Role of Small States in the Construction of the Universal Declaration of Human Rights', *Human Rights Quarterly* 23, no.1 (February 2001), p. 51.

¹⁴⁰ Glendon, *A World Made New*, p. 10.

¹⁴¹ Alice L. Conklin 'Colonialism and Human Rights, A Contradiction in Terms? The Case of France and West Africa, 1895-1914', *The American Historical Review* 103, no.2 (April 1998), p. 419. See also: John M. Mackenzie, 'General Introduction', in J. A. Mangan, ed., *Making Imperial Mentalities: Socialisation and British Imperialism* (Manchester: Manchester University Press, 1990), p. ix.

See also: Moyn, *The Last Utopia*, p. 44; Mazower, *No Enchanted Palace*, p. 8; Waltz, 'Reclaiming and Rebuilding', p. 440.

¹⁴² Waltz, 'Reclaiming and Rebuilding', p. 400. See also: Kennedy, *The Parliament of Man*, p. 25; Moyn, *The Last Utopia*, p. 45.

¹⁴³ Mazower, *No Enchanted Palace*, p. 17.

promotion of international equity, the rejection of imperial constraints and the emancipation of the oppressed attest to the universalism that forms the core of the human rights ideology.¹⁴⁴ However the anticolonial movement in the 1940's pursued self-determination at the cost of human rights cosmopolitanism.¹⁴⁵ The state-centric nature of this pursuit undermined the realization of a universal human rights system.¹⁴⁶

Self-determination and rights were inherently bound together and became an influential ideology during the 1940's.¹⁴⁷ However the notion of a post-colonial utopia of self-determination was based upon imperial emancipation rather than codified individual rights.¹⁴⁸ Whilst self-determination required the articulation and provision of rights, it occurred within a state framework of emancipation rather than a universalist framework of individual rights.¹⁴⁹ This pursuit was demanded by the nature of the post-war international system. The post-war system was formed around the preservation of the nation-state.¹⁵⁰ Engagement in the United Nations institution was granted only to states, and thus non-self-governing territories needed to achieve statehood before they could be offered participation in the international forum.¹⁵¹ For the United Nations organisation, the anticolonial pursuit of collective self-determination instead of human rights was crucial.¹⁵²

¹⁴⁴ Waltz, 'Universalising Human Rights', p. 71.

¹⁴⁵ Moyn, *The Last Utopia*, p. 86.

¹⁴⁶ Hafner-Burton, 'International Regimes for Human Rights', p. 268.

¹⁴⁷ Burke, *Decolonization and the Evolution of International Human Rights*, p. 14.

¹⁴⁸ Moyn, *The Last Utopia*, p. 84.

¹⁴⁹ Moyn, *The Last Utopia*, p. 85.

¹⁵⁰ Kennedy, *The Parliament of Man*, p. xiv.

¹⁵¹ Simpson, *Human Rights and the End of Empire*, p. 181. See also: Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960* (Cambridge: Cambridge University Press, 2002), p. 393.

¹⁵² Moyn, *The Last Utopia*, p. 85.

Despite being undermined in their activism against proposals for the Security Council veto, small state petitioning for an international democratic forum in the General Assembly was largely successful.¹⁵³ This organ of the United Nations became the expression of the internationalism that defined the post-war era.¹⁵⁴ As a democratic forum, the General Assembly offered unprecedented power to the Third World and small states who banded together on issues such as self-determination and trusteeship, forming a strong majority. Yet the agenda of these states was largely focused on these issues of self-determination, rather than the pursuit of universal human rights. Self-determination and the post-colonial movement therefore offered a competing utopia against which human rights had to compete.¹⁵⁵ Evatt's pursuit of a small state strategy offered no attempt to challenge the self-determination agenda of the Third World, instead pledging support for its efforts.

Evatt's support for anticolonial post-war projects that challenged human rights universalism was also evident in the construction of Pacific regionalism.¹⁵⁶ The Pacific system of welfare, trusteeship and collective security existed within a state-based framework that sought to strengthen small states. This reinforced the centrality of the nation-state to the practice of international relations.¹⁵⁷ Such a system also challenged the dominance of the European imperial states and the United States by encouraging self-determination and establishing Australia a key power-holding

¹⁵³ Waltz, 'Universalising Human Rights', p. 53. See also: Waltz, 'Reclaiming and Rebuilding', p. 444.

¹⁵⁴ Waltz, 'Reclaiming and Rebuilding', p. 444. See also: Carlos P. Romulo, 'New Aspects of Peace', *Peace on Earth* 1 (1949), p. 149.

¹⁵⁵ Moyn, *The Last Utopia*, p. 86.

¹⁵⁶ Acharya, 'Norm Subsidiarity and Regional Orders', p. 97.

¹⁵⁷ Sjølyst-Jackson, 'Post-Colonial Futures', p. 174.

Pacific authority.¹⁵⁸ Instead of supporting a universal post-war human rights regime, Pacific regionalism offered an alternative avenue of self-determination and an independent regional system.¹⁵⁹ Evatt's alignment with the anticolonial movement at the United Nations and in the construction of Pacific regionalism can therefore be seen as evidence of his national agenda overtaking his human rights vision.

If relations with the imperial and anticolonial states defined Evatt's international engagements in the 1940's, it is therefore impossible to interpret his activism as the pursuit of a universal human rights regime. Neither movement sought to achieve universal human rights, rather seeking to centralize power or achieve statehood. Evatt's pursuit of an independent Australian foreign policy involved the balancing of commitments to each bloc. The development of this small state strategy through regionalism, the mitigation of great state hegemony and promotion of international democracy was therefore the manifestation of his national agenda, not a subscription to a universal human rights regime.

Conclusions:

Whilst traditional histories of Herbert Evatt present his small strategy as the expression of his international human rights agenda, a closer examination reveals the formative influence of his domestic agenda. Evatt balanced imperial and anticolonial commitments by fostering relationships with the United States and Great Britain and

¹⁵⁸ Gilmore, *Near North*, p. 72.

¹⁵⁹ Ernest B. Haas considers the development of such regionalisms to be the product of anticolonial distrust of the concert power system to guarantee equity and security. This led to the creation of a competing international system that challenged the United Nations' authority as the benefactor of human rights and security. See: Ernest B. Haas, 'Regionalism, Functionalism, and Universal International Organisation', *World Politics* 8, no. 2 (January 1956), pp. 239-240.

simultaneously pursuing a system of international democracy. These commitments were directed by their potential benefit to the Australian post-war position. This agenda demonstrates how Australian aspirations, not universal human rights, defined his diplomatic actions and small state strategy in the 1940's.

Evatt's policies were fundamentally shaped by the multidimensional climate of the 1940's, namely the evolution of imperialism and the growth of anticolonialism. The Second World War destabilized imperialism and accelerated the growth of anticolonialism.¹⁶⁰ In order for the imperial European states to retain their dominance, they were therefore required to reconfigure the post-war system around human rights, not imperial demands. This was challenged by the growing anticolonial movement that sought to balance participation and influence over international affairs.¹⁶¹ This competing ideological framework provided a crucial context within which Evatt led the Australian Ministry of External Affairs. Evatt's approach during the 1940's was characterized by his attempt to forge an independent Australian foreign policy that balanced relationships with Europe, the United States and the post-colonial small states.¹⁶² Whilst maintaining strong connections to Britain and the United States, Evatt bolstered the Ministry of External Affairs, encouraging the development of an independent Australian foreign policy and diplomatic representation.¹⁶³ Evatt also highlighted the unique needs and responsibilities of Australia in the Pacific, calling

¹⁶⁰ Lauren, *The Evolution of International Human Rights*, p. 147. See also: Waltz, 'Reclaiming and Rebuilding', p. 400; Kennedy, *The Parliament of Man*, p. 25; Moyn, *The Last Utopia*, p. 45.

¹⁶¹ Haas, 'Regionalism, Functionalism, and Universal International Organisation', pp. 239-240.

¹⁶² De Matos, 'Diplomacy Interrupted?', pp. 189-190.

¹⁶³ Evatt, *Foreign Affairs: Ministerial Statement*, p. 67.

for the development of regional security zones that would establish Australia as a key security power independent of greater state authority.¹⁶⁴

A central element of the new independent Australian foreign policy was the promotion of regionalism and the establishment of Australia as a leading nation in the South Pacific.¹⁶⁵ The Australia-New Zealand Pact of 1944 demonstrated this movement, establishing a regional security zone with Australia and New Zealand as the security states in the Pacific.¹⁶⁶ This policy strengthened Australia's ties to the surrounding small states and offered considerable influence in the South Pacific region.¹⁶⁷ The complexities of balancing a myriad of connections became clear at the San Francisco Conference, as Evatt first and foremost sought to elevate Australia's international standing. Despite his small state strategy, Evatt attempted to negotiate a position for Australia on the Security Council.¹⁶⁸ When that proved unsuccessful, he turned to his small state allies to minimize the powers of the Security Council, with minimal success.¹⁶⁹

Wartime regionalism became a crucial part of Evatt's activism at the United Nations, as he sought to protect the rights of nations to exercise regional self-defense without requiring the authorization of the Security Council.¹⁷⁰ The Australian delegation also succeeded in amending the role of the General Assembly, seeing it as an international

¹⁶⁴ Hudson, *Australia and the New World Order*, pp.16-17.

¹⁶⁵ Acharya, 'Norm Subsidiarity and Regional Orders', p. 111. See also: Herbert Vere Evatt, 'The Future of the Pacific', *Pacific Historical Review* 14, no.2 (June 1945), p. 154.

¹⁶⁶ Reese, *Australia, New Zealand and the United States*, p. 3.

¹⁶⁷ Evatt, 'Australia's Approach to Security in the Pacific', p.13.

¹⁶⁸ Buckley, *Doc Evatt*, pp.305-306.

¹⁶⁹ Buckley, *Doc Evatt*, pp.305-306.

¹⁷⁰ Evatt, *The United Nations*, pp.26-27.

forum for democracy and free discussion.¹⁷¹ It was within this democratic system that Australia could most effectively exercise its influence over small states, having been denied a position on the Security Council.

In each of these areas, Evatt's foreign policy in the 1940's was clearly shaped by pursuit of Australian national projects. Rather than pursuing the full realization of the cosmopolitan human rights vision, Evatt sacrificed elements of human rights universalism in order to enhance Australian interests. During the war Evatt's commitments to the imperial and anticolonial blocs were defined by Australian strategic interests. However neither movement sought the realization of a universal human rights regime, instead the continuation of state-based politics. His pursuit of democracy at the United Nations came only after his aims of establishing Australia alongside the imperial nations failed, and primarily sought to extend Australian influence rather than assert a human rights regime. Evatt's support for human rights in the 1940's therefore fell subject to his small state strategy and his pursuit of the Australian national agenda in the post-war world.

¹⁷¹ Herbert Evatt, 'The General Assembly', *Peace on Earth* 1 (1949), p. 27.

Chapter Two: Internationalising Social Justice

The promotion of social justice in the international community was a critical part of Herbert Evatt's foreign policy agenda in the 1940's.¹⁷² Informed by his Labor ideology and Australian domestic economic policies, Evatt sought to promote international economic equity and stability.¹⁷³ In particular, Evatt promulgated the virtues of full employment, the expansion of the Economic and Social Council and the economic responsibilities of states under the trusteeship system.¹⁷⁴ Whilst this agenda has often been interpreted as the pursuit of international human rights, a critical examination reveals the formative influence of Evatt's anxieties over U.S dominance and the Australian national agenda.¹⁷⁵ The growth of U.S dominance in the world system, both politically and economically, threatened Evatt's vision of a post-war world within which Australian influence could develop.¹⁷⁶ Evatt therefore adopted a twofold policy, consolidating a strong relationship with the superpower whilst advocating a global system that would alleviate its threat.

Largely at the direction of Prime Minister Curtin, Evatt sought to foster a strong diplomatic relationship with the United States of America.¹⁷⁷ Evatt then balanced this with the promotion of a system of international equity within which small and middle

¹⁷² Hogan, *Moving in the Open Daylight*, p. 41.

¹⁷³ H.V. Evatt, 'Policy Speech of the Australian Labor Party', p. 25.

¹⁷⁴ Hogan, *Moving in the Open Daylight*, p. 41.

¹⁷⁵ De Matos, 'Diplomacy Interrupted?', p. 193.

¹⁷⁶ Reese, *Australia, New Zealand and the United States*, p. 68.

¹⁷⁷ Evatt, 'Australian-American Co-Operation', p. 52. See also: John Curtin, 'Australia and America: Broadcast to the United States by the Australian Prime Minister, Mr Curtin, on 14 March 1942', in Evatt, *Foreign Policy of Australia*, pp. 42-46; De Matos, 'Diplomacy Interrupted?', p. 193.

states could influence international economic policies.¹⁷⁸ At San Francisco, Evatt sought to expand the powers of the Economic and Social Council in an attempt to moderate the unchecked dominance of the United States of America. Evatt also sought to establish Australia as a policy-influencing nation by imposing its domestic economic policies on the international system. This agenda manifested in his negotiations over full employment at San Francisco.¹⁷⁹ Finally, Evatt and the Australian delegation asserted the responsibilities of trustee states to improve the economic and social conditions of non-self-governing territories.¹⁸⁰ His promotion of an international trusteeship system allowed Australia to encourage strong economic and social policies in the surrounding territories of Papua and New Guinea.¹⁸¹ This mitigated the risk of instability that had been experienced in Indonesia and established Australia as a dominant power in the region.¹⁸²

From a critical consideration of these policies and of their domestic and international contexts, the formative influence of Evatt's national agenda and anxieties over U.S. dominance is clear. Rather than seeking a system of social justice for the fulfillment of international human rights, Evatt used social justice as the vehicle through which

¹⁷⁸ Evatt, 'Australia and America: University of California Charter Address, March 1945', in Evatt, *Australia in World Affairs*, p. 13. See also: De Matos, 'Diplomacy Interrupted?', p. 193.

¹⁷⁹ Harper, *Australia and the United Nations*, p. 88.

¹⁸⁰ Charles Malik, 'The Economic and Social Council', *Peace on Earth* 1 (1949), p. 49.

