

Introduction

I commence by acknowledging our presence on traditional Aboriginal land and thank the Birripi elders who are here today for their invitation to be in their country today.

I am honoured to have been invited to participate in and welcome you all to this introduction of the Courage to Care exhibition in recognition of those heroic individuals who, in the face of risk to their own lives, helped save Jews from genocide during the Nazi Holocaust. The exhibition will be showing at the Manning Regional Art Gallery here in Taree commencing on 3 May. These ordinary people of many faiths and of no faith had the courage to face death themselves at the hands of the Nazis by protecting Jews from being herded into trains and cattle trucks, starved, worked to death, gassed and shot, amongst other atrocities. And it was not only their own lives that the selfless actions of these people put at risk, but the lives of their families and friends. They took Jews, strangers, into their homes, giving them shelter, food, and importantly a sense of worth and of being treated as more than disposable non-humans. It also restored in those being persecuted some faith in humankind, and perhaps God.

As a result of their humanity, these people, who have been deservedly named “Righteous Among the Nations”, not only saved the lives of the Jews who came to them at the time, they created life in the progeny of survivors. There are generations of people who descend from survivors. Many Australian Jews are among these survivors and even more are their descendants. The "righteous" will thus continue to create life forevermore from their actions over 55 years ago.

The aim of this exhibition is to educate young Australians, and the general public, first about the facts of the Holocaust and the awful agony and devastating losses it caused, predominantly to Jews, but also to Catholics, social democrats, gypsies, homosexuals and others. The exhibition also seeks to teach the power of tolerance and mutual respect, and the sanctity of living in harmony. Education is a step to the prevention of the recurrence of such horrors.

Unfortunately, some have not learned from the past and continue to bring the nightmare of gross inhumanity into the world. The difference is that now the nightmare is complete with live images on our television screens. If the excuse was available during the Nazi Holocaust in Europe, our generation can certainly not claim that we are unaware of persecution occurring around the world. This exhibition is not only, or even mainly, about the past. It is certainly a call to all of us as individuals to show our respect for those who have suffered and died in the past and for those who are still suffering at the hands of persecutors; but most of all it is a declaration to our families, our nation, our world, indeed our souls, that by educating ourselves, and by learning and spreading tolerance and understanding, we will be enabled to contribute to ensuring that these horrors do not happen again.

The Balkans

Today is 3 days short of the first anniversary of the commencement of the NATO air attacks on the former Yugoslavia. Having visited Bosnia and Kosovo, and the refugee camps in nearby countries, in my capacity as AUSTCARE's Ambassador for Refugees, right in the middle of the recent wars there, I am well able to speak about the modern incarnation of Nazi-like inhumanity that has occurred over the recent years in the territories that formerly comprised Yugoslavia. When I was in these places, I had the opportunity to meet many local Muslim, Orthodox and Catholic people. I was particularly struck by the ferocity of the hatred each has for the others. When family members are lost in brutal and completely unjustified circumstances - as happens when innocent civilians are killed indiscriminately merely because they are of a particular religion or ethnic group - it is not surprising that the victims hate the perpetrators.

But the hatreds I witnessed were not so simply explained. For these hatreds go back generations and are taught to every generation as children, with the present generation of children still being taught the same irrational continuation of ancient disputes. They are not the only people obsessed with this type of generational antipathy to close neighbours

- the Irish, some Arab groups and some other peoples are not dissimilar - but in my experience Balkan hate is as bad as any and more lethal than most.

Like the Balkan peoples, Jews can understand as well as, if not better than, anyone the agonies others are experiencing. I told the people I met in the Balkans that we teach our children the past so that it will not be forgotten but we do not teach them to hate - and certainly not to kill - anyone. Indeed it is part of our heritage that children are taught to be tolerant and understanding - not to forget, but to forgive as much as possible - and to move on. This approach the Balkan peoples seem not to be able to adopt.

That investigators from the International War Crimes Tribunal in the Hague are due to begin digging again next month for the bodies of the victims of the Serbian scorched earth policy in Kosovo increases the risk of renewed outbreaks of violence between the Serbs and Albanians, and the concomitant danger of further widespread violations of human rights, as their discoveries will give testament to the recent sufferings of their people, pouring salt on the as yet far from healed wounds. The recent actions of Slobodan Milosevic to silence the independent media in Yugoslavia has also increased the potential for further violence in the region.

Ethnic cleansing

It was said that the purpose of the Balkan wars was to stop what has been called “ethnic cleansing” and allow the Bosnians and the Kosovars to live in peace. The NATO bombing campaign on Serbia last year actually helped, in the short term, to cause the displacement of people. Nevertheless, I support international assaults on racially-based policies of any type - if only for the very simple and important reason that if we do not stand up to and reject them, genocide and the forced removal of innocent civilians from their homes by reason of their family roots will continue, and we will have demonstrated that we have learned nothing from the past. This would represent the ultimate dishonour to those we are commemorating in this exhibition who had the courage to care.

