

UNIVERSAL VALUES: JUSTICE AND FAIRNESS

HER EXCELLENCY MRS VICKI TREADELL CMG MVO

The 9th Michael Kirby Justice Oration was delivered on 27 August 2019 by the High Commissioner for the United Kingdom at the College of Law & Justice, Victoria University, Melbourne. An edited transcript is presented below.

The Honourable Michael Kirby AC CMG, distinguished guests, ladies and gentlemen, what an honour and privilege to have been invited to deliver the Michael Kirby Justice Oration, especially so as Michael (if I may) is with us tonight.

I do not pretend to be well studied in the law, nor someone with a deep understanding of judicial systems or the execution of justice – even if I have an Honorary Doctorate of Laws from the University of Reading!

I am mindful that this oration is named and established in honour of an eminent justice of the High Court of Australia, so his scrutiny of my every word over the next 45 minutes is daunting!

As a British diplomat, my job entails upholding and promoting shared values and working with likeminded partners in that endeavour. This includes the shared democratic principles of:

- the rule of law;
- democracy, itself underpinned by good governance and accountability; and
- the freedoms of speech, assembly, thought, identity and self-expression (our human rights).

This is part of my tradecraft and expertise – the purpose I serve in building understanding, partnership and collaboration. The values we share lie at the heart of our bilateral relationships with our closest of partners, such as Australia. For those who see the world through a different lens, they are the values we seek to persuade them of, even, if at first, we do not agree or see eye-to-eye. It is to this that I will address my remarks. I will also share my personal context and experience in how these values have shaped who I am and what I do.

I was born in Malaysia. My father was born in Malaysia (Malaya at that time). He was Eurasian of French and Dutch Burgher descent. My mother was born in Singapore. She is of Chinese ethnicity. They were both born in the first half of the last century in what were then British colonies. As such, they were British Subjects. They

came into a world defined by British values, administered in accordance with common law and governance structures. An environment where they felt justice was, overall, well served and where the people were treated fairly and protected by the law.

In life we all make choices and their choice, at the time of Malaya's independence, was to remain British and to exercise their right of abode in the United Kingdom ('UK'). You may recall prior to the 1981 revisions to the *British Nationality Act* that the old blue British passports, contained the phrase *right of abode* as part of one's rights as a British Subject.

So, even before I came into the world, my fate was cast by my parents' decision. From my earliest memories, as little girl growing up in Ipoh in the state of Perak in Malaysia, we were going to live in Britain and the family plan was clear. I remember asking my father why we were doing this, maybe a month or two before we left Malaysia for the UK. His answer was simple:

I believe in British Values and Britain is the place where I want you and your sister to grow up and to have the opportunities a free and open society offers.

The year was 1968 and I was eight. I have always understood why I am British. A free and open society, with a set of values at its heart, where a girl from Ipoh can become a British High Commissioner.

Plato, over a millennium ago, said, 'justice in life and conduct of the state is possible only as it first resides in the hearts and souls of the citizens.' One could say that in my father and mother, this sense of justice and fairness resided. I have no doubt, they faced challenges as a mixed-race couple. There was courage in their love of each other and they were of the mind that, in bringing up my sister and me, they wanted us to understand who we were and that we would be equipped to confront prejudice. They created an environment in which my sister and I could thrive. It instilled in me a confidence about who I am. An understanding of history and where you come from, armed with a set of values you subscribe to, makes a huge difference.

On my first day at work in the Foreign Office, as an aspiring 18-year-old would-be diplomat at the very bottom of the ladder, my first boss, intrigued by my background, questioned how someone of mixed race, born in Malaysia, could be a British diplomat. My answer was simple, 'I am a legacy of the Empire and you are now reaping what you sowed'. Empire and its consequences are not all bad! I said it, not to be rude, rather because it was the truth, it was a just and fair answer to his – one might argue – provocative question over my eligibility to be a British diplomat. I hasten to add that the Foreign Office of 40 years ago is a very different place to the Foreign Office

of today. We are, today, a far more diverse and inclusive organisation and more reflective of modern Britain where equality of opportunity matters.

