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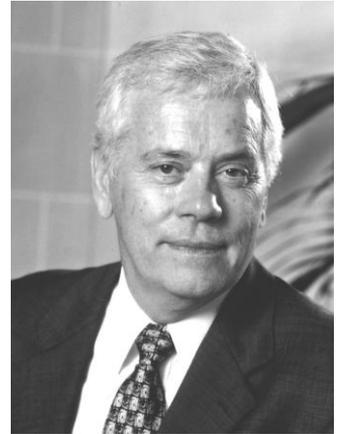
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## President's Report

The Academy is commencing a strategic review to shape its program and its working arrangements. The *Review of the Structure, Systems and Processes of the Academy of the Social Sciences in Australia* undertaken for the Academy by Professor Ian Palmer provides one important starting point. The terms of reference set by the Academy for the review gave it an internal focus. They were:

1. Does the Secretariat provide adequate support to the Committees and to the Fellows?
2. Does the ASSA administration (Executive Committee and Secretariat) articulate and communicate effectively with the Fellows?
3. Is the Committee structure effective in capturing the activities of the Academy and engaging with the Fellows, collaborating institutions and individuals?



The strategic review will take up the information that Professor Palmer gathered from Fellows in response to these questions and the recommendations that he offered in his report. It will also consider the nature of the Academy's work program and connections between the program and policy debate and development.

Relevant to the latter consideration is the report, *Inspiring Australia: A National Strategy for Engagement with the Sciences*, presented to the Minister for Innovation, Industry, Science and Research by the Steering Committee for a National Science Communications Strategy and published by the Department of Innovation, Industry, Science and Research in December 2009. The Steering Committee was chaired by a Deputy Secretary of the Department and included the Chief Scientist for Australia, the Chief Executive of CSIRO, the Director of Questacon (the National Science and Technology Centre), and a representative of the ABC. The primary remit of the Steering Committee was to consider a series of reports from 2003 to 2009 on science awareness and to design a replacement for the Department's Science Connections Program (SCOPE).

In the preface to its report, the Committee said:

Care was taken to consider communicating science and its benefits as broadly as possible, drawing participants not only from the natural and physical science disciplines, mathematics, engineering and health sciences, but also from the humanities, arts and social sciences. (p viii).

The Committee quotes the Minister, Senator Kim Carr, as saying:

The humanities, arts and social sciences are absolutely central ... First, they drive innovation themselves... Second, they raise the standard of scientific and technical innovation by shining an inquiring and sometimes critical light on its ethical, historical, cultural and social consequences... Third, they give people the skills they need to use the innovations coming out of our laboratories and R&D centres... And fourth, they empower individuals and communities to deal with change – whether by adapting to it, or by asserting their own view of how it should happen (cited on p viii).

The Minister's list gives the social sciences both a substantive and a servant role. The Committee's definition of social sciences emphasises rather more the servant role,

defining 'science' as including 'the social sciences and humanities, critical to the interface between science and society'.

There is an opportunity for the Academy of the Social Sciences in Australia to shape the public discussion of science in a way that accords the social sciences not only a role at the 'interface of [the other] science[s] and society', but also an important substantive role in their own right, contributing their particular understandings to development of public policy and public knowledge.

The Department has established a National Steering Committee on Developing an Evidence Base for Science Engagement and it is operating on a short timeline, having been convened for the first time on 22 July 2010 and required to report by 31 August 2010. I am a member of this Steering Committee though more, I believe, because of my role as Chair of the Australian Curriculum, Assessment and Reporting Authority with its development of a national science curriculum, than my role as President of the Academy of the Social Sciences. It is, nevertheless, an opportunity to advance the contribution that the social sciences could make to the development of the evidence base on science communication and engagement and seek to ensure the embrace of a broad conception of the science with which public engagement is sought.

The issues are interestingly complex. They have implications for the way in the which the public engages with the science behind public policy and for the propensity for young people to pursue careers in science. The evidence base on science engagement will cover science communication at a variety of levels and through a range of media and venues. While the National Steering Committee will not focus on the role of schooling in developing science engagement, it is important, and there is some discouraging evidence about its efficacy.

International comparisons of the educational performance and engagement of 15-year-olds, conducted by the Organisation for Economic Co-operation and Development (OECD) through its Program for International Student Assessment (PISA), paint an intriguing picture of Australian school science. The three PISA surveys reported so far were conducted in 2000, 2003 and 2006. Results from the 2009 survey will be published in December 2010.

The first three surveys show that Australian students ranked 3rd or 4th in *understanding* of science. No country has been consistently ahead of Australia. Canada, Finland, Hong Kong, Japan and Korea have all been ahead on some occasions but not different from Australia on others.

When it comes to 15-year-olds' *engagement* with science, however, the story is quite different. This is best illustrated with data from PISA 2006 in which science was the main focus of the comparisons. Data were gathered on students' attitudes and engagement with science in four areas:

1. support for scientific enquiry,
2. self-belief as science learners,
3. interest in science, and
4. responsibility towards resources and environments.

The position for Australia is shown in Table 1.

Among 57 countries, of Australia ranked much lower in students' attitudes and levels of engagement than the ranks of 3rd or 4th in students' achievement. The one exception is in their sense of self-efficacy in science where they ranked 13th. Australian students are high achievers and, for the most part, do think they are good. (This can be contrasted with

the position of the US which ranked 29th in achievement but 2nd in self efficacy. The US students are not good but think they are.)

**Table 1: Australian students' engagement with science learning**

Aspect of engagement	Rank among 57 countries	
	Level of engagement	Difference in achievement associated with one unit difference in engagement
General value of science	41 <sup>st</sup>	2 <sup>nd</sup>
Personal value of science	37 <sup>th</sup>	1 <sup>st</sup>
General interest in science	54 <sup>th</sup>	13 <sup>th</sup>
Enjoyment of science	45 <sup>th</sup>	2 <sup>nd</sup>
Self efficacy in science	13 <sup>th</sup>	4 <sup>th</sup>
Self concept in science	43 <sup>rd</sup>	1 <sup>st</sup>
Instrumental motivation to learn	32 <sup>nd</sup>	3 <sup>rd</sup>
Future-oriented motivation to learn	42 <sup>nd</sup>	3 <sup>rd</sup>
Involvement in science-related activities	53 <sup>rd</sup>	2 <sup>nd</sup>

OECD (2007) *PISA 2006: Science competencies for tomorrow's world, Vol 1 – analysis*, Chapter 3:122-163.

All of the other measures of attitudes and engagement for Australian students suggest that our schools are a poor base for sustained general adult engagement with science or recruitment into scientific careers. Our secondary school students are good at science, by international standards, but they don't like it and are not inclined to engage with it.

It could be that international comparisons of self-reports of attitudes and levels of engagements are less valid than comparisons of achievement. There may be systematic differences between countries in the ways in which students respond to questions on scales of attitude and engagement. There is, however, a strong relationship between performance and attitudes/engagement within countries that shows that we cannot lightly dismiss the low rankings for Australian students in attitudes and engagement.

The strength of this relationship is represented in the rightmost column in Table 1. It shows Australia's rank for each measure on an indicator of the strength of the relationship. The indicator is the magnitude of the difference in performance scores associated with a difference of one unit on the engagement scales. Australia's ranks on this indicator for each of the measures of attitude and engagement range from 1st to 4th on all but one. That is, in Australia to a greater extent than in almost all other countries, high-performing students are much more likely than low performing students to have more positive attitudes and higher levels of engagement.

There is no need to infer a causal relationship in either direction between achievement and attitudes and engagement for this finding to be considered important. Both performance and engagement are important outcomes and both will be potentially

influential in determining whether students move on to advanced study in science and, how more generally, they engage with science as adults. There is work to be done at all levels of education to engage students with their studies beyond what is required to master the material to perform well in examinations and other forms of assessment. One strategy in the new K-10 Australian science curriculum has been to build in a strand dealing with 'science as a human endeavour', incorporating knowledge and understanding of the personal, social, environmental, cultural and historical significance and relevance of science.

The PISA surveys take a narrow view of science, not extending to the social sciences, but they provide part of the picture for Australia as we seek to increase the level of engagement with science in the community. The Academy of the Social Sciences could help to build from this base taking a broad view of science as it contributes to the work of the Department of Innovation, Industry, Science and Research on science awareness and engagement in Australia.

**Barry McGaw**

#### **In the Queen's Birthday Honours:**

**Professor Patrick McGorry** FASSA became an Officer of the Order of Australia (AO) for 'distinguished service to medicine and to mental health, as a leading clinician, researcher and scientist, through innovative reform of services, the development of national programs to support youth and raising public awareness';

**Professor Barbara Pocock** FASSA became a Member of the Order of Australia (AM) for 'service to industrial relations as an academic and researcher, particularly in the areas of employment, gender relations and vocational education, and as an advocate for social justice'; and

**Emeritus Professor Ross Williams** FASSA became a Member of the Order of Australia (AM) for 'service to education, particularly in the discipline of econometrics, through research and administrative roles, as a contributor to professional publications, and as an adviser to state and federal governments'.

## The Price of Fear

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### Life as a Weapon: Making Sense of Suicide Bombings

**Riaz Hassan**

In an age when the Western world is preoccupied with fears about weapons of mass destruction in terrorist hands, in many parts of the world terrorist groups are turning to a more basic device as the weapon of choice – the life itself. The use of life as a weapon, or suicide bombing, has become a weapon of choice among many terrorist groups because of its lethality and ability to cause mayhem and fear. Several prominent past and present leaders of Western democracies have often responded to the phenomenon by describing it as a manifestation of Islamic fanaticism explicable only by the irrationality of those who carry them out. The mass media taking cues from such explanations has reinforced this characterisation by stereotyping the perpetrators as psychological impaired and morally deficient uneducated and impoverished individuals.

Such assumptions have fuelled the belief that acts of suicide terrorism such as the September 11 type of attacks can be prevented only through liberalisation and democratisation of Muslim societies. This was a key rationale used by the United States, the United Kingdom, Australia and their allies to garner public support for the wars in Iraq and Afghanistan. Ironically policies based on such assumptions are reinforcing irrational fears and fostering development of foreign and domestic policies which are worsening the situation. Externally imposed policies of liberating, liberalisation and democratisation are likely to sharpen religious and ideological divisions in the world, especially in the recipient Muslim countries. Wars in Iraq, Afghanistan and Pakistan are obvious examples and we can easily add more countries to the list.

