

Racism and Refugees

Background paper for 'Hopes Fulfilled or Dreams Shattered' Conference

Background Paper

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POL5100 Issues in Public Policy Internship

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1. Introduction

Today, in 2005, there are an estimated 20 million refugees and displaced persons in an increasingly globalized world. The vast majority of such people live in conditions of poverty and bare subsistence, often relying on the benevolence of states and non-governmental organisations outside their own borders, and often at high personal risk. Many refugees have been driven from their homes by acts of persecution based on race, colour, ethnicity, or other perceived difference. This paper addresses racism as it affects refugees, from the beginning of their journey to the end. It looks at the pervasiveness of racism, and the tricky nature of it which allows it to change shape as needed. It particularly looks at how those in positions of power employ racism especially when there is something to gain, whether that gain is territory, natural resources, or political power. And it looks at how each of these issues makes it so hard to define racism, and harder still to stop.

The first sections of this paper look at what racism is; how we conceive of and define racism, and how we conceive of and define race itself. The next sections look at international instruments which address racism at an international level, such as the UNHCR and its Convention, Protocol, and Agenda for Protection, and then three nations' domestic laws and policies are examined in an attempt to compare and contrast Australia's record with that of Canada and the US both in terms of racism generally and also in terms of refugee treatment more specifically. Laws and policies relating to indigenous people are explored, particularly the Aboriginal people of Australia, and with regard to the relevant international instruments which all three states are signatories to.

Section 4 looks at two brief case studies, using Sudan and Afghanistan because of their recent high public profiles and the large number of Afghan refugees coming (or trying to come) to Australia. The "queue" is discussed, along with "boat people" and government rhetoric surrounding them, and UNHCR statistics are provided in Section 5 which show some interesting numbers of applications to Australia, Canada and the US and the different responses from each recipient country.

Section 6 takes a look at some options for addressing the ongoing problem of new refugees being created, and the problem of ongoing racism, both from an international perspective and a domestic one.

The scope of this paper is neither exhaustive nor conclusive. The approach and intention is to piece together a story of how racism pervades all of our lives, and especially those of refugees, particularly those on route to a new beginning in Australia.

2a. What is Racism?

What do we mean when we talk about racism? Are we talking about the same thing? Does an Indian woman have the same understanding of the concept as a Palestinian man? Does an Australian have the same understanding as a German? Is it racism when one African ethnic group persecutes another African ethnic group either within or without a national boundary? Before we can start to engage in meaningful dialogue about racism as it relates to and affects refugees, it is critical that we examine the way we understand racism as a concept. If your definition of racism is different to mine, the way we interpret international conventions and laws, and construct domestic ones, may well be very different.

The Oxford Dictionary of Current English defines racism as follows:

racism n. 1 the belief that each race has certain qualities or abilities, giving rise to the belief that certain races are better than others. 2 discrimination against or hostility towards other races (Oxford 2001, p. 740).

The above definition is fairly standard and comprises three separate parts. First, the belief in inherent and intrinsic differences between races, second the belief that such differences “prove” superiority or inferiority of one race over another, and third the act of discrimination which results from such beliefs of difference and inequality between races. The first two parts are concepts, or thoughts, whereas the third part is an action: the act of racism or racial discrimination. While there are grounds to believe that education and experience can go far to lessen or eliminate the conceptual parts of racism, only the third part, the act, can be dealt with through legal instruments of either domestic or international nature. As the saying goes, “there are no thought police”.

While the above definitions are standard and non-contentious, the definition of racism assumes prior understanding of the concept of race itself. This is the first problem in dealing with racism today. Exactly what does the term “race” mean for the global society in the 21st century?

2b. What is Race?

As a species we are called *homo sapiens sapiens*. Our species has been around for approximately 50,000 years and we are distinct from other species by our ability to think, reason, plan, and question the nature of things. Biologically speaking “we are one species, distinguished from other species genetically and in our appearance, but also, and most significantly, in that we rely on our mental abilities to assure our continuity” (Jupp, 1988, p. 9).

The concept of race, however, is a relatively modern construct. According to Michael Banton, writing on Theories of Race in the Routledge Encyclopedia of Philosophy, the word “race” was not in use in European language until the sixteenth century, when it was introduced as part of European attempts to distinguish themselves from other groups of humans. (See section 2d. Racism and Economics.) The three distinct racial groups originally defined by French anatomist, Cuvier, in 1817 were Caucasian, Mongolian and Ethiopian and these distinctions were intended to prove European superiority over the rest of the world. (Banton, 1998) Later Charles Darwin added to the scientific knowledge base with his theory of natural selection, which “presented races as units in the course of evolution which developed their distinctiveness by in-breeding” (Banton 1998, p. 2). The main difference between Cuvier’s races and Darwin’s is that while Cuvier saw each of his three races as pure and original, Darwin theorised that races develop over time, and through isolation from other groups.

Common to both Cuvier’s and Darwin’s theories is the idea that racial discrimination is inherent within a race, and is required to maintain racial integrity. By the twentieth century, however, scientists and social scientists, including Sigmund Freud, began to see racial prejudice as learned rather than inherent behaviour (Banton, 1998) and race itself as biologically insupportable (Linden, 1996). Also, neither of these theories give much insight into how to categorize people of mixed race, nor pays attention to the fact that the more

integrated the world has become, the more mixed we have all become racially.

In fact, these days the use of the term 'race' has fallen into disuse by anthropologists and social scientists because it can not be supported by biological evidence and is often used to justify violence against particular groups. According to A. Martin, "it does not constitute a scientific analysis of either genetic or social difference" (Jupp, 1988, p. 10).

2c. Racism: Us Versus Them

Ever since time immemorial humans have clashed when they have come into contact with groups of "others". The more different the "other" appears, the easier it is to declare them as not part of "us" and therefore not deserving of whatever resources (land, food, mineral wealth) are being contested. This is particularly the case when such resources are in short supply and the group that ultimately controls such resources is the group that will survive.

In order to make the decision that the "other" is not deserving of the land, food, water or gold, it is necessary to make the other not only different from "us", but also somehow less than. It is this process, which Edward Said describes in his book *Orientalism*, which has become institutionalised in many modern societies, and particularly in Europe. For Europeans who have white skin, any person with a darker skin pigmentation or different facial features falls easily into the category of other. But this is just the most obvious way of discriminating; other methods might be based on style of clothing, religion, and other cultural practices.

In the European example, Said shows how the British and French developed and consolidated their philosophy of Orientalism through the writings of "poets, novelists, philosophers, political theorists, economists, and imperial administrators" (Said 1991). Said describes Orientalism as "a style of thought based upon an ontological and epistemological distinction made between 'the Orient' and (most of the time) 'the Occident'." (1991) This distinction, of course, made clear that the Occident (or West) is superior in virtually all ways but particularly as far as thinking and decision making goes. Oriental "backwardness" is prime, and gives credence to the lopsided power relationship which grew up between the two civilizations, for example British colonial rule in India.