In my adulthood I have learnt that life is more complex. The law cannot be monolithic. It needs to evolve, to be repealed or be enacted to meet new challenges or shifts in societal values or other environmental factors. It is what the citizenry expects of their legislators. In short, democracy in action, recognition of human rights in action. Otherwise, we would not have seen positive change, such as women gaining the right to vote and antiquated laws against homosexuality repealed to allow people the human right to love whom they choose.

Over human history, across societies, empires that have come and gone, we have seen and continue to see variations on guiding principles and practice, frameworks for society, including religious and cultural, as we continue to seek justice and fairness through the rule of law. Taking his cue, I suspect, from Plato, Robert F Kennedy said that:

the glory of justice and the majesty of law are created not just by the constitution, nor by the courts, nor by the officers of the law, nor by lawyers, but by the men and women who constitute our society, who are the protectors of the law as they are themselves protected by the law.

This is why in our human rights work, in our promotion of democracy and its principles, engagement with civil society is a priority. Our work on shared values sits at the very heart of what we do. In the last century Britain played a leading role in shaping the international order, as we have known it, after the horrors of the Second World War. We did so with our closest security and defence partner, the United States. For all the challenges of the last 75 years, this has largely stood us, and the world, in good stead.

The great international institutions that provided the pillars for that order were founded in London:

- The first meeting of the United Nations ('UN') General Assembly took place in the Methodist Central Hall, in Westminster, in 1946. Its first Acting Secretary-General was [Hubert Miles] Gladwyn Jebb CMG – a British diplomat; and
- The World Bank and the International Monetary Fund were conceived by the leader of the British Delegation [Lord Keynes CB] to the Bretton Woods Conference in 1944.

The main purposes set out for the UN were:

- keeping the peace;
- developing friendly relations between nations;
- improving lives – poverty alleviation – conquering hunger, disease and illiteracy – encouraging respect for each other's rights and freedoms; and
- harmonising the actions of nations to achieve these goals.

We also founded the Commonwealth of Nations – a legacy of empire too. Now 54 member states strong and with its secretariat headquartered in London. Its purpose echoes those of the United Nations and were set out in the Singapore Declaration¹:

- commitment to world peace;
- promotion of representative democracy and individual liberty;
- pursuit of equality and opposition to racism;
- fight against poverty, ignorance and disease; and
- free trade.

As with laws, as I mentioned earlier, principles and frameworks must equally adapt as we become more enlightened, or as we meet new challenges, or as we fail to deliver on what we set out to do. For example, the Lusaka Declaration of 1979 added opposition to discrimination based on sex,² while the Langkawi Declaration of 1989 added the need to ensure environmental sustainability to the Commonwealth's purpose.³ Meanwhile, the UN has had the Millennium Development Goals followed by the Sustainable Development Goals ('SDG').⁴ All this, and more, to help secure a more just and fair world for all.

Britain puts its money where its mouth is. We are an international development leader – perhaps even a superpower. Our commitment to spend 0.7% of gross national income on official development assistance – a budget of about GBP14 billion [AUD25 billion] this year – is a statement of our intent to play a leading role to tackle the global challenges of our time from climate change to ongoing efforts to alleviate poverty and eradicate disease. We work to build a safer, healthier, more prosperous world for people in developing countries. We see access to education, especially for girls, through funding of initiatives such as *Leave No Girl Behind*, as a key means to

1 The Commonwealth, *Commonwealth Declarations* (Commonwealth Secretariat, 2019) 8–9.

2 The Commonwealth, *Commonwealth Declarations* (Commonwealth Secretariat, 2019) 10–12.

3 The Commonwealth, *Commonwealth Declarations* (Commonwealth Secretariat, 2019) 22–5.

4 *United Nations Millennium Declaration*, GA Res 55/2, UN Doc A/RES/55/2 (18 September 2000, adopted 8 September 2000). The 17 sustainable development goals are available at <<https://www.un.org/sustainabledevelopment/sustainable-development-goals/>>.

deliver transformational change.⁵ Britain's role in the world therefore continues to be a force for good.