Studies by serious scholars, however, show that suicide bombing attacks are linked more to politics than to religion. Religion is used effectively by a number of Islamic radical groups to recruit suicide bombers and to raise operational funds, but the leadership of these groups have secular goals, such as expelling occupying forces from the 'homeland'. Thus, even if some suicide bombers are irrational or fanatical, the leadership of the groups that recruits and directs them is not. Understanding the dynamics of suicide bombings also requires understanding of what drives humans to suicide. In my studies of suicide over the past 40 years I have argued that suicidal behaviour in variety of settings may be used *not as an end in itself, but as a means to achieve multiple ends*, including self-empowerment in the face of powerlessness, redemption in the face of damnation, honour in the face of humiliation. In my opinion, this is central to a more meaningful understanding and explanation of contemporary suicide attacks in the world.

The evidence from the Flinders University Suicide Terrorism Database (FUSTD), the most comprehensive data base of suicide bombings in the world, largely discredits explanations that ascribe the cause to the personality of suicide bombers and which assert that suicide bombings are acts of abhorrent violence perpetrated by psychologically impaired, morally deficient, bizarre, sick, crazy, uneducated and impoverished individuals. The public policies which take cue from such explanations tend to focus on killing, restraining and incarcerating the deranged individuals in order to expunge them from society, and not to focus on societal conditions which may have given rise to the phenomenon in the first

place. The following are some of lessons of the FUSTD and other recent studies which deserve attention.

### **Suicide bombers are not mad**

Apart from one demographic attribute that the majority of suicide bombers tend to be young males, recent studies have failed to find a stable set of demographic, psychological, socioeconomic and religious variables that can be causally linked to suicide bombers' personality or socioeconomic origins. With the exception of a few rare cases, there is no apparent connection between violent militant activity and personality disorders. Typically most suicide bombers are psychologically normal and are deeply integrated into social networks and emotionally attached to their national communities. Labels such as mad, bad, sick, psychologically and morally impaired may be politically, and possibly legally, expedient but they don't advance our understanding of the causes of the phenomenon of suicide bombings which can be used to devise preventative public policies. They in fact impede us from discovering its real nature, purpose and causes.

### **A strategic weapon, tactic**

Suicide bombings are instrumental and strategic weapons used by well organised terrorist groups. These groups represent the weaker party in asymmetrical conflicts that are related to the struggle for greater autonomy or liberation of what they regard as their 'homeland'. The deployment of suicide bombings is mainly determined by their cost effectiveness, versatility, lethality and tactical efficiency in reaching well guarded high value targets. Suicide bombings have high symbolic value because the willingness of the perpetrators to die signals high resolve and dedication to their cause. Among the sympathetic constituencies they serve as symbols of a just struggle; they galvanise popular support and generate financial support for the organisation and become a source of new recruits for the future suicide missions.

Suicide bombings serve the interests of the sponsoring organisation in two ways: by coercing an adversary to make concessions, and by giving the organisation an advantage over its rival in terms of support from constituencies. From this perspective, understanding the organisation's logic is more important than understanding individual motivations in explaining suicide attacks. Contrary to the popular image that suicide terrorism is an outcome of irrational religious fanaticism, suicide bombing attacks are an intensely political phenomenon.

### **Driven mainly by politics, not religion**

The driving force behind suicide bombings is *politics* and not *religion*, though in some cases religion can play a vital role in recruiting and motivating potential future suicide bombers, particularly when secular ideologies fail to bring about desired changes. Suicide bombing is adopted as the weapon of last resort by the sponsoring organisations after long periods of protest, political agitation and other non violent methods have failed. Between 1981 and 2003 the majority of suicide missions were carried out by secular organisations. In the case of suicide attackers who carried out suicide missions only 43 per cent were religious.

For the individual, participation in a suicide mission is not about dying and killing alone but has a broader significance for achieving multiple purposes. These include gaining community approval, political success, liberation of the homeland; personal redemption and mark of honour, achieving an exalted status of martyr for the survival of the community; signalling unwillingness to accept subjugation, revenge for personal and collective humiliation, a symbol of religious or nationalistic convictions; guilt, shame,

material and religious rewards, escape from intolerable everyday degradations of life under occupation, boredom, anxiety and defiance. Obviously the configurations of these purposes would vary and would be an outcome of the specific circumstances of the political conflict behind the rise of suicide attacks as a tactic and a weapon.

### **Humiliation aids sub-culture of suicide bombing**

Humiliation, revenge and altruism appear to play key roles at the organisational and individual levels in shaping the sub-culture promoting suicide bombings. Humiliation is a complex and intense emotional personal experience in which historically and culturally grounded definitions or perceptions of self-worth, self-respect and dignity are destroyed and revealed as apparently false and illegitimate affectations. The evidence suggests that violence, the everyday degradations of occupation, harsh repression, a sense of collective grievances, torture, the violation of culturally grounded codes of honour and shame, massive economic and social dislocations, anxiety and helplessness are powerful means to inflict humiliation.

Humiliation is different from fear. Fear is an instinctual emotional response to potential danger that can cause physical pain. Humiliation is an emotional process that seeks to discipline the humiliated party's behaviour by attacking and lowering their own and others' perceptions of whether they deserve respect. In Abu Ghraib prison the techniques – forced nudity, simulated sex with another man in front of a female, made to bark like a dog and being photographed doing that – were not intended to inflict physical pain but to create total submission and obedience. These and other actions of the US prison guards at Abu Ghraib were disciplinary practices that worked on what it meant to be an honourable, self-respecting subject in Iraqi society.

These practices did not humiliate the prisoners alone but were felt and seen as humiliating by all Iraqis. It was evident in the reactions that followed the publication of the prisoner abuse photographs. In the months following their release daily suicide bombing attacks in Iraq increased dramatically. Similarly, in Iraq, the Palestinian territories, Sri Lanka, Pakistan and Afghanistan, the counterinsurgency operations involving random house searches, interrogations, arrests and other violations of human dignity are followed by an increase in suicide attacks.

### **Sometime driven by revenge and retaliation**

Humans appear to have an incredibly strong sense of justice, and a desire for revenge is the darker side to this. Psychologists define revenge and vengeance as 'the infliction of harm in return for perceived injury or insult or as simply getting back at another person'. An important element of the desire for vengeance is the surprising willingness of individuals to sacrifice in order to carry out an act of revenge. Revenge has irrational and destructive consequences for the person seeking vengeance as well as for the target. One of them is that the person seeking vengeance is willing to compromise his or her own integrity, social standing and personal safety for the sake of revenge. Why are people willing to pay such high costs, and what ends are served by revenge?

Revenge can fulfil a range of goals, including righting perceived injustices, restoring the self-worth of the vengeful individual and deterring future injustice. It is also a response to the continuous suffering of an aggrieved community. At the heart of the whole process are perceptions of personal harm, unfairness and injustice, and the anger, indignation, and hatred associated with the perceived injustice. Men hold more positive attitudes towards vengeance than women; and young people are more prepared to act in a vengeful

manner than older individuals. It is not surprising, then, to find that most suicide bombers are both young and male.

Personal histories of suicide bombers often contain accounts of encounters with the security forces or rival groups that involved threats, harassment, assaults and even deaths of those near and dear to the bomber. On 4 October 2003, 29 year old Palestinian lawyer Hanadi Jaradat exploded her suicide belt in the Maxim restaurant in Haifa killing 20 people and wounding many more. According to her family, her suicide mission was in revenge for the killing of her brother and her fiancé by the Israeli security forces and in revenge for all the crimes Israel was perpetrating in the West Bank by killing Palestinians and expropriating their lands.

Vengeance through suicide bombing has an additional value: that of making oneself the victim of one's own act, and thereby putting one's tormentors to moral shame. The idea of the suicide bombing, unlike that of an ordinary attack, is, perversely, a moral idea in which the killers, in acting out the drama of being the ultimate victim, claim for their cause the moral high ground.

### **Altruistically driven action**

While suicide is an integral part of suicide bombing, its meaning and nature in this context are strikingly different from 'ordinary' suicide. One of the main differences between the two acts is that in suicide bombing the primary intention of the act is to kill others who have no prior relationship with the suicide bomber, whereas the primary characteristic of suicide is the absence of murderous intent. Suicide bombings fall in the category of altruistic suicidal actions which are distinct from other types of suicidal actions caused by personal catastrophes, hopelessness and psychopathologies which lead people to believe that life is not worth living. Altruistic suicides on the other hand involve valuing one's life less worthy than that of the group's honour, religion, or some other collective interest. In its very essence altruism is costly action which benefits others. Altruism is a fundamental condition explaining human cooperation for the organisation of society and its cohesiveness.

Altruism can also be socially constructed in communities which have endured massive social and economic dislocations as a result of long, violent and painful conflict with a more powerful enemy. Under such conditions people react to perceived inferiority and the failure of other efforts by valuing and supporting ideals of self sacrifice such as suicide bombing. Religiously and nationalistically coded attitudes towards acceptance of death stemming from long periods of collective suffering, humiliation and powerlessness enable political organisations to give people suicide bombings as an outlet for their feelings of desperation, deprivation, hostility and injustice.

Paradoxically, actions such as suicide bombings invariably provoke a brutal response from the state authorities, because by injecting fear and mayhem in the ordinary rhythms of daily life, they threaten and undermine the state's authority in providing security of life and property and in maintaining social order. And under such conditions the state can legitimately impose *altruistic punishments* to deter future violation of social norms threatening security and social order. But recent studies have shown that altruistic punishments are only effective when they do not violate the norms of *fairness*.

Punishments and sanctions seen as unfair, hostile, selfish and vindictive by targeted groups tend to have detrimental effects and instead of promoting compliance they reinforce recipients' resolve to non-compliance.

### Countering suicide terrorism

The causes of suicide bombings lie not in individual psychopathology but in the broader human conditions. Suicide terrorism emerges under certain societal conditions and understanding and knowledge of these conditions is vital for developing appropriate public policies and responses to protect the public from it. Profiling potential suicide bombers and conducting state sanctioned repression do not appear to be proving effective public policies. Profiling is expensive, ineffective and alienating. The state sanctioned repression is a boomerang. Instead of preventing, repression escalates suicide terrorism and where it has succeeded the human and economic costs have created unprecedented humanitarian crises. The success thus may be a temporary reprieve rather than a lasting relief. Two of the most fertile environments for nurturing the subculture of suicide bombings are the refugee camps in Palestinian territories, Sri Lanka, Pakistan and Afghanistan and the dehumanising treatment of prisoners in these and other countries. Strategies for eliminating or at least addressing problems of economic deprivation, humiliation and related collective grievances in concrete and effective ways would have a significant and, in many cases, immediate impact on alleviating the conditions that nurture the subcultures of suicide bombings.