The concept of Orientalism has survived and penetrated not only British and French modern culture but also their colonial outposts, including those of the US and Australia. Over the last centuries all nations have learned through contact with Europe that racism is part of any transaction.

However, more recently a new type of racism has emerged in Australia. Where the old racism held that "a person's characteristics were the determining factor in their placement on a hierarchy of humanity", the new racism is based on culture. "A person is predetermined not by race, but by culture" (Corlett, 2002). This 'new' racism has been employed by politicians in the last several years in Australia in support of refusing entry of asylum seekers whose cultures may not be 'compatible' with ours.

2d. Racism and Economics

Orientalism is the process of constructing the “other” for a given society; in Said’s examples this society was either French or British. But the fundamental motivation for the construction of Orientalism, or racism, is often today, as it was often historically, economic. Why were the British in India or the Middle East in the first place? At the time, during the eighteenth and nineteenth centuries, many European nations were engaged in a quest to expand their empires, and thereby increase their economic wealth. British expansion into India, Africa, and the Middle East was part of this larger European expansion context. The fact that the people living there at the time had different “racial” features simply made it easier to rationalise casting them aside. Another obvious example is the transatlantic slave trade of the fifteenth through nineteenth centuries, during which an estimated 9 - 13 million people were transported against their will from Africa to the Americas (Iliffe, 1995, p. 131 cited in O’Brien & Williams, 2004, p. 64) in order to work in the extremely labour-intensive cotton, sugar and tobacco industries. The motivation was clearly economic. The justification was the tenets of racism. As O’Brien & Williams suggest, “Large fortunes were created on the backs of slave labour” (2004, p. 66). In fact, the profits which resulted from this economic activity in the Americas contributed to the industrial revolution in Europe in the 1800s (Wolf, 1982, pp. 199-200 cited in O’Brien & Williams, 2004, p. 67).

The idea of economic motivation raises an interesting question: which comes first, racism or economic greed? According to A. Markus, writing on racism in ‘The Australian People: An Encyclopaedia of the Nation, Its People and Their Origins’, declares that “It is in the nature of racism to rationalise after the deed, and in its unsophisticated forms racism is capable of independent generation by individuals with interests to further under its cloak” (Jupp, 1988, p. 931).

A conflict theory approach supports the idea of different groups competing for resources, especially where the two groups have different levels of power and can be easily distinguished from each other. Marxists argue that racism is used to dispossess and exploit less powerful ethnic groups, supporting the economic and political interests of the more powerful group. Pluralists look at a longer term system of institutionalised racism and power structures (Jupp, 1988). Both Marxist and Pluralist ideas support economic motivation as a primary factor of racism.

In Australia, the early settlers arriving from England employed the philosophy of John Locke, who “argued that an individual established his right to property by ‘mixing his labour’ with things originally held in common” as well as the King James version of the Bible which held that “black was not beautiful” (Jupp, 1988 p. 78). The Locke argument supported white settler claims that the land did not belong to the Aboriginal people, since they were not cultivating it with their labour and thus gave legitimacy to the claim of ‘*terra nullis*’ or empty land. This claim was not to be invalidated until 1992 (see Section 3cv. Aboriginal Rights and Laws).

While the above justification for British settlement of Australia was certainly made, the same issue applies here as to the British in India, or Africa. That is that “the dynamic of British expansion was the quest for profit, a quest that in most parts of Australia entailed seizure of land” (Jupp, 1988, p. 931).

2e. ‘New Racism’

Since the use of the term 'race' has clearly become insupportable, why do we continue to use it in our official language as well as our domestic and international legal instruments?

Unfortunately, not everyone in the world shares the opinions of the anthropologists who have thrown race out of their vocabulary. Which makes the debate even trickier - race may not be real biologically, but it is still real to the millions of people who have an interest in perceiving differences, or are on the receiving end of resulting actions. The end result is that racism is still perpetrated, and people are still suffering from it.

A far better way to conceive of difference, as a determinant of racism, is by using broader terms. In the Declaration of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which met in Durban, South Africa, in August/September 2001, it is recognized that "racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin..." (WCAR 2001, p. 5). The inclusion of colour, descent or national or ethnic origin is extremely important. In other discussions, the inclusion of caste attempts to further qualify, and extend, the definition of race.

Here in Australia, some of our most prominent politicians claim they are not racist, but focus instead on cultural differences and incompatibilities. Dave Corlett calls this 'new racism', because the old focus of race, as identified by characteristics such as skin colour, has now been replaced with a new focus on culture. As he says, "the core element of the old remains central to the new: the incompatibility of different groups and their inability to co-exist" (Corlett, 2002). This subject will be returned to later in this paper. But clearly the issue of culture is also of importance. Why is it against moral human judgement to perpetrate racism, while it is quite acceptable to discriminate on the basis of cultural difference? Or are we just playing with semantics?

The issue of racism, and how it is defined and understood, often follows the refugee from the beginning of his or her original flight, through the journey of seeking refuge, up to and including final resettlement. Not only is this issue important because a finding of racism, or of no racism, can mean the difference between refugee status or not, leading to either protection and eventual resettlement, or refoulement to the very environment from which s/he has sought to escape, but also because racism infuses every step and every process of the journey to refuge, and indeed the final place of refuge may well embody the very prejudices the refugee has sought to escape, although hopefully in a somewhat milder form.

3. Policies on Racism

3a. UNHCR

i) Mission Statement

The mission statement for the United Nations High Commissioner for Refugees, the world's foremost organisation for the protection and welfare of refugees, declares that "UNHCR's primary purpose is to safeguard the rights and well-being of refugees" and that "UNHCR is an impartial organisation, offering protection and assistance to refugees and others on the basis of their needs and **irrespective of their race**, religion, political opinion or gender." (UNHCR, 2005)

ii) UNHCR 1951 Convention

In the 1951 United Nations Convention relating to the Status of Refugees (the Convention), the foregoing is repeated in the introductory note as follows: “The Convention is to be applied **without discrimination as to race**, religion or country of origin, and contains various safeguards against the expulsion of refugees.” (UNHCR, 2005, p. 5) Article 1 contains a three page definition of “refugee”, which refers to those having a “**well-founded fear of being persecuted for reasons of race**, religion, nationality, membership of a particular social group or political opinion...” (UNHCR, 2005, p. 16) Clearly, since race is listed in every single instance as the first qualifying element of persecution, which can lead to the granting of refugee status, racism can be seen to be of paramount significance to the refugee, and indeed extremely prevalent. In fact, it is no overstatement to say that most refugees are refugees as a result of racism.

When the Convention was originally conceived, its primary purpose was to provide protection for the millions of Jews and other Europeans displaced by WWII. In fact, when states considered signing the Convention they were offered two options for recognizing refugees, and for which they would assume responsibility under the Convention. Section B, paragraph 1 Of Article 1 of the Convention states the following:

- B. (1) For the purposes of this Convention, the words “events occurring before 1 January 1951” in article 1, section A, shall be understood to mean either
- (a) “events occurring in Europe before 1 January 1951”; or
 - (b) “events occurring in Europe or elsewhere before 1 January 1951”, and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention. (UNHCR, 2005, p. 16)

This option for Contracting States to choose who they were willing to accept as refugees, either European-only or both European and non-European, was a way for signatory states to limit their responsibilities under the Convention. While the wording in Article 1 is careful to specify “events occurring in Europe” as opposed to “European refugees”, the effect is the same. Contracting States could sign on to assist Europeans who had been persecuted and displaced as a result of the Second World War, primarily Jews, while leaving the door firmly shut on people in other regions of the world no matter what their circumstances.