¹⁸¹ I. C. Campbell, 'The ASOPA Controversy: A Pivot of Australian Policy for Papua and New Guinea, 1945-1949', *The Journal of Pacific History* 35, 1 (2000), p. 83. See also: David Gadiel, *Australia, New Guinea and the International Economy* (Suffolk: Fontana, 1973), p. 11.

¹⁸² W. J. Hudson, *New Guinea Empire: Australia's Colonial Experience* (Melbourne: Cassell Australia, 1974), pp. vii-ix, 8.

Australian national projects could be realized.¹⁸³ A system of international social justice allowed for the expansion of Australian international influence, both over individual territories and policy, whilst moderating the threat of great state hegemony.

Australia and social justice

Evatt's international defense of economic and social justice was fundamentally shaped by his domestic context. This influence was a crucial factor in informing his international agenda. As was characteristic of Labor party policy, the provision of full employment and worker's rights were a central part of the Curtin government agenda.¹⁸⁴ However with the strains caused by the Great Depression and the interwar period, Curtin's economic policies came to bear even stronger weight as the Australian government sought to restabilise the economy. Treasurer turned Minister for Postwar Reconstruction J. B. Chifley insisted that economic stability be the central policy of Australia's postwar thinking.¹⁸⁵ Chifley considered full employment, social security and Australia's international economic policy to be the three central pillars of

¹⁸³ In 1942 Evatt released *Post-War Reconstruction: A Case for Greater Commonwealth Powers*, a work submitted in favour of granting the Commonwealth Parliament additional powers for post-war reconstruction. In this work, Evatt expressed the interconnected nature of Australia's domestic and international war aims. He writes that one cannot be achieved without the other, and that 'building a new world order and building a better Australia after the war should go hand in hand'. This stance reveals Evatt's pre-existing belief in the need to shape the post-war international system for the betterment of the Australian national agenda.

H.V. Evatt, *Post-War Reconstruction: A Case for Greater Commonwealth Powers* (Canberra: L. F. Johnston, Commonwealth Government Printer, 1942), p. 41.

¹⁸⁴ Dalziel, *Evatt the Enigma*, p. 41.

¹⁸⁵ J. B. Chifley, "'Our Proper Contribution Towards Peace": On 7 September 1954, Mr Chifley introduced the first post-war budget', in A.W. Stargardt, *Things Worth Fighting For: Speeches by Joseph Benedict Chifley* (Melbourne: Melbourne University Press, 1952), p. 195.

postwar reconstruction.¹⁸⁶ Evatt was a keen supporter of this policy, both for Australia domestically and for adoption internationally.¹⁸⁷ This support was largely influenced by his extensive experience in trade union and industrial disputes during his early career.¹⁸⁸ Commenting in a *Sydney Morning Herald* article published in 1945, Evatt stated:

Australia's policy of full employment is based on the fundamental right of every man and woman who desires work to obtain such work on reasonable conditions. This policy has been basic to the domestic policy of the Government during the past three years. It has, however, not only a local or national significance but an international one. It has been shown by experience that mass unemployment in countries like Britain and the United States produces consequences which almost inevitably cause mass unemployment in countries like Australia and New Zealand.¹⁸⁹

In 1942 Evatt, as Attorney General, presented the Constitutional Alteration (War Aims and Reconstruction) Bill that stated that 'the power of Parliament shall extend to all measures which, in the declared opinion of the Parliament, will tend to achieve economic security and social justice.'¹⁹⁰ This bill sought to amend the constitution to provide for direct federal legislative power over the post-war reconstructive effort based on Roosevelt's four fundamental freedoms.¹⁹¹ Evatt's bill was never put to a referendum due to the war and significant opposition from Parliament. Following their landslide victory in the 1943 election, Labor reformed the bill and presented it

¹⁸⁶ W. J. Waters, 'Australian Labor's Full Employment Objective, 1942-45', *The Australian Journal of Politics and History* 16, no.1 (April 2000), p. 53. See also: Chifley, 'Our Proper Contribution Towards Peace', pp. 195-202.

¹⁸⁷ Dalziel, *Evatt the Enigma*, pp. 41-42.

¹⁸⁸ In Evatt's work, *The Tolpuddle Martyrs* he details his personal convictions for justice and the defense of workers rights in such disputes. See: Evatt, Herbert V., *The Tolpuddle Martyrs: injustice within the law* (Sydney: The Law Book Co. of Australasia, 1937). See also: Chiefly 'Our Proper Contribution Towards Peace', p. 195.

¹⁸⁹ H.A. Mclure Smith, 'Plan for Full Employment: Dr. Evatt Explains', *Sydney Morning Herald*, Saturday 9 June 1945, p.1.

¹⁹⁰ Waters, 'Australian Labor's Full Employment Objective, 1942-45', p. 48.

¹⁹¹ Byrnes, *Bill of Rights in Australia*, p. 26.

again in 1944 as a Referendum that was rejected in all states but Western Australia and South Australia where it passed by a slim majority.¹⁹²

The domestic precedent of full employment policies provides a crucial context for interpreting Evatt's international economic agenda. Firstly, it demonstrates the permeating influence of Evatt's staunch Labor ideology. However secondly, and of more concern to this thesis, it reveals how Evatt sought to extend Australian international influence by establishing Australia as a policy influencing nation in the post-war international system. This is of note when one considers the precedent of pre-war international relations, where international policies were shaped and executed by imperial powers and small and middle state contributions were minimal.

Australian-American relations in the 1940's

In addition to this domestic context, Evatt's actions regarding social justice at the United Nations were shaped by the specific nature of Australian-American relations in the 1940's. In particular, Evatt perceived the growth of the United States as a political and economic superpower as a factor demanding a shift in the Australian diplomatic approach.¹⁹³ The tradition of relying in Britain for the orientation of Australian foreign policy was rapidly becoming unsuitable as the war expanded in the Pacific.¹⁹⁴ Thus a significant element of the expansion of the Australian Ministry of External Affairs was the development of the Australian-American diplomatic

¹⁹² Byrnes, *Bill of Rights*, p.27.

¹⁹³ Reese, *Australia, New Zealand and the United States*, p. 68.

¹⁹⁴ Beaumont, *Ministers, Mandarins and Diplomats*, p. 20.

relationship.¹⁹⁵ Similarly to his broader approach to international affairs, Evatt developed a tandem policy towards the United States.¹⁹⁶ On the one hand, he sought to foster a strong relationship and sympathy for Australian war efforts. On the other, he actively petitioned for a world system that would counter growing U.S economic dominance and allow smaller and middle states to experience equal opportunities and influence over international policy.¹⁹⁷

The complex nature of American-Australian relations during the war was largely shaped by the specific economic context of the 1940's.¹⁹⁸ The Australian economic policy for international trade consolidated its colonial ties to Great Britain.¹⁹⁹ The Australian system was based on a tight tariff system that allowed for preferential treatment of British goods in return for the preference of Australian exports in Britain and the empire.²⁰⁰ The United States opposed this system on the basis that it discriminated against nations not included in the Ottawa Trade Agreements of 1932.²⁰¹ This objection was largely due to the United States' economic status in the war.²⁰² As the world's dominant economic power, the United States would benefit

¹⁹⁵ Hasluck, *Diplomatic Witness*, p. 43. See also: Reynolds, 'Dr H.V. Evatt', p. 146; Evatt, 'Australia and America', p. 3; Jayasuriya, *The Australian-Asian Connection*, p. 8.

¹⁹⁶ H.V. Evatt, 'Statement by Federal Leader Dr. H. V. Evatt', *Labor's plan for world peace: declarations and decisions of the Hobart Conference* (Annandale: Union Printing Company, 195_).

¹⁹⁷ Evatt, 'Australia and America', p. 13.

¹⁹⁸ Jayasuriya, *The Australian-Asian Connection*, p. 8.

¹⁹⁹ Buckley, *Doc Evatt*, p. 187. See also: Reese, *Australia, New Zealand and the United States*, p. 68; Ward, *The British Embrace*, pp. 15-16.

²⁰⁰ Buckley, *Doc Evatt*, pp. 186-187. See also: Reese, *Australia, New Zealand and the United States*, pp. 68, 71; White, 'Immigration Policy, Cultural Pluralism and Trade', p. 490.

²⁰¹ Buckley, *Doc Evatt*, pp. 186-187.

²⁰² Reese, *Australia, New Zealand and the United States*, p. 69.

from an international economic system of free trade.²⁰³ As such, the United States strongly supported proposals for such a system and challenged the lingering colonial preferential schemes.²⁰⁴

At the end of the war, the United States was therefore placed as the political and economic power holder.²⁰⁵ On the one hand, this reality prompted Curtin to encourage the development of a strong relationship with the United States.²⁰⁶ Evatt spent much of 1942 mediating economic negotiations between Washington and Canberra, attempting to ensure that Australia benefited from any potential economic agreement.²⁰⁷ On the other however, this reality caused Evatt to challenge the idea of U.S hegemony with the promotion of social and economic equality. Put simply, Evatt's campaign for social justice envisaged a world in which smaller and middle states would not be undermined by great states holding dominant economic power. Evatt's vision challenged the vision of a world in which the United States unilaterally controlled political and economic engagements. In the pursuit of Australian interests, he sought equity rather than hegemony.

The development of a strong relationship between Australia and the United States caused tension within the Labor government and in particular between Evatt and Prime Minister Curtin. Personally, Evatt preferred to negotiate with representatives of

²⁰³ Buckley, *Doc Evatt*, p. 187.

²⁰⁴ Buckley, *Doc Evatt*, p. 187. See also: Judith Blau (with Alberto Moncada), *Human Rights: Beyond the Liberal Vision* (New York: Rowman & Littlefield Publishers, 2005), p. xvii.

²⁰⁵ Reese, *Australia, New Zealand and the United States*, pp. 68-70

²⁰⁶ Hudson, *Australia and the New World Order*, p. 14. See also: Watt, *Australian Foreign Policy*, p. 65; Evatt, 'Australia's Danger and the Organization of Allied Resources', p. 50; Evatt, 'Australian-American Co-Operation', p. 52.

²⁰⁷ Hasluck, *Diplomatic Witness*, p. 60. See also: Watt, *The Evolution of Australian Foreign Policy*, p. 62.

Great Britain as he considered them more sympathetic to the Australian cause.²⁰⁸ Whereas Britain and Australia shared a long colonial history, the Australian relationship with the United States was a relatively new creation.²⁰⁹ This emphasized the anxieties caused by American-Japanese aggression in the Pacific, leading Evatt to be wary of over-reliance on the far away power.²¹⁰ Particularly in the period of the war before the Japanese attack on Pearl Harbour, Evatt questioned the commitment of the United States to the protection of Pacific security and stability.²¹¹ As the growing global superpower, an unchecked United States posed a threat to Australian strategic and national interests.²¹² Yet despite Evatt's personal objections to reliance on the United States, Prime Minister Curtin had outlined the development of that relationship as a central part of the Australian foreign policy agenda in his 1941 address.²¹³ At his direction, Evatt therefore conceded to the necessity of developing a strong Australian-American relationship in the hope of engendering support and a relationship of good will.²¹⁴

Evatt's diplomacy in the early years of his term as Minister for External Affairs centered on the development of this relationship through diplomatic correspondence

²⁰⁸ Buckley, *Doc Evatt*, p. 186. See also: Peter Crockett, *Evatt: A Life* (Melbourne: Oxford University Press, 1993), p. 220.

²⁰⁹ Jayasuriya, *The Australian-Asian Connection*, p. 8.

²¹⁰ Wayne Reynolds, *H.V. Evatt: The Imperial Connection and the Quest for Australian Security, 1941-1945* (Newcastle: University of Newcastle, 1985), p. 193. See also: Hasluck, *Diplomatic Witness*, pp. 43-44; Masaru Ogawa, 'Japan and South-East Asia: New seeds of mistrust and antagonism', in David Pettit (with Anne Hall), eds., *Selected Readings in Australian Foreign Policy* (Malvern: Sorrett Publishing, 1978), pp. 105-112.

²¹¹ Reynolds, *H.V. Evatt*, p. 193. See also: Watt, *The Evolution of Australian Foreign Policy*, p. 67; Evatt, 'Australia and America', p. 4.

²¹² Reynolds, *H.V. Evatt*, p. 193.

²¹³ Curtin, 'Australia and America', pp. 42-46. See also: Evatt, 'Australia and America', p. 1.

²¹⁴ Watt, *The Evolution of Australian Foreign Policy*, p. 67.

and public appeals in Washington. Adopting the language that the United States public was so familiar with, Evatt strongly urged them to consider Australia a critical ally in the war effort.²¹⁵ U.S war rhetoric mirrored the general focus on moral and political polarization of other Allied great states.²¹⁶ These states espoused a human rights rhetoric that drew on the language of democracy and promised to curb of the political oppression that had ravaged Europe.²¹⁷ This focus on the political dimensions of the war foreshadowed the tensions between civil and political and socio-economic rights that characterized the early years of the United Nations.²¹⁸

In a broadcast in New York in 1942, Evatt encouraged listeners to consider Australia as an ally in the fight for freedom: ‘America and Australia are countries of *freedom*. We are fighting for freedom for the whole world. We are also fighting for freedom for ourselves.’²¹⁹ Evatt reiterated this alignment in a statement in Sydney, 23 July 1945, considering the losses experienced by both nations: ‘...our hearts were saddened by the tragic deaths of two great wartime leaders- Franklin Roosevelt and John Curtin. The lives of both men were shortened by the untiring devotion with which they fought for fundamental human freedom and against the twin evils of Fascism and military

²¹⁵ Evatt, ‘Australia’s Danger and the Organization of Allied Resources’, p. 50. See also: Evatt, ‘Australia and America’, p. 15; H. V. Evatt, ‘The United Nations and the Making of Peace’, *International Conciliation* Issue 445 (November 1948), pp. 667.

²¹⁶ Lauren, *The Evolution of International Human Rights*, p. 139.

²¹⁷ Michael Freeman, *Human Rights: An Interdisciplinary Approach* (Cambridge: Polity Press, 2011), p. 38.