For myself I utterly reject the term "ethnic cleansing", not merely because it was so ruthlessly visited upon the hapless Jews of Nazi Europe, indeed over centuries beforehand, or because, believe it or not, the term was coined by no less than Slobodan Milosevic himself, but amongst other reasons, because it suggests something healthy and refreshing, intended to make the genocide and other horrors it actually means sound good. Until it started there in 1998, Kosovo was home to 1.8 million Albanian-speaking people, mostly but not entirely Muslims, whose forbears have lived there for 1000 years. It is therefore staggering to realise that the number of Kosovars forced to flee their homes last year was more than a million, around 800,000 of whom fled after the NATO bombing began on March 24 1999. This was the largest involuntary movement of people since the second World War. In addition there were another 400,000 displaced Kosovars who were left to roam the country with very little food and shelter, enduring at best an uncertain and distinctly unsafe future.

Creating refugees

Like our counterparts elsewhere, Australians were shocked and distressed at the images we could not and should not try to avoid, of old and young, men and women especially mothers, children and babies desperately striving to hang on to life and their families as they fled rockets and bombs, the point of the gun, many guns in fact, wholesale rape and other forms of violence, all deliberately targeted at them because of their family roots.

For the second time in 60 years, people were involuntarily stockaded into trains, trucks and tractors, and transported - or forced to walk - across Europe. Fortunately, unlike the last time, these people were walking, not to death, but to life. But their suffering was great nevertheless.

Their homes were largely destroyed; their farms and businesses largely burned; and most grisly and horrible of all, thousands of people, especially men, were brutally tortured and killed.

Virtually all of the people, refugees and internally displaced alike, had their passports or identity cards, their drivers' licences and car registration plates, and all their personal papers - and their money - taken from them. To all intents and purposes, they were converted into non-persons. One elderly refugee told me that he could remember Hitler and his killing of their people. Hitler was a butcher, he said, but even Hitler did not kill their cows and sheep as Milosevic did.

The refugee experience

The Second World War created millions of refugees - people forced out of their own countries and unable to return safely. In Kosovo, the most recent example of this terrible experience for large numbers of people, the refugee camps were not death camps with gas chambers, mass graves and killing fields. In fact they actually kept people alive but in as bad conditions as you have seen and worse than you can imagine. In some of them, more than 20,000 people were housed, mostly in tents. The tents I saw were supplied by Kuwait, Saudi Arabia, Pakistan and Iran. They were at best light shelter from the sun but not protection from wind or rain. When I was there in May, it was spring and 35°. In July/August it gets up to 45°. In October the first snows fall. These tents did not protect from summer rain or wind let alone extreme heat and cold.

The refugees who crossed into Macedonia were often on their third or fourth attempt to cross. They arrived from packed trains with 3, 4 or 5 times their intended load. They had had no food, drink or access to toilets, sometimes for days. They then walked several kilometres under the hot sun to the border taking many hours to do so because of the military and bureaucratic requirements. We are talking of people given 5 minutes to leave their houses, whose homes were looted and ransacked (even of the food in the fridge), and then burned. We are talking of people who with their children and elderly parents and grandparents often had to sleep in the open or alongside railway tracks for days waiting for their turn to leave. We are talking of sick people, pregnant women, little

children under 10. I met a man who had had an open heart operation the day before he was told, at gunpoint, to leave.

They had to walk in the sun in two columns, double file, and keep the children in line, without food or drink. Though chased and threatened by armed Serbian soldiers or militia because I was giving candy to the children, I walked with them, both as an act of solidarity, and to try to understand and share the horrendous experience to which they were being subjected. When they eventually crossed, they were given hardboiled eggs, oranges and water - and then packed 200 people into 60 person buses and bussed across the country for up to 3 hours to finish up on a mountainside full of tents housing up to 25,000 people.

I leave the rest to your imagination - the feeding, washing and toilet facilities, recreation and activity for the children, health and baby care and so on. This was civilised central Europe in the last minutes of the 20th century and the first minutes of the 21st century. Human rights are hardly an appropriate concept to speak of in this context.

War crimes trials

In my opinion, our military should be arresting Milosevic and his criminal cohorts who remain at liberty, not dealing with them or leaving them in power. The filing of an indictment against these people by the Prosecutor for the International War Crimes Tribunal in the Hague on 24 May last year has provided the necessary legal authority for such arrests to take place. We should also be supporting Serbian groups wanting to overthrow Milosevic on condition that they embrace democracy and commit themselves to handing over indicted war criminals to the Tribunal. The question is whether the international community has the wit and the will to make it happen. I would not hold my breath. We are still waiting for the arrest of the architects of the Bosnian war. The excuse for their continuing liberty is that they cannot be found even though they are alive and well in a country about half the size of Tasmania. You can imagine how difficult they must be to find.