The foregoing notwithstanding, Article 3 of the Convention reaffirms the commitment to “**refugees without discrimination as to race**, religion or country of origin” (UNHCR, p.19)

iii) 1967 Protocol

The Protocol Relating to the Status of Refugees was an attempt to improve and clarify the 1951 Convention. In Article 1, General Provision, paragraph 2 does away with the year of 1951 as the cutoff for accepting new refugees. Paragraph 3 then does away with the “European-only” geographical limitation option for eligibility for refugee status for any new Contracting States, although any States who had already signed the Convention and had, at

that time, selected the “European-only” option, were exempt from this change. But from 1967 on the “European-only” option disappeared.

As of 1 September, 2005, Turkey has maintained its declaration for option (a) even though it acceded to the Protocol in 1968, and two other countries, Madagascar and Monaco, which had previously elected option (a) have not yet signed on to the Protocol. All other States Parties have accepted the elimination of the geographical limitation option as part of the 1967 Protocol.

iv) 2002 Agenda for Protection

Intended to reaffirm and revitalise the 1951 Convention and the 1967 Protocol, the Agenda for Protection was the result of the Ministerial Meeting of States Parties in Geneva in December 2001, held to mark the 50th anniversary of the Convention.

While calling on all states which had not yet signed the Convention to do so, and encouraging any states which still maintained the “geographical limitation” (UNHCR, 2005) of Europe-only to drop it, the Agenda sought to raise awareness of the ongoing problem of refugees. The Agenda recognized the need for programs “aimed at combatting racism, racial discrimination, xenophobia and related intolerance” as a means of prevention, and also sought to gain support for a stronger international framework which could share the burden of the refugee problem.

v) Summary of UNHCR

Clearly all the documents and instruments created by the UNHCR recognize the ongoing issue of racism as a central one for refugees. By seeking to provide protection to all persons forced to flee their country of origin as a result of persecution (or a well-founded fear of persecution) based on race (or religion, nationality, membership of a particular social group or political opinion) the UNHCR and its instruments goes a long way to addressing the problems faced by refugees. It is also clear that the issue of protection is an evolving one, as illustrated by the original option to exclude refugees from outside Europe, the later amendment to include them, and the continued reluctance by some States Parties to sign up for the amendment.

The use of the term “burden-sharing” is an emotive one. On the one hand, by raising the issue and asking all states to share in the burden and responsibility of providing protection, the “burden” appears to diminish in scope as far as each state’s share goes. On the other hand, referring to refugees as a “burden” on society is not a dignified response to people who need, and deserve, dignity as much as food, shelter and clothing. In fact, it almost seems like a continuation of the racism they are trying to flee.

What these issues illustrate is part of the international problem. States and institutions agree in principle that refugees should and must be provided with some protection, but the stereotype of refugee-as-burden reflects the truth that they are an afterthought. Helping them is necessary, but certainly not relished. One thirty second news clip of a refugee camp in Pakistan reveals the bare minimum we as an international community are willing to provide for such people, even as we champion the UNHCR and NGO efforts from the sidelines.

3b) 1969 International Convention on the Elimination of all Forms of Racial Discrimination (CERD)

Adopted by the UN General Assembly in 1965, the International Convention on the Elimination of all Forms of Racial Discrimination entered into force on 4 January 1969. Based on the principles of “the dignity and equality inherent in all human beings” (OHCHR 2005) CERD reflects the UN Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904) which “solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person” (OHCHR 2005) among other affirmations and declarations. Article 1 of the Convention defines racial discrimination as:

“any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life” (OHCHR 2005).

Article 2 condemns racial discrimination and calls on all States Parties to ensure that domestic laws and policies do not allow for the practice of any forms of racial discrimination. Article 3 condemns racial segregation and apartheid and requires states parties to legislate against such acts.

Article 4 has proved to be somewhat problematic for some signatory states, because it requires States Parties to enact legislation (if not already in place) against any organizations and propaganda activities which promote and incite racial discrimination, which is anathema to many states freedom of speech, and right to gather peacefully laws. In fact, these same rights are articulated under Article 5, subparagraph (d), (viii) The right to freedom of opinion and expression; and (ix) The right to freedom of peaceful assembly and association. In acceding to the Convention, many states have included a declaration which clarifies the state’s understanding and interpretation of Article 4, particularly with regard to Article 5 and its relevant subparagraphs and also to articles 19 and 20 of the Universal Declaration of Human Rights.

Australia signed CERD on 13 October 1966, and ratified it on 30 September 1975, along with a declaration regarding a delay in the implementation of article 4 (a).

Canada signed CERD on 24 August 1966, and ratified it on 14 October 1970 with no declarations nor reservations.

The United States of America signed CERD on 28 September 1966, and ratified it on 21 October 1994. At the time of signing a declaration was made with reference to individual rights being protected by the Constitution, and that this would not be overruled by CERD. Upon ratification several reservations were made by the US Senate, which is required to provide its consent, again with reference to US Constitutional supremacy, and that the “provisions of the Convention are not self executing” (UNHCR 2005).

The discrepancies in dates of ratification between the above three states are startling, but reflect each nation’s ability to conform to the demands of the Convention. Australia, for example, passed its own domestic Racial Discrimination Act in 1975, and prior to the passing

of such an act would not have been in conformance with the Convention. (The 56th session of CERD produced a fairly scathing report as to the standing of Australia in relation to the Convention as late as March, 2000.) Canada had no issues with signing or ratifying the Convention, reflecting their more progressive approach to the issue of racial discrimination within Canadian legislation. The US ratified the Convention only in 1994, along with carefully considered qualifications of its interpretation and application domestically.

Besides the Racial Discrimination Act of 1975, the Australian government has also implemented The Native Title Act 1993, Racial Hatred Act 1995, and established the Aboriginal and Torres Strait Islander Commission (ATSIC) and the Aboriginal and Torres Strait Social Justice Commissioner within the Human Rights and Equal Opportunity Commission (although ATSIC was recently disbanded by the Howard government). All of these developments have been applauded by CERD, although the application of each has not been seen to be meeting the stated objectives of either CERD or of the Australian Government. Some of these issues will be addressed in more detail in sections to follow.

3c) Australian Government

i) White Australia Policy

“The ‘fair’ in the national anthem, Advance Australia Fair, did not mean ‘equitable’, when the song was written; it meant white” (Cope & Kalantzis 2000, cited in Poynting, 2004).