Today, I do not talk of British values as my parents did, though, of course, they are inherently what has helped shape the very frameworks and principles I have described. Rather that these are universal values, relevant to every citizen of this planet that is our home. Our collective responsibility for all life on this planet is clearly set out in the UN's SDGs, specifically [goals 11–17 focus on]: sustainable cities and communities; responsible consumption and production; climate action; life below water; life on land; peace, justice and strong institutions; and partnerships – to achieve all of this.

To ensure peace and justice you need defence and security. Britain may not be a superpower in terms of hard power, though we remain the sixth strongest military power globally, a leading contributor to NATO guaranteeing Europe's defence, a member of the Five Eyes Community and committed to spending 2% of GDP on defence.

Our armed services do not only provide for the defence of the UK [and its overseas territories/dependencies], they contribute to global efforts such as UN peacekeeping, the delivery of humanitarian aid – for example the fight against Ebola in West Africa, and ensuring maritime security and freedom of navigation through vital trading routes – as we are seeing in the Straits of Hormuz at the moment.

In line with our values, we have spearheaded global initiatives, for example the Preventing Sexual Violence in Conflict Initiative, which aims to put a spotlight on the use of rape as a weapon of war, to bring together the international community to call it out for what it is, a war crime, and to work to ensure that those responsible are brought to account.⁶

We have supported training, including of peacekeepers, to deliver on this agenda. In my time as High Commissioner in Malaysia, we funded two training courses in partnership with the Malaysian Peacekeeping Centre in Port Dickson.

Values, however, are also about hearts and minds. Hard power is a secondary tool. It is my view – and my assertion here tonight – that the real advantage is soft power, including that delivered through our aid programmes. Here Britain is a global superpower. In the annual Soft Power 30 global index, Britain has consistently been ranked in the Top 3 for years and, despite BREXIT headwinds, was once again ranked

5 For more information on the Leave No Girl Behind initiative see the UK Department for International Development's Girl's Education Challenge website at <<https://girlseducationchallenge.org/#/article/leave-no-girl-behind-2>> and its initiative explanatory leaflet at <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/559123/leave-no-girl-behind.pdf>.

6 For more information on the Preventing Sexual Violence in Conflict Initiative see <<https://www.gov.uk/government/organisations/preventing-sexual-violence-in-conflict-initiative>>.

first in 2018. Institutions such as the BBC and the British Council as well as internationally-recognised brands, such as the English Premier League, the formats of popular television shows that we sell to the world and our world-class education providers, touch the lives of people worldwide. This gives us unique global reach and influence. Cultural diplomacy and innovative campaigns, delivered through our *GREAT* national branding, speak to who we are, what we stand for and outline our offer to the world.⁷

We strive to find the right balance between hard and soft power as part of our effort to deliver peace, justice and fairness in the world. Former us president, Dwight D Eisenhower, once said, ‘though force can protect in an emergency, only justice, fairness and co-operation can finally lead men to peace’.

Diplomacy is a vital part of this equation. Creating groups of likeminded partners on issues that matter. Working in partnership to influence and secure change. These efforts are more important in this new century, with the shifts in economic power, a new multi-polar reality, in a less certain world. Diplomacy, as an instrument of justice and fairness, has never been more important. Take the Novichok incident in Salisbury last year. An attack counter to all international norms. A dreadful criminal act without regard. Through British diplomacy we saw 28 countries support the UK’s position with an unprecedented 153 Russian diplomats expelled from these countries. Working with likeminded partners we secured and strengthened the role of the Organisation for the Prohibition of Chemical Weapons. This was British diplomacy at its best.

