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IAVE WORLD VOLUNTEER CONFERENCE

18 SEPTEMBER 2014

TRANSCRIPT OF INTERVIEW

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RALPH DEVLIN:

Thanks very much Tim. It's my honour now to introduce to you our final keynote speaker in this opening plenary session. I refer to the Honourable Michael Kirby. Michael was, when he retired from the High Court of Australia in 2009, Australia's longest serving judge. He served as a judicial officer of Australia from 1975 until 2009, 34 years.

He has been active in many facets of life since his retirement. He has served as the Chancellor of a university. He is a visiting professor and speaker at no less than 12 universities. He is a prolific contributor around the world on a range of topics. And it is an honour for us to have Michael Kirby here today to speak with you. Please make him welcome. Michael Kirby.

(Applause)

MICHAEL KIRBY:

Thank you Ralph.

In the Midst of Volunteers

Turn on the lights. We must all look at each other so that we can engage with each other. I want to look into your eyes and talk about volunteering and how important it is.

(Laughter)

But I want to stretch your minds. That is what our youth delegates have told us to do. New paths for volunteering, not just new methods down familiar paths.

I acknowledge the indigenous people of our country and I acknowledge the Minister, Senator Fifield, who is here representing the Prime Minister of this democratic nation.

I acknowledge Dr Lee. I acknowledge all his work for volunteering in Korea and in the world. Also Ralph Devlin, who is not dressed quite the same way as I would see him in court!

(Laughter)

And I'm not there on the platform - on the bench because I spent all my life sitting up there with people saying to me, "Yes, your honour. No your honour..." I prefer to be amongst you. That is what volunteering is about.

International Volunteers

I have been lately chairing an inquiry of the UN Council on Human Rights on violations in North Korea. This came about through volunteers.

Everybody knew that things in North Korea were pretty horrible – little stories would creep out – but it is a very closed society.

It was international volunteer agencies that got things moving.

It was Human Rights Watch. It was the International Commission of Jurists, of which I am a member. It was Amnesty International. It was international volunteer bodies saying enough is enough.

No more do we have to put up with violence against citizens in any country. We are all part of one world we are all under the *Charter* committed to universal human rights.

The Human Rights Council established a Commission of Inquiry. The first ever Commission of Inquiry that was established without even a call for a vote. That was how strong the feeling was that something had to happen.

I was appointed by the head of the Human Rights Council, to be the chair of the Commission of Inquiry. I had previously done work for UN Secretary-General Boutros Boutros-Ghali in Cambodia. Three people of experience and integrity made up the Commission of Inquiry on North Korea.

We engaged with civil society and volunteers. Not in North Korea. They would not let us in. But civil society throughout the world provided the source material on which we could prepare our report.

We had no trouble getting witnesses at our public hearings in Seoul,

Tokyo, London, Washington, Bangkok. In the end we had to cut off the witnesses because we had to get the report done in time.

Civil society and volunteers, particularly Amnesty International, gave us access to the satellite images. North Korea denies there are huge detention camps. But in this world of technology it is very hard to hide your face.

Satellite images were available that showed exactly where the witnesses had said there were camps, there were camps. It is impossible to argue with Google Earth. Security satellite images proved the matter.

The report was delivered in March this year. It was on time, on budget, and unanimous. These were crimes against humanity that required accountability. No longer are leaders not answerable. They are answerable to citizens, to leaders, and to the world.

That report is now before the Human Rights Council. It goes to the General Assembly of the UN next month. We have recommended that it be referred to the Security Council, because it is a matter of peace and security. To have a murderous, tyrannical regime in our world, armed with 20 nuclear weapons, presents a danger to the region, and to the world. Particularly to Dr Lee's country, Korea, to Japan, and even the West Coast of the USA.

This is something that has grown out of volunteers. Volunteers are not only in their own communities. Today volunteers are worldwide. Volunteers are working in the United Nations. Volunteers helped the work of our Commission of Inquiry – it's the nature of the global struggle

for human rights. In Australia, we have Australian Volunteers International and I am proud to be a patron.