In 1901 the newly formed Australian Parliament enacted the Immigration Restriction Act. The purpose of this act was to restrict immigration to Australian shores to those of white, European descent and specifically to keep out anyone of Asian descent. Some view this act as a backlash against Chinese gold diggers who were seen as undermining the unions by working longer hours than their European counterparts and often for less wages (Le 2001), but it was also motivated by Australia’s ongoing and “deep-seated fear of invasion by hordes from our north: ‘The Yellow Peril’” (Marr & Wilkinson 2004, p. 44, cited in Poynting 2004 p. 241). One of the more contentious issues of the gold rush days, however, was not union membership, or wages, but the fact that there were virtually no Chinese women in Australia at the time, and Chinese men were beginning to look at white women in “undesirable” ways. The issue raised fears about interracial liaisons and biracial offspring which were seen as a “threat to the purity of the national ‘blood lines’” (Jupp, 1988, p. 79).

Alfred Deakin, three times Prime Minister of Australia, believed that “‘Unity of race is an absolute to the unity of Australia’” (Le, 2001).

It should be noted that the international climate during the first three quarters of the twentieth century was one of colonialism and institutionalized racism across the globe. Africa was pushing for independence in varying degrees during this time, and in some cases the European colonisers went to extremes to resist until the end. When the international community demanded an easing of the apartheid practices by British rule in Southern Rhodesia in 1965, the Rhodesian prime minister, Ian Smith, enacted a Unilateral Declaration of Independence from Britain in order to maintain the privileged way of life for the nation’s white minority. On the other side of the world, African Americans were not granted the right to vote until the 1965 Voting Rights Act was signed into effect by President Lyndon Johnson,

also after much protest (Mount, 2005) and the assassinations of Dr. Martin Luther King, Jr. and President John F. Kennedy. Australians no doubt felt that they were, if not morally right, at least in good company with their immigration policy.

The Immigration Restriction Act of 1901 did not actually include racist language, although the intent was very clearly to keep the Australian population as white as possible. Instead, under pressure from Japanese government officials, the act took inspiration from a similar piece of legislation in Natal, South Africa, which instituted a dictation test to determine eligibility for immigration. In Australia, the dictation test would be given in any European language as decided by the administrator on the day. Of course the administrator was under clear instructions as to the real nature of the deal (Jupp, 1988).

The 'White Australia Policy', as it became known, stayed successfully in place until after the Second World War when exceptions were made for Japanese war brides, and then was slowly dismantled until in 1973, under the leadership of Gough Whitlam, it was finally done away with completely opening the door to immigrants from non-white backgrounds, including Asians.

ii) Australian Multicultural Policy

The Australian Multicultural Policy came into being during the three short years of the Whitlam government, espoused by his minister for immigration, Al Grassby and continued by the Fraser government which succeeded Whitlam's in 1975. Recognizing Australia's "culturally and linguistically diverse society" this policy "promotes acceptance of and respect for our cultural diversity" and "supports the right of each Australian to maintain and celebrate, within the law, their culture, language or religion" (DIMIA 2005).

The ending of 'White Australia', and the subsequent implementation of multiculturalism, also meant an end to racism in Australia, at least in theory. According to Jon Stratton, in his book 'Race Daze', however, "the corollary of this was that race became a demonised idea.....the demonisation of race had the consequence of repressing a concept which had been, and remains, a key element of Australian national understanding" (1998). Australians, then, were in a similar situation to those in other nations which had recently undergone similar changes in policy such as North Americans and Europeans living in post-colonial Africa. No longer supposed to be racist, but not enough time elapsed, or procedures enacted, to process this change sufficiently.

Not surprisingly, reaction to and support for multiculturalism in Australia has been varied. Australia's current Prime Minister, John Howard, is quoted as saying "to me multiculturalism suggests that we can't make up our minds who we are or what we believe in" (Markus 2002). Clearly he is not an advocate for multiculturalism, and has taken steps to minimize its impact as a policy on Australian society.

As a complete, and relatively sudden, turnaround from White Australia, some fear that "the diversity of multiculturalism risks societal division and conflict" (Jupp, 1988, p. 915) with some pointing to problems of racial conflict in Africa and the United States as reasons for maintaining a mostly homogeneous society. With arguments along the lines of those of partiality, as described by Matthew Gibney in his book *The Ethics and Politics of Asylum* (2004), several Australian politicians (Howard, Ruddock, Vanstone, Hanson) maintain that

they are concerned with protecting the way of life of Australians, especially with regard to our national cultural identity. A partial view holds that the state has the right to protect the national culture from outside influence, and therefore too many people from 'other' cultures should not be allowed to infiltrate the existing society. (Gibney, 2004)

One of the problems associated with implementing an immigration policy based on partiality is that it runs the risk of being called racist. In fact, it is generally accepted that culture and race are inextricably linked, and that the one follows the other. This understanding underpinned the White Australia policy; "the assumption was that a racially homogeneous population would be culturally homogeneous" (Stratton, 1998). So while today it is unacceptable to be seen as racist, politicians such as Pauline Hanson and John Howard emphasize cultural differences in what has been called 'dog whistle' politics: that is, messages that are heard by certain sectors of society, but ignored (or not heard) by the rest.

One such example was after September 11, 2001, when "Prime Minister Howard, in full election flight, deployed the 'dog whistle' ... to send a message, inaudible to those liberals he would not want to alienate, which signalled clearly to the xenophobic who did not want Arabs or Muslims in their neighbourhoods: 'there was a "terrorist threat from bin Laden cells in Australia"' (Peter Manning, 2004)" (Poynting, 2004). On another occasion, when asked in a radio interview if changes in immigration policy (specifically the family reunion category) would mean less people coming from Asia, John Howard responded "'it could. Because if you have less family reunion, you may have less coming from Asia. It wouldn't be an aim... but that could happen.'" (Markus 2002). The message was veiled, but clear to those who were concerned about too many Asians in Australia and, by implication, the associated threat to our national cultural identity.

But while the current Australian government's leadership does not support multiculturalism, the Department of Immigration, Multicultural and Indigenous Affairs website <http://www.dimia.gov.au/multicultural/australian/index.htm> has a link to the "Living in Harmony" website, which does promote multiculturalism and offers grants between \$5,000 and \$50,000 to organisations interested in projects oriented towards community relations, which include Inter-faith issues, New and emerging communities, School and educational communities, and Indigenous Australians.

One can conclude, then, that Australia has a policy of multiculturalism on paper, but its application is uneven and inconsistent at best, perhaps depending on which government is in power at the time and probably just as much the prevailing public opinion of the day.

iii) Racial Discrimination Act 1975

Australia's Racial Discrimination Act of 1975, Section 9, states that:

It is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life (Australian Government 2005).