In other areas, off the radar, quiet diplomacy in pursuit of justice and fairness takes place every day. You may have read of two Malay women arrested in the state of Terengganu in Malaysia last year for purported lesbian acts. As Muslims, they had gone through the Sharia court system where acts of homosexuality are deemed *haram* – forbidden under Islamic law – and their sentence included the humiliation of public caning. By the way, homosexuality remains illegal in Malaysia because the colonial era law we left has not been repealed since independence. This posed a challenge for me. When it comes to tackling issues of justice and fairness when a different set of rules steeped in religious beliefs apply. Nevertheless, I felt that as part of our work to promote the human rights of the LGBTQ community I should seek a meeting with the Mufti of Terengganu and appeal for clemency.

7 The British prime minister, David Cameron, launched the *GREAT Britain Campaign* in 2012 to create a lasting economic legacy in the UK following The Queen’s Diamond Jubilee and the Games of the XXX Olympiad, which were hosted in London. See the campaign’s website for more information <<https://www.greatbritaincampaign.com>> .

In preparing for this meeting, as a non-Muslim, I sought advice from an amazing non-government organisation, called Sisters in Islam, which fights every day for women's rights within their community and use scholarly understanding of Koranic verses and associated Hadiths to make their case in defence of women's right. These are women of courage who are themselves facing a *fatwa*.

My meeting with the Mufti was intense. I started by trying to establish common ground, citing the shared roots of the three great Abrahamic religions of Christianity, Judaism and Islam which speak of one god and of justice and fairness. I cited Hadith that promote compassion and understanding – forgiveness.

In the end, I failed to persuade him but sometimes the act of trying is, in itself, a just cause. There is no doubt the Mufti was a man of deep faith. He believed his position was right. We agreed to disagree. Our meeting ended cordially, as it had begun. I believe there was mutual respect even if we had not found common ground. One day perhaps, such divergence will be a thing of the past but that will only happen through dialogue.

The pursuit of justice and fairness requires discourse – freedom of religion must be a right but where human rights and associated freedoms of self-expression clash with religious doctrine as practiced, the topography we must navigate is difficult and fraught with sensitivities. This is not to say, we take the easy path, or that we abandon the journey. We must travel the road, find ways through the roadblocks, as we aim for that horizon ahead, one of greater understanding and shared universal values. The Dalia Lama once said that 'all religions try to benefit people, with the same basic message of the need for love and compassion, for justice and honesty, [and] for contentment'.

Of course, the freedoms we celebrate also come with responsibility. Freedom of speech is not licence to incite hatred or violence or spread untruths. Today's challenges include how we navigate the digital world. What should be a powerful tool to spread knowledge and understanding can be equally used, and is being used, to present truth as lies, and lies as truth. Our new frontline is online. From criminals to malign state actors we must find a way to uphold freedoms with responsibility and accountability. In this arena, Britain in this century has a leading role to play. Our Online Harms White Paper is one we are sharing with partners,⁸ our support of the Australian prime minister's 'Preventing Terrorist Use of the Internet Initiative' and, of course, our work across law enforcement, security and intelligence collaboration at the forefront of this agenda.

8 United Kingdom, *Online Harms White Paper*, (CP 57, 2019).

An international rules-based system is vital for global stability and social cohesion within our nations and across nations. Whatever you hear, read or see about Britain today and our BREXIT challenge, know this: Britain will play its part to uphold values and to secure justice and fairness in a fast changing world and British diplomats will be at the forefront of that endeavour.

Over a century ago, Benjamin Disraeli said that ‘justice is truth in action’. I hold to this truth and the values that took my family to Britain. I have the great privilege to represent a country that seeks to be a force for good.

Just as we did, last century, we will help shape the international order of this century. We will use our seat on the UN Security Council, our role in the Commonwealth, our memberships of NATO, the G7 and the G20, we build our individual bilateral relationships to be load bearing, and, as a global soft power and development superpower make a difference. Whatever BREXIT holds, we will stand for the values that matter, for justice and for fairness. Thank you.