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BRISBANE PEACE LECTURE 2013

ST. JOHN'S CATHEDRAL

BRISBANE, AUSTRALIA

21 SEPTEMBER 2013

EXTERNAL PEACE. INTERNAL PEACE.

The Hon. Michael Kirby AC CMG

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The Hon. Michael Kirby AC CMG*



Your Excellency, the Governor of Queensland
Very Reverend Peter Batt, Dean of Brisbane
Mr Christopher Woodthorpe (UNIC), representing the UN Secretary-General
Members of the Parliaments
Members of the Diplomatic Corps
Chancellor of Griffith University
Fellow citizens and friends.

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I. EXTERNAL PEACE

A person of my age has inevitably lived through wars and suffering. He or she has viewed the United Nations Organisation as a companion in life, with many ups and downs. But also with tangible, and successful, efforts to defend peace in our world.

I was born in 1939. Three days after my birth, Hitler's armies marched into the residue of Czechoslovakia. At last, Nazi policy was disclosed with all its warlike ardour. No longer clothed in pretended claims to self-determination of peoples, this was a regime bent on achieving purely national goals, by military force¹. Turning back that ruthless endeavour, and the genocide that it brought in its train, was to take more than five harrowing years. At times, the outcome was by no means certain.

When the Allied leaders, Churchill and Roosevelt, met in the Atlantic in August 1941, they realised the necessity of founding their cause on moral principles. Those principles included the achievement of basic rights for every living person ("everyone"), defined initially in the Four Freedoms, adapted from a speech that Roosevelt had lately made to the United States Congress. Here, then, was the germ of the idea that, for once, recognised that national ambitions would not be sufficient to win a mighty war. Fundamental human freedoms would be the promise and the objective.

¹ G. Macdonogh, *1938 – Hitler's Gamble* (Constable, London, 2009), 224-228.

Thus, in 1945, fresh from hard fought battles and from the fearsome climax of the Second World War, the Allies gathered in San Francisco to create the United Nations. That climax itself propelled them into immediate action: even the United States of America traditionally so isolationist and resistant to world organisations. In the closing days of the European War, the grim reality of the concentration camps of Nazi Germany was unveiled. The look of horror and disgust on the faces of General Eisenhower and other Allied leaders told a tale of repugnance, combined with a determination never to allow such crimes to be repeated by any sovereign state. The horrifying climax in the war against Japan involved the explosion of two astonishing nuclear bombs that brought huge destruction and suffering upon the people of Hiroshima and Nagasaki. Then, suddenly, the war was over. But the peace had still to be won.

The United Nations *Charter* was made (as the name of the new organisation indicates) by nation states, large and small. Traditionally, they had enjoyed “sovereignty” in relation one with the other. However, if a repetition of the horrors of the war just concluded were to be avoided, a strong and effective global organisation was needed. It was essential.

As with the founders of the American Republic in 1776, the drafters of the *Charter* reached for legitimacy to the peoples of the world, momentarily disjoined from their nation states. Amazingly, and presciently, they asserted a right of the peoples to speak as one. In this, they were foreshadowing the perception of the first moon walker, Neil Armstrong, in 1969.

“Our world was [a] tiny pea: pretty and blue... I put my thumb up and shut one eye. My thumb blotted out the planet Earth. I didn’t feel like a giant. I felt very, very small.”

How lovely is our Earth viewed from outer space. How radiant is its colour of blue. That colour was earlier chosen as the colour of the United Nations. Prescience again. Peaceful blue.

And in the *Charter*, the peoples of the world, through the nation states, declared:

*“We the Peoples
Of the United Nations
Determined*

- *To save successive generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and*
- *To reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and*
- *To establish conditions under which justice and respect for the obligations arising from... international law can be maintained, and*
- *To promote social progress and better standards of life, in larger freedom... ”²*

Just as the San Francisco meeting was heading to its close, the new United Nations convened in Paris the first assembly of its proposed new agency of ideas: the United Nations Educational, Scientific and Cultural Organisation (UNESCO). As befitted such a bold concept, UNESCO’s

² Preamble to the *Charter* of the United Nations in FF Martin et al (editors) *International Human Rights Law and Practice* (Kluwer, The Hague, 1997), 1.

constituting charter propounded a notion that was to take root in the new world institution. It asserted the following simple proposition:

“Since wars begin in the minds of men, it is in the minds of men that the foundations of peace must be laid...”