²¹⁸ Evatt, ‘Australia’s Danger and the Organization of Allied Resources’, p. 50 and Evatt, ‘Australia and America’, p. 15. See also: Jouannet, *The Liberal-Welfarist Law of Nations*, pp. 218-219; John Keane, *The Life and Death of Democracy*, p. 735; Meaney, *Australia and the World*, p. 3; Kenneth Cmiel, ‘The Recent History of Human Rights’, *The American Historical Review* 109, no. 1 (February 2004), p. 122; Chandra Lekha Sriram (with Olga Martin-Ortega and Johanna Herman), *War, Conflict and Human Rights: Theory and Practice* (New York: Routledge, 2010), p. 30; Aryeh Neier, *The International Human Rights Movement: A History* (Oxford: Princeton University Press 2012), pp. 96-97.

²¹⁹ Evatt, ‘Australian-American Co-operation’, p. 53.

aggression.²²⁰ The adoption of U.S war rhetoric allowed Evatt to promote strong relations and affinity between the two nations. His tour was marked by an exceptional number of public speeches and broadcasts, appealing to the public to consider Australia as a critical ally in the war.²²¹ The U.S rhetoric of democracy and universal freedom provided a framework that allowed Evatt to encourage support for Australia as America's ally in the universal fight against political oppression.²²²

However, Evatt's wartime rhetoric went beyond the encouragement of American-Australian sympathies and the politicization of the language of human rights.²²³ Shaped by his Labor ideology, Evatt considered economic instability to be a critical determinant of war and peace.²²⁴ In a speech given in New York, 1943, Evatt sought to encourage the consideration of an economic peace and an international employment agreement.²²⁵ Evatt's social policy saw unemployment as a critical factor in creating the social instability that facilitated the Fascist rise and the outbreak of war.²²⁶ As such, Evatt sought to extend the Australian economic policies of full employment to a world level.²²⁷ Evatt stated, 'No world or regional system of security...can be permanent unless it has an adequate basis in economic justice...If freedom from want means anything it means decent standards of living for all people

²²⁰ Evatt, *Australia in World Affairs*, pp. 39-40.

²²¹ Buckley, *Doc Evatt*, p. 184. See also: Evatt, 'Australia and America', p. 3.

²²² Evatt, 'Australia and America', p. 11.

²²³ Jouannet, *The Liberal-Welfarist Law of Nations*, pp.218-219.

²²⁴ Evatt, *Task of Nations*, p. 217.

²²⁵ Evatt, 'The Future of Peace and Stability of the Pacific: Address at the Overseas Press Club, New York, 28 April 1943', in *Foreign Policy of Australia*, p. 112.

²²⁶ Evatt, *Task of Nations*, p. 217. See also: Evatt, 'Economic Rights in the United Nations Charter', p. 5.

²²⁷ Evatt, 'International Economic Collaboration: Ministerial Statement By Dr Evatt to the House of Representatives, Announcing the Signing of the Canadian Mutual Aid Agreement, 17 March 1944', in *Foreign Policy of Australia*, pp. 190-191.

and the end of any possibility of unfair exploitation of weak peoples by those who are stronger and economically more fully developed.²²⁸

Evatt recognized that economic isolationism was incompatible with a post-war system that sought to preserve peace, and thus sought to promote a global awareness of the need for international economic policies. He wrote, 'Consequently Australia, the Argentine, and other great exporting countries, including Great Britain herself, are very conscious that the inability of countries to buy one's own products has sharp and immediate repercussions on one's own economic and the economy of the rest of the world.'²²⁹ In seeking to achieve this, Evatt promoted strong regionalism, trusteeship and international economic policies to ensure full employment.²³⁰ Evatt envisaged also the reconstruction of the International Labour Organisation and a recommitment to the pursuit of social justice and employment.²³¹

Full Employment and Social Justice at the United Nations

Despite the difficulties of securing a policy of full employment on a domestic level, Evatt as the head of the Australian delegation saw more success on an international level. At the San Francisco talks regarding the fledgling United Nations organisation, Evatt strongly defended the Economic and Social Council and was a crucial actor in ensuring its power and centrality.²³² Whilst the Dumbarton Oaks Agreement did offer

²²⁸ Evatt, 'The Future Peace and Stability of the Pacific', p. 117.

²²⁹ Evatt, *Task of Nations*, p. 218. See also: Milward, *The European Rescue of the Nation-State*, p. 268.

²³⁰ Evatt, 'The Future Peace and Stability of the Pacific', p. 117.

²³¹ Evatt, 'The Future Peace and Stability of the Pacific', p. 119. See also: Evatt, 'Australia and America', p. 14.

²³² Glendon, *A World Made New*, p. 14. See also: Hogan, *Moving in the Open Daylight*, p. 41.

some proposals for international economic and social cooperation, they were, in Evatt's opinion, severely inadequate.²³³ The original organisation envisaged by the Big Three saw the Security Council as the central organ and the General Assembly and Economic and Social Council as subsidiary bodies.²³⁴ As worldwide unemployment had been a critical war catalyst in Evatt's view, the lack of a central and well articulated international economic policy for the post-war years was a gross mis-sight.²³⁵ The Australian delegation submitted an amendment to the Dumbarton Oaks draft that demanded that members of the United Nations pledge themselves to the defense and advancement of 'labour standards, economic advancement, social security and employment for all who seek it.'²³⁶

The rights of individuals to employment opportunities was a central element of Evatt's post-war activism, which he communicated to the Allies in the language of peace and security that was at the core of their evolving human rights policy.²³⁷ Evatt recognized that the Great Depression had been a fundamental factor in shaping the climate within which fascism and communism had sprung. He considered this to be clear evidence towards the need to develop strong economic and social systems of justice.²³⁸ In an article published in the *Annals of the Academy of Political and Social Science* in 1946, Evatt wrote: "The great threat to human freedom which we have been combating for five years arose out of and was made possible by an environment

²³³ Evatt, *The United Nations*, p. 30.

²³⁴ Glendon, *A World Made New*, p.14. See also: Jack Donnelly, *Universal Human Rights in Theory and Practice* (London: Cornell University Press, 1989), p. 26; Malik, 'The Economic and Social Council', p.49.

²³⁵ Evatt, 'Economic Rights in the United Nations Charter', pp.4-5.

²³⁶ Evatt, 'Economic Foundations for Peace: H.V. Evatt's Address to the International Centre 15 May 1945', in Evatt, H.V., in *Australia in World Affairs* (Sydney: Angus and Robertson, 1946), p.37.

²³⁷ Freeman, *Human Rights*, pp. 38-39.

²³⁸ Evatt, *Task of Nations*, p. 217.

dominated by unemployment and lacking freedom from want.²³⁹ In light of this, Evatt campaigned at San Francisco to strengthen the powers of the Economic and Social Council and to specify the principles of international economic and social cooperation.²⁴⁰ This was largely fulfilled when the Economic and Social Council was made a principal organ and its powers and jurisdiction were vastly widened.²⁴¹ In Evatt's post-war work *Task of Nations*, he detailed the development of the post-war institution and the changes to the international system. In this, he considered the significance of economic instability to security:

Economic disturbances often lie at the bottom of...political tensions, internally and in international relations. Trade disputes, economic expansionism, and denial of access to raw materials on equitable terms can lead to political action and retaliation and even to war. As Mr. Charles Malik of Lebanon said in his Presidential statement to the Economic and Social Council in July 1948, the work of the Security Council will decrease proportionally to the success of the Economic and Social Council in promoting solutions to economic and social problems.²⁴²

Evatt's petitioning to develop the Economic and Social Council sought not just to expand its powers but also to specifically include an agenda that pursued full employment. Evatt also petitioned to see full employment included in the Charter of the United Nations.²⁴³ The inclusion of a full employment clause in the declared objectives of the Economic and Social Council was the fruit of Evatt's labour, and the direct product of a Labor influenced human rights ideology.²⁴⁴

²³⁹ H.V. Evatt, 'Economic Rights in the United Nations Charter', *Annals of the Academy of Political and Social Science* (January 1946), pp.4-5.

²⁴⁰ Evatt, *The United Nations*, p. 31.

²⁴¹ Evatt, *Australia in World Affairs*, p. 63. See also: Hogan, *Moving in the Open Daylight*, p. 41.

²⁴² Evatt, *Task of Nations*, pp. 212-213.

²⁴³ Annemarie Devereux, *Australia and the Birth of the International Bill of Human Rights: 1946-1966* (Sydney: The Federation Press, 2005), p. 27. See also: Renouf, *Let Justice Be Done*, p. 220; Dalziel, *Evatt the Enigma*, p. 41.

²⁴⁴ Renouf, *Let Justice Be Done*, p. 220. See also: Dalziel, *Evatt the Enigma*, pp.41-42.

Whilst the expansion of the Economic and Social Council was to be of great benefit to the post-war human rights regime, Evatt sought the creation of an international forum not for human rights, but for Australian interests. Similarly to his position on the General Assembly, Evatt sought to curb Great Power influence at the United Nations so that the post-war system would offer smaller or middle states, like Australia, the opportunity to participate more actively. As Australia was denied entry to the Security Council, the most effective means of elevating its influence in the post-war institution was to elevate the subsidiary organs within which the Australian delegates could exercise influence. Speaking of the preservation of social justice in the world, Evatt expressed the necessity of economic internationalism to domestic stability.

It is a challenge to the sense of justice and service of all men, and our common humanity bids us lend a hand. Assistance to these countries is worthwhile even on selfish grounds. Their development helps everyone. An increased standard of living in one country means greater purchasing power for imports and thereby affords a bigger market for other countries. At the same time a new source of materials and goods is opened up, and the world as a whole benefits as well as the country concerned.²⁴⁵

Evatt's pursuit of social justice at San Francisco and in the Economic and Social Council was therefore defined by his attempts to further Australian prospects and influence in the post-war institution by stabilizing international security, extending the influence of Australian policies and strengthening the 'global forum' organs of the United Nations.

Evatt's promotion of social justice was largely bound together with his approach to the Trusteeship Council. Evatt sought to promote a system of international democracy in order to curb Great State hegemony and encourage the development of small and

²⁴⁵ Evatt, *Task of Nations*, p. 213. See also: Benjamin Cohen, 'Of the People, By the People, For the People', *Peace on Earth* 1 (1949), p. 129.

middle states.²⁴⁶ He sought to achieve this through the trusteeship system of the United Nations, giving larger states the responsibility to encourage the development of smaller post-colonial states. It is in this regard that the benefit of this system to the Australian agenda is clear. Whilst Evatt had taken a clear interest in the international economic policies of the United Nations, (recognizing that regardless of the limitations of the 'Beat Hitler First' strategy, the war in Europe would inevitably impact Australia's postwar situation) his overwhelming focus was on the Pacific region.²⁴⁷ Even in the early years of the war, Evatt noted the importance of the role that the surrounding territories would play in post-war security.²⁴⁸ He was quoted in 1943 stating: 'It is obvious that there will have to be zones of security in areas like South-east Asia and the South and South-west Pacific. Of crucial importance to Australia's own security will be such islands as Timor, New Guinea, the Solomons, the New Hebrides, Fiji, and New Caledonia.'²⁴⁹

Evatt was also preoccupied with Australia's security in the Pacific and asserted the fact that poor economic conditions in the Pacific would threaten Australia.²⁵⁰ This was expressed in his engagements with the Australian trustee territories and in the Australian-New Zealand Pact. In applying this international economic policy, Australia under the Australian New Zealand Agreement sought to encourage stable

²⁴⁶ Evatt, 'Australia and America', p. 13.

²⁴⁷ H.V. Evatt, 'Curtin was right on Burma', November 13, 1950, *The Herald*. See also: Evatt, *The Task of Nations*, p. 211

²⁴⁸ Joseph Camilleri, *Australian Foreign Policy and Human Rights* (Sydney: H.V. Evatt Memorial Foundation, ____), p. 2. See also: Huntley Wright, 'Protecting the National Interest: The Labor Government and the Reform of Australia's Colonial Policy, 1942-45', *Labour History* No. 82, (May 2002), p. 65.

²⁴⁹ Evatt, 1943, quoted in Buckley, *Doc Evatt*, p. 225.

²⁵⁰ Renouf, *Let Justice Be Done*, p. 173. See also: Owen Harries, 'Australia's New Guinea Question', in W. J. Hudson, ed., *Australia's New Guinea Question* (Melbourne: Nelson, 1975), p. 143.

economic policies in the Pacific nations that surrounded them.²⁵¹ In an address from Wellington in 1944, Evatt stated: ‘Australia and New Zealand are planning their policies to prevent aggression anywhere in the world and also to create conditions of welfare and economic justice.’²⁵² Article 31 of the Agreement outlined that the two governments would establish the South Seas Regional Commission to ‘secure a common policy on social, economic and political development directed towards the advancement and the well-being of the native peoples...’²⁵³ This Commission recommended that natives participate in administration and self-government, material development, the co-ordination of health and education, maintenance, labour and social services, economic, social, medical and anthropological research collaboration, and the publishing of periodicals to review standards and conditions of living, work, education, health and welfare.²⁵⁴

The United Nations’ trusteeship system therefore became the vehicle through which the Australian security position was consolidated in the Pacific.²⁵⁵ Under the Trusteeship Council, Australia was afforded the responsibility for the democratic, economic and social development of Papua and New Guinea.²⁵⁶ The Australian trusteeship of Papua and New Guinea mitigated the prospect of the territory developing into a security threat in the same way as Indonesia.²⁵⁷ The Indonesian revolutions had challenged the colonial system and threatened Australian security in

²⁵¹ Gadiel, *Australia, New Guinea and the International Economy*, p. 11.

²⁵² ‘Australia and New Zealand: An Address Broadcast by Dr Evatt from Wellington, New Zealand, 5 November 1944’, *Foreign Policy of Australia*, p.230.

²⁵³ Evatt, *Australia’s Approach to Security*, p.19.

²⁵⁴ Evatt, *Australia’s Approach to Security*, p.19.

²⁵⁵ Wright, ‘Protecting the National Interest’. p. 65.

