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VOICE FILE NAME: COHP Sir Anand Satyanand

Key:

SO: Sue Onslow (Interviewer)

AS: Sir Anand Satyanand (Respondent)

SO: This is Dr Sue Onslow talking to Sir Anand Satyanand at Marlborough House on Wednesday, 12th March, 2014. Sir Anand, thank you very much indeed for agreeing to take part in this oral history project. I wonder if you could begin by reflecting, please, Sir, on your first contact and exposure to the Commonwealth. How did you become aware and involved?

AS: First, I am pleased to cooperate with your project and to provide some insights on my connection with the Commonwealth. I was a lawyer, then a judge and then an ombudsman; and in each of those capacities I had some slight and then growing connection with the Commonwealth. As a lawyer, I attended the Commonwealth Law Conference in 1983 in Hong Kong. When I became a judge, I became aware of the Commonwealth Magistrates and Judges Association. I received and read its journal and I think I may have written and submitted an article to that publication. My point of connection with the Commonwealth then increased markedly when I became an ombudsman in 1995 in New Zealand. The Commonwealth Secretariat at the time had a Governance and Institutional Development Division headed by a Nigerian, Dr Victor Ayeni, whose PhD had been in ombudsman studies. He therefore supported, in a personal way, the Office of Ombudsman generally and it became part of the Commonwealth Secretariat's policy to encourage the establishment of such offices throughout the Commonwealth.

To make it all happen, the Commonwealth Secretariat provided a modest amount of funding for a training programme for newly-appointed ombudsman officials to come to London, subsequent to their appointment, and to undergo a week of training and sharing of insights with other people. They undertook the first programme – I sense it was in around 1995 – and it was evaluated. The former Chief Ombudsman of New Zealand had been Sir John Robertson who also played a role as a leading personality in the International Ombudsman Institute. He evaluated this first Commonwealth Secretariat funded programme, and his advice was, "it's fine. It's delivered by the Commonwealth Secretariat; it has Professors from the Universities of

Reading and London. [These are] Professors who are specialists in governance and ombudsman and so forth, but what your programme needs is a working ombudsman to be part of the delivery of the programme.” Sir John was kind enough to say, “There’s a person who you may like to connect with. He is a New Zealand Ombudsman, recently appointed, who has had a background in the devising and delivery of judicial education programmes.” That, happily, was myself.

So I received this invitation to come to London – I think first in 1996, possibly 1997 – and to meet with the presenters. The programme was contracted out to a firm called Public Administration International (PAI), which was the rump of the former Institute of Public Administration. PAI delivered this programme on ombudsman studies, funded by the Commonwealth. I joined, shall we call it, the faculty of that programme. It too was evaluated rigorously so as to keep securing the money and, happily, the evaluation was positive and the evaluation of a contribution from a working ombudsman from a smaller jurisdiction than the UK or Canada or Australia, was thought to be helpful. So I then had the lovely prospect of once a year coming (to London); and it got to a point where the reputation of the programme grew and the event became even more successful. In some of the years while I remained an ombudsman, I, in fact, came twice in the year. The programme continues and my successor in that programme is the chief ombudsman in New Zealand, Dame Beverley Wakem. She remains associated with the delivery of that programme, but it’s not quite the same anymore, for a variety of reasons.

Although there was an association with Marlborough House, the headquarters of the Commonwealth, we never had our base of operations at Marlborough House. The (courses) were always conducted in the Russell Square/ Bloomsbury area where PAI’s offices are located; but we would get invited for odd occasions to come here [Marlborough House] and so I gained some small sort of insight of how the Commonwealth worked. I got to know one or two New Zealanders who functioned within the organisation, such as Jeremy Pope, who was the head of the Legal and Constitutional Affairs Division; his successor, Neroni Slade; and then, of course, even later than that, Sir Don McKinnon who became the Secretary General. He and I had known each other personally from the time when he had been New Zealand’s Foreign Minister in the early 1990s.

SO: I can indeed see the filigree of networks of the Commonwealth acting yet again. I was particularly struck by your reference to New Zealand being a smaller jurisdiction, and therefore an excellent example for smaller states. I understand this programme essentially to be an exercise in skills-capacity building; was it funded by the CFTC, or was this from a separate budget? Are you aware?

AS: I’m not certain how the funding was secured because it was a matter that PAI contracted to the Commonwealth; but which branch of it, I do not know. Referring to New Zealand, I’ve often quoted a fine statement by Kofi Annan who, just as he finished his time as the UN Secretary-General, came to New Zealand and spent a short while there. When he came back to this part of the world he delivered a lecture, and the words in it, and I paraphrase, went something like, ‘I’ve been to New Zealand having known of it and having encountered people from there, but now having been there and appraised it, New Zealand is a country that works. It’s not perfect; it has issues with things that many countries have, but it has structures and people capable of dealing

with modern statehood'. I think that's a pretty good assessment of New Zealand, and I think it no doubt underpinned that idea that I was conveying: that New Zealand is a smaller (state); it's not big enough to constitute any threat or any difficulties of that kind. But New Zealand, traditionally, has had to rely on international contacts of trade, of participation in multi-lateral organisations, and it has developed over time a reputation for practical capability, and a willingness to share the knowledge that it has with others.

SO: Going back to the 1980s when you were a supporter of David Lange's first attempt to be elected as Prime Minister: how important was the Commonwealth to New Zealand foreign policy? You emphasised the Commonwealth linkages of New Zealanders here at the Secretariat and, of course, New Zealand's Secretary General Don McKinnon was elected in 1999 and began his term of office in April 2000. But in an earlier period, was the Commonwealth an important factor for New Zealand?