Further sections cover Rights to equality before the law, Access to places and facilities, Land,

housing and other accommodation, Provision of goods and services, Right to join trade unions, Employment, and Unlawful to incite doing of unlawful acts, on the basis of race, colour or national or ethnic origin.

iv) Racial Hatred Act 1995

The purpose of the Racial Hatred Act of 1995 was to extend and clarify the earlier Racial Discrimination Act of 1975. According to the Australian Human Rights and Equal Opportunity Commission website, “It aims to strike a balance between the two valued rights: the right to communicate freely and the right to live free from vilification” (HREOC 2005). The original act of 1975 was found to be too narrow in scope, and needed to be further elaborated to allow for the expression of complaints about racist behaviour, or academic discussion on the subject as well as genuine media reporting. Artistic works and performances, such as plays, are exempt from the law along with academic publications and fair and accurate media reporting.

v) Aboriginal Rights and Laws

When the Australian Constitution of 1901 was drafted, three sections combined to prevent Aboriginal people from being recognized as full citizens of Australia, a land their ancestors had occupied for at least 40,000 years.

“Section 51 of the Constitution declared that Aboriginal matters were not the business of the federal government, which meant that each state could make its own arrangements. Section 25 declared that any ‘race’ who couldn’t vote in state elections couldn’t be counted as voters in a federal election, and Section 127 provided the final blow: Aborigines were not to be counted in the national census” (Linden, 1996, p. 4).

This effectively meant that people of Aboriginal descent had no rights in Australia.

Sections 51, 25 and 127 remained in effect until 1967, when “voting Australians” decided by referendum to allow Aborigines the vote, and to include them in the national census.

A policy of assimilation was decreed by the Commonwealth Government in 1937, which aimed to remove people who were not considered to be of ‘full blood’ from their communities and absorb them into mainstream Australian societies. For many Aboriginal (or part-Aboriginal) children this meant forcible removal from their families, and placement in foster homes with white parents, or more formal institutions. These children have been referred to as the ‘Stolen Children’. The laws providing for such ‘assimilation’ varied from state to state, with NSW and ACT ending theirs by 1940, while Queensland continued until 1965. (Amnesty, 2005)

Having been displaced from their land by the early settlers of the late eighteenth, and throughout the nineteenth century, (the use of reserves was similar to those used in the

solution for Native Americans) Aboriginal Australians had no rights to land under Commonwealth laws. In 1974, the Aboriginal Land Fund Commission was established with the purpose of buying back sections of land and returning it to Aboriginal ownership and control, under the Aboriginal Land Trust.

In 1992, the Mabo Case proved for the first time that the doctrine of *terra nullis* was false, and the High Court of Australia 'found that Aboriginal and Torres Strait Islander people who have maintained a continuing connection with their land, according to their traditions and customs, may hold native title' (Amnesty, 2005). This was formalised in 1993 with the Native Title Act, which allowed Aboriginal people to make claims to land ownership where they could prove such continuous association with a given area. (Linden, 1996)

While the Native Title Act and the Aboriginal Land Trust were promising developments towards Aboriginal empowerment, Aboriginal communities continue to suffer from disproportionate levels of adult imprisonment, juvenile detention, and general welfare within the community. According to a fact sheet from Amnesty International, using figures from 2001, life expectancy is still about twenty years less for Aboriginals than all Australians, the infant mortality rate is twice that of all Australians, hospitalisation is almost twice that for Aboriginals than for all Australians, and the areas of education, employment and housing reflect similar disparities.

v. Reconciliation

The last decade of the twentieth century was set aside for issues of Reconciliation between the indigenous and non-indigenous people of Australia. Beginning in 1991 the Council for Aboriginal Reconciliation was set up with a mandate to "improve the relationships between Aboriginal and Torres Strait Islander peoples and the wider Australian community" (ANTaR 2005). The Council was to be in effect for a period of ten years, and focus on the creation of "documents of reconciliation" which included two main documents: a 'Document Towards Reconciliation' and a 'Roadmap for Reconciliation'. The ten year period culminated in an event called 'Corroboree 2000' intended to celebrate and highlight the issues and progress made towards reconciliation.

One of the key, and most contentious, issues in the above documents was that of a treaty between the Aboriginal people of Australia and the Commonwealth Government of Australia. Sadly, the Australian government has rejected most of the Council's recommendations. "Prime Minister Howard flatly rejected the idea of discussing the merits of a treaty process, branding the initiative as inappropriate and divisive" (ANTaR 2005).

The need for a treaty is part of the "unfinished business" between indigenous Australians and the government. Australia has no formal recognition in its Constitution of the original occupants of the Australian continent, and while other nations such as Canada have long since addressed the issues of treaties and self government, Australia has not. Former Prime Minister Malcolm Fraser has criticised John Howard in this regard, arguing that the reconciliation movement must be led by the government and that should include a treaty. He admits that the very term "treaty" can be disturbing, and that an alternative of "agreement" could be used instead. (Strelein, 2005)

4. Racism and Refugees

4a. A Factor in Persecution Leading to Flight

i) Racism as First Reason Given for Persecution

When a person applies to the UNHCR for refugee status, they do so because life in their country of origin has become unbearable and dangerous due to persecution of some kind. In making the determination of whether or not a person qualifies for refugee status, the first qualifying reason is that of race. Race is given as the first qualifier in every single instance of international law, policy, protocol, convention and other instruments relating to refugees. While the original Convention Relating to the Status of Refugees was adopted by the UNHCR in 1951, the recent addition of the Agenda for Protection in 2002 makes clear that, fifty years later, the problem of discrimination based on race is not going away.

The following brief case studies highlight two examples of how racism can manifest itself in the twenty-first century. While Sudan and Afghanistan were chosen for this paper because of their currency and relatively high media profiles, many other regions of the world suffer ongoing ethnic conflicts for similar as well as varied reasons.

ii) Brief Case Studies:

(1) Sudan

The Sudan is just one of many nations struggling to recover from the effects of its colonial history. As a result of the European contest for resource rich lands during the nineteenth century, Sudan's national borders were drawn to suit the British rulers of the day; thus present day Sudan encompasses two very different ethnic groups of people. The people in the north of the country are primarily Arab Muslims, while those in the south are primarily black Africans who practice either traditional African religions or Christianity. Government and the military have been dominated by Arabs since independence from the British in 1956, leaving black Africans powerless and disenfranchised yet again. (Mutua, 2004).

While black African Sudanese have waged an ongoing struggle against their Arab rulers, until recently the response has been one of absolute intolerance and unwillingness to negotiate power. Instead, the Arab dominated government took the extreme measure of attempted genocide against black African Sudanese in the south which succeeded in killing more than two million people and displacing millions more (Mutua, 2004). Many of those displaced had no choice but to join the burgeoning ranks of refugees, searching for a place to live free from persecution.

One of the issues, perhaps the main one, underlying Arab unwillingness to grant Sudan's south any form of self government, or even participation in the national government in Khartoum, is that the south has significant reserves of oil.

On 22 September 2005 the BBC reported that "Sudan's President Omar Bashir has announced the formation of a unity government as part of a peace deal signed with former southern

rebels” (Mburu, 2005). However, the report goes on to say that the southern Sudanese were disappointed that, while nine of the government’s 29 ministries will be governed by the South Sudanese, the big prize of the energy and mining ministry, which encompasses the oil industry, will remain in the hands of the North. “Under the terms of the peace agreement, oil revenue will be split 50-50 with the north but most of the proven reserves are in the south” (Mburu, 2005).