²⁵⁶ Evatt, *The Task of Nations*, p. 211. See also: John Boyd-Orr, ‘Freedom from Want’, *Peace on Earth 1* (1949), pp. 109-111; Harries, ‘Australia’s New Guinea Question’, p. 143.

²⁵⁷ Renouf, *Let Justice Be Done*, p. 233. See also: Hudson, *New Guinea Empire*, p. 8.

the Pacific.²⁵⁸ Whilst Australia had emerged as a security power in the region, the prospect of trusteeship offered Australia with the opportunity to minimise the risk of recurring instability.²⁵⁹ Evatt therefore proposed an approach to Papua and New Guinea that fostered strong economic and social policies, similar to those imposed in Australia and proposed to the United Nations.²⁶⁰ He stated, ‘These peoples cannot be excluded from the system of economic collaboration which the United Nations have envisaged.’²⁶¹

Evatt’s pursuit of socio-economic stability in the Pacific exhibited the paternalistic tone of his racial ideology.²⁶² As staunch defendant of the White Australia Policy, Evatt subscribed to the quasi-colonial ideology of Australian racial and immigration policies during the 1940’s. How this ideology shaped his approach to trusteeship and social justice and will be considered in the following chapter. In the context of security however, Evatt demonstrably used the Australian influence over Papua and New Guinea to extend Australian influence, alleviate the risk of instability and protect Australian peace in the Pacific. Thus whilst the trusteeship system professed the pursuit of self-determination and universal human rights, it realistically offered Australia the opportunity to mold its surrounding territories into a complimentary political and socio-economic system favourable to Australian interests.

²⁵⁸ J. A. C. Mackie, ‘Australian-Indonesian Relations’, in Pettit, *Selected Readings in Australian Foreign Policy*, pp. 152-153.

²⁵⁹ Renouf, *Let Justice Be Done*, pp. 173, 183.

²⁶⁰ Wright, ‘Protecting the National Interest’, p. 65.

²⁶¹ Evatt, ‘The Success of the Mission: Statement by Dr Evatt in the House of Representatives 3 September 1942’, in *Foreign Policy of Australia*, p. 75.

²⁶² De Matos, ‘Diplomacy Interrupted?’, p. 193.

Conclusions:

A core element of Herbert Evatt's wartime and post-war agenda was the pursuit of social justice through international economic and trade policies, internationalism and full employment.²⁶³ A critical examination of these policies challenges the traditional view that Evatt subscribed to a cosmopolitan human rights vision by suggesting that social justice offered him the means of extending Australia's post-war influence. Throughout the 1940's, social justice became a vehicle used by Herbert Evatt to achieve an Australian national agenda. Seeking to extend Australia's influence internationally, Evatt sought to promote the full employment policies that had been adopted domestically.²⁶⁴ The Labor government had been pursuing a policy of full employment throughout the wartime years and Evatt's extensive experience in trade union and industrial disputes instilled a deep conviction in the need for full employment.²⁶⁵ The use of these policies particularly in regards to the Economic and Social Council reveals Evatt's attempts to extend Australian influence over policy in the international system.

Additionally, Evatt's promotion of Australian interests through a social justice scheme was expressed in the changing Australian-American diplomatic relationship. The United States emerged from the war a political and economic superpower that rejected the Australian precedent of preferential economic policies.²⁶⁶ Recognising the likelihood of the United States dominating the post-war system, Evatt sought to

²⁶³ Dalziel, *Evatt the Enigma*, p. 41.

²⁶⁴ Waters, 'Australian Labor's Full Employment Objective', p.53. See also: Chifley, 'Our Proper Contribution Towards Peace', pp. 195-202.

²⁶⁵ Evatt, *The Tolpuddle Martyrs: injustice within the law*. See also: Chifley, 'Our Proper Contribution Towards Peace' p. 195.

²⁶⁶ Reese, *Australia, New Zealand and the United States*, p. 68.

foster a strong diplomatic relationship.²⁶⁷ Prime Minister Curtin considered this to be a central part of Australia's war aims.²⁶⁸ Evatt spent the following years in close negotiations with Washington, securing Australian interests and petitioning the public to consider Australia a close ally. Evatt's adoption of the Rooseveltian language of 'rights' and 'freedoms' demonstrates this affinity.²⁶⁹ Despite fostering this relationship, Evatt strongly asserted the need to establish an international economic system of democracy and equity. His proposals to expand the powers of the Economic and Social Council sought to mitigate U.S dominance and elevate the opportunities offered to smaller and middle states.

Whilst Evatt's vision was primarily achieved through the Economic and Social Council, the Trusteeship Council and the post-war trusteeship system also became a crucial vehicle through which Australian dominance was expressed. As Evatt considered economic instability and unemployment to be a central factor in the outbreak of war, he held strongly to the conviction that Australia had a vested interest in the policies of its surrounding territories.²⁷⁰ Particularly in regards to the trusted territories of Papua and New Guinea, Evatt sought to ensure that employment and social stability allayed the threat of Pacific instability.²⁷¹ The imposition of Australian policies in this territory likewise extended Australian influence and fostered the creation of Australia as a leading power in the Pacific.

²⁶⁷ Beaumont, *Ministers, Mandarins and Diplomats*, p. 20. See also: Reese, *Australia, New Zealand and the United States*, p. 68.

²⁶⁸ Curtin, 'Australia and America', pp. 42-46. See also: Evatt, 'Australia and America', p. 1.

²⁶⁹ Evatt, 'Australia and America', p. 15.

²⁷⁰ Evatt, *Task of Nations*, p. 217.

²⁷¹ Hudson, *Australia and Papua New Guinea*, p. 146; Evatt, *Task of Nations*, p. 199.

Therefore, the central mandate of Evatt's social justice agenda was not the pursuit of universal human rights but of national interest. By promoting Australian influences internationally through the Economic and Social Council and the trusteeship system, Evatt established Australia as a central player in the creation of international economic policies.²⁷² Furthermore, the mitigation of Great Power hegemony by limiting the powers of the Security Council and buttressing the Economic and Social Council promoted an equitable international democracy within which Australia could develop into a leading Pacific, and international power. In this way, Evatt utilized the human rights agenda in order to further Australian interests in the Pacific region, and in the world forum, by extending the reach of its policies and seeking the stabilization of security worldwide.

²⁷² Evatt, *Post-War Reconstruction*, p. 41.

Chapter Three: Evatt and the White Australia Policy

One of the central debates over the post-war human rights order was the place of domestic jurisdiction and national sovereignty.²⁷³ The post-war human rights regime professed a universalism that threatened the sovereignty of the nation-state and the possibility of an isolationist state.²⁷⁴ As states increasingly subscribed to this vision, the tension between national and supranational obligations became clear.²⁷⁵ Domestic policies were brought before the international community and scrutinized in an unprecedented way and proposals for international courts and tribunals unsettled those conservative statesmen who considered the sanctity of their national sovereignty paramount.²⁷⁶ The tensions of this context manifested nowhere more clearly than in the widely debated issues of immigration and domestic racial policies. Whilst much study has been devoted to the disjunction between Jan Smuts' international human rights vision and domestic policy, the Australian comparison has been left relatively untouched.²⁷⁷ In the person of Evatt, this disjunction is vividly clear and has profound implications for the interpretation of his human rights agenda.

A close examination of the relationship between Evatt's domestic and international policies reveals the unrelenting influence of his national agenda. At the San

²⁷³ Simon Chesterman (with Thomas M. Franck and David M. Malone), *Law and Practice of the United Nations: Documents and Commentary* (New York: Oxford University Press, 2008), p. 448. See also: James P. Muldoon, Jr., (with JoAnn Fagot Aviel, Richard Reitano and Earl Sullivan), eds., *The New Dynamics of Multilateralism: Diplomacy, International Organizations, and Global Governance* (Boulder: Westview Press, 2010), p. 129.

²⁷⁴ Philip Aston (with Ryan Goodman and Henry J. Steiner), eds., *International Human Rights in Context: Law, Politics, Morals* (Oxford: Oxford University Press, 2007), p. 689. See also: Lauren, *The Evolution of International Human Rights*, p. 155.

²⁷⁵ Renouf, *Let Justice Be Done*, p. 222.

²⁷⁶ Lauren, *The Evolution of International Human Rights*, p. 156. See also: Hafner-Burton, 'International Regimes for Human Rights', p. 268.

²⁷⁷ Mazower, *No Enchanted Palace*, p. 28.

Francisco Conference and in his position on South Africa's apartheid regime and on the Ad-Hoc Committee regarding Palestine, Evatt's concern in protecting Australia's domestic White Australia Policy undermined his professed human rights vision. At San Francisco, Evatt sought to buttress the sovereignty of the nation-state by protecting domestic jurisdiction in the wording of the Charter.²⁷⁸ Furthermore, the paternalistic ideology of Australia's domestic policy influenced Evatt's approach to the trusteeship system and his negotiations regarding the path towards self-determination for post-colonial states. In each of these situations, Evatt sought to extend the reach of Australian racial paternalism reach beyond Australian borders.²⁷⁹ Evatt subscribed to the view that self-determination would be a slow process through which welfarist states such as Australia provided or imposed systems of government and policies upon fledgling democracies entrusted to them by the Trusteeship Council.²⁸⁰

His concern for domestic affairs was clearly expressed in his responses to a number of precedent forming United Nations decisions, as he sought to affirm the sovereignty of the nation-state.²⁸¹ Under Evatt's instruction, Australia repeatedly supported South Africa's claim to the General Assembly that its domestic apartheid regime was untouchable by the international community.²⁸² Finally on the Ad Hoc Committee

²⁷⁸ This was particularly in regards to the territorial and political integrity and independence of other states. See; Evatt, *The United Nations*, p. 36. See also: Hudson, *Australia and the New World Order*, pp. 112-113.

²⁷⁹ Evatt, *Task of Nations*, pp. 213-214. See also: W. J. Hudson, *Australia and the Colonial Question at the U.N.* (Sydney: Sydney University Press, 1970), p. 173.

²⁸⁰ Jouannet, *The Liberal-Welfarist Law of Nations*, p. 58. See also: Hudson, *Australia and the Colonial Question at the U.N.*, p. 153; Ralph Bunche, 'The International Trusteeship System', *Peace on Earth* 1 (1949), p. 113.

²⁸¹ Hudson, *Australia and the Colonial Question at the U.N.*, p. 173.

²⁸² David Tothill, 'Evatt and Smuts in San Francisco', *The Commonwealth Journal of International Affairs* 96, no. 389 (April 2007), p. 177.

into Palestine, Evatt ensured that Australia abstained from voting so that his concerns over a precedent of intervention could be appeased. In each of these cases, Australia's national concerns informed Evatt's agenda. Evatt sought to establish a precedent wherein national sovereignty was inviolable to the international community. In this regard, Evatt revealed his identity as a devout advocate of the Australian national agenda, seeking to establish an international system that would enhance Australia's post-war situation. The defense of Australia's domestic racial policy therefore undermined any of his attempts to support a post-war human rights regime.

National Sovereignty and International Obligation

Historians across the field have recognized the fact that the Great Powers were reluctant to place human rights at the center of their post-war planning.²⁸³ The central reason for this unwillingness was the threat that a supranational authority would pose to their domestic agendas.²⁸⁴ Subscription to a higher authority brought with it international scrutiny, international demands and a set of standardised, codified rights and obligations.²⁸⁵ However, the manifestation of the tension between national sovereignty and international obligation for states such as Australia has been a lesser consideration for historians. Whilst states such as Great Britain held a vested interest in the protection of national sovereignty for the preservation of imperial power, small and middle states stood to gain from an international system in which the power of the great states was diluted.²⁸⁶ Particularly as many of the post-colonial states desired

²⁸³ Glendon, *A World Made New*, p.10. See also: Lauren, *The Evolution of International Human Rights*, p. 156. See also: Hafner-Burton, 'International Regimes for Human Rights', p. 268.

²⁸⁴ Lauren, *The Evolution of International Human Rights*, p. 156. See also: Hafner-Burton, 'International Regimes for Human Rights', p. 268.

²⁸⁵ Lauren, *The Evolution of International Human Rights*, p. 156.

²⁸⁶ Glendon, *A World Made New*, p.6. See also: Renouf, *Let Justice Be Done*, p. 224.

international scrutiny of the imperial powers, the approach of small and middle states to national sovereignty is of interest.

As the representative of small states, Australia seemingly supported an international system of transparency.²⁸⁷ Evatt championed the challenge to Big Power centralism at San Francisco and sought to ensure that the organisation be defined by transparent and free discussion.²⁸⁸ His petitioning to expand the systemic and discursive powers and responsibilities of the General Assembly and Economic and Social Council exemplify this. Evatt's support for transparency however, did not extend to the realm of national sovereignty. Evatt's support for a seemingly supra-national institution was vastly overwhelmed by his protection of national sovereignty at the United Nations.²⁸⁹ At the San Francisco Conference, Evatt reiterated how sovereignty and statehood were crucial to his vision of the post-war order. 'Every country represented in this conference has...its own vital spheres of domestic policy in which it cannot, without forfeiting its very existence as a state, permit external intervention.'²⁹⁰ This defense of domestic jurisdiction and the White Australia Policy was the product of his immediate situation within the discourses of race, immigration and empire in the 1940's.

²⁸⁷ Devereux, *Australia and the Birth of the International Bill of Human Rights*, p. 187.

²⁸⁸ Evatt, *The United Nations*, p.19.

²⁸⁹ Mandel, *H.V. Evatt and the Establishment of Israel*, p.48.

²⁹⁰ Herbert Evatt, 'Amendment by the Australian Delegation to Proposed Paragraph 8 of Charter II (Principles)', 14 June 1945, quoted in Lauren, *The Evolution of International Human Rights*, p. 188.