AS: Yes it was, but if I may preface my answer by just slightly recalibrating your question. If you think of me being a student in the '60s, a lawyer in the 1970s, a judge in the 1980s, ombudsman in the 1990s, that captures it. It wasn't as metronomic as that, and it looks as though all of those things were planned and that I wrote it all on a shaving mirror!

SO: History is lived forwards and written backwards!

AS: What I am saying is that you have jumped ahead by saying that the Lange time was '80s. David Lange and I were friends from the '60s. We both had fathers who were Auckland medical practitioners, we were at the law school together, we worked in the freezing works together on holiday jobs from university. And then after he qualified – he was a little bit ahead of me – he was one of these people who whizzed through a degree at an early point in his life. I took a more plodding type of time to get through my degree. I qualified, I think, in '69, and was admitted to the bar in 1970. David was two or three years before that, but we knew each other as friends. He and his wife Naomi lived near to us in Auckland when my wife Susan and I were married in 1970. The Langes came and lived nearby. We would visit their house and they would visit our house and we encountered each other as lawyers. He stood for Parliament in 1975, unsuccessfully, in the general election of that year. Susan and I, broadly in an expression of our friendship, joined a very small electoral machine – I think of no larger than seven people – who supported David in his bid for the seat of Hobson.

In that 1975 election there was a big swing to National [the New Zealand National Party]. Sir Robert Muldoon became the Prime Minister and Labour was defeated. Lange did quite well, but it was not sufficient to either gain him the seat or to stem the tide. A year and a half later there was a controversy affecting an MP who, in a strong Labour seat called Mangere, which is in South Auckland, resigned and his seat became the subject of a by-election. David Lange successfully gained the Labour ticket to take part in that by-election. As a continuance of that expression of friendship, et cetera, we helped in that election as well, but our help was not necessary to the same extent because the electoral machine involved was several hundred people. David won and came into Parliament in 1977. In between then and 1984, he plied his life as an opposition MP, becoming the party leader, and then, following the 1984 general election, he became the Prime Minister.

SO: Do you recall what his views were about the Commonwealth?

AS: I can't responsibly recall him ever expressing any particular view of the Commonwealth. However, if you think about him, he was someone brought up in a professional household. His family were strong Methodist people so he had a very strong social conscience. His natural inclination as a student was to travel widely, and a lot of that travel was seated on coming to this country. I can remember him relating how he used to come and listen to Lord Soper, the famous orator and preacher; and there was another preacher, whose name I cannot recall but I can remember David speaking warmly about. So I think I can safely say that his outward world view was definitely aligned to the United Kingdom – and one can therefore say Commonwealth – rather than elsewhere.

SO: That's a sense, though, of 'old Commonwealth/wider British world', rather than a sense of a modern Commonwealth as a multi-national, multi-racial entity.

AS: Well, you have to insert other elements about David Lange, if we're talking about that. He had had a lifelong fascination with things to do with India. He had travelled to India from the time he was a student. In politics in the part of Auckland that he stood for, there were, even then, large numbers of Asian and Pacific New Zealanders. The following that David Lange had personally from people of Indian, Samoan, and Tongan – as well as Maori – background was substantial. So he was a modern person. He wasn't a 'British Commonwealth' person in the way that you put it. Now, how was the Commonwealth viewed in that early period? I think I can succinctly say in the 1960s, when I was a student, and in the 1970s, when I became a lawyer, the Commonwealth was in the forefront of New Zealand's foreign policy undertakings. New Zealand was there at London for the Imperial Conferences in the late 1920s and at San Francisco in 1945 at the beginnings of United Nations, and had enthusiastically undertaken its part in all of those events. The contributions of New Zealand's Prime Minister at the time in those later discussions, Peter Fraser, has been well-documented.

But also New Zealand was a long standing member of the Commonwealth and so the London Declaration in 1949 and the Prime Ministers' meetings that took place between '49 and '65 always included New Zealand. When the present Commonwealth, as we know it, was established in 1965 with a stand-alone Commonwealth Secretariat and CHOGM meetings and so forth, New Zealand has always been a member in the leading rank, if you like. Obviously, the United Kingdom, Canada and Australia, and India, because of their size and their financial capacity, contribute more in terms of money and, shall we say, influence. But New Zealand has always played its part.

SO: By the 1980s, though, after Britain had joined the European Economic Community, New Zealand's trade relationship with Britain subsequently had to alter because of Britain's participation in the Common Market. After Britain had signed the Treaty of Rome in 1973, was the Commonwealth dimension still important to New Zealand, or did it alter?

AS: The time when the decision was taken for Britain to join the European Union certainly did cause a cold wind to blow – in the sense that the guaranteed right of access of primary commodities (wool, meat, dairy products), the notion that they would always come to the United Kingdom and that New

Zealand was something like a garden or a farm for the UK, that idea had to be changed and changed quite rapidly. There was still, of course, an amount of trade access to Europe, but New Zealand had to actively consider trading with other places. This meant that trade with the United States, with Japan, and with Australia (all of those things) became emphasised and, later, trade with Asia more generally. New Zealand's relationship with the Commonwealth remained. It was never rejected or turned away from. But I think it is also fair to say that, whereas the Commonwealth was, say, first equal, as time has gone on and New Zealand has prosecuted its membership of the UN, of APEC, of ASEAN, of the Pacific Islands forum – some of those as a dialogue partner actually, rather than as a formal member – all this has meant that the Commonwealth, whilst still there, is not necessarily as much to the forefront as was the case in the past.

