Entry type: Person
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Feller, Erika

Occupation Academic, Commissioner, Diplomat, Lawyer, Public servant

Summary

Erika Feller has had an eminent career in international law, humanitarian protection and diplomacy. When she was appointed Assistant High Commissioner for Protection, United Nations High Commissioner for Refugees in 2006, she became the highest ranked Australian working in the United Nations at that time. In the ensuing years she undertook protection oversight missions to the large majority of the major refugee emergencies of recent years. She has been an ardent spokesperson for millions of vulnerable people throughout the world. Appointed a Fellow of the Australian Institute of International Affairs in 2013, in 2014 Feller was also named as Vice-Chancellor's Fellow at her alma mater, the University of Melbourne.

In June 2021, Feller was awarded an AO for distinguished service to the international community, to the recognition and protection of human rights, and to refugee law.

Erika Feller was interviewed by Kim Rubenstein for the Trailblazing Women and the Law Oral History Project. For details of the interview see the National Library of Australia CATALOGUE RECORD.

Details

Erika Feller was born in 1949 in Melbourne, Victoria; the second child in the family, she grew up with an older brother and a younger sister. Her father, Karl, had come out to Australia as a German refugee; a graduate in architecture from the Milan Polytechnic, to practise in Australia he had to requalify, which he did after arriving in Australia, working in a blanket factory to support his studies. Feller's mother, Elizabeth, was unconventional: a professional woman who worked as a pharmacist. Before her marriage she had led an independent and adventurous life, which included travelling on the Trans-Siberian Railway. She was said to have been disappointed that she could not volunteer as a pharmacist in the Spanish Civil War.

Karl Feller's career took the family to Montreal, Canada, during Feller's pre-school years. When they returned, to the Melbourne suburb of Armadale, Feller entered Lauriston Girls' School – chosen by her mother because it placed emphasis on academic achievement and sending girls on to university. Feller enjoyed her time at Lauriston. As well as being good at her lessons, she was a sporty child who was happiest horse-riding and playing basketball and tennis.

During Feller's adolescence, her father was away from the family for significant periods while he worked overseas. His trips, and a family holiday to the United States during her teenage years, impressed upon the young Erika that the world was not something of which to be afraid, but to be embraced enthusiastically.

In 1967 Feller, influenced by her mother who imparted a strong sense of social justice, began to study law and arts at the University of Melbourne. Immersing herself in student life, Feller attended Vietnam War demonstrations and became treasurer of the Australian/African Association, raising money and collecting for Biafra. Feller wrote articles for 'Farrago', the student newspaper of which she was also news editor.

She also wrote for the University of Melbourne Law Students' Society's periodical, 'The Summons', which was edited by Philip Alston (now John Norton Pomeroy Professor of Law at New York University School of Law). With her consciousness concerning women and the law growing, Feller wrote an article for which she interviewed Joan Rosanove, the first woman in Victoria to sign the Victorian Bar roll, about her experiences with discrimination. She was impressed by Rosanove as a professional woman.

At the end of her university studies, Feller declined an offer of articles of clerkship from the commercial law firm, Arthur Robinson; instead, she joined the Department of Foreign Affairs. Had she taken up Arthur Robinson's offer, Feller would have been the firm's first female articled clerk: "I must have set the cause of feminism a few years back. The firm probably thought 'Just like a woman, always changing her mind'!" [Hong].

"Lured by the promise of adventure it offered", Feller moved to Canberra to begin her diplomatic career [Feller and Rubenstein]. Reality struck at a cocktail party signalling the end of the Department of Foreign Affairs' recruitment process; she was taken aback to be told by a distinguished ambassador that the Department accepted women because they were "marriage fodder" [Feller and Rubenstein]. As women were expected to resign from the Department after marrying, there were few female role models for the budding diplomat.

Feller's first posting was to Berlin in 1973. While Berlin was not considered an important post for Australia at the time, Feller found her three years' service stimulating, surrounded by dissident artists and writers [Feller and Rubenstein]. Her responsibilities included a visit by the then Prime Minister Gough Whitlam, a guest of the East German government.

Returning to Canberra following the completion of her posting, Feller became Assistant to the Legal Adviser of the Department of Foreign Affairs, Elihu Lauterpacht. She was subsequently despatched by Lauterpacht to the Australian National University to research Australia's practice and policy in International Law. This was the first year in which Australian practice in International Law became part of the Australian Yearbook of International Law. Feller then transferred to the Department's general legal area where her responsibilities included work on the Dillingham Mining Company legal case, which involved sand mining in Fraser Island.