The crisis in the Sudan exemplifies the relationship between economics and racism.

(2) Afghanistan

Afghanistan is another example of clear distinctions between ethnic groups, with one being in a dominant position over the other. In his book, ‘Borderline’, Peter Mares gives testimony to some of the experiences of refugees and would be refugees from Afghanistan. Most Afghan refugees and asylum seekers who come to Australia either ‘lawfully’ or ‘unlawfully’ are from the Hazara ethnic group, which is the minority in Afghanistan. The Hazara not only look different from the Pushtun, and thus are easily identifiable, but also practice the Shiah form of Islam, while the Pushtun are Sunni.

For historical and political reasons the Hazara are persecuted by the Pushtun in Afghanistan, and, like the black Africans in the Sudan, have no political power. In Afghanistan, Hazara are considered second class citizens by their Pushtun compatriots. The Taliban’s support base is in the Pushtun people, while the Hazara have been associated with forces of resistance. In August 1998 the Taliban launched an attack on Hazara people in Mazar-i-Sharif, in the north of Afghanistan, killing more than 2000, and forcing many to cross the border into Pakistan in search of refuge. (Mares, 2001)

The history of Afghanistan includes a ten year invasion by the Soviet Union, from 1979 to 1989, during which period up to a million Afghans were killed (out of an estimated total population of 13 million). While the Soviet occupation ended around the same time the Soviet Union fell apart, the damage done to the infrastructure of Afghanistan was immense. The void left by the Soviet departure was filled by a civil war which encouraged further divisions between the ethnic groups of the country.

One of the legacies of the Soviet occupation is large areas covered in anti-personnel mines. Afghans used to use sheep to clear these minefields, until the Taliban found a better way - using the Hazara instead. Sheep are assets, and presumably too valuable to waste in such an exercise. (Columbus, 2002)

Afghanistan is similar to the Sudan in that it is still suffering the hangover from the occupation of a foreign nation, and the struggle for power has taken the all too familiar ethnic or racial division route. If racism is a learned concept, as suggested by the social scientists, then it has been learned well. And what better teachers than the colonial conquerors who brought the concept with them in the first instance in order to justify their own presence and actions in a foreign land? In Afghanistan’s case it was most recently the Soviets. In Sudan’s case it was the British. In both cases the lesson of racism has been well learned and internalized, only to be brought out and used again in the local context even after the colonial masters have been sent packing.

4b. A Factor in the Resettlement Process

i) Access to “the Queue”

The much vaunted “queue” for asylum seekers consists of a process of applying to the UNHCR for refugee status, then applying to a potential recipient country for asylum, meanwhile waiting in an intermediary country, often in a refugee camp, for a place to become available and transport to be arranged. This process can take years. (Amnesty International, 2005)

The UNHCR is almost always the first port of call. Without approval from UNHCR, most recipient countries, including Australia, are reluctant to accept applications. UNHCR offices, however, are not to be found in all locations, and even when they are present, getting to them may not be as straightforward as walking up the steps.

In fact, access to the refugee status “queue” is restricted to those lucky enough to live in a country, or be able to get to a country, which has UNHCR presence, Australian mission (with Dimia staff) or both. Those who cannot get to one or both of these institutions must fend for themselves. The UNHCR continues to strive to provide services where they are most needed, but to provide for all, everywhere, has proved nearly impossible. As Steven Columbus reports in his article ‘Irregular asylum seekers: rhetoric vs reality’ “In September 1999, the UNHCR urged refugees not to approach its offices for resettlement consideration, as it did not have the resources to both handle such applications and deal with its daily responsibilities to refugees” (Columbus 2002, p. 25). As recently as June 2004, “UNHCR temporarily suspended individual refugee status determination for Sudanese refugees in Egypt, where they are now simply being registered by UNHCR for protection purposes” (CASWANAME 2004). And even when an office of UNHCR is located in a country an asylum seeker can get to, and is able to provide the necessary refugee status determination services, the asylum seeker may still not be able to get past the front gate. Reports of bribes being required for entry have been made by asylum seekers in Islamabad, along with stories of guards simply not allowing Hazara Afghans entry at all. (Mares, 2001)

When asked why they did not join “the queue” Hazara Afghans will be bewildered as to exactly which queue they were supposed to join. As Marion Le said in her speech given as part of the Alfred Deakin Lectures in Sydney in May, 2001 “In reality, there are no *queues* where these people come from - only the endless nightmare of years spent in limbo, in camps, in despair; there are no *quotas* - they are always full; there are no *illegals* because the term has no meaning in international law” (2001).

ii) Boat People/Queue Jumpers

If there is not, in reality, an orderly queue for people in certain regions to join, then bona fide refugees are left in a predicament. Sometimes the only viable solution is to get on a boat and risk life and limb in an attempt to reach the protection of countries such as Australia. Such people have been referred to by Prime Minister John Howard, along with Amanda Vanstone (current Minister for Immigration) and Philip Ruddock (former Immigration Minister) as “queue jumpers”, and called un-Australian in values.

John Howard is not the first Australian leader to reject asylum seekers arriving by boat. Bob Hawke did the same just a few years earlier. “Declaring ‘Bob’s not your uncle’, he vowed to return the 1989 boat arrivals to their country of origin, Cambodia” (Le, 2001). But there are several events which took place under Howard’s stewardship which give rise to more serious concern. Two of these events are commonly known as the ‘Tampa Crisis’, and the ‘Children Overboard Incident’.

In August, 2001, a Norwegian container ship called the MV Tampa went to the rescue of a sinking fishing boat carrying four hundred and thirty-three asylum seekers who were attempting to reach Australian shores and claim asylum as refugees. The fishing boat was found somewhere between Indonesian and Australian waters. As the Tampa tried to make its way to Australia the Australian government flew into action. First, it refused the Tampa entry into Australian territory and sent armed SAS troops to board the ship and ensure compliance. After much debate, both domestic and international, the asylum seekers on board the Tampa were delivered to the “Pacific Solution” which was an ingenious, although technically illegal in terms of international law, answer to the problem of ‘illegal immigrants’. John Howard made public comments about security, national sovereignty, and the rights of Australians being trampled on, making the subliminal suggestion that somehow the asylum seekers threatened the security of everyday Australians. (Burke, 2001) The events of September 11 which followed closely after only served to strengthen the government’s message about asylum seekers as enemy.

The second incident, that of the ‘Children Overboard’, serves to highlight Australia’s increasingly menacing rhetoric about asylum seekers as unlawful, unwanted, deceitful, not holding the values required to be members of the Australian community, and not culturally assimilable. In this particular instance, however, it was later found that the asylum seekers had in fact not thrown their children overboard in order to gain entry and asylum in Australia, but that the whole incident had been manufactured by a complicit collusion of navy, government and media. The story was in itself too good to let pass, or to check on facts before making statements, or going to print. Alexander Downer, Foreign Minister, had the following to say:

‘These people had behaved abominably right from the start. The disgraceful way they treat their own children. Any civilised person would never dream of treating their own children in that way.’ (Corlett, 2002)

John Howard was perhaps even more direct. ‘I don’t want people like that in Australia. I tell you - I don’t want people like that in Australia! Genuine refugees don’t do that.’ (Markus, 2002).