Of course, by today’s gender sensitive standards, the reference to “men” grates even if, in truth, it has been in the minds of *men*, for the most part, that the ideas of war have been formulated. Yet today, we would say, more simply:

‘Since wars begin in the minds of human beings, it is in their minds that the foundations of peace must be laid.’

The United Nations set about endeavouring to formulate the grand moral principles around which this new organisation would be gathered. At first, it had been hoped to include an *International Bill of Rights* in the *Charter* of the United Nations. However, this proved impossible. As in the drafting of the *United States Constitution*, the proponents ran out of time. So it was to a committee, chaired by the widow of the late President of the United States of America, Eleanor Roosevelt, that the task of drafting the basic moral principles of the United Nations was entrusted. In due course that committee propounded the instrument that became the *Universal Declaration of Human Rights*, when it was adopted by the General Assembly in December 1948. In the chair of the Assembly at that moment was its third president, Dr H.V. Evatt, past Justice of the High Court of Australia and then the Minister for External Affairs of this nation.

In my youth, I often saw Dr Evatt from afar, for he had attended the same public school as I did: Fort Street High School in Sydney. Later still, I was to have closer associations with John Humphrey, a professor of law from Canada, who had been the head of Eleanor Roosevelt's secretariat in the drafting of the *Universal Declaration*. Great men both. Humphrey and I served together as Commissioners of the International Commission of Jurists. Evatt and he were prescient men, working in harmony with a great woman: Eleanor Roosevelt. As a very small boy, in Sydney, I once saw Eleanor Roosevelt's motorcade pass by Concord Road, near my school, to open a new Repatriation General Hospital for the soldiers there³.

So I have always felt a link to the noble work done in evolving the basal principles of the United Nations, expressed in that *Declaration*. This link was reinforced in my mind when I received a copy of the *Declaration*, as I did from my teacher in early 1949. This was the exact moment that my intellect engaged with the United Nations. Like all Australian school pupils at the time, I studied this copy of the *Universal Declaration*. It was memorable because it was printed on airmail paper, a rarity in those days of post-war austerity. The document was oblong, not square. And there was nothing square about its expression. In inspiring language, it asserted the universal rights that belonged to all of us: the people of the world.

I am thus a true child of the United Nations. Its notions are planted deep in my consciousness. It is hard to explain to the generations born since 1948, how deeply we of that time felt a commitment to the principles of universal human rights. In a sense, the principles were reinforced by the

³ D. Dellora, *Michael Kirby – Law, Love & Life* (Penguin, Melbourne, 2012), 16.

horrors of the then recent war. But they were also reinforced by the devastating dangers of nuclear weapons, demonstrated by the fearsome explosions over Japan. We now know that humanity has survived these past 60 years. But survival was not at all sure in 1945 or 1948. Only by gathering humankind around some basic principles, to be shared in common, did it seem possible that our species would continue on this tiny blue planet.

This, then, is the way that peace, equality and justice were joined together as the core principles of the United Nations. It is the duty of all of us (as the Governor has demonstrated by her life) to do what we can, whenever we have the chance, to uphold those goals.

In 1993-6, I had the opportunity to do so when I served as Special Representative of the Secretary General for Human Rights in Cambodia. More recently, I received a further opportunity when I was appointed to a new Commission of Inquiry (COI) on alleged human rights violations in the Democratic People's Republic of Korea (DPRK). This week I was in Geneva, at the meeting of the Human Rights Council of the United Nations to give an Oral Update on the work of the (COI). I want to tell you something about that work. It is relevant to the United Nations' commitment to global peace: peace with justice, equality and human rights.

Following the end of the war in 1945 a Cold War grew up representing different political and economic ideologies. DPRK is part of the residue of that division of the world. The Korean Peninsula, which had enjoyed millennia of common civilisation, was suddenly divided at the 38th parallel between spheres of influence respectively attributed by the Allies

to the Soviet Union (DPRK) and the West (Republic of Korea or ROK). In North Korea, the DPRK allegedly involves a regime of large autocracy and restrictiveness. It also now boasts possession of nuclear weapons and, to this end, it took itself out of the United Nations Nuclear Non-Proliferation Treaty⁴. The dangers thus presented, and many reports of human rights abuses occurring behind its closed well-guarded borders, led the Human Rights Council in Geneva, in March 2013, to create the COI to investigate, and report on, the situation of human rights in North Korea. In May 2013, I was appointed to chair this COI. The other commissioners are Marzuki Darusman (past Attorney-General of Indonesia and currently the Special Rapporteur on Human Rights in DPRK) and Sonja Biserko (a distinguished human rights expert from Serbia).