SO: Was there in any way a Commonwealth dimension to David Lange's policy – once he became Prime Minister in 1984 – that the Pacific should be a de-nuclearized zone, and New Zealand should not receive visits from nuclear submarines?

AS: I can't offer any insider view of that and I'm bound to explain that. Once David Lange became the leader of the opposition and then Prime Minister, and I was appointed a judge, we were in different cities and our connections, whilst warm when we saw each other, were by no means the same. We didn't have any day-to-day or week-to-week communication. If we saw each other, we would talk, but the times and opportunities of doing that became fewer. So I can't convey to you any sort of views about what was centrally involved in the minds of either him or others as that policy changed. However, I can offer an opinion that the nuclear issue was something that took hold in the 1980s. But its implementation, its manifestation was not in any way directed at the Commonwealth or the Commonwealth linkages, so much as it was directed against visits by United States Navy vessels which may have been nuclear and/or nuclear capable, et cetera. The visit of a vessel named the USS Buchanan focused this.

SO: The policy of 'neither confirm nor deny'...

AS: Indeed, 'neither confirm nor deny', but I don't think the Commonwealth really played a significant part in all of the growing anti-nuclear policy. Interestingly, when David Lange was the Prime Minister, one of the things he did which became a marker in the ground affecting New Zealand's publicly-stated – internationally-stated – position about anti-nuclear activity was him coming and addressing the Oxford Union debate with the Reverend Jerry Falwell. Interestingly, it was this country that he chose. There are a number of anecdotes, aren't there, about how the New Zealand policy at the time seriously annoyed the United Kingdom government – and in particular the then Prime Minister, Mrs Thatcher.

SO: Do you know Gerald Hensley has recently published *Friendly Fire: Nuclear Politics and the Collapse of ANZUS* on this particular period.

AS: In his position, as head of the Prime Minister's department, he has terrific insights to offer in that regard.

SO: Sir, do you remember, was this a top-led policy, or was there an important groundswell of opposition to nuclear weapons within New Zealand?

AS: Oh no, I think it was groundswell.

SO: So, very much part of a global movement. CND was a very powerful movement in this country during the same period, as was the anti-nuclear/Green movement in the FRG, so there must have been some...

AS: I think CND had some siblings in New Zealand and it was advanced through the Labour government at the time. There are all sorts of internal controversies within Labour, et cetera, which are well written about, which I don't have any insider knowledge of. But the people you've identified (Gerald Hensley and Simon Murdoch) will be good to talk to in that regard.

SO: My other question on New Zealand and the Commonwealth at this time: did you have any sense that New Zealand was using the Commonwealth as a way to differentiate the country from its larger neighbour, Australia? Canada very consciously used the Commonwealth to create a different identity from the United States. I wonder if there is any parallel there between the way in which New Zealand used the Commonwealth as a larger forum to put New Zealand more centre stage?

AS: No, I don't think I would agree with that. The relationship between New Zealand and Australia is, I think, very close. There are many things where it is natural for Australia and New Zealand to think nothing more than that it is a hugely close relationship. At this time, there was also developing the closer economic relationship between Australia and New Zealand, which was in fact put together once Labour lost power in 1990; and the CER, I think, came into operation either in that year or the year after. But there are very many things where New Zealand and Australia do things together. Where New Zealand seeks to do things in a different way from Australia, I would not have thought that it calls on the Commonwealth to assert that. Let me give you a "for instance." New Zealand has always done well in the Pacific theatre, in the Solomon Islands, in Papua New Guinea and Bougainville. The way that it has done this is different from our neighbour to the West. If you look at the defence force and connections with places like Timor L'este or the Solomon Islands or Bougainville... If you can imagine a large defence force aircraft landing and, off the plane, emerging among the New Zealand people, you will see significant numbers of brown faces among the regular staff as well as the officers. You'll see significant numbers of women involved in the operation. If you compare that – generalising, obviously... Though if another aircraft arrived half an hour later and the Australians do the same, you won't see so many women, and you won't see so many brown faces of Maori or Polynesian people. The way in which you can imagine the contingent of New Zealand defence force or whomever operating, the natural thing for Maori and Polynesian people is to make contact, to speak, to share and to gain insights from each other, and for women to be involved with other women in making their community connection. Well, after a fortnight of that happening, New Zealand has made, generally, a footprint that is quite different from Australia. There's no assertion of any Commonwealth angle however.

SO: No, but it's a particularly New Zealand separate identity which is egalitarian and inclusive.

AS: New Zealand has always had a significant number of indigenous Maori people in its makeup. Although it could easily have been different, the prevailing view has been in favour of inclusion of Maori people in the way in which the country works. The letterhead of the Inland Revenue Department or the New Zealand Police has the English wording and the Maori wording underneath. On Radio New Zealand, there will be Maori greetings offered during the programmes. The spectre of Maori participation in all parts of New Zealand life is present. There are Maori judges, diplomats, Members of Parliament and business contributors. The same can be said of the other groupings, Pasifika. There are many more Tongans and Samoans and Cook Islanders – particularly two out of those three – living in New Zealand than back in their islands. So the Pasifika contribution to contemporary New Zealand society is huge. In the latter period, the last two censuses have shown that the numbers of people of Asian origin has also risen markedly: Chinese, Indian and other Asians, so that our country has become, in a positive and inclusive fashion, a multi-cultural nation. You can say the same now in today's Parliament. In 2014, there are European, Maori, Pasifika, and Asian people in Parliament as elected members from electorates and as party list people.