In the final analysis suicide bombings are carried out by community based organisations. Strategies aimed at finding ways to induce communities to abandon such support may isolate terrorist organisations and curtail their activities. But ultimately strategies addressing and lessening the grievances and humiliations of populations that give rise to suicide bombings attacks are required for their elimination. Support for suicide bombing attacks is unlikely to diminish without tangible progress in achieving at least some of the fundamental goals that suicide bombers and those sponsoring and supporting them share.

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## Fear, Asylum, and Hansonism in Australian Politics

**William Maley**

Pauline Hanson's rise to public prominence following the 1996 federal election produced a seismic shift in Australian politics. In her maiden speech, she claimed that 'we are in danger of being swamped by Asians',<sup>1</sup> and explicitly attacked Asian immigration in a way that was inescapably racist in its implications.<sup>2</sup> For the first time since the abolition of the White Australia Policy, a loud voice emerged within the Commonwealth Parliament seeking to tap fears of people who happened to be different. Her intervention met with widespread criticism, but not from the new Prime Minister, John Howard, who had had his own difficulties with loose comments on Asian immigration in the late 1980s.<sup>3</sup> As became clear at the time of the 2001 election, Mr Howard had recognised that there were political opportunities that such fears created. This was clearly exposed in a little-noted story contained in a biography of the Prime Minister published in 2007, dealing with the day in 2001 on which he announced that the MV *Tampa* and the refugees it had rescued from the waters of the Indian Ocean would not be allowed to land in Australia.<sup>4</sup>

Monday 27 August was John Howard's turning point. As he walked towards the House of Representatives for Question Time, the minister for Sport and Tourism, Jackie Kelly, approached him. Kelly's seat of Lindsay took in the far western fringes of Sydney. It was 'Howard battler' territory and Kelly was worried that the boat people issue was re-igniting support for One Nation. She had continued to be a Howard favourite, enjoying a self-described father/daughter relationship with the Prime Minister. 'One Nation is just chewing us up,' Kelly told Howard. 'I've lost two branches to them; one of them is my best fundraising branch. We need to do something or I'm a goner.' Howard waved his speaking notes at her. 'Don't worry, Jackie,' he responded. 'That's all about to change'.

This is not to say that the outcome of the 2001 election was directly produced by the Howard Government's position on asylum seekers. Analysis of data collected as part of the Australian Election Study (AES) painted a much more complex picture, in which the impact of the September 11, 2001 terrorist attacks played a stronger role in reinforcing the position of the incumbent Australian government,<sup>5</sup> in a way reminiscent of the impact of the Kennedy assassination on the 1963 Australian election. The effect, however, was to conserve asylum issues as a 'sleeping' concern that could be reactivated for political reasons in the future. The prime effect of the 2001 poll, and of Hansonism more broadly, was to break down the elite consensus which had sustained refugee resettlement, and high levels of immigration, in the past. In a political system with established major parties, established patterns of voter identification, and compulsory voting, a strong elite consensus will typically be sufficient to keep issues under control: indeed, if there are no appreciable policy differences between major parties on a particular subject, it will not *be* an issue around which electoral contention will develop, even if it is a matter which preoccupies some voters. What turned asylum into an 'issue' was not simply Pauline Hanson's raising it; it was the conscious decision of a major party leader to abandon a search for consensus and instead use asylum policy as a basis for product differentiation. The perception that this worked in 2001 kept it alive as a tactic for future use, and it has now returned to haunt Australian political discourse.

## Fear is the key

Refugees have long been the focus of various forms of hostility. Far-sighted 'anticipatory refugees' who see that the sky is about to fall in can easily be derided by the short-sighted.<sup>6</sup> Writing of the refugees from Bolshevik Russia who engaged the attention of the young League of Nations, Hannah Arendt wrote 'Once they had left their homeland they remained homeless, once they had left their state they became stateless; once they had been deprived of their human rights they were rightless, the scum of the earth'.<sup>7</sup> Refugees from Nazi Germany were hardly more popular. In 1938 at the Evian Conference on the problem of Jewish refugees, the Australian representative, TW White made what one scholar called 'the infamous declaration that his country did not have a racial problem and did not want to import one'.<sup>8</sup> It was in response to attitudes such as these that Norman Angell and Dorothy Frances Buxton published their powerful book *You and the Refugee*, designed to challenge some of the myths that had been propounded by those who sought to throw up barriers.<sup>9</sup> It is unsurprising that politicians more recently have attempted to tap a similar vein of hostility towards asylum seekers in Australia.

There are a number of factors which have contributed over the last decade to popular antagonism towards asylum seekers who arrive undocumented in Australia and seek protection as refugees under the terms of the 1951 *Convention Relating to the Status of Refugees*. One relates to the fact that those who have been assisted along the way by 'people smugglers' have paid money in exchange for assistance, giving rise to the impression that they are somehow 'wealthy'. This resentment on the part of ordinary voters is not hard to explain, for the sums quoted in the popular press, often in the thousands of dollars, will seem large to those at the lower end of the socio-economic pyramid. Very often this resentment is compounded by the sense that those on boats are young, single men, rather than the women and children who stereotypically are supposed to be the main victims of war. Probing beneath the surface gives rise to a rather different picture. Recent work by the American scholar R Charli Carpenter has challenged the stereotype that it is women and children who are most at risk in disrupted environments; on the contrary, it is men of military age who face the gravest dangers,<sup>10</sup> as the 1995 Srebrenica massacre revealed. In addition, the monies that such asylum seekers pay out do not simply represent personal wealth. In societies in which norms of social solidarity are strong, the sum paid to a smuggler may represent the pooled savings of a large number of people, from within either a particular lineage or a particular locality. Indeed, the willingness of people to part with their life savings may serve to establish just how severe is the threat that those who are in flight actually face. Winston Churchill captured this brilliantly in 1944 in a minute he sent to Foreign Secretary Anthony Eden entitled 'Escape of Jews from Greece':<sup>11</sup>

It is quite possible that rich Jews will pay large sums of money to escape being murdered by the Huns ... We should take a great responsibility if we prevented the escape of Jews, even if they should be rich Jews. I know it is the modern view that all rich people should be put to death wherever found, but it is a pity that we should take up that attitude at the present time. After all, they have no doubt paid for their liberation so high that in future they will only be poor Jews, and therefore have the ordinary rights of human beings.

A second argument that has been deployed against undocumented asylum seekers is that their mode of arrival violates an orderly process of queueing that ensures that scarce resettlement places go to the neediest, that it unjustly disadvantages refugees who wait patiently in miserable refugee camps. This is a very powerful argument, because it taps

into a deeply-rooted sense of the importance of fairness, fair play, and a fair go. Again, it is an argument that unravels upon close scrutiny. First, the metaphor of a queue is misleading. For example, an Afghan in fear of his or her life cannot apply for resettlement at the Australian Embassy in Kabul, as it is not open to the general public. Second, while Australia as a matter of policy choice has established a humanitarian offshore resettlement program of 13,750 places, only a minority of the places within it (6,000), are for refugees. The majority (7,750) belong to the so-called 'Special Humanitarian Program', for which one need not be found to be a refugee, but which requires that an applicant have a sponsor in Australia. Most refugees in the world do not have such a sponsor, and are therefore denied access to these places at the outset. In addition, while successive governments have indeed reduced the number of offshore resettlement visas each year to take account of the onshore 'protection' visas issued to undocumented asylum seekers found to be refugees, the reduction is counted against the Special Humanitarian Program, rather than the offshore refugee visa stream. For this reason, the claim that onshore refugees have taken scarce places from patient offshore refugees is entirely spurious. Third, offshore resettlement programs are not without their own flaws. As bureaucratic processes, they can be subtly biased in favour of those in a refugee population who have the skills to deal with bureaucratic agencies. They can also be devices by which rich countries engage in 'cherry-picking', sifting refugee populations for English speakers with professional skills of use to the country offering resettlement places. As a former Secretary of the Department of Immigration and Ethnic Affairs once put it, the 'poor, unskilled, illiterate and non-English-speaking refugee with no links to Australia and stuck in a squalid camp may be in the greatest need of resettlement and have superior claims to "refugee status", but they are unlikely to be on our priority list'.<sup>12</sup>

A third argument, flowing from the argument for orderly movement, relates to security, with the claim being made that refugee movements constitute a security threat to Australia. There are, of course, senses in which large and fast population movements can raise security concerns,<sup>13</sup> but these tend not to figure prominently in contemporary discourse; rather, the danger on which attention is focused is that of a terrorist slipping into Australia in the guise of a refugee. There are several reasons why this is not a compelling argument. Travel to Australia by boat is risky, and therefore unattractive to groups that may have invested in training an operative. But more seriously, for many people it is relatively (and some would say absurdly) easy to enter Australia on a tourist visa. A citizen of a developed Western country who has not received adverse attention from security agencies can obtain an 'Electronic Travel Authority' to enter Australia as a tourist simply by accessing a computer in an internet café. This was how a French passport holder with terrorist ties, Willy Brigitte, was able to enter Australia in 2003.<sup>14</sup> Nonetheless, it is again easy to see how arguments based on security might legitimately appeal to voters with little direct knowledge of visa mechanisms.

But despite Prime Minister Julia Gillard's recent statements deploring the use of the term 'redneck', it would be naïve in the extreme to deny that bigotry and racism also play a part in fuelling hostility to refugees. Anybody who tunes into talkback radio in a large Australian city will quickly hear venomous generalisations about asylum seekers. There is concrete survey evidence put forward by Jackman showing that 'attitudes on racial issues are a powerful component of the electorate's political ideology, so much so that any categorisation of Australian political ideology ignoring race must be considered incomplete'.<sup>15</sup> Race and immigration were major motivating factors for One Nation voters in 1998.<sup>16</sup> Furthermore, there is evidence that points to specific hostility towards Muslims. Andrew Norton has argued that in Australia, 'Muslims are considerably less popular than

other social groups, and have been at least since the 1980s'.<sup>17</sup> One can only speculate why this might be the case, but it is clear that such attitudes predate the September 11, 2001 terrorist attacks, and are not confined to Australia.<sup>18</sup> Unhappily for them, the large majority of asylum seekers arriving by boat since 1999 have happened to be of Muslim faith — fleeing countries such as Afghanistan, Iraq, Iran, and a number of other Middle Eastern states. Given these underlying strands of opinion, it is not surprising that during the *Tampa* affair, the office of the Defence Minister issued an instruction that 'personalising or humanising images' of the refugees were not to be taken.<sup>19</sup> The irony, however, is that far from being embodiments of extremism, the Muslim asylum seekers arriving in Australia have mostly been victims of extremism, whose fears of being persecuted have been held to be well-founded. Very often they have undergone experiences the horror of which would lie beyond the imagination of those who hasten to scorn them. No groups better illustrate this than the Afghan Hazaras and Sri Lankan Tamils who make up the bulk of recent arrivals.