When the Human Rights Council created the COI, it provided the members with a mandate of very large dimension. Unusually, that mandate was adopted by the Council unanimously, without the necessity of a vote. The members of the COI set to work at once in defining their mandate and gathering evidence to address its terms. Also unusually, we decided to proceed by public hearings.

The initial public hearings took place in Seoul, ROK and in Tokyo, Japan. Repeated requests on the part of the COI, to gain access to DPRK, have been rebuffed. Likewise, invitations to DPRK to send representatives and to make submissions, at the public hearings have been ignored. The DPRK rejects the COI as the creation of a 'politically hostile' act. Yet, after a lifetime of service in the Australian judiciary, it

⁴ *Nuclear Non-Proliferation Treaty* (NPT) of the United Nations. Opened for signature 1968; came into effect 1970; extended indefinitely 1995. The NPT has been subscribed to by 190 states. DPRK acceded in 1985 but withdrew in 2003.

was scarcely likely that I would become a political servant of anyone. My endeavour, and that of my colleagues, was, and is, simply to report what we find. And to test all of the evidence we receive against the principles of Eleanor Roosevelt's *Universal Declaration* and the treaties that have been adopted since 1948 to give effect and force to that instrument. DPRK is itself a signatory to several such treaties.

I delivered the Oral Update in Geneva on 17 September 2013. Necessarily, it constitutes no more than the current impressions of the Commissioners. The final report of the COI must await the conclusion of the investigations and the delivery of considered opinions in March 2014. Nevertheless, a great deal of testimony has already been secured. I invite everyone to visit the website of the COI on the World Wide Web. Those who lack computer skills can find my own website, where a button provides a link to all of the oral testimony that the COI has so far gathered. To say the least, it is a powerful testament to human suffering and to human courage.

To prepare myself for the Oral Update, I attended a church service last Sunday in the small Anglican chapel of Holy Trinity, on Rue Mont Blanc in Geneva. One of the Biblical lessons, doubtless also read in this Cathedral, concerned the parable told in *Mark's Gospel* about the lost coin. It is a parable with instruction never to give up on the weak and vulnerable. It was story apt for my duties for the United Nations.

The church in Geneva records that John Knox, a Reformation father, was at one stage the priest officiating in its services. The celebrants led us all in prayers for peace and justice in Syria. At one stage, I felt like rising in my place to demand prayers to trouble the Almighty on North

Korea. But I kept my peace. In the natural concerns of the international community about the dangers in Syria, it is all too easy to overlook other global perils and dangers. Fortunately, the Human Rights Council has not done so. Instead, it has created the COI and a special rapporteur on DPRK. So I said my prayers silently and alone for its people. All of them.

When I gave my Oral Update on 17 October 2013, I recounted the background of the COI and of our unsuccessful endeavours to reach out to the government and people of North Korea. I described the way in which our approaches had been rebuffed. And how the official newsagency of DPRK had rejected the witnesses whose testimony had impressed and moved me, as “human scum”. I selected from this testimony five passages that exemplified the suffering recounted in the evidence of our witnesses:⁵

- *“We think of the testimony of a young man, imprisoned from birth and living on rodents, lizards and grass to survive: witnessing the public execution of his mother and brother.*
- *We think of the testimony of a woman, whose husband is presumed to have been abducted or taken as a prisoner of war in 1951, and who has had no response as to his whereabouts. ‘To lose a partner is like losing an arm. Every day I wish I could throw myself on his person and embrace him’, she told us.*
- *We think of the testimony of a young woman, forcibly repatriated and imprisoned for leaving the DPRK, describing how she witnessed a female prisoner forced to drown her own baby in a bucket.*

⁵ M.D. Kirby, “Oral Update” text of a statement to the United Nations Council on Human Rights, by the chair of the COI on DPRK, 17 September 2013. Available online.