SO: So if I could then come on to your own particular experience? You were appointed Governor General in 2006. You were the first Governor General of Indian descent via Fiji, and the first Roman Catholic, both of which seem to have been noteworthy. This particular part of your identity was commented upon in press coverage of your appointment at the time; but was this an issue, do you believe, in your appointment in any way shape or form, or was it just an affirmation of New Zealand as a multi-cultural community?

AS: You will appreciate this is a slightly difficult question to answer because I do not know what was in the minds of those people who made the decision! New Zealand is a country where the convention is that the Cabinet makes a unanimous resolution in favour of asking a particular person. The Prime Minister then speaks with that person, and if the intended person agrees, the opposition is consulted and then all the bits and pieces to do with appointment, briefing and swearing in start operating.

SO: Can I ask, were you surprised when Prime Minister Helen Clark approached you?

AS: Hugely! I was hugely surprised. Now in hindsight, it may look as though I ought not to have been. I don't want to sound complacent but I presented as a person who had had a wide amount of contact and experience in community things such as sport. As well, I had had a professional background with a reasonably high profile as a lawyer, judge and ombudsman. From 10 years of office as an ombudsman I had come to know the workings of government in a way that was trusted, so I was a safe pair of hands. New Zealand had had, in the recent times, Governor-General judges such as Sir David Beattie, Sir Michael Hardie-Boys, and Dame Silvia Cartwright, so the notion of someone with their judicial or legal background had proven to be durable. So there I was, with that kind of background, plus all these other things, if you like, as add-ons. But I was surprised. I need to just explain this

and it won't take long. As we have discussed, you can see that almost every decade or so, a new professional set of windows has come along and I have been one to open those windows and to operate them. The reason for that is because, as a young man, I listened to a memorable speech by the first dean of the Auckland medical school at the University of Auckland. I think his name was Light and he was giving an address to the Medico Legal Society of which I was a member. Light, to the surprise of many in 1974, having set up the medical school in 1965, was very deliberately giving notice that at the beginning of 1975/76 he would finish a ten-year period and that he would be going to undertake what he said would probably be his last chapter, as a GP in Cardiff. The theme of his address was there were really great benefits to reacting positively to opportunities that come along when you are undertaking a professional life. So, here I was, one who had been a lawyer, judge, and ombudsman. I had left each at a time that some might have expressed surprise. If I had remained a lawyer you could have made all sorts of things; if I had remained a judge, I could have advanced in the same fashion; but a pattern emerged that I had had the benefit of and change was something I was ready for. Thus in 2003 I greatly surprised the Speaker of the House by making an appointment and going and seeing him. I said to him that, when my colleague the Chief Ombudsman was going to finish at the end of that year, I would not put be putting up my hand to become the Chief Ombudsman, which was the expectation, perhaps. I said to him that I had had three wonderful career periods. I said to him that if I finish my ombudsman work after two terms, I will enable the possibility of doing something fresh. I also said that I would better be able to guarantee a central sort of inquisitiveness, which I think is essential for a successful ombudsman. Once you become an ombudsman who isn't inquisitive, who says things like "I know this kind of case", you are probably being less effective.

So I finished in 2005 and, as I had always thought, there were going to be things that I would be asked to do and be available to do. I reviewed the banking ombudsman scheme. I chaired a confidential forum for former inpatients of psychiatric hospitals. It was an experimental truth and reconciliation approach for those people who had been in hospital, or who had been state wards and in hospital. It was set up by the government for people who had issues short of wanting to issue proceedings against the government but who needed understanding and ways forward devised.

SO: Was there any international input – any advice, any themes, any external experiences – that you were drawing upon in this particular role? I just wondered if this was an expressly New Zealand-focused exercise, or whether you drew on other experiences: other such small commissions and investigatory panels from outside New Zealand.

AS: I read widely and gathered some really good colleagues and we went into it. It was a time when there were quite a few initiatives of that sort. The third thing which kept me close to the centre of government was that I was asked to devise a pecuniary interests registration regime for members of Parliament – you know, to declare their interests. So I set up that scheme during the latter part of 2005 and early 2006. This was in the post-ombudsman period. I kept doing the ombudsman training that I mentioned here in London. I came here for that. So, I would have said – had we been meeting, say, at the beginning of 2006 – that this is a very satisfying way of life that I've got these various things going, some of which will come to an end in a couple of months, some of which will keep going.

But then to come back to the question you were asking: on a day in February 2006, I had a call from the Prime Minister's Office saying the Prime Minister Helen Clark wanted to see me urgently. I was in Whakatane, which is on the east coast of the North Island of New Zealand. We were doing the former psychiatric inpatient encounters and it was simply impossible for me to go and see the Prime Minister immediately. I did not see her until the following Tuesday. I went into her office, having of course worked out by this time that it must be something serious. I had thought it was something to do with the MP pecuniary interest scheme and I had thought Helen Clark – who is a real student of what she does as well as a practitioner – would be very keen to make sure that I did not develop discrepancies between the MP's scheme and the Ministers' scheme for declaring conflicts of interest. Then, with our psychiatric commission, we had had a quarterly reporting mechanism and in the quarter ending December 2005, my colleagues and I had made rather careful and veiled reference to the fact that there were people who had been in social welfare care, who had found their way to being committed as patients in psychiatric hospitals and that a number of those people had tended to be a subject of unwanted predatory attention for sexual purposes by other patients and by staff. It had been hugely and delicately put and I thought the Prime Minister would be saying that officials had, perhaps, said to her that "these people are venturing into an area that could lead to huge damages claims". So I think that's what I had prepared for.