### **The roots of real fear**

On 9 April 2010, a joint media release was issued by the Australian Ministers for Foreign Affairs, Immigration and Citizenship, and Home Affairs, introducing 'a suspension of the processing of new asylum applications from Sri Lanka and Afghanistan'. It stated that 'Sri Lanka is a country in transition after two decades of conflict, with hopes for further improvement and stabilisation in conditions. The situation in Afghanistan is also evolving, including with respect to Afghan Hazaras. The Taliban's fall, durable security in parts of the country, and constitutional and legal reform to protect minorities' rights have improved the circumstances of Afghanistan's minorities, including Hazaras'.<sup>20</sup> How realistic were these assessments?

On 25 June 2010, an alarming report was carried by Reuters newsagency. It read as follows: 'The bodies of 11 men, their heads cut off and placed next to them, have been found in a violent southern province of Afghanistan, a senior police official said on Friday. A police patrol discovered the bodies on Thursday in the Khas Uruzgan district of Uruzgan province, north of the Taliban stronghold of Kandahar, said police official Mohammad Gulab Wardak. "This was the work of the Taliban. They beheaded these men because they were ethnic Hazaras and Shi'ite Muslims", he said'.<sup>21</sup> This atrocity not only occurred on the very day that Julia Gillard became Australia's Prime Minister; it also occurred in Uruzgan, the province in which substantial numbers of Australian troops are deployed to boost local security. This attack serves as a reminder that the Hazara ethnic minority has long experienced harassment and persecution in Afghanistan. This dates back at least to the 'Hazara Wars' of 1891-93. Hazaras are physically distinctive (having an East Asian phenotype) and are Shi'ite Muslims, something which has led to their being targeted by the Taliban, in whose ranks there are Sunni Muslim fanatics who regard the Shia as heretics. The most dramatic manifestation of this came in the Afghan city of Mazar-e Sharif from 8-11 August 1998, when 2000 Hazaras were slain in a massacre that the commentator Ahmed Rashid described as 'genocidal in its ferocity'.<sup>22</sup> This was a critical event in triggering the outflow of Hazaras from Afghanistan that saw many arriving in Australia by boat from 1999.<sup>23</sup>

Attacks such as the 24 June atrocity come in the context of a deteriorating security environment in Afghanistan, and a sense that the 'state-building' project in Afghanistan has run into serious problems. As to the former, it is useful to note the warning that the US Department of State supplies to Americans contemplating a visit: 'No part of Afghanistan should be considered immune from violence ... Afghan authorities have a limited ability to

maintain order and ensure the security of citizens and visitors ... The security environment remains volatile and unpredictable'.<sup>24</sup> As to the latter, Afghanistan has fallen victim to a brutal insurgency driven by elements of the old Taliban regime, by the radical Hezb-e Islami of Gulbuddin Hekmatyar, and by the so-called 'Haqqani network', that operate from sanctuaries in Pakistan.<sup>25</sup> Afghanistan is also faced, following the fraudulent presidential election of August 2009, with a government that is extremely limited in its capacity, incapable of replacing arbitrary power with the rule of law, and illegitimate in the eyes of many Afghans. As Professor Thomas Barfield has put it, 'A tree whose roots are rotten may still stand, but it is only a matter of time before it crashes under its own weight or is blown over by a windstorm'.<sup>26</sup> When to this one adds increasing talk in Western circles of the need for 'reconciliation' with the Taliban, it is hardly surprising that members of groups that have experienced persecution by the Taliban in the past will seek to flee. To them, talk of 'The Taliban's fall, durable security in parts of the country, and constitutional and legal reform to protect minorities' rights' must seem quite surreal.

Similar points can be made about the situation in Sri Lanka. That unfortunate country has long witnessed diverse forms of conflict between ethnic Sinhalese and ethnic Tamils, the former mainly Buddhists and the latter mainly Hindus with co-ethnics in the southern Indian state of Tamil Nadu. The terrorist activities of the so-called 'Liberation Tigers of Tamil Eelam' (LTTE) have been well documented, but not all Tamils by any means were involved in LTTE activities (and some who were had been coerced into involvement). The conflict led to complex patterns of internal displacement within the island,<sup>27</sup> and finally culminated in a ferocious war that resulted in a decisive defeat for the LTTE in May 2009 at the hands of the Sri Lankan military. In a rather cautious appraisal issued in July 2010, the Office of the United Nations High Commissioner for Refugees (UNHCR) wrote that 'It is important to bear in mind that the situation is still evolving, which has made the drafting of these Guidelines particularly complex'.<sup>28</sup> To put this in context, however, it is important to note that mounting evidence relating to the conduct of the war points to high-level war crimes having been committed by government forces, including the intentional shelling of civilians in government-declared 'No-Fire Zones', the intentional shelling of hospitals, and the intentional shelling of humanitarian operations.<sup>29</sup> Many of those responsible for these activities remain in office in Sri Lanka, and are actively involved in resisting efforts by the UN to investigate in more detail what happened in 2009, resistance that culminated in the besieging of the UN compound in Colombo by angry agitators acting at the behest of a Cabinet minister.<sup>30</sup> In such circumstances, where agents of past persecution of a particular group (in this case Tamils) remain in office, it is highly debatable whether one can conclude with any confidence that members of that group can safely return.

In the light of what I have just argued about the situations in Afghanistan and Sri Lanka, it pays to reflect for a moment on what it means to say that a situation has 'improved', or that improvement is in the offing. The problem with the expression is that it all depends upon exactly how it is used and in what context it is set. For example, over 90 innocent people were killed during the *Kristallnacht* pogrom against Jews in Germany in November 1938, and astronomical property damage occurred as well. But in the days immediately following, there were fewer murders of Jews and less mayhem.<sup>31</sup> To claim that this meant that the situation for Jews had 'improved' would be staggering in its superficiality. Such periods of 'improvement' may simply be the calm before the storm. To overcome this problem, it would make sense, when processing asylum claims from those fleeing severely disrupted states, to note the approach taken to the distinct issue of cessation of refugee status previously granted. When countries have experienced massive disruption, it may take years before one can be sure that it is safe for refugees to return - something

implicit in all serious commentary on the Cessation Clause in Article I(C)(5) of the 1951 Convention,<sup>32</sup> and accepted in UNHCR Executive Committee Conclusion no 69 of 1992 on Cessation of Status which refers to the 'fundamental, stable and durable character of the changes' as an 'essential element' in states' assessments. While status determination decisions are not the same as cessation decisions, the broader underlying point - that apparent improvements in a situation may be neither meaningful nor sustainable - is an important one to keep in mind.

### Implications and lessons

In the ranks of the general public, there may well be a sense that unauthorised arrivals by boat cause a policy problem because the people coming in are typically not refugees. Within the ranks of government, policy makers know that the opposite is the case. Unauthorised boat arrivals cause a policy problem because the people coming in *are* typically refugees. Indeed, one of the striking features of people smuggling activity is that when it is most active, it tends to drive *up* the proportion of refugees within Australia's total intake of refugee and humanitarian entrants. This serves as a reminder that one's distaste for the morals of a particular individual may be a poor guide as to the social benefits that can flow from the effects of self-interest. People smuggling is essentially a black market response to the attempts by states to prevent refugees from making asylum claims in the first place: as John Morrison has put it, the 'imposition of visa restrictions on all countries that generate refugees is the most explicit blocking mechanism for asylum flows and it denies most refugees the opportunity for legal migration'.<sup>33</sup> Those liberals who denounce people smuggling seem to have forgotten both the potency of market forces, and Adam Smith's famous argument that 'It is not from the benevolence of the butcher, the brewer or the baker, that we expect our dinner, but from their regard to their own self interest'.<sup>34</sup> Indeed, one of the oddities of our times is that liberals who are normally very wary of the state and supportive of individual initiative are willing to decry the courage and determination of boat people, and to adopt an entirely uncritical view of the state's capacity to identify those who most need protection and to see that they get it.

A great deal of experience, highlighted by events such as the Rwandan genocide of 1994 and the Srebrenica massacre of 1995, suggests that this faith is misplaced, and it is not hard to see why. States are arenas of competing political interests and forces, and refugees may weigh far less heavily in leaders' minds than the voters who have the capacity to eject them from office.<sup>35</sup> Prime Minister Julia Gillard was clearly attuned to this when she discussed asylum policy in a speech at the Lowy Institute for International Policy on 6 July 2010. As an analysis of asylum policy, the speech was awash with contradictions. For example, she stated that 'The rule of law in a just society is part of what attracts so many people to Australia. It must be applied properly to those who seek asylum, just as it must be applied to all of us'.<sup>36</sup> This was an astounding claim given that offshore territories on which boats of asylum seekers land have deliberately been excised from the 'migration zone' (a remarkable form of national self-mutilation) *in order to deny asylum applicants access to judicial processes*. How this could be reconciled with the principle of the rule of law, which minimally mandates access to an independent judiciary,<sup>37</sup> she did not seek to explain. But buried in the minutiae of the speech was an even more interesting statement, which raises stark questions about the integrity of the processes by which asylum applications are assessed. Speaking of asylum seekers from Afghanistan, she said that although 'there was a time when large numbers of Afghan asylum seekers were granted refugee status, since April there have been more than 500 primary refusal decisions for Afghans. During the past month the primary refusal rate has exceeded 70 per cent'.<sup>38</sup> Observers of Afghanistan would be very hard pressed to point to

any development there that made April 2010 a turning point for the better. Rather, what April 2010 witnessed, as noted above, was the public statement by Australian ministers that developments in Afghanistan had 'improved the circumstances of Afghanistan's minorities, including Hazaras'. It seems more than likely that from April 2010, Afghan asylum applications were increasingly rejected not because the situation in Afghanistan had actually improved, but because it had been made crystal clear to primary decision makers that this was what their political masters wanted.

Just as it is imprudent to attach too much trust to the state, it is equally imprudent to attach too much weight to the views of international bodies such as UNHCR. This is not to decry in any sense the superb work that a number of courageous UNHCR staff have done in different parts of the world, or its broad commitment to bettering the human condition. But UNHCR is a *conflicted* organisation.<sup>39</sup> On the one hand, it carries a protective mandate for individual refugees. On the other, it is increasingly involved in mass relief operations that require voluntary funding from a small number of key donor states that UNHCR has no particular desire to offend. These are often states that have no wish to see refugees arriving on their shores or at their borders, and this can subtly undermine the force with which it promotes individual protection. Furthermore, the UN system is a human system, with all the weaknesses that implies. For example in 2003, Human Rights Watch published a damning report on the problem of impunity in Afghanistan, and discussing a particularly unpleasant case, quoted a UN official, interviewed on 14 March 2003, as stating: 'This incident is not unique. It has happened to a lot of Afghans, who haven't reported it. There is a need for monitoring. We find it extraordinarily difficult to get information'.<sup>40</sup> In no way does this indicate negligence on the UN's part; it simply points to the danger of attaching too much value to positive assessments of a political environment that may reflect little more than the difficulties that lie in the way of serious research. This is one reason why excessive weight should not be attached to the *Eligibility Guidelines* for assessing the international protection needs of asylum seekers from particular countries that UNHCR periodically issues. Another is that these Guidelines appear infrequently — the most recent ones for Afghanistan date from December 2007 — and can therefore be swiftly outdated by negative developments in the countries to which they refer.