- *We think of the testimony of a man who was obliged to load the many corpses of prisoners who died of starvation, put them in a pot and burn them, scattering their ashes and remains on the nearby vegetation fields.*
- *We think of the parents of a young abduction victim from Japan who appealed to the Supreme Leader: ‘You have a family (...) and you know how important is family love. Tell us where our daughter is. Is she alive? Is he happy? Is she dead?’*”

The Human Rights Council of the United Nations meets in a building that was designed for the League of Nations in the 1920s by Mussolini’s architect. Unusually, the Council’s chamber, is round. Its ceiling has been recreated in the form of stalagmites and stalactites: painted in all the colours of the rainbow. Beneath this gaudy canopy sat the representatives of the whole world. They listened in sombre silence to the update that I delivered. And then they made their comments on the grim record, now captured online in the authentic voices of victims, begging to be heard. Begging for a response from humanity.

Most of the national responses were affirmative. They supported the work of the COI. The European Union; the United States of America; Japan; Australia; Ireland; Canada; Germany and France all spoke in this vein. The Czech Republic, Poland and Slovakia formed a specially powerful voice because they were former “socialist” compatriots of DPRK, condemning its reported abuses of human rights and appealing for it to grant access to a visit by the COI. Switzerland declared that it found it almost impossible to believe, in this day and age, that people could be imprisoned for actual, or suspected, political beliefs. Yet is it so? New Zealand also spoke up as did a number of non-governmental organisations.

Amongst the developing countries, Thailand, Laos and Vietnam were moderate but firm: almost pleading with DPRK to co-operate and improve its human rights record. “Nobody’s perfect”, declared the representative of Laos. “We can all work together to improve our societies. This is our obligation and duty under the United Nations.”

Then, however, came the adverse voices. Several spoke against country-specific mandates, such as the one for North Korea: Iran, Myanmar (Burma), China, Syria, Belarus, Venezuela, Sudan, Cuba. They were the champions of DPRK. Whilst not explicitly defending its human rights record, they denied that the United Nations had any right to intrude into the sovereign powers of DPRK in the way it treated its own people.

Several of these delegations urged that the way ahead was to engage with DPRK in the system of “Universal Periodic Review” (UPR) that now subjects each nation, great or small, to regular examinations of its human rights record. These comments, however, apparently failed to take into account the fact that DPRK is still the only nation in the world that has so far declined to adopt a single recommendation of the UPR, undertaken two years ago by the United Nations. Not one suggested improvement did it promise to observe. None.

Most hostile of all in this assembly was the voice of DPRK itself. In accordance with standard procedures it was given the first call in reply. Fairness to DPRK requires that I should tell you what its representative

said, in part. I call to your attention the many adjectives and adverbs that lend colour to its response:⁶

“My delegation *totally* rejects the oral update by the *so-called* “Commission of Inquiry” on the human rights situation in the Democratic People’s Republic of Korea (DPRK). The oral update is another copy of *faked* materials on the “human rights situation” of my country, *fabricated* and invented by the forces *hostile* to the DPRK, defectors and other *rabbles*. It is nothing more than an instrument of *political plot* aimed at sabotaging our social system and defaming the *dignified* image of DPRK and creating an atmosphere of international pressure under the *pretext* of “human rights protection”. It has no relevance to the promotion and protection of human rights.

We do not expect any praise from the *hostile* forces who *indulge* in manipulation of all sorts of *bad things* against the DPRK. People with sound reason will easily distinguish truth from falsehood and make correct judgment in view of the overall political and military implications surrounding the DPRK... We neither recognise nor accept the “resolutions” against the DPRK, the “Special Rapporteur” and in particular, the “COI”, as they were motivated and mandated by those *hostile* to the DPRK and has been working only in their interests... Today the government of the DPRK, under the *wise* leadership of the *respected* comrade, KIM JONG UN (sic) vigorously pushes ahead with the policy of promotion and protection of human rights, whereby the

⁶ Statement by the delegation of the Democratic People’s Republic of Korea during Interactive Dialogue with the Commission of Inquiry on the human rights situation of the DPRK, Human Rights Council, 17 September 2013. (Emphasis added).

interests of the *popular* masses are given upmost priority and everything serves people.”

In response to those words, I once again reached out to DPRK, requesting talks without preconditions. I expressed sadness that the only time we had engaged in dialogue was on the floor of the Human Rights Council. Appeals by DPRK and its supporters for a true “dialogue” could only be fulfilled by mutuality. The word “dialogue” implies interaction. A dialogue on one’s own has limitations both of utility and interest. Once again, we appealed for access to the territory of DPRK. We pointed out that satellite images and oral testimony now bring to our hearings great specificity. This is not *secondary* evidence. It is *primary* evidence that demands an answer. Yet will an answer be given?