Again, it needs to be pointed out that no asylum seekers actually did what they were accused of - i.e. throwing their children into the sea. But even if they had, their actions could be seen from a different perspective, as suggested by Andrew Markus in his speech on ‘Race Politics’. Instead of interpreting the act of throwing ones own child into a perilous ocean as indecent, criminal, unworthy of Australia’s sympathy or assistance etc, Markus suggests that it could be seen as an act of desperation, ‘evidence of the love of parents, a desperate plea to a humane society not to let young lives be wasted in a no man’s land of despair’ (2002). The speed and definiteness of the political response from the Australian government makes clear that no such considerations were made, and that a previously agreed political expediency was being played out. The next federal election was looming and a little domestic hysteria about boat people

trying to subvert Australia's sovereignty must have seemed like a gift at the time. Australia's actions in both of the above examples are unacceptable because of the inhumanity of the responses, but also because Australia is a signatory to the 1951 United Nations Convention Relating to the Status of Refugees. If Australia is serious about providing assistance and protection to any number of refugees, then instead of working overtime to catch and vilify illegal boat people from entering the nation, it should be looking at the realities of the application process and taking steps to ensure that it is a fair one for all people in need of such assistance. As it stands, the majority of asylum seekers getting on boats in the hope of finding refuge in Australian society are those from the Middle East and South East Asia. It doesn't take much imagination to realize that they are non-white peoples.

As Anthony Burke points out in his essay "Sink the Tampa",

Given the complete lack of concern in the Australian community about the thousands of Europeans who overstay their visas (and are thus 'illegal' immigrants) we must assume that the perceived threat of the boat people really lies in their *difference* - Muslim, Coloured, Oriental - in their status as an unassimilable excess that the pure being of the Australian subject cannot abide. (Burke, 2001)

iii) Australian Society

Australian society in the early twenty-first century is surely one of the best in the world to live in. It offers one of the highest standards of living, best education systems, excellent health care, relatively low unemployment, and lots of open parklands and beaches. We boast a multicultural mix of many ethnicities and cultural backgrounds, who for the most part live and work alongside one another in domestic tranquillity. Australia has laws to protect against racism, racial vilification, and other human rights abuses.

Australia also has its hidden away side. The Aboriginal people continue to live in conditions average Australians would consider deplorable, suffering from malnutrition, disease, and lower mortality than their Anglo-Celtic counterparts. Jeff McMullen calls it *Syndrome X*. He describes this syndrome as "a cluster of so-called 'lifestyle illnesses' including diabetes, end-stage renal disease, strokes, hypertension and heart disease" which combined, work to shorten a person's life by an average of 20 - 25 years. (McMullen, 2005) McMullen is not writing in 1965 - he is writing in 2005. The disparity between average Australian health and that of indigenous people is not diminishing over time; in fact McMullen argues it is widening.

The recent 'war on terror' proclaimed by US President George W. Bush and fiercely seconded by Australia's Prime Minister John Howard has been used as a political vehicle to win elections and put fear into the electorate. To this end, Arab Muslims have been subtly (and not so subtly) drawn as either terrorists or terrorist friendly by the government (who gain from such scare-mongering by winning elections) and the media (who gain by selling more newspapers). Those who lose of course are all Australians, and particularly those of Arab/Muslim descent, many of whom may in fact be refugees escaping persecution in the very states Australia is engaged with in the war on terror. The recent "counter-terrorism legislation" which will allow for detention without charge where a person is suspected of terrorist activities has caused much disagreement in all circles of Australian society. Again, those most affected will be the Arab Muslims.

In November 2005 a sign at a bus stop in Randwick had the following message spray painted

across an expensive advertising poster: “Arab = Scum, Moslem = Vermin”. This is just part of the other side of the friendly, benign, welcoming Aussie nature of Australian society.

Even the seeming adherence to international laws and conventions is not quite as it should be. The Committee on the Elimination of Racism recently submitted their report on the state of Australia’s implementation of the CERD, noting four and a half pages of concerns. CERD’s concerns are across the board, ranging from the abolition of ATSIC, to the counter-terrorism laws, to bias against asylum-seekers in the media, to the difficulty in determining a continuous relationship with the land required to establish native title rights (CERD 2005).

5. UNHCR Refugee Statistics

5a. Asylum Applications and Refugee status determination by country of asylum and level in the procedure, 2004

The following statistics are a subset of data taken directly from the UNHCR website, which sourced the information on 6 June 2004 and notes that the data are provisional and subject to change. The data was viewed at www.unhcr.org on 9 August 2005.

Country of Asylum	Level	Pending begin year	Applied since Jan 1	Decisions during the year				Pending End Year	Recog. Rates %
				Recognized	Rejected	Otherw Closed	Total		
Australia	FI	793	3,276	346	2,723	89	3,158	4,145	11.3
Australia	AR	2,228	2,918	1,115	2,924	232	4,271	877	27.6
Canada	FI	41,575	25,750	16,005	19,180	5,223	40,408	27,290	45.5
United States	IN	262,032	27,907	10,278	21,655	77,016	108,949	184,653	32.2
United States	EO	89,844	17,065	10,870	20,922	32,534	64,326	79,057	34.2

As of 6 June 2004, Australia had an overall refugee status recognition rate of 11.3% for first instances (FI), and 27.6% for cases which underwent an administrative review (AR). For the same period, Canada had an overall refugee recognition rate of 45.5%, while the US had a rate of 32.2% for refugees processed by the Immigration and Naturalization Service (IN), and 34.2% for those processed by the Executive Office of Immigration Review (EO). While Australia and the US both use a review procedure, Canada does not. In the case of the US, the recognition rate for first instances and cases being reviewed is very close. In Australia’s case, however, the recognition rate for reviews is more than twice that of first instances.

This large difference suggests that the process of evaluating asylum seekers in the first instance is either not thorough enough, or is intentionally set up to disqualify the vast majority of applicants, i.e. the 88.7% of asylum seekers who are turned down on their first try.

While the above figures have been taken out of the original context of a table of all countries, and many other countries’ recognition rates are much lower than Australia’s, many are much higher also. Some countries, such as Botswana, Eritrea, France, Guinea-Bissau, Mozambique,

Namibia, Oman, Papua New Guinea, Paraguay, Rwanda, Swaziland, Uruguay and Zimbabwe are all listed as having 100% refugee recognition rates. Of course the numbers don't tell the whole story; they are only an indicator of the situation in mid 2004. But an indicator of 11.3% is not a good one for a nation like Australia, which enjoys a standard of living equal to the best in the world.