Race, immigration and empire

Changing discourses of race, immigration and empire informed conceptions of the White Australia Policy in the 1940's.²⁹¹ As anticolonialism spurred movements away from the traditional racial paradigm of the imperial states and the assumptions at the core of their racial ideology, supporters of the White Australia Policy were forced to reconstitute their defense.²⁹² In particular, the evolution of the Australian racial ideology from the 'natural' British imperial ideology to the socio-economic Australian White Australia Policy was a crucial factor in the light of Japan's growing Pacific presence and social anxieties regarding the 'Yellow Peril'.²⁹³ It is therefore important to consider how Australia's colonial heritage shaped its immigration and racial policy in the early twentieth century, and how these discourses transformed in a transitional world order. The importance of this context was furthered by Evatt's personal academic fascination with the evolution of empire and the Commonwealth, as his ideology was largely shaped by this study and by the contemporary pressures of wartime society. His academic works reveal a deep fascination with Australia's place in this transition, and a concern for international ideational trends.²⁹⁴

²⁹¹ Jayasuriya, *The Australian-Asian Connection*, p. 7.

²⁹² Windschuttle, *The White Australia Policy*, p. 75. See also: Ward, *The British Embrace*, p. 243; H. I. London, *Non-White Immigration and the "White Australia" Policy* (Sydney: Sydney University Press, 1970), p. 15; Matthew Jordan, 'Rewriting Australia's Racist Past: How Historians (Mis)Interpret the 'White Australia Policy'', *History Compass* 3 (2005), p. 1.

²⁹³ Sammut, 'The Long Demise of the White Australia Policy', p.34. See also: Downs, *The Australian Trusteeship Papua New Guinea 1945-1975*, pp. 4-5; Tennant, *Evatt*, p. 58; Mazower, *No Enchanted Palace*, p. 35.

²⁹⁴ See; Herbert Vere Evatt, *Liberalism in Australia. (An Historical Sketch of Australian Politics Down to the Year 1915)* (Sydney: The Law Book Company, 1918); H.V. Evatt, *Rum Rebellion: A Study of the Overthrow of Governor Bligh by John Macarthur and the New South Wales Corps* (Sydney: Angus and Robertson Ltd., 1943); Herbert V. Evatt, *The King and his Dominion Governors: A Study of the Reserve Powers of the Crown in Great Britain and the Dominions* (London: Oxford University Press, 1936); H.V. Evatt, *The Royal Prerogative* (Sydney: The Law Book

There were three main pressures influencing the White Australia Policy in the early twentieth century. First, the ideational heritage of Australia as a Dominion state; second, the security concerns of the Yellow Peril; and third, the economic anxieties over the increasing migrant population of Australia. Each of these factors contributed to the debate over the White Australia Policy in the 1940's, and to Evatt's support for it.

When considering the racial ideology of Australia at the time of its federation in 1901, comparisons have often been made to Nazi Germany and the 'herrenvolk democracies'.²⁹⁵ I would argue however, that in light of the nuances of the Australian racial ideology and the contextual pressures of the early twentieth century, perhaps a more apt comparison would be to that of apartheid South Africa.²⁹⁶ The European discourse on race was largely biological or 'natural'. These racial theories considered racial superiority to be an inherent reality, leading to the terminology of the 'herrenvolk', or master race.²⁹⁷ The racial ideology of South Africa, however, exhibited the influence of its Dominion status.²⁹⁸ The apartheid regime coalesced the imprint of traditional imperial racial assumptions with the socio-economic and political demands of the mid-twentieth century Dominion state.²⁹⁹ This unique framework shaped the exclusive immigration policies adopted by many Dominion

Company Ltd., 1987); Herbert Vere Evatt, *Australian Labor Leader: The Story of W.A. Holman and the Labor Movement* (Sydney: Angus and Robertson, 1940).

²⁹⁵ Keith Windschuttle, 'The White Australia Policy', *The Sydney Papers* (Winter/Spring 2005), p.129.

²⁹⁶ Tothill, 'Evatt and Smuts', p. 179. See also James Jupp, *From White Australia to Woomera: The Story of Australian Immigration* (Cambridge: Cambridge University Press, 2007), p. 9.

²⁹⁷ Windschuttle, 'The White Australia Policy', p. 219. See also: Mazower, *Dark Continent: Europe's Twentieth Century* (London: The Penguin Press, 1998), p. 200.

²⁹⁸ Lauren, 'First Principles of Racial Equality', p. 2.

²⁹⁹ Mazower, *No Enchanted Palace*, p. 35. See also: Simpson, *Human Rights and the End of Empire*, p. 276; London, *Non-White Immigration*, p. 23.

states.³⁰⁰ It is in this regard that the White Australia Policy is more suited to comparison to South Africa than to the European empires.

Australia and South Africa were awarded Dominion status in 1907 and 1910 respectively, and exhibited racial ideologies that were influenced by European 'natural' discourses of race. The British influence over the Australian political system and its liberal democratic political ideology embedded the assumption that economic, social and security policies demanded racial homogeneity.³⁰¹ However, the Dominion racial ideology diverged from that of the European imperial states due to the unique demands of the middle state.³⁰² The transformation of the imperial power system in the early twentieth century was crucial in developing the foreign policy of states such as Australia.³⁰³ Mazower considers this to be one of 'imperial internationalism', as imperialism evolved in a changing modern era.³⁰⁴ This evolution placed Australia in the unique position of being a Dominion state while the world shifted from an imperial to post-colonial framework.³⁰⁵ Imperial heritage must therefore be considered as a significant factor in state formation and the formation of the

³⁰⁰ Lauren, 'First Principles of Racial Equality', p. 3. See also: James Walsh, 'Navigating Globalization: Immigration Policy in Canada and Australia, 1945-2007', *Sociological Forum* 23, no. 4 (December 2008), p. 795; Ilma Martinuzzi O'Brien, 'Citizenship, Rights and Emergency Powers in Second World War Australia', *Australian Journal of Politics and History* 53, no. 2 (2007), p. 210.

³⁰¹ Laura Chrisman, *Postcolonial Contraventions: Cultural Readings of Race, Imperialism and Transnationalism* (Manchester: Manchester University Press, 2003), p. 77. See also: Ward, *The British Embrace*, p. 11; Gary Smith (with and Scott Burchill and Dave Cox), eds., *Australia in the World: An Introduction to Australian Foreign Policy* (Melbourne: Oxford University Press, 1997), p. 30.

³⁰² Tennant, *Evatt*, p. 184.

³⁰³ Ward, *The British Embrace*, p. 243.

³⁰⁴ Mazower, *No Enchanted Palace*, p.191. See also: W. J. Hudson (with M. P. Sharp), *Australian Independence: Colony to Reluctant Kingdom* (Melbourne: Melbourne University Press, 1988), p. 3.

³⁰⁵ Simpson, *Human Rights and the End of Empire*, p. 276.

Dominion ideology, yet the independent nature of these immigration policies must be noted.³⁰⁶

Considered as ‘between a colony and a state’, the granting of self-governing Dominion status to these select majority Anglo-Saxon, white states distanced them from the British Home Office and offered an unprecedented degree of autonomy.³⁰⁷

When viewed in light of Evatt’s post-war small state strategy, one can consider this development as a crucial step towards establishing Australia as a leader of small, post-colonial states, forging a path towards true international democracy. Yet rather than removing these states from the British racial policy that had so defined its imperial agenda, the granting of Dominion status furthered this racial framework.³⁰⁸

Dominion status was extended only to states whose racial policies were congruous with the broader British racial ideology.³⁰⁹ In a world that considered racial homogeneity to be a prerequisite to security and stability, self-governing Dominion status was only extended to states that could be trusted with the responsibilities of government.³¹⁰

³⁰⁶ Jayasuriya, *The Australian-Asian Connection*, p. 7.

³⁰⁷ James Crawford, *The Creation of States in International Law* (Oxford: Oxford University Press, 1979), p.243.

³⁰⁸ Ehrensaft, ‘Dominion Capitalism: A First Statement’, p.352. See also: Ward, *The British Embrace*, pp. 7, 11, 243; Tennant, *Evatt*, p. 184.

³⁰⁹ Ehrensaft, ‘Dominion Capitalism: A First Statement’, p. 352. See also: Jupp, *From White Australia to Woomera*, p. 6.

³¹⁰ Goldberg, ‘Heterogeneity and Hybridity’, p.79. See also: London, *Non-White Immigration*, p. 206.

‘Dominion capitalism’ was therefore predicated upon racial homogeneity and fortified traditional connections to Britain.³¹¹ In the face of the threat of the ‘Yellow Peril’ and Asian immigration, the Dominion states therefore banded together on the common basis of their white Anglo-Saxon heritage and commonality.³¹² This was particularly experienced in the Pacific, with the strengthening of relations between Australia and New Zealand and the creation of a Dominion regional defense system.³¹³ An international movement towards Dominion internationalism was thus occurring in reaction to the destabilization and refugee crisis incurred by the war.³¹⁴

Australia’s Dominion status was also a crucial source of support in the face of the growing threat of Japan.³¹⁵ The appeal of Dominion status lay in the balancing of political independence and imperial protection.³¹⁶ The growth of the Japanese military threat and the withdrawal of Britain from the Pacific in the early twentieth century unsettled the Australian leadership, revealing the changing world system in which imperial Britain would be too far away to provide assistance should Australia be threatened in the Pacific.³¹⁷ Despite many scholars attributing the origins of the White Australia Policy to the 1901 Immigration Restriction Act, the victory of Japan in the 1905 Russo-Japanese War marked the true origins of a truly independent Australian

³¹¹ Ehrensaft, ‘Dominion Capitalism: A First Statement’, p.352. See also: John Lack, *Bold Experiment: a documentary history of Australian immigration since 1945* (Oxford: Oxford University Press, 1995), p. xi.

³¹² Mazower, *No Enchanted Palace*, p.35. See also: Lack, *Bold Experiment*, p. xi.

³¹³ Mazower, *No Enchanted Palace*, p.35.

³¹⁴ Mazower, *No Enchanted Palace*, p. 191.

³¹⁵ Jayasuriya, *The Australian-Asian Connection*, p. 7.

³¹⁶ Mazower, *No Enchanted Palace*, p. 35. See also: Ward, *Australia and the British Embrace*, p. 16.

³¹⁷ Windschuttle, *The White Australia Policy*, p.271. See also: Erez Manela, *The Wilsonian Moment: Self-Determination and the International origins of Anticolonial Nationalism* (Oxford: Oxford University Press, 2007), p. 182.

notion of the 'Yellow Peril'.³¹⁸ This threat increased following the First World War and highlighted the unique dangers facing the Australian state.³¹⁹ Evatt himself noted this, in the introduction to Gilmore's foreign policy work, *Near North*. He wrote; '...Great Britain began after the first world war to withdraw her direct political interests from the Far East and India, and her political power in those regions became increasingly dependent on or converted to commercial power. The second world war accelerated this movement.'³²⁰

These origins brought Australia's vulnerability against Japanese expansion into stark relief.³²¹ Despite being delayed by the First World War, the development of an independent Australian security policy became a critical concern in the 1940's. The way in which Evatt fostered regional security can therefore be seen in this context of racial anxiety as the expression of Australia's paternalistic racial ideology. Indeed Evatt himself noted this, writing, 'The struggle against the Fascist dictators, culminating in the war against Japan and a grave threat to Australia's own territories, all helped to awaken intense interest in Australia's proper role in international affairs.'³²² The White Australia Policy in the 1940's therefore became increasingly security oriented, seeking to protect Australia from the 'Yellow Peril' and from the Japanese threat.

³¹⁸ Windschuttle, *The White Australia Policy*, p. 271. See also: London, *Non-White Immigration*, p. 11.

³¹⁹ Hudson, *Towards a Foreign Policy*, p. 3.

³²⁰ 'Foreword by the Rt Hon H.V. Evatt', in Gilmore, *Near North*, p. v

³²¹ Windschuttle, *The White Australia Policy*, p. 271.

³²² 'Foreword by the Rt Hon H.V. Evatt', in Gilmore, *Near North*, p. v.

The 'Yellow Peril' was also perceived as a significant threat to Australia's economic stability and to white Australian jobs.³²³ For Evatt, this was a central factor.³²⁴ The Second World War incited a mass immigration and refugee movement that placed significant pressure on Australia to soften its immigration policies. The growing Japanese threat in the Pacific led to thousands fleeing south and seeking refuge, and work, in Australia. Fearful of the impact that mass Asian immigration would have upon Australian labour and workers, Evatt opposed absolute freedom of migration.³²⁵ Writing of the White Australia Policy, Evatt argued that '...we must maintain it. It is not an aggressive but a defensive policy, not political but economic in character and substance. Had Japanese migration been permitted to New Guinea or Australia, economic standards would have deteriorated and our territories would have been first infiltrated and then overthrown by the aggressor.'³²⁶

Thus despite his emphasis on fostering a strong diplomatic relationship with South East Asian Nations, Evatt considered the White Australia Policy to be 'absolutely basic to the economy and politics of the country.'³²⁷ The deviations from the conservative immigration policy that were demanded during the wartime years were considered by Evatt to be necessary, but temporary, wartime alterations.³²⁸ The London *Times* quoted Evatt as expressing his view explicitly; 'Australia could and should be developed as a white man's country. That policy was based largely on the economic fact that the introduction of coloured labour would lower and ultimately destroy the standard of living which had been built up in that country. There was also

³²³ Jayasuriya, *The Australian-Asian Connection*, p. 7. See also: Tennant, *Evatt*, p. 58.

³²⁴ Evatt, H.V., quoted in London, *Non-White Immigration*, p. 83.

³²⁵ Crockett, *Evatt: A Life*, p. 55.

³²⁶ 'Foreword by the Rt Hon H.V. Evatt', in Gilmore, *Near North*, p.vi.

³²⁷ Evatt, H.V., quoted in London, *Non-White Immigration*, p. 83.

³²⁸ Buckley, *Doc Evatt*, p.61.

the practical impossibility of assimilating Asiatic races without the deterioration of the races concerned.³²⁹ By the 1940's, Evatt's position on the White Australia Policy had not shifted.