The Palais Wilson, in Geneva, was the seat of the League of Nations. It stands by that beautiful lake in Geneva. Many people who work for the United Nations began their lives as volunteers... I say to young people, stretch your imagination. But remember we are all brothers and sisters. We have to take responsibility for our world.

Many of those working in the Commission of Inquiry on North Korea in the Palais Wilson started as UN volunteers. Sometimes working with pay, or without pay, for the cause that binds us all together. The *Universal Declaration of Human Rights* that Eleanor Roosevelt wrote, for all the world.

Wonderful words. These are the principles that we, as human beings, share together. Margaret Bell wanted me to talk about the UN Commission of Inquiry and the global community. However, I won't do that because there are others that can do that.

I won't talk any more about North Korea because our report it is all online. Including our public hearings showing the quiet, dignified people who gave their testimony before the Commission of Inquiry. Testimony to the world.

Go to Google, you can find it easily. Just watch them. These are fine and wonderful people that North Korea says are 'human scum'. They have suffered crimes against humanity that we hope the Security Council will respond to.

Volunteers in Good and Bad Times I want to stretch your mind. It is easy to conceive of volunteering as being about our duty of care to the aged. Like the images on the screen last night. Volunteers working with young people in schools, in health, in education.

It is easy and wonderful for us to conceive of the marvellous volunteers who work of bushfire fighters. If you are from Australia, it is a land of fire. Having people who will protect your home is wonderful work of volunteers.

I pay tribute to our facilitator Ralph Devlin, a very busy QC. He goes and does work as a beach life-saver in his spare time. Rotary is a wonderful organisation of volunteers. Likewise, all the other efforts that many of you in this room do for popular, much loved and wonderful causes. But I do not want to talk about them today.

I want to take up the line from the Minister: "... Volunteering in good times and bad times."

I want to talk about bad times. I want to take up the point of the youth leaders and their diverse opinions, expressed in their report to us.

I want to take up the duty of volunteers to work in bad times for unpopular people and unpopular causes – this is what tests us as volunteers.

(Applause)

Volunteers and Political Diversity I started out on this journey at a younger age than the youth leaders today. Actually, I was 10! My grandmother had married again, in the 1940s. She had married a communist! Worse, she had married the National Treasurer of the Australian Communist Party!

He was a fine man, a New Zealander who had fought at Gallipoli. He had been given a medal by the King at Buckingham Palace. He threw away his medals and became a communist.

At their home in Sydney I would be conflicted. First of all, they listened to the races on the radio – which we never did at home! – and they drank beer! I was shocked, as a boy of 10, to see my grandmother listening to the races and drinking beer and doing all this voluntary work for the communists.

I went with my uncle (as I called him) around the suburbs of Sydney, in our democracy, with a little pail of glue. We were putting up posters on the lamp posts – 'Vote Communist'.

When I told my mother and father they were horrified. They told my new 'uncle' not to dare take dear Michael on these things – he can't be going around supporting the commos! At the age of 10!

Although my grandmother's new husband was a communist, he was a very fine man, an idealist. His ideals, as he ultimately realised, after Hungary in 1956, were wrong. But he was trying to make the world a better place.

But then a wonderful thing happened in Australia. The government, seemingly for good reasons at the time, sought to ban the Communist Party. We had troops in Korea fighting the North Koreans. So the government said we had to stop the Communists insidiously gaining power in our own country – we have to ban them.

That proposal went to the High Court of Australia. It was challenged against our Constitution. In one of the greatest decisions of the High Court of Australia, that I later became a judge on, (isn't this ironic) the High Court of Australia said that in Australia the Federal Parliament has plenty of power to deal with Communists for what they *do*. But it could not stop them thinking and believing what they think.

They must be allowed to recruit and if they are defeated they will be defeated by argument and counter argument. Not by suppression. That is this country, I am telling you about. My country and a court decision, by my court, when I was a boy.