Helen Clark said – and she knew me in a way that we could speak without undue formality, because I'd been a working ombudsman and I had known and had had considerable experience in dealings with ministers in government as well as members in the opposition – she said something like, "You're going to have a fit when I tell you why I've asked you to come and see me." I said "Okay", and she said, "This stack of papers: the top one is a Cabinet Resolution saying I am to speak to you to ask whether you would accept office as the next Governor General."

SO: Were you sitting, or standing!

AS: I was sitting and it took me several seconds, I can tell you, to respond, such was my surprise. I said something rather wet like, "I now realise why I didn't need to bring any files!" Prior to the meeting I had asked her Private Secretary whether I should be looking at any files and he, in a discreet professional way had said, "I'll find out for you!" He had then come back to me by telephone saying that I did not need to consult or bring any file. [Laughter]. That's how it happened.

SO: So you were appointed in 2006?

AS: Yes, I had this meeting with her in February. All the mechanics I have explained took place, with the official announcement occurring in April and I was sworn in, I think, on the 22nd August.

SO: What is your particular view of the role of the Governor General as the Queen's representative in your country?

AS: I think there are three things. The Governor General has to undertake those constitutional things which the Queen would do if she was resident in New Zealand: assent to legislation, be present at the meetings of the Executive

Council, and to sign the warrants of people appointed to important positions, like judges and diplomats, and to read the material that support the constitutional functions. Then there are the ceremonial things: being present at ANZAC Day and Waitangi Day, undertaking the Investitures of people who are granted honours by the government. So, constitutional and ceremonial, and the third thing, which takes up most of the time, is the community aspect – the thing that the Governor General is there to encourage the best efforts of people in the community. So, whether that involves attending celebrations or anniversaries or openings, or whatever. It is those three aspects – constitutional, ceremonial and community.

SO: Are you also required to provide an alternative source of information and observation for the Queen and her Palace staff?

AS: I followed the practice in New Zealand that the current Governor General would write to the Queen on things of significance: disasters, heroism, a general election, or a change of Prime Minister or something of significance. I would write a letter to the Queen, which would be presented through her Principal Private Secretary, so there was a channel in that direction. From what I understand, that's the way in which the present Queen has carried on the connection with the country. Then it became clear that occasions would arise where I would meet the Queen. For example, there were terrific losses of life in World War I for New Zealand troops in Passchendaele, and the Queen opened a new visitor's centre at Tyne Cot in 2007; and I attended along with the Australian Governor General and our spouses to be present at that occasion. I would see and speak with the Queen and she would make it clear in conversation that she kept herself well informed about New Zealand.

SO: Others have commented on this particular aspect of Elizabeth II in her role as Queen, but as well on the importance of the persona of the Queen; that these particular attributes of the Monarch have provided the 'invisible glue' for the Commonwealth.

AS: I agree with those points. My admiration for her had been distant, and not a personally connected one in the past, but having had the privilege of meeting her, she certainly exhibits an 'X-Factor' of genuine interest. Someone who was just "turning the handle" so to speak, could not possibly come near to doing what she is able to do.

SO: So from your private – but also professional and public – role, how much do you feel the Queen's star quality, her charisma and the fact of being of a British monarch and what goes with it, has been of benefit to the Commonwealth in keeping it together? This is not simply 'the invisible glue,' but also the public demonstration of this extraordinarily diverse and geographically spread association? Do you feel the British Monarchy has benefited in an international context, as well as the Commonwealth itself continuing to benefit?

AS: I think her persona has been vital because she has been the one to say the Commonwealth is the organisation that provides opportunities for people.

SO: And of course she's the New Zealand Monarch as well.

AS: Not only that, but there is an excellent anecdote worth mentioning in Sir Don McKinnon's recent book *In the Ring*, where he was sitting at dinner across the

table from then British Prime Minister Gordon Brown and Brown apparently said to his neighbour, "That's Don McKinnon, he's the head of the British Commonwealth". And McKinnon said – having had to take something of a deep breath – "Prime Minister, wrong on both counts. The Head of the Commonwealth is Her Majesty the Queen and the Commonwealth has not been the British Commonwealth since 1949".

SO: These expressions – ‘the Monarch’, ‘the British Monarch’, ‘the Queen’ - these are very important terms in Commonwealth discourse.

AS: Yes, the Queen is regarded as the Queen of New Zealand and when she sets foot on New Zealand that is how she is seen.

SO: As Queen of Realms, yes.

AS: Yes, and New Zealand is very much one of her realm countries. That is why, when the pattern comes to be changed or cut or whatever is going to happen, New Zealand won't ever, I think, be the first to move. Two examples demonstrate this: the Statute of Westminster was passed in 1931, which enabled each of the former colonies and Dominions to do their own thing and nothing legislated for in the UK would be operational in those countries without a request and consent of those other governments beforehand. It took New Zealand until 1947 to put all that into being. Most of the others – Canada, Australia – did so shortly after 1931. The second example is the Privy Council. Until 2005, believe it or not, New Zealand's final court of appeal was the Privy Council and at that point, I think, Belize and the Gambia or one of the other sort of tiny colonial countries and New Zealand were still coming. It did have the advantage that the finest legal and judicial minds in this country were focused on to New Zealand cases, and in the last decade or so of the Privy Council, senior New Zealand judges would be rotated to sit on the Privy Council. But the time had come for that to end and for an individual Supreme Court to be put in place in Wellington.