None of this should be read as a simple or blanket defence of people smugglers. Their ranks have historically included pirates, slave-traders, and many others who fully deserve to be regarded with disgust and contempt. But they also have included family-based networks, the activists who ran the 'Underground Railway' that transported slaves to freedom in the northern states of the USA, Oskar Schindler, and even the character of Ric Blain, memorably portrayed by Humphrey Bogart in the 1942 film *Casablanca*. Some refugees have undoubtedly perished at the hands of people smugglers. But others have escaped from almost certain death only because people smugglers' services were available. In a real sense, refugees are those who have been failed by the system of sovereign states. As Emma Haddad has put it, 'Refugees are the sign of a failure of individual governments to protect their citizens, as well as a failure of the international system as a whole — the failure to assign every individual to a state and protect them as citizens of that state'.<sup>41</sup> In falling in with the discourse of denunciation that states direct at people smuggling, we risk becoming complicit in the failings of a system that has too often left vulnerable people exposed to the predations of the strong.

Is there a route of escape from the unhappy situation in which refugees find themselves? Increasingly, voices are raised, both serious and populist,<sup>42</sup> that depict the 1951 *Convention* as a Cold War instrument that was never intended to deal with large-scale movements of the kind that processes of globalisation have facilitated. However, these

arguments fail to recognise the diversity of views that underpinned the drafting of the *Convention*,<sup>43</sup> and can come close to providing a rationale for states to relinquish voluntarily-assumed commitments simply because they are proving more arduous than was originally expected. The abandonment of the 1951 *Convention* would not put an end to the problem of refugee flight. It would simply offer a pretext for shifting the burden still more onto poor countries, adjacent to regions of instability, that are already bearing the bulk of the global refugee burden as countries of first asylum. Rather than an assault on the Convention, what is required is *leadership* from key political figures; leadership directed at rebuilding fractured elite consensus in favour of refugee protection. It is by no means clear that this will be found, for pandering to populism has proved to be electorally rewarding. Indeed, Prime Minister Gillard's Lowy Institute speech made so many concessions to irrational fears that one is reminded of the notorious statement of Napoleon III: 'I must follow the crowd, since I am their leader'. But without a display of mature leadership, the ghost of populist Hansonism can be expected haunt Australian politics for some time to come.

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- <sup>1</sup> *House of Representatives Official Hansard*, 10 September 1996: 3862.
  - <sup>2</sup> See Kukathas, Chandran and Maley, William (1998). *The Last Refuge: Hard and soft Hansonism in contemporary Australian politics*. Sydney: Issue Analysis No 4, Centre for Independent Studies, 16 September.
  - <sup>3</sup> See Kelly, Paul (1992). *The End of Certainty: The story of the 1980s*. Sydney: Allen & Unwin: 423.
  - <sup>4</sup> Errington, Wayne and Van Onselen, Peter (2007). *John Winston Howard: The Biography*. Melbourne: Melbourne University Press: 300-301.
  - <sup>5</sup> See McAllister, Ian (2003). 'Border Protection, the 2001 Australian Election and the Coalition Victory', *Australian Journal of Political Science*, 38, 3, November: 445-463.
  - <sup>6</sup> See Kunz, EF (1973). 'The Refugee in Flight: Kinetic Models and Forms of Displacement', *International Migration Review*, 7, 2, Summer:125-146 at 131-132.
  - <sup>7</sup> Arendt, Hannah (1973). *The Origins of Totalitarianism*. New York: Harcourt Brace Jovanovich: 267.
  - <sup>8</sup> Skran, Claudena (1995). *Refugees in Inter-War Europe: The Emergence of a Regime*. Oxford: Oxford University Press: 213.
  - <sup>9</sup> Angell, Norman and Buxton, Dorothy Frances (1939). *You and the Refugee: The Morals and Economics of the Problem*. Harmondsworth: Penguin.

- <sup>10</sup> Carpenter, R Charli (2003). '“Women and Children First”: Gender, Norms, and Humanitarian Evacuation in the Balkans 1991-95', *International Organization*, 57, 4, Fall: 661-694.
- <sup>11</sup> Churchill, Winston S (1954). *The Second World War*. London: Chartwell Edition, Educational Book Company, Vol VI: 519.
- <sup>12</sup> Menadue, John (2002). 'Taking Advantage of the Earth's Most Vulnerable', *The Canberra Times*, 22 July.
- <sup>13</sup> See Maley, William (2000). 'Refugees and forced migration as a security problem', in Tow, William T, Thakur, Ramesh, and Hyun, In-Taek (eds) *Asia's Emerging Regional Order: Reconciling Traditional and Human Security*. New York & Tokyo: United Nations University Press: 142-156.
- <sup>14</sup> See Maley, William (2004). *The Open Front Door: Tourism, Border Control and National Security*. Sydney: Issue Analysis No 42 Centre for Independent Studies, 14 January. For further discussion of weaknesses in this system, see *Electronic Travel Authority Follow-Up Audit: Department of Immigration and Citizenship*. Canberra: Performance Audit Report no 2 2007-08, Australian National Audit Office, July 2007: paras 7.11-7.13.
- <sup>15</sup> Jackman, Simon (1998). 'Pauline Hanson, the Mainstream, and Political Elites: The Place of Race in Australian Political Ideology', *Australian Journal of Political Science*, 33, 2, July: 167-186.
- <sup>16</sup> Gibson, Rachel, McAllister, Ian and Swenson, Tami (2002). 'The politics of race and immigration in Australia: One Nation voting in the 1998 election', *Ethnic and Racial Studies*, 25, 5, September: 823-844.
- <sup>17</sup> Norton, Andrew (2005). 'Australian Attitudes Toward Muslims', *Policy*, 21, 1, Autumn: 38.
- <sup>18</sup> See Peach, Ceri and Glebe, Gunther (1995). 'Muslim Minorities in Western Europe', *Ethnic and Racial Studies*, 18, 1, January: 26-45.
- <sup>19</sup> Marr, David and Wilkinson, Marian (2003). *Dark Victory*. Sydney: Allen & Unwin: 135.
- <sup>20</sup> *Changes to Australia's immigration processing system*. Canberra: Department of Foreign Affairs and Trade, 9 April 2010.
- <sup>21</sup> 'Police find 11 beheaded bodies in Afghan south', *Reuters*, 25 June 2010.
- <sup>22</sup> Rashid, Ahmed (2010). *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia*. New Haven: Yale University Press: 73.
- <sup>23</sup> For background, see Maley, William (2001). 'Security, People-Smuggling, and Australia's New Afghan Refugees', *Australian Journal of International Affairs*, 55, 3, November: 351-370.
- <sup>24</sup> *Travel Warning: Afghanistan*. Washington DC: Bureau of Consular Affairs, United States Department of State, 2010.
- <sup>25</sup> See Waldman, Matt (2010). *The Sun in the Sky: The Relationship between Pakistan's ISI and Afghan Insurgents*. London: Discussion Paper no18 Crisis States Research Unit, London School of Economics and Political Science, June.
- <sup>26</sup> Barfield, Thomas (2010). *Afghanistan: A Cultural and Political History*. Princeton: Princeton University Press: 342.
- <sup>27</sup> See Lang, Hazel and Knudsen, Anita (2008). 'Sri Lanka's Conflict-Induced Internal Displacement: Challenges and Dilemmas of Protection for Humanitarian Agencies in Trincomalee', in Adelman, Howard (ed) *Protracted Displacement in Asia: No Place to Call Home*. Aldershot: Ashgate: 107-130.

- <sup>28</sup> UN High Commissioner for Refugees (2010). *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka*. Geneva: UNHCR, HRC/EG/SLK/10/3, 5 July: 1.
- <sup>29</sup> See *War Crimes in Sri Lanka*. Brussels: Asia Report no 191, International Crisis Group, 17 May 2010.
- <sup>30</sup> Bajaj, Vikas (2010). 'Sri Lanka Protesters Demand End to Abuse Inquiry', *The New York Times*, 6 July.
- <sup>31</sup> See Evans, Richard J (2006). *The Third Reich in Power: 1933-1939*. Harmondsworth: Penguin: 580-602.
- <sup>32</sup> See Hathaway, James (1991). *The Law of Refugee Status*. Toronto: Butterworths: 199-205; Maley, William (2005). 'Political Transitions and the Cessation of Refugee Status: Some Lessons from Afghanistan and Iraq', *Law in Context*, 22, 2, April: 156-186; Goodwin-Gill, Guy and McAdam, Jane (2007). *The Refugee in International Law*. Oxford: Oxford University Press: 139-143.
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- <sup>34</sup> Smith, Adam (1873). *An Inquiry into the Nature and Causes of the Wealth of Nations*. London: Nelson and Sons: 6-7.
- <sup>35</sup> See Maley, William (2003). 'Asylum-seekers in Australia's international relations', *Australian Journal of International Affairs*, 57, 1, April: 187-202.
- <sup>36</sup> Gillard, Julia (2010). 'Moving Australia Forward', Lowy Institute for International Policy, Sydney, 6 July: 5.
- <sup>37</sup> See Raz, Joseph (1979). *The Authority of Law: Essays on Law and Morality*. Oxford: Oxford University Press: 214-218; Kukathas, Chandran, Lovell, David W and Maley, William (1990). *The Theory of Politics: An Australian Perspective*. Melbourne: Longman Cheshire: 44-48.
- <sup>38</sup> Gillard (2010) *op cit*: 7.
- <sup>39</sup> See Maley, William (2003). 'A New Tower of Babel? Reappraising the architecture of refugee protection', in Newman, Edward and van Selm, Joanne (eds) *Refugees and Forced Displacement: International Security, Human Vulnerability, and the State*. New York & Tokyo: United Nations University Press: 306-329.
- <sup>40</sup> (2003). *"Killing You Is A Very Easy Thing For Us": Human Rights Abuses In Southeast Afghanistan*. New York: Human Rights Watch: 35.
- <sup>41</sup> Haddad, Emma (2008). *The Refugee in International Society: Between Sovereigns*. Cambridge: Cambridge University Press: 209.
- <sup>42</sup> For a serious (but in my view ultimately unpersuasive) discussion that would limit the idea of persecution to the actions of *states*, see Price, Matthew E (2009). *Rethinking Asylum: History, Purpose, and Limits*. Cambridge: Cambridge University Press.
- <sup>43</sup> See Cronin, Bruce (2003). *Institutions for the Common Good: International Protection Regimes in International Society*. Cambridge: Cambridge University Press: 182.