Whilst the government responded to the pressures of the Second World War by strengthening the White Australia Policy, its public popularity was undermined by social shifts.³³⁰ Particularly in the post-war years, the government faced pressure to liberalise its stringent immigration policy as the population increasingly claimed that the White Australia Policy was incompatible with contemporary Australia.³³¹ In July 1945 Labor immigration Minister Arthur Calwell called for increased immigration to repopulate Australia's vulnerable areas.³³² Whilst he primarily sought British migration, he recognized that Asian immigration was a necessary and unavoidable occurrence.³³³ The assumptions that formed the foundation of the imperial racial ideology were challenged by returning soldiers who had worked in the South Pacific and Asia and by social groups rejecting the premise of racial paternalism.³³⁴ Plans such as the Colombo Plan contributed to this growing pressure.³³⁵ Furthermore, with the articulation of rights and in particular the prohibition of racial discrimination in the UN Charter and the Universal Declaration, the Australian immigration policy was brought into scrutiny. Individuals denied entry increasingly brought their concerns

³²⁹ Evatt, H.V., *The Times* (London), 24 June 1926, quoted in Buckley, *Doc Evatt*, p. 61.

³³⁰ Ward, *The British Embrace*, p. 18.

³³¹ London, *Non-White Immigration*, p.15.

³³² Ward, *The British Embrace*, p. 18.

³³³ Ward, *The British Embrace*, p. 18.

³³⁴ London, *Non-White Immigration*, p.18. See also: Stuart Doran, *Full Circle: Australia and Papua New Guinea 1883-1970* (Canberra: Pirion, 2007), p. 4; Hudson, *New Guinea Empire*, p. ix.

³³⁵ Beaumont, *Ministers, Mandarins and Diplomats*, p.105.

through the media and through petitioning to the international community, claiming that Australia's policy violated these clauses.³³⁶

These pressures formed part of the growing voice within Australian society to liberalize, but not remove, the White Australia Policy, weakening the strictures limiting acceptance into Australian society.³³⁷ This domestic pressure augmented the anxiety of the government regarding the changing global system.³³⁸ Yet it was not until the post-war years when soldiers returned and society began to stabilize that these demands were voiced. A tightening of racial and immigration policy, enhanced by racially divisive war propaganda, defined the wartime years.³³⁹

These disputes over race and immigration formed the platform for one of the crucial human rights debates of the wartime years- the place of the nation-state and national sovereignty.³⁴⁰ Whilst espousing human rights rhetoric, the major hesitation of statesmen and women to a fully realized human rights regime was the threat it posed to national sovereignty. States were unwilling to subject themselves to a supra-

³³⁶ London, *Non-White Immigration*, p.17.

³³⁷ Megan Gurry and Gwenda Tavan argue that the Ministry of External Affairs played a crucial role in weakening the White Australia Policy. By emphasizing Australia's international concerns, this office challenged the domestic agenda of the government in the White Australia Policy. Whilst this approach grew from Evatt's ideology of Pacific regionalism, it is important to note that it was an effort pursued after Evatt had left the office. Gurry and Tavan note that the latter years of Evatt's leadership, 1948-1949, were a period of 'great delicacy' as William MacMahon Ball encouraged the Office to move towards a more liberal, goodwill focused Pacific policy. Ball and Evatt were notorious for their conflicting approaches to the White Australia Policy, and it was not until the 1950's when Evatt had left his role as Minister for External Affairs that the Ministries of Immigration and External Affairs could coalesce their policies. See: Megan Gurry (with Gwenda Tavan), 'Too soft and long-haired? The Department of External Affairs and the White Australia Policy 1946-1966', *Australian Journal of International Affairs* 58, no.1 (2004), pp.127-132.

³³⁸ Ward, *The British Embrace*, p. 18.

³³⁹ Walsh, 'Navigating Globalization', p. 795.

³⁴⁰ Hudson, *Australia and the Colonial Question at the U.N.*, p. 173.

national authority, and this unwillingness saw the United Nations formed as a non-binding institution.³⁴¹

Evatt at San Francisco: the protection of national sovereignty at the United Nations

In his contributions to post-war reconstruction Evatt was directed by his domestic agenda in protecting Australia's national sovereignty and ability to continue implementing the White Australia Policy.³⁴² The impact of Australia's domestic concerns upon Evatt's international activism can be clearly seen in his proposals for the United Nations organisation at the San Francisco Conference, and in his concerns over the precedent set by debate over South Africa and the Ad Hoc Committee regarding Palestine.

Evatt's agenda at San Francisco was shaped by his national agenda, seeking to construct a post-war international system in such a way as to extend Australian interests. In the foreword to Robert Gilmore's work, *Near North*, Evatt wrote: 'While Australia is anxious to help her neighbours in their progress towards self-government and democracy and economic security, she must reserve the right and perform the duty of safeguarding within Australia those standards which her own people have won only after a century and a half of hard pioneering and democratic practices.'³⁴³

³⁴¹ Eleanor Roosevelt, 'Human Rights', *Peace on Earth* 1 (1949), p. 66.

³⁴² Hudson, *Australia and the New World Order*, pp. 112, 173. See also: Tennant, *Evatt*, p. 175.

³⁴³ 'Foreword by the Rt Hon H.V. Evatt', in Gilmore, *Near North*, p.vi.

Yet the pursuit of Australian interests often caused Evatt's policy to become inconsistent, particularly in his position on domestic sovereignty.³⁴⁴

Originally, Evatt had been an active supporter of minimizing domestic jurisdiction.³⁴⁵ Recognising that the mitigation of domestic sovereignty would allow Australia a level of influence in other countries national affairs, Evatt pursued the vision of an international democratic community where domestic concerns could be brought to the international forum.³⁴⁶ However, this policy was quickly abandoned when it was highlighted that it would undermine Australia's domestic independence.³⁴⁷ As such, Evatt's agenda at San Francisco radically shifted to consolidate the impenetrability of the nation-state through domestic jurisdiction allowances that excluded national immigration policies from the jurisdiction of the United Nations.³⁴⁸ The original Dumbarton Oaks drafts discussed only briefly the extent of domestic sovereignty and jurisdiction.³⁴⁹ Following Evatt's recognition that an international system that weakened national sovereignty would threaten the continuation of the White Australia Policy, the strengthening of the domestic jurisdiction principle became a central part

³⁴⁴ Hudson, *Australia and the New World Order*, p. 113.

³⁴⁵ Mandel, *H.V. Evatt and the Establishment of Israel*, p.98. See also: Hudson, *Australia and the New World Order*, p. 112.

³⁴⁶ Mandel, *H.V. Evatt and the Establishment of Israel*, p. 98. See also: Tothill, 'Evatt and Smuts', p. 179.

³⁴⁷ Hudson, *Australia and the New World Order*, p. 113. See also: Mandel, *H.V. Evatt and the Establishment of Israel*, p.98.

³⁴⁸ Mandel, *H.V. Evatt and the Establishment of Israel*, p.48.

³⁴⁹ Tothill, 'Evatt and Smuts', p. 178. See also: Katarina Månsson, 'Reviving the 'Spirit of San Francisco': The Lost Proposals on Human Rights, Justice and International Law to the UN Charter', *Nordic Journal of International Law* 76 (2007), pp. 236-237.

of his agenda at San Francisco.³⁵⁰ This pursuit manifested in the wording of Article 2 (7) of the Charter, protecting the domestic jurisdiction of any state.³⁵¹

The influence of the Australian national agenda on Evatt's agenda at San Francisco is clearly seen in his promotion of the Trusteeship Council.³⁵² Superficially, Evatt's support for national self-determination and the interests of native inhabitants of non-self-governing territories seems to contradict the racial ideology of the White Australia Policy. However Evatt's support can be seen as an attempt to further Australia's standing in the international community by allowing it influence over smaller nations, and the manifestation of racial paternalism.³⁵³ In the context of Evatt's overwhelming national agenda at San Francisco, his advocacy of a trusteeship system reveals his attempts to extend the reach of Australian influence in the Pacific.³⁵⁴

Evatt and the Australian delegation strongly contributed to the drafting of Chapters XI-XII of the Charter, articulating the post-war 'trusteeship' system.³⁵⁵ The Trusteeship system offered Evatt the opportunity to establish Australia the leading power in the Pacific.³⁵⁶ This had been Evatt's intention throughout the war, as he noted Australia and New Zealand's unique Dominion status in the Pacific and

³⁵⁰ Tothill, 'Evatt and Smuts', p. 178.

³⁵¹ Tothill, 'Evatt and Smuts', p. 184. See also: Hudson, *Australia and the New World Order*, pp. 119-120; Freeman, *Human Rights*, p. 39.

³⁵² Downs, *The Australian Trusteeship Papua New Guinea 1945-75*, p. 4.

³⁵³ Hudson, *New Guinea Empire*, pp. vii-ix, 38.

³⁵⁴ Hudson, *New Guinea Empire*, pp. vii, 38.

³⁵⁵ Evatt, *The United Nations*, p.33. See also: Hudson, *Australia and the Colonial Question at the U.N.*, p. 34; Hudson, *New Guinea Empire*, p. 74; Tennant, *Evatt*, p. 221.

³⁵⁶ Hudson, *New Guinea Empire*, p. 38.

considered this as necessitating their leadership.³⁵⁷ In an address delivered in 1943, Evatt stated; ‘The two British democracies in the Pacific- Australia and New Zealand- are the trustees of democratic civilization in the South Pacific...the war [has forced] upon the Australian people the full consciousness of the fact that their responsibilities and their rights are primarily those of a key Pacific nation.’³⁵⁸

This policy manifested in Australia’s administration of Papua and New Guinea.³⁵⁹ Australia’s role as trustee gave the government the responsibility to develop the surrounding post-colonial nations towards social and political independence.³⁶⁰ For Evatt, this was an opportunity to minimize the risks of non-democratic and unfriendly Pacific nations threatening Australia and to extend the paternalistic racial ideology of the White Australia Policy to an international level.³⁶¹ Minister for External Territories E.J. Ward expressed how Australia sought to become a leader for the world in its approach to Trusteeship. ‘We hope to be able to set an example to the world of the conditions we establish there, and by the manner in which we develop the Territories. When the system of trusteeship begins to operate fully, Australia will have no need to be ashamed of what has been accomplished by a Labor Government in caring for its dependent Territories, and particularly for the needs of the

³⁵⁷ Tennant, *Evatt*, p. 197.

³⁵⁸ Evatt, *Japanese Peace Settlement*, p.5.

³⁵⁹ Tennant, *Evatt*, p. 197.

³⁶⁰ Hudson, *Australia and Papua New Guinea*, p. 155. See also: Roger Louis, ed., *National Security and International Trusteeship in the Pacific* (Maryland: Naval Institute Press, 1972), p. 31; Doran, *Full Circle*, p. 4; Donald Denoon, *A Trial Separation: Australia and the Decolonisation of Papua New Guinea* (Canberra: Pandanus Books 2005), p. 1.

³⁶¹ Dispatch, Eggleston to Evatt, Document 45, 8 February 1944, *Historical Publications* hosted by DFAT, <<http://www.info.dfat.gov.au/info/historical/HistDocs.nsf/vVolume/FE79E04C3A854FE2CA256B7E001E6701>>, accessed 30 July 2012.

See also: Hudson, *New Guinea Empire*, pp. vii-ix; Camilleri, *Australian Foreign Policy and Human Rights*, p. 1.

inhabitants.’³⁶²

The paternalistic racial ideology that characterized the White Australia Policy informed the pseudo-colonial approach that Australia took to trusteeship.³⁶³ This ideology was expressed by the ambassador to the United States, Frederick Eggleston, who reiterated to Evatt their common view: ‘There is a rather naive idea in U.S.A. that all human groups are capable of self-government and are prevented from exercising these privileges by sinister influence... Experience has shown that these immature states are incapable of defending themselves in a jungle world and therefore their external policy is a matter very largely of chance...the primitive peoples will need a lot of political tutelage.’³⁶⁴ Evatt strongly supported the need to develop the state-structures of nations that were considered unable to achieve self-determination alone.³⁶⁵ This approach allowed Australia to encourage peaceful democracies in the Pacific and build a strong regional security bloc.

The Precedent Set by South Africa and Palestine

The influence of Australia’s domestic concerns on Evatt’s international activism extended to his engagements with other national disputes. First demonstrated in his rejection of proposals to bring the apartheid situation in South Africa to the General Committee and in his work on the Committee into Palestine, Evatt was preoccupied with the precedent that these decisions would set. Had the United Nations decided to

³⁶² E. J. Ward, quoted in Evatt, *Australia’s Approach to Security*, p.21.

³⁶³ Hudson, *Australia and Papua New Guinea*, pp. 145-146.

³⁶⁴ Letter, Eggleston to Evatt, Document 378, 19 December 1944, *Historical Publications* hosted by DFAT, <<http://www.info.dfat.gov.au/info/historical/HistDocs.nsf/vVolume/3D6C44ED1A1D4F4DCA256B7E002C2664>>, accessed 30 July 2012.

³⁶⁵ Hudson, *New Guinea Empire*, p. 8.

allow for international engagement in domestic concerns, the White Australia Policy (already becoming increasingly scrutinized by Evatt's contemporaries) would have been threatened by international intervention.³⁶⁶ As such, Evatt voted against international involvement in domestic concerns in an attempt to protect a precedent of national sovereignty.³⁶⁷

One of the most controversial General Assembly discussions in the early years of the United Nations was that of South Africa and allegations of human rights violations. From the 1940's onwards, the issue of South Africa and the apartheid regime was brought to the United Nations General Assembly.³⁶⁸ Concerns over the government's alleged violation of human rights again raised the enduring question of the decade, the place of national sovereignty in a human rights regime.³⁶⁹ Members of the General Committee were called to vote on whether or not the allegations should be brought before the General Assembly, an action that had the potential to incite a Security Council resolution for intervention in some form.³⁷⁰ When Evatt came to the vote, he supported the South African defense of national sovereignty and rejected the motion

³⁶⁶ This attests to the broader trend of domestic concerns undermining the realization of human rights noted by Shale Horowitz and Albrecht Schnabel. See: Shale Horowitz (with Albrecht Schnabel), 'Human rights and societies in transition: International context and sources of variation', in Shale Horowitz (with Albrecht Schnabel), eds., *Human Rights and societies in transition: Causes, consequences, responses* (New York: United Nations University Press, 2004), p. 3.

³⁶⁷ Hudson, *Australia and the Colonial Question at the U.N.*, pp. 173-176.