In 1980 Feller arrived in Geneva, Switzerland, after a nine-month posting in Rome to cover the Italian presidency of the European Community. In Geneva, Feller was posted as the First Secretary at the Australian Mission to the United Nations, and then promoted to Counsellor. It was here that she began to observe refugee and humanitarian concerns; she also had her first professional encounter with the Office of the United Nations High Commissioner for Refugees (UNHCR). Feller represented Australia as a lead drafter in the United Nations Convention against Torture. She credits this experience as being when she learnt about the power and limitations of international law. It was also here that she met and married her husband. They went on to have two children: a son and a daughter [Feller and Rubenstein].

Her posting to Geneva completed, in 1984, with her first child, Feller returned to Canberra to lead the relatively new human rights section in the Department of Foreign Affairs. Two years later, however, desirous to reunite her family, she returned to Geneva and accepted a secondment with the Protection Division of the UNHCR; it included roles as Senior Legal Advisor and Chief of the General Legal Advice Section. She was inducted into research work and reacquainted herself with international law; however, she also wished to be in the field and so, in 1991, she was deployed on her first mission for UNHCR to Tajikistan – then in the hiatus of a civil war – assisting with drafting a law on internal and external displacement, bringing into force a regime of law protecting refugees. This mission was her first experience of the misery, generosity and hospitality of displaced people.

Feller was steadily acquiring a reputation as an outstanding lawyer; as a result, her field rotation opportunities were

becoming more limited as her legal expertise was being sought in Geneva. In 1993, the High Commissioner, Sadako Ogata, in an attempt to increase Feller's field experience, directed that Feller be posted to Malaysia to head the Program there as her Representative. Refugee matters were, at that time, very high profile, as Malaysia had declared it was closing camps and repatriating refugees to Vietnam, the announcement resulting in violent clashes inside camps. Feller saw first-hand the potential for refugee camps to be destructive to people, to erode incentive for individuals to take control of their own lives. Her experience in matters relating to resettlement in Southeast Asia galvanized her to help refugees living in protracted situations.

In 1996, at the age of 47, Feller returned to Geneva to re-join the Division of International Protection, as its Deputy Director. She took over management of the Division as its Director in 1999. In 2001, she initiated and managed the 2001-02 Global Consultations on International Protection, which gave rise to the Agenda for Protection, the internationally-endorsed global "road map" on protection policy for the years ahead [Feller and Rubenstein]. These global consultations coincided with the 50th anniversary of the 1951 Convention Relating to the Status of Refugees, generated an agenda for protection, reconfirmed global State support for the Convention and reinforced its value through updated interpretations of key provisions. Feller co-edited a book which brought these into a consolidated form.

In 2006, Feller was appointed to the newly created role of Assistant High Commissioner for Protection, with the rank of Assistant Secretary General; she thereby became the highest ranked Australian working in the United Nations at that time. In the ensuing years Feller undertook protection oversight missions to the large majority of the major refugee emergencies of recent years, including in West Africa, Darfur and Chad, the Caucasus, the Balkans, Colombia, Timor and the countries which were the focus of UNHCR's Iraq Operation. During these missions, Feller was instrumental in ushering in changes to ensure that matters concerning the protection of women and children became mainstream.

Feller seized the opportunity occasioned by the 60th Anniversary of the 1951 Convention in 2011 to again raise the profile of women, convening dialogues concerned with the issue of pervasive sexual violence against them. She also used the event to draw attention to the anniversary of another important international convention: the 1961 Convention on the Reduction of Statelessness. Significantly, Feller raised the matter of female statelessness – where women are unable to acquire citizenship or lose their citizenship through marriage or when their husband dies – in the international community's consciousness on a number of missions.

In 2013 Feller resigned as Assistant Commissioner for Protection. She was appointed a Fellow of the Australian Institute of International Affairs in 2013. In 2014, she was named a Vice-Chancellor's Fellow at her alma mater, the University of Melbourne.

During her career, Feller has been a powerful spokesperson for millions of vulnerable people throughout the world. She has contributed to initiatives to combat certain problems that principally affect women, such as sexual and gender-based violence, in the refugee setting. As she has remarked, her endeavours in the study and practice of international law have been a tool "for the betterment of people" [Feller and Rubenstein].

Published resources

Site Exhibition
Australian Women Lawyers as Active Citizens, Trailblazing Women Lawyers Project Team, 2016, http://www.womenaustralia.info/lawyers

Archival resources

National Library of Australia, Oral History and Folklore Collection
Erika Feller interviewed by Kim Rubenstein in the Trailblazing women and the law oral history project

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