## Alien Fears: Politics and Immigration Control

**Mary Crock**

### Immigration and the fear factor

**F**'ear' and 'immigration' have associational qualities in Australia as profound and traditional as 'chocolate' and 'cake'. The heart of the matter is a curious love-hate relationship with immigration. Australia since 1788 has been literally made of and by immigrants.<sup>1</sup> It still has an intake program of over 150,000 new settlers each year, while temporary migrants make up 5 per cent of its labour force. Yet the arrival of boats carrying a few hundred asylum seekers invariably causes a media frenzy. Australia is not unique in viewing with alarm the phenomenon of irregular migration in general and 'unauthorised' boat arrivals in particular. However its responses are (and apparently always have been) completely out of proportion to the threats posed by these phenomena.

Australia's settler origins as a series of British colonies established on a geographically and culturally remote island continent mean that fear is deeply embedded in many aspects of its creation story. My central arguments in this short essay are threefold. The first is the (rather unoriginal) contention that fear of the alien 'other' has helped to define Australia as a nation. In recent times, these traditional fears have been shaped and even manipulated by raw politics, fuelled by contemporary events that have allowed debates about immigration to commingle with sequential 'threat' discourses. The fears have changed over time – from pure fear of invasion by hostile forces to more nuanced fears bound up with conflicting notions of greed, distributive justice and concerns about limited and diminishing resources.

The second argument is that assuaging these popular fears has involved, and will continue to involve, considerable cost. The fiscal outlays and even the moral and psycho-social ramifications are easy enough to quantify or see. What interests me is the irrationality of the debates that are generated as politicians compete with each other in their efforts to show the electorate that *they* will stop the boats. This then is my third argument. Suspicion of immigration may be a fairly constant factor in Australia's political equation. However, the scramble to secure votes has seen both the major political parties become locked into a cycle of increasingly abusive behaviours involving the expenditure of obscene amounts of money for which no-one is held accountable. The spectacular fluctuations in the political fortunes of the Labor Party in 2010 offer a fascinating case study of how policies can become increasingly toxic when made with a view to appeasing (putative) electoral concerns.

### Fears that shaped a nation

There are many aspects of Australia's immigration history in which fear is an almost constant feature. The Indigenous inhabitants had everything to fear from the first White settlers who came in their tall ships. For the convicts and gaolers on board those ships, the ancient land, its animals and its peoples were forbiddingly strange. The sense of cultural isolation of those settlers remained and grew as the colonies expanded, fostering a defensiveness that made immigration control a legislative priority. In fact, Marilyn Lake claims that when Victoria passed the *Act to Make Provision For Certain Immigrants* in 1855, the measure was a world first.<sup>2</sup> The Act defined 'immigrant' in racial terms - as any adult male of Chinese descent. It limited the number of Chinese passengers who could be brought in any one vessel to one for every ten tonnes of registered tonnage.<sup>3</sup> Although somewhat ineffective in stopping immigration from Asia at the height of the gold rushes, restrictive statutes were passed across the colonies throughout the 1800s. The desire to

achieve uniform measures to control immigration is said to have been one of the factors that drove the colonies to federate in 1901.

One of the defining aspects of Australia's Constitution is that it does not provide directly for the citizenship of those who sought to be included in the Australian polity. Rather, the power is conferred on the Federal Parliament to make laws with respect to 'naturalisation and aliens'<sup>4</sup> and to 'immigration and emigration'.<sup>5</sup> The decision to make citizenship a 'mere legal inference'<sup>6</sup> was made following lengthy debates over who should and should not be considered a constituent member of the Australian community. At least one rationale for not including citizenship as a birth right for all those born on and physically within Australian territory at Federation was the desire to exclude persons of colour – both Indigenous and others.<sup>7</sup>

The practical effects of the omission were twofold. First, the power to determine citizenship was granted to the Parliament, ensuring that politics would ever after loom large in determining who was and was not to be considered 'Australian'. Second, the task of determining who was and was not a member of the Australian community came to be entwined inextricably with immigration law. Rights of entry and residence depended on the binomial concepts of 'immigrants' (who were subject to control) and 'non-immigrants' (who were not).

It was no accident that the very first enactments of the new Federal Parliament in 1901 (after the machinery legislation creating the Commonwealth government) were immigration statutes.<sup>8</sup> While nobody could quite agree on what it meant to be 'Australian', the founding fathers spoke with one voice in articulating who they wanted to exclude from the new polity. The White Australia Policy introduced at Federation remained in place more or less until December 1972 when it was abandoned by Labor Prime Minister Gough Whitlam, (it was not formally abolished until 1975, with the passage of the *Racial Discrimination Act* 1975).

The fears underlying this exclusionary policy were given visceral expression during and after the World War II. Newsreel images of those times included graphics tracing the menace of invasion from the populous Asian countries to the north. The very real threats from the imperialist Japanese army gave way to less choate fears about first, Vietnam and then Indonesia, another country that went through a phase of quite aggressive expansionism to become Australia's very near neighbour in West Papua. Interestingly, the eventual challenge from both these countries was constituted not by an invading army, but by asylum seekers coming in search of protection as refugees. It has been Australia's response to asylum seekers – most particularly those arriving by boat without authorisation – that has been most revealing of the extent to which fear (real or manufactured) has shaped our national character in recent times.

Much has been written about the generosity of Australia's response to fugitives from Vietnam, of whom a little more than 2000 arrived by boat without authorisation between 1976 and 1980. Postdating the abolition of the White Australia Policy, the decision to admit refugees under Vietnam's Orderly Departure Program and the Comprehensive Plan of Action literally changed the face of Australia.<sup>9</sup> In contrast, Australia showed an extraordinary reluctance to extend official protection to refugees fleeing from West Papua, reflecting the anxiety not to upset the Indonesians.<sup>10</sup>

Approximately 23,000 persons have come to Australia's shores by boat without authorisation since 1978, averaging a little more than one 'boat' person arriving every two days since the end of the Vietnam War. In spite of the modesty of these numbers, the phenomenon of unauthorised boat arrivals has engendered extraordinary responses from

government. To say that such arrivals have been deeply unpopular is a massive understatement. The reactive measures taken over the years have been discussed at great length in the literature and it is not my intention to repeat the analysis here. The following brief survey suffices to demonstrate that Australia's policy responses to unauthorised boat arrivals demonstrate a deep resistance to the notion of irregular migration.

The arrival of boat people from Vietnam led to the creation in March 1978 of the first formal procedures for determining refugee status. This period also saw the creation of the first 'offshore' processing centres around the region where most of the fugitives from Vietnam were processed before being resettled in third countries. The then Conservative government pointedly rejected punitive measures such as the detention of refugee claimants, the interdiction and return of refugee boats and the grant of temporary protection.<sup>11</sup>

Boats carrying asylum seekers from Cambodia in 1989 elicited very different reactions. The Cambodians were all detained for the duration of the drawn out battle that ensued over their entitlement to protection in Australia. More than 40 children were born in detention to the Cambodians over four years.<sup>12</sup> The legal basis for the 'mandatory detention' of this group and of others who followed was bolstered by successive changes to the migration legislation, each of which withstood legal challenges in the High Court.<sup>13</sup> The situation of the Cambodians set Australia on a slippery slope. Over the years, more and more detention centres were built in increasingly remote and hostile environments, primarily for the purpose of putting greater distance between the detainees and their legal and community supporters. The large influx of refugees from China following the suppression of the pro-democracy movement saw the Labor Party experimenting briefly with granting four year temporary protection visas. This measure was taken up and expanded during the years of Conservative governance between 1996 and 2007.

Whether the various policies were reactive to, or reflective of, a state of fear in the Australian people is debatable. In 2001, there can be no doubt that Prime Minister Howard was aware of (and even encouraged) fear reactions in the public at the height of the *Tampa* Affair, coinciding as this did with the terrorist attacks in America on 11 September. Following the shock of those attacks, it was no time at all before suggestions were made that the asylum seekers rescued by the *Tampa* 'could be terrorists'.<sup>14</sup> Opposition leader Kim Beazley's protestations that the asylum seekers were more likely to be the victims of terrorists than terrorists themselves fell on deaf ears. The (endemic) fear that gripped the Western world may have played a role at this fraught time. However, the Conservatives skilfully supplemented the rational deficit behind its hard line approach by invoking counterintuitive notions of fairness and equality. In the words of John Button:

Howard played two cards, one of which seemed suspiciously like racism, the other involving a spurious appeal to bus-stop egalitarianism. This second card said: these people are not victims but selfish 'queue jumpers' unprepared to wait for entry to the promised land. Australians, sometimes uncertain about their own motives, were provided with an alibi: I am not a racist, just a fervent believer in queues.<sup>15</sup>

What we do know is that public support for immigration programs generally has always been tenuous.<sup>16</sup> Although the voice of those advocating the rights of refugees in Australia has been loud and articulate over the years, the battle to gain political acceptance of truly humane policy has been long and hard. The words of the most recent Prime Minister Gillard – herself a migrant – are revealing. Echoing former PM John Howard she said:

I submit we can agree on these principles....

That hardworking Australians who themselves are doing it tough want to know that refugees allowed to settle here are not singled out for special treatment;

That people like my own parents who have worked hard all their lives can't abide the idea that others might get an inside track to special privileges;

And that finally, if this were to happen, it would offend the Australian sense of fair play.<sup>17</sup>

There is a lot wrong with this statement. The notion that it is bad to single out refugees - a title that by law only goes to the most vulnerable and dispossessed of people - is problematic in itself. Of greater concern is the implicit acceptance that asylum seekers are queue jumpers: hence the reference to 'inside tracks' and the repetition of the word 'special'. The dogwhistle in the 'principles' is clearly directed at voters like the gentleman from Penrith who is described as unemployed, with a wife who is studying and a four year old daughter. When interviewed by *The Australian*, he and his wife nominated 'asylum seekers' as their biggest concern:

There is already so much pressure on resources out here, and letting more and more refugees in just makes it harder for us all....I don't want more Islamic schools to start popping up either.<sup>18</sup> The ready association between refugees and the threat of culturally different groups underscores the real nature of the man's concerns: the perennial fear of the 'other'.