Clearly an answer is important. Just prior to the meeting of the Human Rights Council, it was reported that the DPRK was in the process of re-opening a 1950s Yongbyong nuclear power plant, arguably for the purpose of refining plutonium for use in its nuclear weapons⁷. The fears and dangers of such weapons are properly the concern of the Security Council, not the Human Rights Council nor the COI. But the dangers of a nuclear accident or catastrophe cannot rationally be ignored as the incidents in Chernobyl, Ukraine and Fukushima Daiichi, Japan have lately shown.

⁷ The reports appeared in the international media, including the *Bangkok Post* and *The Nation* (Bangkok, Thailand) on 12 September 2013 and are based upon research undertaken by the Johns Hopkins University School of Advanced International Studies.

This sombre background of this news made the dialogue of the unwilling, under the colourful ceiling of the Human Rights Council Chamber, all the more urgent and important. It could indeed now be left to the watching eyes of humanity to judge truth from falsehood. And to make a correct assessment. Since the establishment of the *Charter of the United Nations*, the *Universal Declaration* and other treaties, no country is an island complete unto itself. Every country is now part of the universal discourse on matters of mutual concern, including human rights. This is the lasting and positive legacy of the sufferings of the Second World War. It is a legacy enshrined in the constituting documents of the United Nations. It lies embedded in its developing practice of examining the human rights of all countries. And that includes the human rights of the people in DPRK.

II. INTERNAL PEACE

As I returned to Australia from Geneva, amidst the fitful sleep of urgent international travel, my mind returned many times to the disturbing testimony of the COI witnesses on DPRK and the varied responses of the nation states. How could we make harmony out of such disharmony? How could we ensure proper action and a correct response? How could the COI defend itself from the risk of creating no more than another thick report: destined to gather dust and cobwebs in the basement of the *Palais des Nations* in Geneva?

Seeking to come to terms with these questions emphasised to my mind the importance of finding internal peace. If individual human beings do not have peace themselves, the likelihood is that they will be stressed

and angry. These feelings may be catching amongst those around them. Communal, international and global peace is, in part at least, a reflection of internal and individual tranquillity.

One of the features of the Church tradition of reading passages from Scripture, in cyclical rotation, is that one sometimes comes upon obscure stories that are difficult to relate to contemporary circumstances. A few months back, when I went to give a lecture at Trinity College in the University of Melbourne, a visit to the chapel led me to look to the text that was open for reading that day from the Old Testament. It was the first verses of the first chapter of the *Book of Zechariah*. They said, somewhat puzzlingly:⁸

“In the eighth month, in the second year of Darius, came the word of the Lord unto Zechariah, the son of Berechiah, the son of Iddo the prophet, saying,

2 The Lord hath been sore displeased with your fathers.

3 Therefore say thou unto them, Thus saith the Lord of hosts; Turn ye unto me, saith the Lord of hosts, and I will turn unto you, saith the Lord...

4 Be ye not as your fathers, unto whom the former prophets have cried, saying, Thus saith the Lord of hosts; Turn ye now from your evil ways, and from your evil doings: but they did not hear, nor hearken unto me, saith the Lord.”

On at least one reading of this passage, the message was plain. Zechariah was to be very careful. Very careful indeed, against the sin of intergenerational error. He was to avoid the errors of his father and of his grandfather. Why, I asked myself, should one person ever be concerned in, or guilty of, the sins of forebears? I was thinking of that

⁸ Holy Bible, *Zechariah*, Chapter 1, Verse 1.

passage when, I had to address the alleged “sin” of the very first witness who gave testimony before the COI on North Korea in Seoul. Why was he born as an infant in a camp for political prisoners? What possible offence, still less a political offence, could such an offender have committed that warranted confinement from birth with no prospects of release until he escaped from Camp Fourteen as a young man?

In one of the speeches given to the Human Rights Council for a non-governmental organisation, United Nations Watch, Diane Rhim, offered an explanation. She herself is Korean. Both of her grandfathers came from North Korea. She cited this fact as a reason why it meant a lot to her to deliver her statement to the Council that day⁹.