SO: Referring to this question of New Zealand as part of the Commonwealth of Realms: was there, in your time, an identifiable Governor Generals' network?

AS: There was no formal setup of Governors General. However, if you are the Governor General in a small Pacific territory where the politics of the day are very close at hand, it is very useful for the Governor General to be able to call up and speak with a colleague whom is sensitive to the issues that may arise. Within the Pacific this was nurtured by Sir Michael Jeffery, the Governor General in Australia at the same time as myself. The Pacific Governors General would take up the opportunity to meet and to talk about mutually encountered difficulties when they met each other at events such as State funerals or weddings in third countries, but that is far short of being a Commonwealth Heads' of State Meeting. There wasn't a formal set up and there is also a little bit of awkwardness because until well into the 1990s, Governors General used not to travel externally.

SO: Oh, you worked *in situ*, yes.

AS: The Governor General would not be sent to another country to represent the country because it was then thought that a Governor General of Australia and a Governor General of New Zealand did not need to meet because the

Queen did not need to talk with herself! In the modern era, it has become the practice, particularly in Australia, New Zealand and Canada, for the Governor General to be sent overseas by the government to fly the flag for the country where there is something not political or not trade-related to be undertaken, but something which will advance the interests of the country. I was lucky enough to be part of this new era, and in the course of my time as Governor General, there were visits to all of the Pacific territories, as you would expect, and to Australia. I also had the privilege to visit Canada, India – the first New Zealand Governor General visits to both of those countries – and to China, Mongolia, Singapore and Turkey.

SO: Please, could I ask: was this in liaison with the Queen’s advisors at the Palace, or did you act, to a degree, in more autonomous role as the Governor General of New Zealand? As you say, to raise the visibility of New Zealand in these different localities?

AS: I have to say directly to you that the “lead in the Governor General’s pencil” in a country like New Zealand is inserted in Wellington not London. There is liaison and contact but there isn’t any “What would her Majesty’s reaction be to the Governor General visiting Vanuatu?” (for example) There won’t be that. I am almost certain it would not be the case.

SO: Thank you for clarifying that. Please could you reflect on your hosting the attempts at talks between Prime Minister Qarase of Fiji and Commodore Bainimarama, which I understand were held at Government House in Wellington? Although of course the meeting was chaired by the New Zealand Foreign Minister, Winston Peters. I wondered how you came to be the host of that particular failed attempt to resolve the escalating crisis in Fiji.

AS: I came to office as Governor General in July, 2006, and had been in place for some four or five months when these events occurred. It was clear that the Qarase government was under strain and that the statements and positions being taken by Commodore Bainimarama – as he then was - were getting more and more intense and difficult. There was knowledge abroad of how problematic the coups in 1987 and 2000 had been for Fiji’s advancement. So an invitation was extended by the New Zealand government. It was thought that it would be good if Winston Peters was able to have a discussion with both parties, and also good if he was accompanied by a senior New Zealand Foreign Affairs official: a respected Pacific specialist named Alan Williams, who has sadly died since. I am not sure where the chemistry came from that I would offer the facility of Government House as the venue. But as someone whose parents had been born in Fiji and as someone who had kept up many personal and professional connections with Fiji... I’d had connections with Fiji out of, particularly, my legal time. As a judge, I’d had connections with Fiji, short of actually sitting on the beach there. So it was natural that I could be the host. What happened was that the physical meeting took place at Government House. The Commodore and Prime Minister attended. I greeted them, and had prepared and practised an animated half a dozen sentences in Fijian to have them reflect on the importance of the roles that they played in their country, and expressed the hope that the discussions which they were about to have might be successful in reducing tension. I then adjourned, and they spent half a day (in discussions). It’s rather sad, really, because they reached – from what I was told – agreement on a list of things to canvass, and they reached agreement on a timetable by which they would react and

relate. Unfortunately, when the Commodore reached Nadi Airport in Fiji on his way home to Suva, someone “pressed the reset button” and he went back to square one.

SO: Yes, because the coup was in December.

AS: Yes, a couple of weeks later.

SO: Were you aware of any interaction with Don McKinnon, who was in New Zealand and a former Foreign Minister, as well as being Secretary General of the Commonwealth?

AS: Not to my specific knowledge. I would imagine, though, that he would clearly have had a significant interest.

SO: I appreciate that you, as Governor General, would not necessarily have been involved in any telephone discussions on how to use Secretary General’s ‘good offices’, or New Zealand’s ‘good offices’, in any way to contribute to conflict mediation.

AS: No that is correct. The precise amount of Commonwealth contact that I had as Governor-General was restricted. Don McKinnon came by on a number of occasions and we would of course receive him warmly at Government House. But no, there wasn’t any regular, ongoing, diaried kind of contact of the kind that he would have with the government.

SO: Moving chronologically from this point: Where did your idea originate of a New Year message, which you brought in in 2007?