My uncle had his bags packed because he thought he had to hide. The High Court of Australia reserved its decision on the challenge. He never thought the 'running lapdogs of the capitalists' in the court would uphold the right of communists to think what they think, and overrule the decision of Australia's Federal Parliament to ban them. But it did. The law was struck down.

Then there was a referendum to overturn the High Court decision. Well, the referendum was defeated by a vote of the electors of Australia.

That vote grew out of volunteers because a lot of volunteers from all the

parties, Labor, Liberal, Country Party and the churches. Volunteers said we need to be careful because we could be next. So their actions led to the defeat at the referendum.

Volunteers and Aboriginal Advancement

Sometimes you've got to support causes when they are not popular. That was further reinforced for me at university. At university people, at long last, belatedly, started to talk about the Aboriginal people of Australia.

You saw last night that wonderful performance of our indigenous musicians and dancers. You heard something about the great culture of the Aboriginal people of Australia. But that was never talked of in those days, back in the 1950s. When I was young the Aboriginals were regarded as uncivilised people, nomads, that we didn't have to think about.

They didn't have land rights. We neglected their education, their health and their housing.

But when I was at university, a number of students got on buses and went to outback New South Wales. In a town called Walgett, the Aboriginal patrons could go downstairs in the cinema but not upstairs. They could go to the vinyl chairs. But they weren't allowed comfortable chairs with cloth and velvet. No velvet seats for Aboriginals!

The university students grabbed the hands of their friends who were Aboriginal. They walked up the stairs. They went upstairs at the cinema at Walgett. They were arrested. No, we want to do it, they said. The

police were called and they were arrested. They were charged with trespass. When the charges came before the courts, the young Aboriginals and the young students hired me because I was a student troublemaker, to be their volunteer lawyer.

I went right to the top. I got a QC like Mr Devlin to represent them. He was Gordon Samuels. We went to court and we got them no conviction on a technicality. That was a beginning of the fight back for Aboriginal people. We eventually changed the Constitution in Australia to give Aboriginals some recognition. Not enough. But a start.

It's all because of volunteers shaking things up. Don't think this is all for popular causes. Sometimes you have to do things for people who, at the time, are not regarded as very nice.

Volunteers and Race and Gender

We had plenty of that in Australia. We had the White Australia Policy. Have you heard of that? Maybe young Australians don't even know about it. We had it in our law until 1966.

It was first stopped by Mr Holt, the Coalition Prime Minister. In 1966 the Holt Government started the process of getting rid of the White Australia Policy. The reform was completed by the Whitlam Labor government.

Allowing people to come to this country irrespective of their race. Looking at what qualities they could bring and skills they could bring to Australia, not just the colour of their skin. Change brought about by volunteers. Not popular causes at the start. But causes taken up because they were right.

We've still got a little bit of a problem in Australia about people coming across the sea. We all know about this. But we have got a lot better. We did it by volunteers. By people in political parties. And by beginning to know people who were a bit different from ourselves.

Not very different, but different in culture, language, appearance. But still brothers and sisters. Volunteerism is not only about popular people.

Sometimes you have to stand up for and support people who are not so popular at the time, because it is the right thing to do.

And women. Women are actually the majority. But women were very discriminated against. They still are in many places. They still are to some extent in Australia.

At law school I was taught that women took their domicile from their husband in a divorce case. No one put their hand up and said, "Please sir, why doesn't the husband sometimes take his domicile from the wife?"

That was the patriarchal nature of some aspects of our law. There was lots of injustice. There once was a case where a woman secured university qualifications in law but there had never been a woman lawyer in the state.

She went to the Supreme Court and applied to be admitted. The *Legal Practitioners Act* said 'any person with qualifications can be admitted as a lawyer'. This was in 1906.

But the judges said 'any person' means 'any male person'. Because it has ever been so! It meant that a woman is not a person. Can you believe that? This is what the law said in those days. Eventually it was changed. By committed volunteers.

Aboriginals and Communists and non-Caucasians and women, often not popular. Yet human beings with the civil rights. People of different colours and races. All of this was challenged through volunteers.