³⁶⁸ Hudson, *Australia and the Colonial Question at the U.N.*, pp. 90, 154. See also: William C. Walldorf Jr., *Just Politics: Human Rights and the Foreign Policy of Great Powers* (London: Cornell University Press, 2008), p. 12; Payam Akhavan, 'The Universal Repression of Crimes Against Humanity before National Jurisdictions: The Need for a Treaty-Based Obligation to Prosecute', in Leila Nadya Sadat, ed., *Forging a Convention for Crimes Against Humanity* (Cambridge: Cambridge University Press, 2011), pp. 28-29.

³⁶⁹ Ram C. Malhotra, 'Apartheid and the United Nations', *Annals of the American Academy of Political and Social Science* 354 (July 1964), p. 135.

³⁷⁰ Buckley, *Doc Evatt*, p. 307.

to bring the issue to the General Assembly.³⁷¹ It is in this regard that his personal support for the White Australia Policy is of great importance. The South African apartheid regime was the first issue of the national governance of a ‘civilized’, Dominion state to be brought before the international community. The decision regarding it would therefore establish a precedent for a category of nation within which Australia would fall. Were the international community to decide that it possessed the requisite authority to intervene in issues of domestic policy, the White Australia Policy would be under threat.

Evatt adopted a sympathetic approach to questions over South Africa’s policies regarding South-West Africa in the Fourth Committee session.³⁷² In these discussions, Evatt stated, ‘I pay tribute to Mr Lawrence and General Smuts for the magnificent war job of the Union of South Africa. I do not like their being pilloried here. Nor do I like to enter upon a comparison of the conditions in South Africa as far as freedom and practice of democracy.’³⁷³ The parallels between the Australian and South African situation at this time are vivid.³⁷⁴ Historians have widely considered the disjunction between Jan Smuts’ professed human rights vision and the realities of his domestic policy.³⁷⁵ His intentions in drafting human rights into the preamble of the Charter have been considered as an attempt to continue the imperialism that furthered South

³⁷¹ Buckley, *Doc Evatt*, p. 307. See also: Hudson, *Australia and the Colonial Question at the U.N.*, p. 155; Tohill, ‘Evatt and Smuts’, p. 178.

³⁷² Hudson, *Australia and the Colonial Question at the U.N.*, p. 155.

³⁷³ Speech by Evatt in Committee Four- Trusteeship, 8 October 1947, quoted in Devereux, *Australia and the Birth of an International Bill of Human Rights* p. 212.

³⁷⁴ Mazower, *No Enchanted Palace*

³⁷⁴ Tohill, ‘Evatt and Smuts’, p. 178.

³⁷⁵ Mazower, *No Enchanted Palace*,

African prospects internationally, rather than an endorsement of a human rights regime for the world. Evatt's actions can be considered in a similar light.³⁷⁶

The second precedent-making moment in which Evatt demonstrated his concern for national sovereignty was on the Ad-Hoc Committee into Palestine in 1948.³⁷⁷ The United Nations' debate over Palestine became one of the most political and controversial decisions of its early years. Evatt's agenda in this context was clearly shaped by domestic concerns, and anxieties over the creation of a precedent of international intervention in domestic affairs. Evatt's agenda in protecting the White Australia Policy invariably defined his position on Palestine and the role of the international community. Early on in negotiations, a number of Australian delegates proposed that Australia support partition.³⁷⁸ At the time of the vote, it was only due to Evatt's insistence that Australia abstained from the vote.³⁷⁹

It is in this regard that Evatt's personal domestic agenda is revealed. Whilst Evatt did not openly support or reject partition, his direction of Australia's absenting vote was lead by his recognition that a precedent of domestic jurisdiction and international intervention would be set by this ruling. Due to the controversial nature of the situation and the division of the Australian delegation on the matter, Evatt directed Australia to absent, not oppose the partition ruling. This decision protected Australia from inciting animosity from either party, and the nations supporting them, whilst protecting the precedent of national sovereignty and domestic impenetrability.³⁸⁰ This

³⁷⁶ Tothill, 'Evatt and Smuts', pp.177-178.

³⁷⁷ Buckley, *Doc Evatt*, p. 313.

³⁷⁸ Buckley, *Doc Evatt*, p. 311.

³⁷⁹ Mandel, *H.V. Evatt and the Establishment of Israel*, p.97.

³⁸⁰ Mandel, *H.V. Evatt and the Establishment of Israel*, p.99.

direction thus preserved the continuation of Australia's exclusive immigration policies.³⁸¹ This argument is supported by a report made by Hood into Evatt's drafting of Article 73 of the United Nations Charter. This report argued:

...from Australia's point of view there would be a narrow line between the United Nations attempting to impose upon the Palestinian Arabs an obligation to admit further Jewish immigrants and the United Nations attempting to open the doors of Australia to Asiatic immigration on the pretext that the Australian immigration policy was contrary to the principle of the Charter in so far as it involved racial discrimination.³⁸²

The formative influence that Evatt's personal subscription to the White Australia Policy had on his international agenda is thus evident in his responses to questions over the South African apartheid regime and West-African annexation, and the potential partition of Palestine. Evatt's agenda at the United Nations was demonstrably directed by his desire to protect the nation-state against proposals to weaken national sovereignty. His personal commitment to a domestic agenda and vision of a post-war world that benefited Australian interests therefore undermined the realization of international human rights.

Conclusions:

The influence of the White Australia Policy on Herbert Evatt's international activism reveals how the tensions between national sovereignty and international responsibility manifested in the Australian context of the 1940's. This in turn has profound implications for the interpretation of Evatt's human rights vision, suggesting that his universalism was undermined by a strong subscription to the Australian national agenda. The White Australia Policy in the 1940's was strongly influenced by

³⁸¹ Mandel, *H.V. Evatt and the Establishment of Israel*, p.99.

³⁸² Hood, quoted in Mandel, *H.V. Evatt and the Establishment of Israel*, p.98. See also: Hudson, *New Guinea Empire*, p. 82.

circulating discourses of race and empire.³⁸³ Stemming from the ideological foundations of the colonial state, the liberal democratic ideology of Australia as a Dominion state was predicated upon the assumption of racial homogeneity.³⁸⁴ This assumption was increasingly defended as the threats of the ‘Yellow Peril’, Asian migration and wartime pressures grew.³⁸⁵ Evatt’s support for restricted immigration was founded on economic and security concerns, rather than European biological racial discourses.³⁸⁶ Yet at its core, Evatt’s view was rooted in the British colonial assumptions of racial homogeneity.³⁸⁷ Evatt later expressed his belief that if non-white immigration were to be allowed, immigrants would be required to assimilate to all aspects of Australian culture.³⁸⁸

Closer examination of how Evatt engaged with his domestic and international obligations suggests that his national agenda undermined any form of universal human rights vision. Internationally Evatt professed support for the universal human rights vision of the United Nations, advertising a democratic small state strategy. However, his actions at the San Francisco Conference and his responses to a number of precedent-forming decisions vividly reveal how his agenda was shaped by the intent to protect Australia’s domestic sovereignty and ability to enact the White Australia Policy from international scrutiny. In debates over the South African apartheid regime, Evatt voted against allowing domestic concerns to be brought under

³⁸³ Jayasuriya, *The Australian-Asian Connection*, p. 7.

³⁸⁴ Ehrensaft, ‘Dominion Capitalism: A First Statement’, p. 352. See also: Goldberg, ‘Heterogeneity and Hybridity’, p.79.

³⁸⁵ Windschuttle, *The White Australia Policy*, p. 271.

³⁸⁶ Jayasuriya, *The Australian-Asian Connection*, p. 7. See also: Tennant, *Evatt*, p. 58.

³⁸⁷ ‘Foreword by the Rt Hon. H. V. Evatt’, in Gilmore, *Near North*, p. v

³⁸⁸ H.V. Evatt, ‘Policy Speech of the Australian Labor Party’, p. 24.

the jurisdiction of the international community in the United Nations.³⁸⁹ On the Ad-Hoc Committee regarding Palestine, Evatt ensured that the Australian delegation abstained from voting, fearful of a precedent that would open the White Australia Policy up to international scrutiny.³⁹⁰

Evatt's defense of the White Australia Policy and attempts to protect Australia from international intervention draw his human rights vision into question. These actions also question his belief in the supra-national, suggesting instead that his actions were motivated by domestic concerns. Despite his proposals for a democratic small state strategy, Evatt's racial ideology undermined the realization of his professed human rights vision. This suggests that rather than being motivated by a subscription to the cosmopolitan vision of the United Nations or to universalism, Evatt was motivated by a staunch conviction to Australian national projects and a desire to protect Australian domestic concerns. His involvement in the United Nations was defined by his domestic agenda rather than by a pursuit of human rights. Furthermore, Evatt's actions can be considered to a great extent as an attempt to conceal Australia's violations of the United Nations charter by strengthening the impenetrability of the nation-state.

When interpreting Herbert Evatt's contribution to the post-war human rights regime, his subscription to and defense of the White Australia Policy is therefore of unparalleled importance. The way in which this policy shaped his international actions demonstrates how he was motivated by a strong conviction to the Australian national agenda, rather than a utopian human rights vision. Evatt, like so many of his

³⁸⁹ Hudson, *Australia and the Colonial Question at the U.N.*, p. 173.

³⁹⁰ Mandel, *H.V. Evatt and the Establishment of Israel*, p.99.

contemporary statesmen, can therefore be seen as sacrificing the full realization of the 1940's human rights vision to the protection of the nation-state and domestic sovereignty.

Conclusion:

Herbert Evatt's career in international relations during the 1940's has often been interpreted as the genuine pursuit of international human rights.³⁹¹ Evatt was extensively involved in Australian foreign affairs and the United Nations institution. His activism in promoting a post-war human rights regime has seen historians accredit him as a Labor party hero, internationalist and human rights activist.³⁹² When contemplating Evatt's deviations from the promotion of human rights, most notably his subscription to the White Australia policy and a colonial racial ideology, such histories consider these domestic commitments to be the unfortunate diversion of an otherwise indisputable human rights ideology. Biographies by Tennant, Dalziel and Hasluck in particular defend Evatt's human rights vision.³⁹³ A previous thesis by Emma Ede likewise considers Evatt to be a genuine internationalist marred by domestic commitments that can be understood as an unavoidable imprint from his domestic context.³⁹⁴

This thesis has contested this assumption. A critical examination of Evatt's career and agenda throughout the 1940's suggests that such domestic commitments directed, rather than diverted, his international agenda. Put simply, to Evatt international human rights became the vehicle through which Australian national goals could be achieved. Post-war reconstruction offered Evatt the opportunity to expand Australia's

³⁹¹ Renouf, *Let Justice Be Done*, pp. 220-221. See also: Dalziel, *Evatt the Enigma*, pp. iv-x; Guy, 'Herbert Vere Evatt', p.4; Campbell, 'Dr. H. V. Evatt- Part One: A Question of Sanity', p.27; Tennant, *Evatt*, p. 11; Hasluck, *Diplomatic Witness*, p. 1; Hogan, *Moving in the Open Daylight*, p. 9; Hudson, *Australia and the New World Order*, pp.7-8.

³⁹² See texts cited above and Ede, 'Internationalist Vision', p. 5.

³⁹³ Tennant, *Evatt*; Dalziel, *Evatt the Enigma*; Hasluck, *Diplomatic Witness*.

³⁹⁴ Ede, 'Internationalist Vision'.

post-war influence and international standing. Considering the three central elements of his international agenda - the promotion of a small state strategy, social justice and the White Australia Policy - a closer examination of Evatt's motivations for shaping the post-war international system reveals that his international activism was driven by the pursuit of national projects and an Australian national agenda.

A central element of Evatt's approach to international relations in the 1940s was the development of a small state strategy.³⁹⁵ Whilst many historians have considered this small state support to be the manifestation of Evatt's universal human rights subscription, the inconsistencies of his policies reveal his pursuit of an Australian national agenda.³⁹⁶ Evatt's diplomatic work in the 1940's sought to establish Australia as a leader of the growing small state and anticolonial movement whilst fostering strong connections to Great Britain and the United States.³⁹⁷ The balancing of these commitments was central to Evatt's development of an independent Australian foreign policy. This development has often been considered his greatest legacy.³⁹⁸ As Minister for External Affairs, Evatt distanced the Ministry of External Affairs from London by expanding its responsibilities, independent Australian diplomatic representation and challenging the 'Beat Hitler First' strategy.³⁹⁹ Yet despite this, Evatt recognised the necessity of strong connections to the great states and thus

³⁹⁵ Buckley, *Doc Evatt*, p. 100.

³⁹⁶ Renouf, *Let Justice Be Done*, pp. 220-221. See also: Dalziel, *Evatt the Enigma*, pp. iv-x; Guy, 'Herbert Vere Evatt', p.4; Campbell, 'Dr. H. V. Evatt- Part One: A Question of Sanity', p.27; Dalziel, *Evatt the Enigma*; Tennant, *Evatt*, p. 11; Hasluck, *Diplomatic Witness*; Hogan, *Moving in the Open Daylight*, p. 9; Hudson, *Australia and the New World Order*, pp.7-8.

³⁹⁷ Hasluck, *Diplomatic Witness*, p. 248.

³⁹⁸ Beaumont, *Ministers, Mandarins and Diplomats*, p. 20.

³⁹⁹ Beaumont, *Ministers, Mandarins and Diplomats*, p. 1. See also: Hudson, *Australia and the New World Order*, p. 15; Watt, *The Evolution of Australian Foreign Policy*, p.61.

fostered British and U.S solidarity.⁴⁰⁰ This balancing of imperial and anticolonial commitments defined his international agenda in this period and explains his fluctuating policies. Evatt's subscription to either movement was defined not by a universalist agenda, but by the opportunities offered to Australian post-war interests.