AS: When I started as Governor General, I thought that if I simply went to occasions and said things like “This is a wonderful property and your contribution is well regarded and your future is in good hands....”, after you’d said that 400 times in the first year, it would become difficult because you would simply be “turning the handle”, so to speak. I thought to myself: to make this mission satisfying and more sensible, I ought to be able to stand on some more solid planks than simply congratulating or affirming people. I came to the view that there were three things that I could reliably address whilst undertaking the office of Governor General. One was to stress the diversity of New Zealand’s contemporary community. Our country is one that will give you a go, if you give things a go. There are people doing jobs today that parents and their grandparents would not have thought possible. So, diversity was a thing that I could always advance. The second one was engagement, and I used to say – in different words – that our country is one that calls for you to consider looking beyond your own lounge room and your own section and taking part in the community that is out there. So, diversity and engagement, and the third one was education, and the benefits that could come from continuing to educate oneself. I used to say things like, “To advance, New Zealand offers so many opportunities for people to engage and equip themselves to participate in our everyday life and the acquisition of knowledge about civics and civics advancement.” So diversity, engagement and education were the three things. If you read all my speeches, you would see that I would, to a greater or lesser extent, be using different words on each platform, but addressing those themes which enabled me to speak at a primary school in a way that had more solidity to it and likewise with a different audience at the opening of a business. Out of that came the

realisation that, as a Governor General, you have to function a little bit like a demand driven sponge. “Would you please come in four months’ time and do this?”, and, “Would you please come in three weeks’ time and do this?” Things, of course, Governors General have always done. The idea then emerged with my managing staff, that we should consider emphasising some of these things in a more telling fashion, by constructing something in our own space. Her Majesty the Queen, of course, does her Christmas message and at the opening of Parliament, in reading the Speech from the Throne, you are reading the Prime Minister’s speech and doing the bidding of the government of the day. It seemed to me that, as Governor-General, the formulation and delivery of a New Year message wouldn’t be a bad thing. So we did what’s called in the hotel business ‘a soft opening’. In each year the uptake was positive and I’m very pleased to see that my successor has carried the notion forward.

SO: So, like the Queen’s Christmas Day message, which she guards very carefully, this was very much acting on your own initiative? You didn’t have to clear it with the government of the day? You didn’t have to clear it with the Palace? This was your emphasis on diversity, engagement and education, and your phraseology.

AS: We of course advised all the appropriate people – said that this was on our mind. You have to bear in mind that a nice aspect is that New Zealand is such a relatively small place. The Cabinet Secretary is someone that sees the Governor General every week, or more often if needed, but also sees the Prime Minister more often than that. With Prime Ministers like Helen Clark and John Key, there was a New Zealand-kind of informality with these arrangements. In New Zealand, they do not have the formal situation which occurs here in the United Kingdom, where the Prime Minister goes on Sundays and sees the Sovereign. In New Zealand, the connection could be by telephone or text. Helen Clark was a great texter, and still is today. John Key was the same. With John Key, we would have a Sunday morning meeting in Auckland. Government House would set up morning tea, and he would come around and he’d have his list of items and I would have mine and we would talk things through in that way. But it wasn’t at all formal. You can do that in a setting like New Zealand.

SO: You’re describing a very different political culture because it’s a smaller group.

AS: A smaller group, and where informality is an important thing.

SO: So, much more attitudes and ideas shared in the round, then, rather than in separate silos, as happens in larger bureaucracies and larger states? Sir, if I could ask you, please, finally, about your appointment and involvement in the Commonwealth Foundation, because you are now Chairman of the Board.

AS: How this came about was that my connection and willingness to do things with the Commonwealth at the centre remained, and there were people here within the general Commonwealth setup that knew that I was a person able to be called upon when something suitable arose. I finished Governor-General office in August 2011. My wife and I went to Australia, taking an extended holiday because there were important things to do – such as to step off the escalator of daily events, to re-gather anonymity and to reclaim our own

timetable; all of which things Australia provided. We came back to New Zealand in late 2011 and I developed a portfolio of being a patron of this, or a helper with that, an advisor here and there. At some early point – and this is the whole story which you can take and package in the way that you wish to – the idea came forward, “Would you put yourself forward to be the Chairman of the Commonwealth Foundation, the people’s organisation counterpart of the Commonwealth Secretariat? The Chairman is always a Commonwealth citizen”. I said, “Yes, that would be something that I would warmly consider.” Almost immediately thereafter came another message saying the Board of Governors had reached a view that they should consider: instead of having a Commonwealth Citizen, that they might do the same as the Commonwealth Secretariat does and just have the dean of the diplomatic corps being the Chairman, who would lead the meetings of the board of governors. I said, “That’s fine. It’s their decision.” So the matter of being associated with the Commonwealth rested in abeyance through the whole of 2012, and ended up on the back burner. Then, suddenly, at the end of December came a message from somebody important in the Commonwealth Secretariat – lower than SG Kamallesh Sharma, but not far. He said, “we’ve had a serious rethink about all this and we are again definitely of the view that we should have a Commonwealth citizen as the Chairman. Is the matter that we spoke of nearly 12 months ago still alive?” I had to think rapidly and I said, “yes”. The only thing that was different was that I had since accumulated quite a few activities in New Zealand in the course of a year. In the way that the Commonwealth does things, this conversation came, they opened the book, so to speak, and people had to register who was being presented by 16th December. New Zealand, Sri Lanka and Kenya put forward candidates. They had their meeting on 10th January and, as happens in the Commonwealth, they do not vote. They are just asked to indicate preferences. There were speeches made by the proponents of each candidate and, at the end, there was substantial preference for the New Zealand offering. Then they had a two week period whilst all the High Commissioners conferred with their capitals and, unless there was some substantial matter brought to attention, on 28th January this candidate would be appointed the new Chairperson. So that’s how it came about. I came for my first encounter with them this week in March last year, in Commonwealth week.