Volunteers and GLBT Causes: Testing our Commitment

Yet, there was one other group. That was a group very important to me that I never talked about. Very quiet, was I. I was going ahead getting my brilliant degrees. I was making great success as a lawyer. I was getting lots of briefs and being successful. And I never talked about this group.

I am referring to gays. No one talked about gays, lesbians, transsexuals, intersex, queer as they are now called. No one talked about them. These were very unpopular people. In many of the countries that are represented here today, they know, in their countries the law still throws away the key.

People are locked up just for being who they are. And how did that begin to change? It started to change in Australia because civil society stood up. People said this is not rational. This is like discriminating against left-handedness. It is irrational. It has to stop.

The churches said this is against the word of God. All of which is a

misunderstanding, a misreading of the scriptures. But this is the truth. There will always be, in every society, people who are out of favour. And it doesn't really test you as a volunteer if you are lovely to children...

(Laughter)

Although sometimes it tests me with my nieces and nephews. For someone who is struggling in the surf, there is the brave Ralph, Mr Devlin QC. He will go through waves and torment to save those who are drowning or suffering bushfires or polio. But when you are tested is when you are asked to stand up for the communists, to stand up for people of different colour, to stand up when no one else is doing so, for the Aboriginal people. To stand up for GLBT. For gay and other sexual minorities that is when we are tested. That is when our society is tested. That is when volunteers are tested.

If you cannot form a society group to argue that this is not rational to impose a serious criminal - offence on gay people that is the law that is being introduced in some countries. That makes it very hard. Because volunteers flourish and give leadership in civil society. In community groups. In big and small organisations.

So that is why oppressive societies often strike first at civil society. They strike at the volunteers, they strike at the citizens who want to speak up and take a stand. They try to suppress an unpopular stand that is seeking to stretch the envelope: to change the country and the world.

That is why I think it is very important, as the youth representatives gave us an insight into their thinking, during their reports, I hope you will think

about these issues.

Of course, it is important to talk about causes people agree about. But it is just as important to talk about things that people don't agree about.

That is the essence of freedom. That is how we make progress. So I would like to leave you with this thought, I often sit there, in the quiet of my mind, and ask myself, why didn't we talk about the issues of GLBT when I was a young person?

The forces of society were very strong. It was very unrespectable. Some thought it disgusting and nobody wanted to talk about it. Yet change we eventually did. And volunteers have played a part.

The Non-Issues of Today? Volunteers for All

I think the most interesting question is: what will our societies be talking about in 50 years' time? When people will come to an IAVE Conference in 2064? Will they ask how we could have been so ignorant and blind about this or that issue? How is it you did not see? How could you not have realised that this was not an important issue of basic human dignity and human rights? Why did you do this or that? Why did you not speak up and make that a cause you embraced?

I think that is what you should take away from this conference on the Gold Coast, Queensland, Australia, Southern Hemisphere, The World. We in Australia are a country that has had many faults. Every country has faults. We still have many faults. But we have made progress.

All of us must make progress. All of us must do what was said by, I

think, Tim Jackson. Put yourself into the shoes of other people. Try and see the world as other people do.

If you do that, and get engaged with other people, and get to know other people, you find they are brothers and sisters with lives very similar to our own. We share this fragile planet and biosphere. Our duty is to preserve it and attend to the human dignity of everyone.

Not just for North Koreans. Not just for Australians. Not just for the popular causes – everyone!

(Applause)

RALPH DEVLIN:

Thank you Michael.

I have been reflecting on the sad fact that my career as an MC is over before it begins. At any other function I have been privileged to hear you speak or introduce you, I will introduce you as one of Australia's most beloved jurists; but also a Communist at 10 and a troublemaker thereafter!

(Laughter)

What an inspiring address from the Honourable Michael Kirby. I'm sure

you will take that through the rest of this wonderful conference. What a wonderful aspect, a prism to see our volunteer work through.

I want to thank all the keynote speakers and contributors to our opening plenary session. The Honourable Senator Mitch Fifield, Tim Hardy, Daniel and friends, and the Honourable Michael Kirby.