5b. Afghanistan, China and Iraq

Country of Asylum / Origin	Lvl	Pending begin year	Applied since 1 Jan.	Decisions during the year				Pending end year	Recognition Rate
				Recognized	Rejected	Other. Closed	Total		
Australia									
Afghanistan	FI	34	127	100	7	*	109	167	93.5
Afghanistan	AR	345	576	728	62	7	797	122	92.2
China	FI	82	792	17	683	10	710	879	2.4
China	AR	471	625	77	841	44	962	130	8.4
Iraq	FI	76	158	50	25	*	79	279	66.7
Iraq	AR	7	147	*	11	*	15	139	21.4
Canada									
Afghanistan	FI	175	152	100	34	26	160	153	74.6
China	FI	2,257	1,982	1,258	669	476	2,403	1,812	65.3
United States									
China	IN	3342	2860	748	2203	563	3514	2894	25.3
China	EO	9641	2767	1256	3070	2055	6381	7407	29.0
Iraq	IN	146	158	103	93	8	204	104	52.6
Iraq	EO	569	110	115	206	99	420	371	35.8

* denotes a value between 1 and 4

Afghanistan, China and Iraq are the only originating countries which had first instance cases being processed by Australia in 2004. The US is listed as processing asylum seekers from many different nations by the INS (i.e. first instance) but for comparison purposes these are not used. There are no figures listed for Iraqis seeking asylum in Canada.

The first thing to note is the huge discrepancy between refugees recognized by Australia from Afghanistan (FI of 93.5% and AR of 92.2%) and China (2.4% and 8.4%). This sizable difference could lead one to speculate on the nature of relations between Australia and China at the time, but data (not reprinted in this paper) showing recognition rates by Australia of asylum seekers from Bangladesh (18.9%), India (0.7%), Indonesia (3.9%) and Malaysia (0.7%) show that it's not just China scoring so low. While the Australian government is making all kinds of dog whistle remarks about Muslims and terrorists, Afghan refugees are partially a result of the

ongoing confusion in Afghanistan which Australia has been party to. This means a responsibility to assist people who have been displaced. On the other hand, in an election year with a vocal conservative electorate complaining about too many Asians coming to our shores, it seems that the government has taken steps to stem the tide of Asian refugees down to a mere trickle. One interpretation might be that Asian asylum seekers have been sacrificed by the Australian government for the purpose of retaining political power. Even if this is not the case, to put it in the Australian vernacular, it's not a good look.

6. What Can Be Done?

One of the problems in dealing with racism is that people don't want to admit that they are racist, or carry racist notions in their general ideas about the world. Indeed, in legislating against racism, one of the effects is that people feel compelled to deny that they have any racist thoughts at all, or any racist motivations. Ien Ang, speaking at 'Beyond Tolerance - National Conference on Racism', suggests that the end result is negative and not at all conducive to the true elimination of racism in society. Ang says:

People are told that racism is 'wrong' and therefore they should refrain from it. Such an educational model is based on the assumption that people expressing racist views (for example Pauline Hanson) are somehow irrational, stupid or misguided, and that they should simply be helped to see the light..... My contention is that such antiracist programs are ultimately ineffectual: by pathologising the racist they only make those targeted feel bad about themselves, feel guilty and ashamed. The problem is that the politics of blame and accusation involved in such programs will eventually only push the racist attitude underground. (2002)

In terms of anti-racist education, instead of focussing on the legal aspects of racism, Ang suggests taking a more open approach, with a focus on the nuances of racism within given contexts and cultural understandings. This should begin with an admission that no one is completely free from some sort of racially discriminatory thoughts or impulses, and reject the position of blamelessness which we all automatically seek to take (Ang, 2002).

This sort of approach makes a lot more sense than pretending we're not racist. It also makes possible a dialogue about racism, which is not possible when nobody is willing to admit it exists. A dialogue which focuses on a critical evaluation of "cultural difference and prevailing power relations" (Ang 2002), in order for a society as a whole to develop an integrated understanding of itself. Instead of enforced conscription for young adults in times of war, perhaps Australia should institute enforced cultural dialogue for all adults as a program of national understanding. Perhaps in understanding each different culture within the Australian mosaic, Australians would better understand and have compassion for people outside their own borders as well as those within them.

Another approach towards eliminating racism is to go back to the basics of the major monotheistic religions of the world: Christianity, Judaism and Islam. Each of these religions contains a similar set of social justice and moral teachings which include human rights and economic justice, and the basic commandments and virtues are the same (Uniya, 2003). If practitioners of each religion sought to practice the healing aspects rather than those of retribution (which can also be found and pulled out when needed) and punishment, conflict on this planet would be dramatically reduced. If we look for the similarities between us, we will find them. If we look for the differences, we will find them also. Focussing on what we have in common with each other is an exercise of acceptance and healing; focussing on differences

is an exercise in fear and hate. This concept is far too large and complex to do justice to it here, but suffice to say that a lot could be done in this area. However, the work needs to be initiated within each religion; churches, mosques, temples, and then crossed over into the broader community.

7. Conclusion

The subject of racism and refugees is a huge one; much larger and more complex than I thought when I set out to write this paper. It is also depressing when one looks at the overwhelming nature of it. Although modern science tells us that there is no such thing as a biologically discernable race, our experience tells us that there are many other peoples who are different from us both in the ways they look and the ways they live. Those of us living in Australia have the experience of a truly multicultural society, with people of all races, nationalities, ethnic backgrounds, religions, cultures, styles of dress, cuisine, music, dance, and other forms of cultural expression. Some of us may remember the days when the most exotic kind of food to be found was Chinese; these days Chinese food is almost bland compared to the more exotic and spicier dishes from Thailand, India, and the Middle East. Thank God for immigration!

But people from different cultures bring us more than their food. They bring us their communities, their passions, their loves, their fears. They bring us their children. And their humanity. In that sense we are all the same and no line can be drawn to split out one group from another. Trying to make such a distinction may seem like it will win one group something, but it can only end up by everyone losing something.

When asylum seekers request assistance and refuge, they deserve to be treated with the same respect, dignity and humanity we would all wish for should the shoe be on the other foot. Perhaps there is not room in Australia for every hopeful asylum seeker, but that is no reason to withhold respect and dignity under the guise of “security needs”, or because they are different from us and probably won’t understand if we’re kind anyway.

Aboriginal people in Australia are still struggling to gain the kind of respect and dignity they deserve as Australia’s first people, with still no treaty in sight after more than two hundred years of European occupation and desecration of their land. It is no wonder that they have a particular empathy with Australia’s last people, since most of the newly arrived immigrants and refugees have in common with them a racial difference from ‘mainstream’ Australians.

The international community, in the form of the UNHCR, CERD, and other bodies, continue to push for the lowering of racial barriers to full membership of all societies. Australia needs to treat the requests from CERD as being important to all Australians, not just to buy off the Aboriginal community and keep them quiet. Australia needs to do what is suggested above and stop pretending it is not a racist country. Admit it, look at it, and then take the appropriate steps to change it. Change is painful, but it leads to healing. Staying the same just offers more of what we’ve seen already and that can only bring even more pain and suffering. Reconciliation between indigenous and non-indigenous peoples, and respect and dignity for all human beings seeking refuge on our island nation can be a reality.

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