SO: So have you been involved, Sir, in the debates around the Foundation’s Strategic Programme?

AS: The Charter had already been signed and the strategic planning had been put into place, so I did not have any input as to its content. But it was expected that I would embrace the chemistry of the Strategic Plan and move that forward.

SO: My personal observation, having talked to over 35 people for this particular oral history project, is that the Commonwealth Foundation – as the ‘professional’, ‘non-governmental’ Commonwealth, to use perhaps misplaced terms, but still they can serve a purpose – is the vibrant part of the association today. While the inter-governmental heads aspect appears to have stumbled over the Sri Lanka issue and the choice of Colombo as the last CHOGM venue, the civil society and the professional organisation pillars of the Commonwealth are sturdy, strong and dynamic. How would that fit in with your own personal view?

AS: That is a view that I'm obviously pleased to hear expressed by someone else. It certainly seems to be the spirit of what I've had to deal with. Here we have the spectre of a small, nimble organisation with a staff of plus or minus 20, a modest budget in which frugality is the order of the day. The governance is assisted by the contribution of a civil society advisory group, drawn from all over the Commonwealth, who apply themselves in an interesting fashion to encourage the debate on issues of the day: the development of employment opportunities, the advance of youth in the modern world, the empowerment of women, financial equity – all those big issues of the day. The Commonwealth Foundation provides an opportunity for ordinary people to debate these things, and to come to conclusions which are presented to ministers. Hopefully, what civil society says [both] assists and focuses the ministers in their discussions. One gives the other purpose, and one gives the other some satisfaction that they are on to the right things.

SO: Please, if I could just ask you whether you have encountered any sense of friction between wider civil society and the intergovernmental element of the Commonwealth? The Commonwealth is an extraordinary organisation in the amount of access that civil society organisations have to heads. They are particularly open to views and opinions from, if you like, grassroots but also mid-ranking levels; and yet 'civil society' can be taken by heads to mean 'human rights', even though this can be misplaced. There may be considerable heads' resistance – feeling that they represent democratic governments elected by the majority. Therefore, why should they listen necessarily to unelected civil society organisations?

AS: In the way that you have put it, I imagine there clearly could and would be tension, but I'm bound to say that I have not seen evidence of that. I have attended the People's Forum of women's organisations that preceded the Women's Affairs Ministers meeting in Dhaka, Bangladesh, in June last year, and the encounter worked reasonably well. The women all met, and their communiqué was presented to the ministers. It is inherently problematic, sometimes, and the logistics are awkward; but by and large, it seemed to work. Same for the CHOGM. They met – or, rather, the People's Forum took place – not in Colombo in a five star setting, but in Hikkaduwa on the coast, an hour away, in a slightly less than five star setting, but in the round at a comfortable three star hotel. There were two hundred plus or minus people – half from Sri Lanka, and half from the rest of the Commonwealth – who all came together. There were people in Rotary on one side, through to organisations with a much harsher political agendas on the other, and they worked their way through to a written communiqué which was presented to the Foreign Ministers and it all worked. There wasn't any pushback on the Ministers' side of, "no, we're not going to receive that", or "no, we're not going to do that."

SO: From your particular standpoint, do you feel it would be beneficial if the heads of government meeting reverted to being just leaders, and that there were alternative venues other than the CHOGM for civil society to meet heads, such as in New York at the time of the UN General Assembly? I'm just wondering if the way in which CHOGMs have evolved now, as such large conventions, is in fact counter-productive. You make reference to the Commonwealth Foundation organisations meeting in a physically separate space from where the heads were meeting, but still around the event. Others have commented that, in past

times, the benefit of the Commonwealth Heads of Government Meeting was its relatively small number and the relative access that was therefore accorded.

AS: I think we would need a long time to work through a lot of that because the nature of CHOGM seems to be quite different. In the '60s and '70s it would be entirely expected and natural for every Commonwealth Prime Minister to be physically present and to participate in an event that took a number of days.

SO: Seven to ten days.

AS: Whereas now that's down to two or three. In Sri Lanka, the numbers of actual Prime Ministers present was at the 28 or 29 out of the 53 mark. In other words, only half of them come for a variety of reasons, but that's been a trend since 2000. The fact of every Prime Minister attending without fail has been dropping. Then there are political things that come into play which meant that the governments of India and Canada didn't come. Or, rather, that they sent senior people who advanced the cause of each of those countries in the absence of the Prime Minister. The matter of bringing civil society into connection with the Prime Ministers is still a step away, but I am certain that the heads of government would surely have known that, not far away, ordinary, living, breathing people under the umbrella of the Commonwealth were debating issues of relevance to what they, themselves, were doing there.

SO: I felt it was a pity that the international press didn't give more coverage to what was being discussed, rather than to make the venue the only international media story at the time.

AS: Exactly, and regrettably there was – with great respect – a great deal of the sort of journalism that wrote up the CHOGM as being between, “Yes, [Canadian Prime Minister] Mr Harper will come”, “No, the Minister of Grain and Seeds will come”. That sort of stuff. Rather than debate on the many issues that were canvassed.

SO: I think the next CHOGM in Malta promises to be a very different event.

AS: I agree.

SO: Sir, thank you very much indeed.

[END OF AUDIOFILE]