Peace?

Now the region is supposed to be at peace, but for myself, I do not trust the international community to pay for the peace as they have paid for the war. The Gulf War cost the allies \$150 billion yet women in Kuwait still do not have the right to a driver's licence, let alone a vote. Bernard Kouchner, who heads the UN mission in Kosovo, said recently that the \$US295 million he needs to run Kosovo for a year amounts to about half of what NATO spent each day it bombed Yugoslavia. Nevertheless, he has had to constantly reiterate his requests for the international community to keep meeting the expenses of the mission. I apologise for my cynicism but Al Gore is standing for the US Presidency and Hillary Clinton for the US Senate in November this year. Official campaigning has begun. But have we heard anything of a renewed commitment to assist the UN mission in the construction of a multi-ethnic democratic society in Kosovo?

International response

Our Australian willingness to take in around 4000 refugees was a kindly response and certainly made us feel good. In general we are a kind and generous people and our country is the best country in the world to live in. But ours was a desperate reaction, not the most practical way to help. Just to illustrate the point. The Canadians took in about the same number as us. The two governments have estimated the cost as around \$100 million each. I can tell you that \$200 million would have made a massive difference in the Albanian and Macedonian refugee camps I saw - benefiting hundreds of thousands of people - not just 8 or 10,000.

Isn't it strange how we can always find plenty of money to wage war but not enough to save people? Who sets such values and priorities? In whose name are they set? Certainly not mine.

And, might I add, the deaths of innocent civilians in bombing accidents or miscalculations in the region came about because the West was not prepared to lose soldiers on the battlefield. All this means is that the life of an American or European soldier is regarded as more valuable than busloads of refugees and unarmed villagers. I always thought that all human life was sacred. Silly me.

Reconciliation

The concept of reconciliation, now widely sought after to try to pacify a very divided and troubled world, is sometimes mistaken for a type of mutual forgetting and forgiving. This is not correct. It is the perpetrators of horror who must seek reconciliation. All the victims are required to do is to listen, to assess the sincerity of the other party on the basis of its willingness to admit the truth, and to be sufficiently open-hearted to embrace the concept of putting the past into the past and moving on to create a better world so that their children will not have to re-live and re-experience the horrible tragedies and agonies of the past. And those who have remained silent, or indifferent, in the face of deliberate human horror, and are not willing to stare down what has been done in their names, are condemned to be labelled as conniving in the evil.

The Courage to Care exhibition is thus no less about where we go from here. For it speaks out about reconciliation, and not only about events which take place far from Australian shores.

Indigenous Australians

Let me finally add a few words, therefore, about our greatest Australian shame and our duty as Australians to do better. As everyone knows, we Australians have been engaged for several years now in what we have called our reconciliation process with our indigenous people. Yet, as the Prime Minister has recently observed, we are as yet far from achieving it.

I briefly proffer a few reasons why this is so. Many people, including many leaders and moulders of public opinion here, speak of everyone having or being given equal rights in our society. This is a glib, albeit seductively expressed, point of view. If two people commence life far apart in assets, whether personal or material, and they thereafter receive proportionately equal benefits, the gap between them actually increases. In other words, equal treatment of people on unequal levels at the outset of the equalisation process merely perpetuates the inequality.

Hence the superficially attractive appeal of “everyone should be treated equally” as from now is in fact a recipe for retaining differences, imbalances and discrepancies because of the commencing inequality. When used in relation to our Indigenous people or to new migrants, it is also surreptitious and insidious racism. For whether conscious or unconscious, the consequences for the victims are exactly the same.

The truth is that in this seventh year of the United Nations-declared Decade of the World’s Indigenous Peoples, and despite the increased volume of Australian federal legislation and very significant financial allocations by governments from the seventies onward, our Indigenous people, as the Queen said so poignantly yesterday, still face gross inequality deeply rooted in history and the prejudiced, intolerant or stubborn attitudes of the white community. Whichever social indicator is looked at, whether it is health, education, employment or housing, Indigenous Australians are identified as the most disadvantaged group in the country. This situation represents a manifest and fundamental breach of Australian and international law. What it says about our morality I leave you to contemplate.

Some argue that it is not necessary to say ‘sorry’ for this awful, and unlawful, state of affairs. I fervently disagree - as apparently does her Majesty. Many wrongs have been committed against our Indigenous people and their ancestors during 211 years of European civilisation in Australia. They did not deserve what they received. And it cannot all be laid at the door of the past.