Diane Rhim’s statement quoted from a book written by Shin Dong-hyuk, the first witness who gave evidence before the COI in Seoul. As recounted in his book *Escape from Camp 14*, Mr Shin explained:¹⁰

“As a child, the only thing I knew about my situation was what I was told by prison camp guards. They told us: “You are all supposed to be killed but the law has saved you instead. So you have to work hard. You must pay off all your sins that you and your family members committed until the day you die.” That’s all I knew about why I was there.”

Intergenerational guilt – extending even to death – appears to be now feature of life in North Korea. Yet it is not unique to that country. Seemingly, it was a feature of life in ancient Israel. Read literally, at least, it was possibly even a command that God Himself observed in

⁹ Diane Rhim delivering the intervention of United Nations Watch to the Human Rights Council, 17 September 2013, Geneva.

¹⁰ Shin Dong-hyuk, in Blaine Harden, *Escape from Camp 14*, (Penguin Books, New York, 2013).

holding guilty where whose fathers, and fathers' fathers, had committed sins against His word.

From this passage, I began to reflect on the error of an over-literal reading of significant texts, whether in the Bible or (for that matter) in the *Juche* writings of the founder of North Korea, Kim Il-Sung. In the age of universal human rights, holding a person liable for the 'sins' of his father, and of his grandfather, seems self-evidently wrong. Certainly, it does so where the person concerned is no more than a child. Yet these were the ways of ancient Israel. These (it seems) may also be the ways of modern DPRK.

Many people in modern-day Australia suffer even today because of an over literal interpretations of Scripture. Such interpretation assigns to written texts, inherited from times past, meanings that cannot easily, or at all, be reconciled with the fundamental religious principles of loving God and loving one another.

I know of these things because I myself have suffered from the over literal interpretation of Biblical texts. I refer to the texts affecting sexual minorities. A recent book published on scripture and sexuality has demonstrated how wrong it is to read Biblical or like passages too literally¹¹. The fearsome punishments inflicted in the 1930s and 1940s upon the Jews by Christian believers were often attributed to an over literal reading of the passage in *Matthew's Gospel*, chapter 27. There, a rabble in Jerusalem, just before Jesus's crucifixion called on the Roman

¹¹ N. Wright (Ed) *Five Uneasy Pieces: Essays on Scripture and Sexuality*, ATF Theology, Adelaide, 2012, with reference to Holy Bible, *Genesis* 19; *Leviticus* 18:22 and 20:13; *Romans* 1:26-27; 1 *Corinthians* 6:9-10 and 1 *Timothy* 1:8-11.

governor, Pilate to release Barabas and condemn Jesus. When Pilate hesitated, the rabble protested:

“Then answered all the people [the Jews] and said, His blood be on us, and on our children”¹².

On those nine words hung millennia of anti-Semitism. And ultimately, the catastrophe of the genocide of the Jews and others – communists, Gypsies, homosexuals, Jehovah’s Witnesses, the disabled - in the concentration camps of Nazi Germany.

Over-literal interpretations of ancient Scripture has afflicted gay people around the world. It still does so to this day. Even in Australia a few passages are utilised to deny equality of civic rights to homosexual citizens. This is irrational. It is unscientific. It is ignorant. It is unacceptable. It is contrary to universal human rights¹³. But it certainly exists. It is a challenge to the global community to help replace such attitudes with more modern and scientific ones, that embrace the values of peace, equality and justice.

As I passed through Bangkok on my way home to Australia from Geneva, I noticed reference in the media to the fact that the Thai Government intends to introduce legislation to extend most marriage benefits to same-sex couples in that country¹⁴. Still more surprising, perhaps, was the fact that, in June 2013, the authorities in Vietnam had announced that they were considering “getting rid of restrictions that

¹² Holy Bible, *Matthew*, 27:25.

¹³ See e.g. *Toonen v Australia*, decision of the United Nations Human Rights Committee, 1992. See also *Croome v Tasmania* (1998) 191 *Commonwealth Law Reports* 119.

¹⁴ Warangkana Chomchoen “Thailand Considers Civil Partnerships” *Wall Street Journal*, 20 September 2013, 3.

prevent same sex couples from marrying”¹⁵. If these countries were to take such steps, they would be the first on mainland Asia to do so. Although New Zealand in August 2013 became the first country in the Asia/Pacific Region to permit same-sex couples to marry, Australia lags far behind. Will this change? Will I live to see the change?