Despite professing to be a representative of small states, Evatt attempted to secure an Australian position on the Security Council in talks at the San Francisco conference.⁴⁰¹ When this was unsuccessful, his policy shifted towards an attempt to orchestrate an international democratic forum that would challenge the power of the Security Council.⁴⁰² To Evatt, a system of international democracy presented an opportunity for Australia to improve its international influence.⁴⁰³ Mitigating Great State powers and enhancing the Australian influence over small states would achieve this. Evatt therefore sought to strengthen the General Assembly and expand its responsibilities, investing in the organs of the United Nations within which Australia could most effectively exercise influence.⁴⁰⁴

When considering how Evatt's commitments to the imperial and anticolonial movements were directed by his pursuit of Australian interests, it is vital to note that neither movement can be considered a genuine human rights movement.⁴⁰⁵ The imperial agenda in the 1940's conflicted with the universalism desired by human

⁴⁰⁰ Reynolds, 'Dr H.V. Evatt', p. 150.

⁴⁰¹ Buckley, *Doc Evatt*, pp.305-306.

⁴⁰² Buckley, *Doc Evatt*, pp.305-306.

⁴⁰³ Buckley, *Doc Evatt*, p. 302. See also: Hudson, *Australia and the New World Order*, p. 10.

⁴⁰⁴ Rao, *Democracy and Human Rights*, p.34. See also: Evatt, *The United Nations*, p.19.

⁴⁰⁵ Moyn, *The Last Utopia*, p. 86.

rights activists.⁴⁰⁶ The great states sought to construct the post-war system in such a way as to preserve their power dominance.⁴⁰⁷ The anticolonial agenda has often been considered a human rights movement, however it fundamentally entrenched the sovereignty of the nation-state and failed to promote supra-nationalism.⁴⁰⁸ Anticolonialism pursued statehood and self-determination in order to participate equitably in the post-war system.⁴⁰⁹ Such endeavours furthered the centrality of individual state sovereignty to the international system, rather than encouraging the weakening of rigid national boundaries.⁴¹⁰

It is thus in light of Evatt's arbitrary commitments to imperialism and anticolonialism, two post-war regimes that challenged the human rights movement and offered competing utopian visions, that his national agenda is clear. Evatt pursued the development of an independent Australian foreign policy founded on regionalism and the promotion of an international democracy within which Australian influences could be more effectively exercised. Evatt's international activism often undermined the realization of universal human rights as he used the human rights movement in order to achieve national goals.

The promotion of social justice became a central policy agenda within Evatt's balancing of imperial and anticolonial commitments to construct an independent Australian small state strategy.⁴¹¹ His approach to the policies proposed at the United

⁴⁰⁶ Waltz, 'Universalizing Human Rights', p. 51.

⁴⁰⁷ Waltz, 'Reclaiming and Rebuilding', p. 440. See also: Moyn, *The Last Utopia*, p. 44; Mazower, *No Enchanted Palace*, p. 8.

⁴⁰⁸ Moyn, *The Last Utopia*, p. 86.

⁴⁰⁹ Simpson, *Human Rights and the End of Empire*, p. 181.

⁴¹⁰ Moyn, *The Last Utopia*, p. 85.

⁴¹¹ Hogan, *Moving in the Open Daylight*, p. 41

Nations for the realization of social justice and economic rights demonstrates how his attempts to expand Australian influence in the post-war system extended beyond his political and diplomatic endeavours. International social justice policies offered to Evatt the opportunity to curb U.S hegemony, establish Australia as a policy-influencing nation and afford influence over small states in the Pacific.⁴¹² Each of these acted to further the Australian post-war situation and enhance Australian interests.

The post-war order was shaped largely by the emergence of the United States as a political and economic power holder.⁴¹³ The United States sought to construct the post-war economic order against the preferential systems adopted by Britain and the Dominion states.⁴¹⁴ Such changes would enhance its economic dominance.⁴¹⁵ Evatt rejected this premise, recognizing that the U.S vision for the post-war economic order threatened Australian economic opportunities.⁴¹⁶ A post-war economic system dominated by an unchecked United States undermined the opportunities for small and middle states to develop their economic influence and benefit from the post-war reconstructive effort.⁴¹⁷ Evatt therefore sought to challenge this vision by encouraging the expansion of the Economic and Social Council's responsibilities and promoting social justice.⁴¹⁸ Yet this approach was balanced with the fostering of strong

⁴¹² Evatt, 'Australia and America', p. 13.

⁴¹³ Reese, *Australia, New Zealand and the United States*, p. 68.

⁴¹⁴ Buckley, *Doc Evatt*, pp. 186-187. See also: Reese, *Australia, New Zealand and the United States*, pp. 68, 71.

⁴¹⁵ Reese, *Australia, New Zealand and the United States*, p. 69.

⁴¹⁶ Evatt, 'Australia and America', p. 13.

⁴¹⁷ Evatt, 'Australia and America', p. 13.

⁴¹⁸ Glendon, *A World Made New*, p. 14. See also: Hogan, *Moving in the Open Daylight*, p. 41; Trygve Lie, '1945 At the Charter Conference- Speech in the Opening Debate', in Andrew W. Cordier (with Wilder Foote), eds., *Public Papers of the*

connections to the United States, seeking (at Prime Minister Curtin's instruction) to maintain the solidarity of the two states.⁴¹⁹

Despite his strong promotion of regionalism, Evatt recognized that war could not be confined to one part of the globe in an increasingly internationalized world.⁴²⁰ War in Europe would inevitably affect conditions in the Pacific, whether it manifested in military aggression, political instability or economic turmoil.⁴²¹ Evatt considered the economic instability caused by unemployment in Europe to be a central element contributing to the outbreak of war.⁴²² As such, he advocated a post-war system that would ensure security through full employment and social stability.⁴²³ His professed policies were based on the Australian model that had been implemented during the Labor years of the war.⁴²⁴ His promotion of this at the United Nations extended the reach of Australian influence both by adopting this policy, and by promoting it through the trusteeship system. The pursuit of security was achieved in the Pacific by granting Australia trusteeship over Papua and New Guinea.⁴²⁵ By promoting strong socio-economic and democratic policies, Evatt hoped to avoid the risk of conflict and colonial dispute that had destabilized Indonesia.⁴²⁶ Yet the Australian trusteeship of

Secretaries General of the United Nations: Volume 1, Trygve Lie 1946-1953 (Columbia: Columbia University Press, 1969), p. 27.

⁴¹⁹ Hasluck, *Diplomatic Witness*, p. 43. See also: Reynolds, 'Dr H.V. Evatt', p. 146; Evatt, 'Australia and America', p. 3; Jayasuriya, *The Australian-Asian Connection*, p. 8.

⁴²⁰ H.V. Evatt, 'Curtin was right on Burma', November 13, 1950, *The Herald*. See also: Evatt, *The Task of Nations*, p. 211.

⁴²¹ Evatt, *Task of Nations*, p. 217.

⁴²² Evatt, *Task of Nations*, p. 217.

⁴²³ Glendon, *A World Made New*, p. 14. See also: Hogan, *Moving in the Open Daylight*, p. 41.

⁴²⁴ Dalziel, *Evatt the Enigma*, p. 41.

⁴²⁵ Buckley, *Doc Evatt*, p. 225. See also: Harries, 'Australia's New Guinea Question', p. 143.

⁴²⁶ Evatt, *Task of Nations*, pp. 212-213. See also: Evatt, *The United Nations*, p. 31.

Papua and New Guinea also offered the opportunity to exercise influence over the Pacific region, alleviating threats and encouraging strong relations with the regional power.⁴²⁷ Evatt's promotion of social justice through the trusteeship system expanded Australia's post-war opportunities for influence in the Pacific.⁴²⁸ Social justice therefore served to offer security and the extension of Australian interests in the post-war system.

Evatt's most notable deviation from any professed human rights vision occurred in his subscription to the White Australia Policy. This agenda revealed the realities of his racial ideology, strongly influenced by Australia's colonial and Dominion heritage and domestic social concerns.⁴²⁹ The racial ideology that influenced the imposition of the White Australia Policy in the 1940's was largely shaped by the Australian colonial heritage and the contemporary demands of the mid twentieth century.⁴³⁰ As a Dominion state, the Australian social and political culture was deeply shaped by the British colonial racial ideology.⁴³¹ Such an ideology considered white racial homogeneity to be a prerequisite to security and development.⁴³² The Australian tenet of this racial ideology became increasingly influenced by anxieties over the 'Yellow Peril' and Japan in the Pacific, and economic concerns over employment and

⁴²⁶ Hudson, *Australia and Papua New Guinea*, p. 146; Evatt, *Task of Nations*, p. 199.

⁴²⁷ Buckley, *Doc Evatt*, p. 225,

⁴²⁸ Evatt, *Task of Nations*, p. 217.

⁴²⁹ Jayasuriya, *The Australian-Asian Connection*, p. 7.

⁴³⁰ Sammut, 'The Long Demise of the White Australia Policy', p.34. See also: Downs, *The Australian Trusteeship Papua New Guinea 1945-1975*, pp. 4-5; Tennant, *Evatt*, p. 58.

⁴³¹ Windschuttle, 'The White Australia Policy', p. 219. See also: Mazower, *Dark Continent*, p. 200; Mazower, *No Enchanted Palace*, p. 35; Simpson, *Human Rights and the End of Empire*, p. 276.

⁴³² Goldberg, 'Heterogeneity and Hybridity', p.79. See also: London, *Non-White Immigration*, p. 206.

stability.⁴³³ Particularly for Evatt, a scholar of Australia's colonial and economic history, Asian immigration threatened the job security of white Australians.⁴³⁴ He strongly opposed free immigration and sought to restrict Asian immigration in order to protect white Australian jobs.⁴³⁵

In order to ensure the continuation of this policy, Evatt undermined the efforts of human rights activists seeking supra-nationalism at the United Nations. Evatt sought to exercise a paternalistic racial ideology through the trusteeship system, allowing Australia to assist the self-government of the territories of Papua and New Guinea.⁴³⁶ This agenda was shaped by Evatt's belief in the impossibility of such native peoples achieving statehood without the assistance of greater, Dominion states.⁴³⁷ Evatt also undermined the human rights movement by strengthening the clauses in the Charter relating to domestic jurisdiction.⁴³⁸ Originally, Evatt supported the weakening of domestic jurisdiction in the hopes of increasing Australia's international influence.⁴³⁹ Upon realizing that this would threaten his domestic immigration policies, Evatt vehemently opposed the penetration of national sovereignty.⁴⁴⁰ Evatt acted tirelessly

⁴³³ Sammut, 'The Long Demise of the White Australia Policy', p.34. See also: Downs, *The Australian Trusteeship Papua New Guinea 1945-1975*, pp. 4-5; Tennant, *Evatt*, p. 58; Mazower, *No Enchanted Palace*, p. 35.

⁴³⁴ T.R. Bavin (with H.V. Evatt), 'Price-Fixing in Australia during the War', *Journal of Comparative Legislation and International Law* 3, no.4 (1921), pp.202-212. See also: Evatt, *Liberalism in Australia*, p. 1.

⁴³⁵ 'Foreword by the Rt Hon H.V. Evatt', in Gilmore, *Near North*, p.v.

⁴³⁶ Hudson, *New Guinea Empire*, pp. vii-ix, 38.

⁴³⁷ Dispatch, Eggleston to Evatt,

<<http://www.info.dfat.gov.au/info/historical/HistDocs.nsf/vVolume/FE79E04C3A854FE2CA256B7E001E6701>>. See also: Hudson, *New Guinea Empire*, pp. vii-ix; Camilleri, *Australian Foreign Policy and Human Rights*, p. 1.

⁴³⁸ Mandel, *H.V. Evatt and the Establishment of Israel*, p.99.

⁴³⁹ Mandel, *H.V. Evatt and the Establishment of Israel*, p.98. See also: Hudson, *Australia and the New World Order*, p. 112.

⁴⁴⁰ Mandel, *H.V. Evatt and the Establishment of Israel*, p. 98.

to ensure that domestic immigration policies were exempt from international scrutiny at the United Nations.⁴⁴¹

This agenda was then furthered as he supported South Africa in their claim that apartheid and their treatment of South West Africa was a domestic matter over which the international community had no authority.⁴⁴² Evatt repeatedly rejected proposals to bring human rights allegations against South Africa's domestic policies to the international community, asserting the impenetrability of the nation-state.⁴⁴³ Evatt also abstained from voting on Palestine for fear of establishing a precedent of international intervention in domestic affairs.⁴⁴⁴ This agenda most clearly demonstrates how Evatt's nationalism superseded his professed universalist human rights vision. Ultimately, the pursuit of Australian interests was Evatt's first priority and thus the realization of human rights was often undermined.

Despite Herbert Evatt's involvement in the 1940's human rights movement, a critical study of his career demonstrates that his central agenda was not the pursuit of universalism but the expansion of Australia's post-war opportunities. This agenda often undermined the realization of post-war human rights as Evatt sought to construct the post-war system in such a way as to buttress Australia's international position. His small state strategy, pursuit of social justice and defense of the White Australia Policy demonstrate the centrality of this agenda. Human rights in the 1940's therefore offered to Evatt an opportunity to extend Australia's post-war influences

⁴⁴¹ Mandel, *H.V. Evatt and the Establishment of Israel*, p.98. See also: Hudson, *Australia and the New World Order*, p. 112.

⁴⁴² Hudson, *Australia and the Colonial Question at the U.N.*, p. 173.

⁴⁴³ Devereux, *Australia and the Birth of an International Bill of Human Rights* p. 212.

⁴⁴⁴ Mandel, *H.V. Evatt and the Establishment of Israel*, p.98.

and mitigate the recreation of an unchecked great state system. When considering Evatt's career within historical debates over the 1940's human rights moment, a number of conclusions are clear. Evatt's pursuit of national projects reinforces the criticisms of Moyn, Mazower and their contemporaries who consider the post-war reconstructive effort that resulted in the United Nations and the Universal Declaration of Human Rights to be the recreation of pre-existing ideas and structures, not the creation of a new universal human rights regime. Evatt's international activism sought to extend his pre-existing national agenda and better the Australian position, often undermining or manipulating human rights policies in this pursuit. The 1940's human rights moment must therefore be considered critically, as Evatt's career demonstrates the paramount influence that personal and domestic agendas had on the formation of the post-war human rights regime. One must consider, therefore, whether the construction of an international human rights regime was a genuine end in itself or the vehicle by which national activists pursued post-war advantage.

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