### **The costs**

Electoral support has remained strong for the harshest measures taken by the Coalition government in and after 2001 - the interdiction and 'push back' of unauthorised boat arrivals; and the processing of refugee claims offshore. This is so even as distaste has grown for the excesses of that period which saw children and vulnerable individuals detained for long periods in remote and punitive conditions. Prime Minister Gillard's address to the Lowy Institute named as another 'guiding principle':

That Australia's basic decency does not accept the idea of punishing women and children by locking them up behind razor wire or ignoring people who are fleeing genocide, torture, and persecution, nor does it allow us to stand back and watch fellow human beings drown in the water, ...<sup>19</sup>

For the first time in many years, an acknowledgment is being made that there are unacceptable costs associated with blind adherence to harsh exclusionary policies.

The human and fiscal cost of the policies designed to deter unauthorised boat arrivals in particular and irregular migration in general are easy to articulate. In financial terms the policies of mandatory detention, interdiction and offshore processing have cost this country a literal fortune. The incarceration of immigration detainees has always been more expensive than community housing. However, the construction of detention facilities in remote locations has made these costs truly exorbitant. Over one billion dollars was spent housing and processing barely 1500 asylum seekers on Nauru and Manus Island between 2001 - 2004, while over \$400 million was spent constructing the high security facility on Christmas Island that was commissioned by the Labor government in 2008. Offshore asylum seeker processing cost \$304.3 million in 2009-2010, a figure forecast to rise to \$471.2 million in 2010-2011.<sup>20</sup> This includes part of the \$202 million committed over five years to expand accommodation for asylum seekers.<sup>21</sup> Even at the height of the global financial crisis, in the matter of detaining irregular migrants it would appear that money was no object. In Parliament, the Greens have been the only voices heard in criticism.

To these fiscal costs, one should add the huge amounts paid out over the years to persons who were harmed by their detention experiences, either as asylum seekers<sup>22</sup> or because they had been wrongfully detained in the first place.<sup>23</sup> These disbursements underscore the *human* costs that should rightly concern Australia as a nation. The sometimes appalling conditions in the detention centres have inflicted terrible injuries – both physical and psycho-social - on all those involved. As Australian of the Year, Patrick McGorry notes: 'Indefinite detention is definitely a health hazard'.<sup>24</sup> One of the most studied and scrutinised areas of public administration in Australia, immigration detention has been the subject of numerous reports which have been almost uniformly critical of government practices.

The human costs of people smuggling are also well documented. Hundreds of people have died at sea trying to seek asylum in Australia. Between December 1998 and December 2001, it is estimated that 891 boatpeople lost their lives. The Labor record in Government is better, but not by much, with an estimated 150 deaths between January 2009 and June 2010.<sup>25</sup> These deaths cannot be blamed solely on uncaring people smugglers. At least some were related directly to push back operations, and (less directly) to the removal of legal avenues for the sponsorship of the families of asylum seekers granted temporary protection visas.<sup>26</sup>

There are other costs associated with harsh policies that Australians have been less willing to acknowledge. The policies and practices of the Coalition years tarnished Australia's humanitarian image abroad as a country that is respectful of human rights and international law. Australia's detention policies have been the subject of a long series of complaints that have been upheld by the UN Human Rights Committee. These have alleged that the detention was arbitrary and/or cruel and inhuman.<sup>27</sup> The incarceration of people in remote areas with no access to legal advice has been criticised as interfering with a variety of other rights under international law.<sup>28</sup> Further, Australia's interdiction program placed Australia in breach of *non-refoulement* and other provisions enshrined in the Convention relating to the Status of Refugees (the Refugee Convention), the Convention Against Torture and the International Covenant on Civil and Political Rights. The obligation not to *refoule* refugees to a place where they face persecution extends to *indirect* as well as direct return.<sup>29</sup> The country to which interdicted persons were returned – Indonesia – is not a signatory to the Refugee Convention.

In terms of social cost, the divisions opened within the country were just as significant. The policies tore at the multicultural fabric of Australian society by encouraging mistrust and denunciation of the 'alien'. As Ghezelbash and I write:<sup>30</sup>

There is more than a passing coincidence that the years of extraordinarily harsh border control policies under the Howard Coalition government culminated in, first, an unprecedented number of wrongful arrests, detention and removals of citizens and lawful permanent residents and, second, in inter-racial rioting that made headlines all over the world.<sup>31</sup> Over 240 non-citizens – and citizens – were subjected to unlawful arrest and detention between 1997 and 2004.<sup>32</sup> The two cases that grabbed the attention of the nation were those of permanent resident Cornelia Rau, detained in spite of her mental illness at Woomera Detention Centre;<sup>33</sup> and Vivian Solon-Alvarez, an Australian citizen who was both mentally ill and physically handicapped when removed from Australia and left destitute at a Philippines airport.<sup>34</sup> It is not possible to vilify one section of the migrant community and then expect the broader society not to extend the disapprobation to other minority groups.

It is at this point that the real cost of exclusionary policy becomes most apparent. The emphasis on the alienage of migrants has almost inevitably weakened the status of non-citizens in Australia. Because the power to make and unmake citizens in Australia lies with Parliament (and politicians), there has been no constitutional bar to the removal of birthright citizenship. Although the original legislation conferred citizenship on children born on Australian territory, the Act was altered in 1986 after two unlawful non-citizen parents invoked the citizenship of their Australian born child as a ground for being allowed to remain in the country.<sup>35</sup> Neither does the Constitution provide any protections for long term permanent residents whose criminality makes them societal outcasts. The popularity of 'law and order' campaigns waged by both sides of politics has made the position of these people increasingly tenuous over the years – even those who are aliens 'by the barest of threads'.<sup>36</sup> The deportation of non-citizens who have spent virtually their whole lives in Australia offends the most basic notions of human rights. This is particularly so given that a clear majority of the very long term permanent residents sent into exile has suffered from intellectual disabilities or mental illnesses.<sup>37</sup>

### **Facing the fear: of constancy, courage and leadership**

Many and varied manifestations of fear have characterised the modern discourse on immigration. On the one hand, conservative politicians have become adept at fomenting and exploiting the popular (almost enculturated) fear of outsiders as an electoral weapon. Such strategies may come at great cost to the cohesiveness and general health of a multicultural, multi-racial society like Australia's. Electorally, however, they are very effective. In government and in Opposition, the conservative Coalition has favoured a direct and blunt approach that makes no attempt to explain the complexity of forced migration and the humanitarian obligations attaching to refugee status. Former Prime Minister John Howard stated famously: 'We will decide who comes to this country and the circumstances in which they come'.<sup>38</sup> In response to the rise in unauthorised boat arrivals in 2010, Opposition leader Tony Abbott has promised a return to the policies of the former conservative Government, pledging further that he will 'turn the boats back'.<sup>39</sup> The question of to whence he would turn the boats back has been left unanswered – and rightly ridiculed by the government.

On the other hand, once out of the bottle the fear genie seems to have taken hold of progressive politics. Deposed Prime Minister Kevin Rudd tried for a while to find a balance between compassion and control by acknowledging the plight of the refugee while vilifying the people smugglers. Sadly, the message was confused and confusing in the former Prime Minister's mouth:

Our job, and I make no apology for it, is to take a hardline approach in dealing with the challenge of illegal immigration. I make no apology whatsoever for adopting a hardline approach when it comes to illegal immigration activity, and I make no apology whatsoever having a hardline and humane approach to dealing with asylum-seekers. No apologies whatsoever in dealing with the vermin who are people-smugglers. We will take the harshest and hardest measures possible in dealing with that.<sup>40</sup>

From the outset, Prime Minister Rudd refused demands that the architecture of the former government's Pacific Strategy be dismantled and abandoned. Offshore processing was retained, albeit on the Australian territory of Christmas Island. He did not rescind the 'excision' of this and other offshore territories from Australia's 'migration zone'. On the other hand, the initial treatment of detainees on this Island (and on mainland Australia) was much gentler than that meted out in the days of Coalition governance.<sup>41</sup> Initial

acceptance rates for those claiming protection as refugees was also very high. When the boats continued to come in increasing numbers, however, he announced a freeze on the processing of refugee claims – of 3 months for persons who had fled Sri Lanka and for 6 months for Afghan asylum seekers.<sup>42</sup> With the detention facilities on Christmas Island filled and overflowing, asylum seekers were moved to mainland Australia. As well as sending families to the remote Western Australian town of Leonora, the detention camp at Curtin was recommissioned,<sup>43</sup> notwithstanding its reputation as one of the former government's 'hell holes'.<sup>44</sup>

Rudd's confused and conflicted approach translated into disastrous results in the opinion polls and appears to have been a contributing motivation for the leadership coup that led to the installation of Australia's first female Prime Minister. Julia Gillard's speech to the Lowy Institute<sup>45</sup> was scripted to deliver a message of strength, resolve and control to middle Australia. She reassured those alarmed by unauthorised boat arrivals that they did not deserve to be demonised as 'rednecks', taking a swipe in the process at the long term supporter of refugee rights, Julian Burnside QC AO. She announced that her government would establish a 'regional processing centre for the purpose of receiving and processing irregular entrants to the region'. Although she professed no interest in a return to the conservative Government's 'Pacific Strategy', her announcement gave every impression that her model would finish by looking very similar. This impression was only reinforced as her suggestion that East Timor might accommodate such a centre unravelled, leaving open the possibility of a return to Manus Island, the second of the two locations used by the conservative Coalition between 2001 and 2006.

The tragedy of the politics swirling around Australia's latest wave of boat people is manifest. Kevin Rudd was prescient in his warning that his departure would see a 'race to the bottom' in refugee policy.<sup>46</sup> This time it is clear that no-one sees the asylum seekers as a direct threat to Australia. If this were the case, the Opposition would be working with the Government (as Labor did in 2001). Instead, it has sought to score political points by announcing loudly to the world that Australia is now a 'soft touch' country with weak border controls. As Ghezelbash and I argue, one might well suggest that the Opposition's 'loose lips' have helped to bring the ships that are causing such anxiety. People smugglers seeking clients in troubled countries could not hope for more effective advertising of their product.<sup>47</sup>

Fear continues to play a significant role in the evolving mess. Having tried a softer and more humane approach, Labor is now running scared of an electorate energised by Opposition rhetoric. The problem is that in an age of instant communications, nuanced explanations of international law and human rights are difficult to deliver. Conversely, it is easy to characterise unauthorised arrivals as 'illegal' invaders; at worst as fearful harbingers of all things dreadful, at best as queue jumpers. The asylum seekers' vulnerabilities are lost; the compassionate response is denigrated as folly.