I was glad to note in the records of this Cathedral, that the Synod of the Diocese of Brisbane, in June 2012, adopted a motion:¹⁶

“Recognis[ing] the dialogue about the issue [of same-sex marriage] and the process of ‘listening to each other with respect’ [as mandated by the Lambeth Conferences 1998, 2008] within the diocesan community needs to be informed by an understanding of the theology and social/church history of marriage more generally... And to [commence or continue their process of learning and listening on this issue].”

The same issue of the diocesan record reports the adoption of a motion honouring the twentieth anniversary of the ordination of women to the priesthood in the Anglican Church of Australia. This was an earlier controversy that divided the Church but now appears to have found general acceptance, at least in most places. Just as Australia lags behind other Western countries on these subjects, so my own Sydney Diocese lags far behind others in Australia on the topic of women and marriage equality in the Christian church. Doubtless many other topics besides.

Mind you, in the advance of human rights on this and other topics, we must be grateful for small mercies. In the 1930s there was a newspaper

¹⁵ *Ibid, loc cit.*

¹⁶ Anglican Church of Australia, Brisbane Diocese, Synod Record, 24 June 2012, 5 [para 16 Marriage].

in Brisbane known as *The Arrow*. It did not have the fame of the *Courier Mail*. But it was at least as robust. It recorded in 1932 that marriage equality was on the local agenda, 80 years ago. To say the least, the report was pretty hostile. According to *The Arrow*:¹⁷

“The growth of the *pervert* population of Brisbane, *beautiful* capital of Queensland, is *astounding*, and in the last year hundreds of these *queer semi-feminine* men have made the city their headquarters. Now they have evolved into a cult with two main sects, one on the North and the other on the South side of the river, with the river dividing them. And occasionally they meet at *queer, indecent, degrading* ceremonies when *perverted* lusts come into full play and *shocking* rituals are celebrated. In the last two weeks there have been two “weddings” – *ghastly, horrifying* spectacles of *painted* men and *primping* lads united in a sacrilegious blasphemy that they call “bonds of matrimony”, they conduct these *lurid immoral* gatherings absolutely free from police interference. Professional people have been invited as guests to witness the weddings – *astounding* revelation that the perversion of this *rotten* type is so commonly accepted in Brisbane. Nowhere else in the world – *even* in Berlin, with its open homosexual clubs – is there the *open* boast that there are these ceremonies or the widespread extension of this *sordid* cult of male perversion.”

Reading the adjectives in this passage reminded me of some of the language of the distinguished representative of the DPRK before the Human Rights Council. The writer appears, in 1932, to have combed his *Thesaurus* for words of calumny and condemnation. Some people have made no progress in the intervening 80 years. Fortunately, many others have.

¹⁷ Quotation from *The Arrow* newspaper, 1932. See <http://www.gaystarnews.com/article/same-sex-marriages-revealed-1930%E2%80%99s-Australia050613>. The article was uncovered by D.F. Brandi-Beck when undertaking a Ph.D study in history at the University of Queensland, Brisbane. Emphasis added.

During the recent Federal Election, Mrs Margie Abbott, now wife of our Prime Minister, was reported as saying that a family conversation as well as a national conversation was likely to continue on gay rights. We have it on her authority that “Tony is a good listener”. That has also been my experience. Time will tell if this is so.¹⁸ Dialogue must be mutual.

Personal peace is important to every living human being. In my own case, I have witnessed the prejudice, ignorance, discrimination and even hatred that can come from unscientific, thoughtless application of past ways of thinking. I actually invited my partner, Johan van Vloten, to join me in this event in Brisbane today. He declined. He does not much favour events in churches, even cathedrals. He told me, once again, that churches tend to be places of discrimination against women, against people of colour and against gays and that he would not feel comfortable here¹⁹. I protested that he was mixing up his dioceses. And that Brisbane was more enlightened on all of these topics than Sydney has lately been. Even Sydney, it seems, may be about to change with a new Archbishop. Just as the Roman Catholic Church seems now to be changing with its new Pope, Pope Francis, who brings new hope and confidence for the future of Christian spiritual belief.

III. DENOUMENT

So how do these external and internal elements of peace come together in the one human frame? I can tell you. It is important for every human being, if possible, to have the energy, love, kindness, gentleness, physical and emotional support of a loving partner. I have found this

¹⁸ *Weekend Australian*, 7 September 2013, 2.

