Speech by David Bitel
to Honours Club, under auspices of
NSW Friends of the Hebrew University
23 November 2005

Let me start this speech by acknowledging the traditional indigenous owners of the land on which we sit. I always think it is important for us as migrants, most of whom have come in fact as refugees, to recognize that when we or our forebears came to Australia, they were welcomed to this country by its indigenous owners. How different is this story today for asylum seekers seeking Australia's protection! Rather than welcoming such people, those who have the misfortune not to have been able to obtain visas are detained in detention centers, often for extended periods of time. The freedom and liberty that we all take for granted and enjoy is denied to these people.

As a Jew, I think we have a special responsibility to refugees. My own grandparents were refugees from the pogroms of Tsarist Russia. I am sure many of you, your parents or grandparents were also refugees. We Jews have known the refugee experience and were fortunate enough to have received a welcome and sanctuary in this great country. We must always remember the plight of others and work together to create a world where refugees are not created. Never forget the words of John Bradford on watching others being led to their execution: "There but for the grace of God go I".

Jewish theology teaches us the special importance of caring for foreigners. On many occasions in the Torah, we are reminded to treat strangers fairly and properly because we were strangers in the land of Egypt. The Jewish community has a particular role to play in this task. Remember the words of Leviticus 19:33 and 34:

> *33* *And if a stranger sojourn with thee in your land, ye shall not vex him.*
> *34* *But the stranger that dwelleth with you shall be unto you as one born among you, and thou shalt love him as thyself; for ye were strangers in the land of Egypt: I am the Lord your God.*

This most important religious teaching should guide us in our daily life.

In Australia, refugees have been amongst the most vulnerable and, unfortunately, sometimes the most maligned and vilified.

In the political climate of Australia today there are massive misconceptions in relation to refugees. It is important to bear in mind that the United Nations' definition of a refugee contained in the 1951 Convention relating to the Status of Refugees defines a refugee as:

> *A person who:-*
> *'owing to well-founded fear of being persecuted for reasons of:*
> - *race*
> - *religion*
> - *nationality*
> - *membership of particular social group; or*
> - *political opinion*
>
> ***and***
> *'is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or*
> *who, not having a nationality and being outside the country of his former habitual residence, is unable, or owing to such fear, is unwilling to return to it'.*

Australia as a signatory to the Convention has accepted the legal obligation not to refoule (involuntarily return) persons who are found following our very strict selection process to be refugees as defined.

The continuum of history teaches the cyclic nature of human experience: both its tragic moments and those moving experiences which rouse our compassion and provide us with that further impetus to keep on trying to achieve the goals which we all espouse.

Those of us who have both the fortune and misfortune to deal with the plight of refugees experience these sentiments on a daily basis. We all hold dear fundamental principles of the Rights of Man as expressed in the Universal Declaration of Human Rights on which the United Nations is founded, and the 50th Anniversary of which we celebrated in 1998, and which is underpinned in the human rights Covenants which have been ratified by that Body and endorsed by Australia. Let us never lose sight of the fact that almost invariably refugees are victims of the failure of governments both individually and collectively to uphold these principles and the rule of law. We are fortunate in that in recent years Australia has never been the cause of an outpouring of humanity. On the contrary, we have in the past had a

proud record of opening our collective arms to those who have been in no other position than to seek our compassionate support, particularly with regard to resettlement of refugees, our record is second to none, with over 600,000 refugees and displaced people resettled here since World War II. On the contrary, our record in dealing with the other half of the refugee equation, those making or attempting to make, onshore claims is not the cause for such pride, especially when compared to our legal and moral obligations and the standard set by other comparable countries. In this area, our fixation with border control has been the cause of serious policy and legislative human rights breaches.

The issue of human rights and the problems of refugees are inextricably linked. The vast majority of refugees are driven from their homes by human rights abuses. Persecution, torture, killings and the reprehensible practice of 'ethic cleansing' generate huge flows of refugees.

Safeguarding human rights is the best way to prevent conditions that force people to become refugees. Respect for human rights is a key element in the protection of refugees in their country of asylum. Improved observance of human rights standard is often critical for the solution of refugee problems, enabling refugees to return home safely.

We in Australia have a unique geographical location, so isolated from the rest of the world and immune from its natural and man-made disasters. In Australia our press and our politicians regularly exaggerate the so-called "boat people threat". The reality is that since 1 November 1989, DIMIA records state that less than 18,000 people arrived by boat unvisaed in Australia. Not though the tens of thousands a year, as the prophets of doom and racial prejudice would have us believe. Compare this to the 250,000 Burmese who flooded Bangladesh in the early 1990's, the 4 million Afghans in neighbouring countries, the millions in Africa and the hundreds of thousands applying in Germany annually. Do we really have a problem? This question should be repeated over and over.

Our country's benefit however carries important responsibilities. We are a nation of small population, a nation of wealth, and a nation rooted in a commitment to democratic principles. We must use these assets not only for the well being of those fortunate enough to have been born or allowed entry permanently to this country, but also for the benefit of our fellow human beings. This is a role our leaders have traditionally played internationally. Australians are a generous people. Witness the outpouring of help late last year and earlier this year to the Tsunami victims of Asia. We must not retreat into a fortress of selfishness.

There are many aspects of Australia's domestic policies relating to the treatment here of asylum seekers which cause serious concern.