Certainly past generations acted quite appallingly and in a most violent and discriminatory way. The Stolen Children program was at best thoughtless, at worst criminal. Slave labour, rape and other forms of assault, and the other indecencies inflicted on the people concerned, are all crimes in any country and any language. But our generation has a pretty solid case to answer as well. On this very day, against a national figure of around 7%, the Aboriginal adult unemployment rate is 41%, and is expected to rise to 53% by 2006; unemployment among Indigenous youths is 18 times worse than their white counterparts; and the deaths of Aborigines in official custody are still happening, even increasing, despite the \$30 million Royal Commission report and a considerable expenditure of effort and money.

I oppose mandatory sentencing, and have been doing so for many years, for the reasons about which I wrote in the newspapers recently. Unfortunately it took a young boy's death to bring public and political attention to it. Whatever their actual words, the laws clearly discriminate against Aborigines. Moreover, I do not believe that politicians unaccountable to consistency or case by case review should replace judges and magistrates as arbitrators of appropriate penalties for crime. Nor do I think that the Australian people trust their politicians more than their judges to do this work.

But regardless of that argument, think for a moment about the facts. Imprisonment of blacks is far above what it is of whites - as much as 25 times greater in Western Australia where they are 2% of the population. As Professor Tony Vinson has recently reported, in New South Wales where Aborigines and Torres Strait Islanders represent even less than 2% of the population, they account for a third of the juveniles in detention, a fifth of adult female prisoners including one in four of all females in full time custody, and one in seven of all the adults in prison. Moreover, the Institute of Criminology has reported that in this State, an Aboriginal youth is twice as likely to receive a gaol term or community service order as a non-Aboriginal youth of the same age, with the same criminal history, committing the same offence. Which disposes of the argument that high incarceration rates are due to an Aboriginal propensity to commit crimes.

In terms of education, although the participation of Aboriginal and Torres Strait Islanders in the education system is increasing, they still remain at a great disadvantage. A recent survey revealed that almost 50 percent of those surveyed aged 15 years and over receive little or no formal education. For almost one third, the year 10 certificate is the highest educational attainment.

Although their participation rates in higher education rose from none in the 1960s to 7460 in 1997 and even more in 1998 and 9, it remains far less than other Australians and their success and retention rates are about 20 percent lower.

And it is heartbreaking to acknowledge that the mortality rates among Indigenous people greatly exceed the rest of the population at all ages in both genders, particularly among infants.

In short, we continue to deny Indigenous people the very equal opportunity to a fair chance in life which we Australians like to call a 'fair go' for all. Which is not to say that Australia is not a wonderful country - I would say the best in the world - and that we are not generally a kind and generous people. It is just that we are not as good as we say or think we are. Indeed, while this situation persists, we are engaged in an empty untruthful boast about our superior standards.

These things should not be happening. The things in the past should not have happened. Together they are human wrongs, not for blame in the crude sense, but for the deepest regret and for a commitment to put them right as a matter of the utmost urgency. If they represent what some have called a black armband view of history, I for one wear it as a mark of sorrow, and as a commitment to reconciliation. Rather a black armband than a white blindfold to shut out the truth.

It can never be right to be wrong, or to continue a wrong. We certainly do not need to convict ourselves of a past which we did not influence and over which we had absolutely

no control. But we are still discriminating today. This is not a question of anyone's attitudes to Aborigines. It is about justice and fairness to all Australians, not just some.

Conclusion

I conclude by paying tribute to those Australians who showed such heroism and courage to stand up against oppression and injustice at considerable risk to their own lives whom the Courage to Care exhibition honours. I express appreciation to the Manning Regional Art Gallery, to the Mayor and the Greater Taree Council, and the other patrons and sponsors who are making possible the presentation of this exhibition in Taree. They have, in their own way, stood up to be counted in defence of liberty and freedom, by permitting the people and school children of the Manning Valley and adjoining regions to understand, to remember and to learn. I urge school principals and teachers in the area to expose your students, and their families, to what will be for them all, I assure you, an instructive event of the most significant and far reaching kind. Members of the clergy should encourage their parishioners, politicians should urge their constituents, people should invite their friends, neighbours and workmates, to come as well.

Of course we all want our kids to do and have better than we have had. If possible, we would like them to live in a world of decency, peace and security. But the realities of the challenges they will face in adult life, and the nasty events to which they will undoubtedly and regrettably be exposed, demand that they be given the widest opportunity to learn tolerance and understanding as an essential part of their personal development and a necessary element in the creation of their philosophies of life.

There is no greater cause for all of us than upholding human dignity and the sanctity of human life. By taking part in this important initiative of B'nai B'rith, we are all playing our role in achieving that goal for our country and for all of humankind. Every one of us must continue to strive for decency and honour in everything we do. Let us all be heroes who have the courage to care.

COURAGE TO CARE

The Honourable Justice Marcus Einfeld AO QC

Judge of the Federal Court of Australia, Australian Capital
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B'nai B'rith - Courage to Care Exhibition
Dallas Room, Taree RSL Club
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