¹⁹ M.D. Kirby, *A Private Life: Fragments, Memories, Friends* (Allen and Unwin, Sydney, 2011), 190.

over 44 years in my own life with my partner Johan. Those who have such grace are greatly blessed on their earthly journey.

And this is not only important for internal peace. It can also play a part in one's insights about external peace: in the world and in the surrounding community.

Earlier this year, Johan and I began a long delayed holiday in Germany. As it happened, the venture had to be abandoned because of my appointment to the COI. Still, before we returned to Australia, we travelled to a number of the places of horror that marked the Nazi oppression. In Teresienstadt (now in the Czech Republic) we visited one of the notorious concentration camps. That place was originally intended to be a 'kinder' and 'gentler' camp. A kind of model detention. It was set aside for older prisoners and especially those who had distinguished war records. Particularly for those who had won the Iron Cross First Class, as Hitler himself had done in the Great War. Such people and their families, unto the third generation, were marked out and, at first, treated more gently and respectfully. But even they, ultimately, were sucked into the vortex of death and destruction.

I knew nothing of this. But Johan, at school many years ago in the Netherlands, was taught about Teresienstadt. A particular angle was brought out in his education. In 1944, as the War was moving to its conclusion, a delegation was sent there from the International Committee of the Red Cross (ICRC). The delegation was intended to report to the world community. It was supposed to give truth in the face of the many rumours that were circulating about German death camps and crematoria.

In fact, the ICRC delegation accepted limitations on its reportage that resulted in a completely misleading description. The delegates agreed to walk along a red line. They would have no direct conversation with prisoners. There would be no dialogue with ordinary detainees. None at all. There would be no mutuality. It was to be a kind of non-communication that passes for international “dialogue” in the opinion of some. The ICRC accepted these limitations. It gave Teresienstadt a generally good report. A Danish official even agreed to pretend to be the head of the camp council. His reward for falsely acting out this role was that he could take a small contingent of Danish Jews home with him to Denmark. The other detainees watched silently as they packed their humble belongings to go.

A film was taken of the young men in the camp, happily playing football. However, by the time that film was seen by its intended, reassured, audience, every player in those merry teams was transferred to, and many gassed and incinerated at, Auschwitz. Children in the Netherlands, like Johan, were taught of this deceit. He told me. He had not forgotten.

‘Don’t you report like this. You report the truth.’ Johan demanded of me. ‘There must be no red lines. You must not accept conditions that shackle a fearless presentation of the truth of what you discover about North Korea’, he said. This was wise advice for any COI of the United Nations. It was wise advice for me.

In this way, personal and institutional truth comes together. In this way, personal and institutional peace are mutually reinforced. In this way,

human life finds meaning, truth and fullness. Denying part of life's existence is not acceptable. It was not acceptable for the ICRC. It is not acceptable for the COI on DPRK. It is not acceptable for gays or for any others in our world. Human beings have equal rights. This is the world post 1945. We must be true to that world. We must uphold these principles of universalism. National sovereignty persists today, that is true. But it exists in the world of universal human rights; of international peace and security; and of justice and equality for all.

So this is my message for the International Day of Peace in 2013. Have we found peace in the world? Not yet. Are we on the journey? Certainly.

The great American poet, Robert Frost, made this clear in a famous poem. I remember his words from my days of youth when it was read at the inauguration of President Kennedy long ago in 1960 in the United States.²⁰

*“Whose woods these are I think I know,
His house is in the village, though;
He will not see me stopping here
To watch his woods fill up with snow.*

*My little horse must think it queer
To stop without a farmhouse near
Between the woods and frozen lake
The darkest evening of the year.*

*He gives his harness bells a shake
To ask if there is some mistake.
The only other sound's the sweep*

²⁰ Robert Frost, “Stopping by Woods on a Snowy Evening” in E.C. Lathem (Ed) *The Poetry of Robert Frost: The Collected Poems* (Henry Holt & Co, New York, 1975), 224-5.

Of easy wind and downy flake.

*The woods are lovely, dark, and deep,
But I have promises to keep,
And miles to go before I sleep,
And miles to go before I sleep.*

We still have miles to go before we can sleep in a world of universal peace, universal human rights and universal justice. Nobody's perfect as the Lao Ambassador said truly. However, progress has been made. And more must be made. Progress must include external peace. But it must also include internal peace. And that, I believe, is the message for this International Day of Peace in 2013.