This is not the place to enumerate them in detail. Suffice it to say that the harshness of mandatory detention, the temporary protection visa regime, the denial of work rights and other benefits to such people, and the politicisation of the asylum seeker determination system and numerous attempts to exclude judicial review of defective administrative decisions are amongst the most well-publicised. It is my view that such policies effected in our name demean us all. As Jews, let us not forget the unfortunate passengers of the St Louis.

Refugees are entitled to protection and in fact, Australia is one of the countries in the world which does grant protection to refugees. The international Refugee Convention which Australia has signed and which grew out of the ashes of the Holocaust as a means of ensuring that the victims of such genocides would not in future be prejudiced, recognizes that refugees are people who have a well-founded fear of persecution because of their race, religion, nationality, political opinion or membership of a particular social group.

Refugees are amongst the most vulnerable in the community. They are people like you and I whose lives and experiences have been shattered, usually through events beyond their control. They have been forced to embark on the refugee journey and are most deserving of our compassion and support.

On the 20th June each year we celebrate World Refugee Day. As Australians, we can be proud that this United Nations day was in fact started as an Australian initiative. Indeed, as Jews we can be particularly proud as it was the brainchild of that eminent Jewish Australian, Major General Paul Cullen, a founder of the Refugee Council of Australia, the organization of which I have the current honour to be the President.

The Refugee Council of Australia was established in 1981 as a peak organisation with some 160 organisational and individual members with the primary aim of promoting the adoption of flexible humane and constructive policies towards refugees, asylum seekers and displaced persons by the Australian and other governments and their communities. To achieve this aim, the Council engages in a number of activities including research, policy development, advocacy and community education. The Council provides advice for member agencies and others working in the area.

The UNHCR records that World Refugee Day is a salute to the indomitable spirit and courage of the world's refugees, not just in enduring the dangers and violence of the crises that made them refugees, but also in the courage they show in rebuilding their lives and contributing to society in difficult or unfamiliar circumstances.

As ordinary people living peaceful lives, we rarely have to put our courage to the test. Refugees are ordinary people, too, except that through no fault of their own they find themselves in extraordinary circumstances. They must dig deep into their inner source of strength to overcome fear and to survive.

Refugees have played an important role in the refugee story in Australia and in building our country. It is important that you as the next generation continue to play this role. I ask you in particular to think of other refugees as ordinary people like yourselves who have the misfortune to be asylum seekers and refugees whether here in Australia or in other countries around the world. I want you to extend to them your hearts and thoughts and to commit yourselves to making this a better world for us all.

I thank you for the honour of being asked to present this address.

Clearly the agenda is full but unfortunately much remains still to be done. For this there is a continuing urgent need for the support of all those sympathetic to the plight of refugees. Refugees almost by definition are amongst the most vulnerable in the community and because of their particular circumstances need the support of all within the community.

In protecting the interests of asylum seekers, let our political leaders act as statesmen and forget the politics of division which unfortunately have resurfaced in Australia in recent years. A truly great government is one which governs righteously not only in the interests of the majority, but also in the interests of minorities legislating in a manner which reflects fundamental moral standards and gives them protection from the abuse of the majority.

Most importantly, there is a moral reason why we should support the refugee cause. We must maintain understanding and support for the most vulnerable in our community and support for principles of justice and human rights, the absence of which in society are the fundamental root cause of refugee outflows . These principles demand our support, if not eternal vigilance.

Given my previous comments I hesitate to raise this as a justification, but the Jewish community must never be complacent in its apathy. The recent Hanson phenomenon highlights the vulnerability of the fragile Australian multicultural society. Who will be targeted next?

The Jewish community is now fortunate to be happily assimilated into Australia. We have learnt from our past traumas and we have a responsibility to assist those persons and communities who are now undergoing traumas and who arrive in Australia dispossessed and homeless, powerless and vulnerable. They deserve our help and support, not contempt or hostility.

We can and must empathise with refugees from whatever background. If we don't lead by example who will?

"First they came for the Jews and I did not speak out-
because I was not a Jew.
Then they came for the communists and I did not speak out -
because I was not a communist.
Then they came for the trade unionists and I did not speak out -
because I was not a trade unionist.
Then they came for me - and there was no one left to speak out for me."
Attributed to Pastor Nlemoeller (victim of the Nazis).

Community education is of course fundamental and we must all play a role in the education of our community, participating in broader cross community activities. Only with our support will the evils which cause the refugee outpourings be removed.

But it is not a question of self-interest. Support for refugees must be given because it is the correct and moral thing to do.

A Poem

By Edward Yashinsky

Fear Not Your Enemies

For they can only
Kill you

Fear Not your Friends
For they can only
Betray you

Fear Only
The Indifferent
Who Permit the Killers
And Betrayers to walk
Safely on Earth

(From Genocide Forum)

David Bitel

President

Refugee Council of Australia

* *David Bitel is President of the Refugee Council of Australia and Secretary-General of the Australian Section of the International Commission of Jurists. He is also a judicial member of the NSW Equal Opportunity Tribunal and Secretary of Australian Legal Resources International Inc. He is a Partner of Parish Patience Solicitors, an accredited immigration law specialist by the NSW Law Society and a registered migration agent. He is a member of human rights and other subcommittees of the International Bar Association, the Law Society of NSW and the Law Council of Australia.*