Although intended as a circuit breaker, Prime Minister Gillard's speech actually takes the country back 10 years to the dark days of the *Tampa* Affair. It perpetuates a cycle of irrational policy making and profligate spending, all of which is likely to end in continuing human rights abuse, injury and more deaths, and continuing damage to Australia's international standing. Pushing back the boats is no answer because there is no country in the region that will take them. Neither will establishing processing centres in third world countries (producing third rate status determination decisions) stop the boats. Historically, this has only ever been achieved by treating with the countries at the source of the asylum flows.

The suggestion that Australia should be trying to reach agreements with countries like Sri Lanka, Pakistan and Afghanistan is not as naive and far fetched as one might think. In fact, this is exactly what the current government is trying to do behind the scenes and it is what the government elected on 21 August will continue to do (whatever Party takes office). Arrangements with source countries, or countries of transit, lie behind every successful initiative to stop irregular boat arrivals since the end of the war in Vietnam. These are what Ghezelbash and I describe as 'containment' measures, as opposed to *deterrent* measures (which involve the imposition of various penalties on asylum seekers after they have left their country of origin).<sup>48</sup> With Vietnam, it was the Orderly Departure Program. In the mid 1990s a Memorandum of Understanding with China stopped the flow of boats from that country. In 2001 there would have been no Pacific Solution without agreement with Indonesia.

What is not being acknowledged in the current debate is that containment measures will only succeed if they do not involve abusing either the countries of source and transit or the refugees who need protection. In most instances, this means that Australia needs to agree to provide genuine alternatives for refugees who are using people smugglers to access protection here. It is not acceptable to use countries like Indonesia and before that, Nauru, as warehousing facilities for recognised refugees (as was the case under the Coalition Government). As Prime Minister Gillard acknowledges readily, the number of refugees who come to Australia as asylum seekers – either by plane or by boat – is minute in world terms. So the numbers are manageable. The other point to make is that irregular migration is not a random phenomenon. Most asylum seekers come because of prior connections with communities in Australia. It should not be beyond the realm of possibilities to work *with* those communities to put the people smugglers out of business. Instead, we threaten these same communities with heavy criminal penalties if they so much as admit to helping those who use irregular means to seek Australia's protection from persecution.<sup>49</sup>

The shame in playing the fear game rather than dealing with the issue of refugees and irregular migration in a rational and measured fashion is summed up well in the new Prime Minister's own words:<sup>50</sup>

Australians are better than this. Australians are so much better than this.

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- <sup>1</sup> In 1901, 23 per cent of Australia's population consisted of persons born overseas. By 1947 this percentage had decreased to 10 per cent, but major migration flows from Europe for several decades after World War II, and in recent decades from an increasingly wide range of countries (in Asia and Africa), saw a return to 23 per cent (4.6 million) of overseas-born Australians by 2002. High levels of migration since that time have pushed the percentage of Australians either born overseas or with a parent born overseas closer to 25%. See <http://www.abs.gov.au/ausstats>. See also: Department of Immigration and Multicultural Affairs (2001). *Immigration: Federation to Century's End, 1901-2000*, for an account of the major milestones in Australian regulation of immigration.
- <sup>2</sup> See Crock, M and Berg, L (2010). *Immigration, Refugees and Forced Migration*. Sydney: The Federation Press, chapter 2, note 39. Note that California introduced a landing tax payable by a ship's master for each alien passenger in 1852. However, the measure was a tax rather than a measure to restrict arrivals. See Lake, M and Reynolds, H (2008). *Drawing the Global Colour Line: White Men's Countries and the Question of Racial Equality*. Melbourne: Melbourne University Press.
- <sup>3</sup> See Willard, M (1923). *History of the White Australia Policy*. Melbourne: Melbourne University Press: 21.
- <sup>4</sup> Australian Constitution, s 51 (19).
- <sup>5</sup> *Ibid*: s 51(27).
- <sup>6</sup> See comment by John Quick, *Record of the Debates of the Constitution*, Vol V, 1767, cited in Rubenstein, K (2002). *Australian Citizenship Law in Context*. Melbourne: Law Book Co: 24. Australian citizenship as a legal concept did not become a reality until the passage of the *Nationality and Citizenship Act 1948* (Cth) which commenced operation on Australia Day 1949.
- <sup>7</sup> See Rubenstein (2002) *ibid*: 30-3. See also Irving, H (1997) . *To Constitute a Nation: A Cultural History of Australia's Constitution*. Melbourne, Cambridge University Press: Chapter 9, 'Citizens'.
- <sup>8</sup> See *Pacific Islanders Removal Act 1901* (Cth), Act No 16 of 1901 and *Immigration Restriction Act 1901* (Cth), Act No 17 of 1901. See also Crock and Berg (2010) *op cit*: Chapter 2.
- <sup>9</sup> For an excellent account of Vietnamese arrivals and the policy response during this period see Viviani, N (1984). *The Long Journey: Vietnamese Migration and Settlement in Australia*. Carlton: Melbourne University Press.
- <sup>10</sup> See Biok, E (2000). 'The Regional Perspective: exporting deterrence and negating human rights standards', in *Offshore Processing of Asylum Seekers: The Search for Legitimate Parameters*, *UTS Law Review* 9: 69.
- <sup>11</sup> See 'Memorandum 380: Indo-Chinese refugees', 1979 Cabinet Records – Selected Documents at 181 – 182 available at [http://www.naa.gov.au/Images/6-Refugees%20and%20migration\\_tcm2-27151.pdf](http://www.naa.gov.au/Images/6-Refugees%20and%20migration_tcm2-27151.pdf) (accessed 10 June 2010).
- <sup>12</sup> See Hamilton, A (1993). 'Three Years Hard', *Eureka Street* 22 (Part 1) 3, 1; and *Eureka Street* 24 (Part 2), 3, 2; and Hamilton, A (1994). 'The Cambodian Boat People: Are They Victims of Discrimination?' *Law Institute Journal* 69: 552.
- <sup>13</sup> See *Al-Kateb v Godwin* (2004) 219 CLR 562; *Al Khafaji v Minister for Immigration Multicultural and Indigenous Affairs* (2004) 219 CLR 664; *Behrooz v Secretary, Department of Immigration Multicultural and Indigenous Affairs* (2004) 219 CLR 486; and *Re Woolley; Ex parte Applicants M276/2003* (2004) 225 CLR 1. These cases are discussed in Crock and Berg (2010) *op cit*: Ch 4.
- <sup>14</sup> The suggestion was made by then government backbencher, Wilson Tuckey MP. See Mares, P (2002). *Borderline: Australia's Response to Asylum Seekers and Refugees in the Wake of the Tampa*. Sydney: UNSW Press: 114.
- <sup>15</sup> See Button, J (2002). 'Beyond Belief: What Future for Labor?' *Quarterly Essay* 6, 1: 17.
- <sup>16</sup> See McAllister, I (1993). 'Immigration, bipartisanship and public opinion' in Jupp, James and Kabala, Marie, *The Politics of Australian Immigration*. Canberra: AGPS: Ch 9.
- <sup>17</sup> Gillard, J (2010). 'Moving Australia Forward', Lowy Institute, Sydney 6 July, available at: <http://www.lowyinstitute.org/Publication.asp?pid=1328> (accessed 6 July 2010).

- <sup>18</sup> See Vasek, L (2010). 'Asylum seekers: all disquiet on the western front', *The Australian* 19 July: 7.
- <sup>19</sup> *Ibid.*
- <sup>20</sup> Department of Parliamentary Services (2010). 'Budget Review 2010-11', Research paper 17 (26 May): 203.
- <sup>21</sup> Commonwealth of Australia (2010). 'Budget Measures- Budget Paper 2, 2010-2011', (11 May): 326.
- <sup>22</sup> See, for example, the payout to the child Shayan Badraie who was so traumatised by his time in detention that he was reduced to a catatonic state. For an account of his story, see Everitt, Jackie (2008). *Bitter Shore: An Iranian family's escape to Australia and the hell they found at the border of paradise*. Sydney: MacMillan.
- <sup>23</sup> See, for example, the payouts made to Cornelia Rau and Vivian Solon. Cornelia Rau was paid \$2.6 million in compensation: *Sydney Morning Herald* (2008). 'Rau wins \$2.6m compo' (7 March) available at <http://www.smh.com.au/news/national/rau-wins-26m-compo/2008/03/07/1204780046361.html> (accessed 10 June 2010); Vivian Solon received \$4.5 million in compensation: Topsfield, Jewel and Jackson, Andra (2006). '\$4.5m payout to Alvarez Solon for wrongful deportation' *The Age* (1 December) available at <http://www.theage.com.au/news/national/45m-payout-to-alvarez-solon/2006/11/30/1164777724375.html> (accessed 10 June 2010). For details of the circumstances surrounding their wrongful detention see Palmer, MJ (July 2005). 'Inquiry into the Circumstances of the Immigration Detention of Cornelia Rau': available at: <http://www.immi.gov.au/media/publications/pdf/palmer-report.pdf> (accessed 6 June 2008).
- <sup>24</sup> See Packham, B (2010). 'Self-harm increasing among asylum seekers in detention centres' *The Herald Sun*, June 3. <http://www.news.com.au/national/self-harm-increasing-among-asylum-seekers-in-detention-centres/story-e6frfkvr-1225874770330>
- <sup>25</sup> See the discussion in Crock, M and Ghezelbash, D (2010). 'Do Loose Lips Bring Ships? The Role of Policy, Politics and Human Rights in Managing Unauthorised Boat Arrivals', *Griffith Law Review* 19, 3 (forthcoming), Figure 1.
- <sup>26</sup> See the discussion in Crock and Ghezelbash (2010) *ibid.*
- <sup>27</sup> See, for example, *Danyal Shafiq v Australia* Communication No 1324/2004: Australia. CCPR/C/88/D/1324/2004 (13 November 2006); *Applicants D and E v Australia* Communication No 1050/2002: Australia. (9 August 2006). CCPR/C/87/D/1050/2002; *Ali Aqsar Bakhtiyari and Roqaiha Bakhtiyari v Australia*, Communication No 1069/2002: Australia. CCPR/C/79/D/1069/2002 (6 November 2003); *Baban v Australia*, Communication No 1014/2001: Australia. CCPR/C/78/D/1014/2001 (18 September 2003); *C v Australia* Communication No 900/1999: Australia. CCPR/C/76/D/900/1999 (13 November 2002); and *A v Australia* Communication No 560/1993, UN Doc CCPR/C/59/D/560/1993 (30 April 1997).
- <sup>28</sup> See, for example, Schloenhardt, A (2002). 'To Deter, Detain and Deny: Protection of Onshore Asylum Seekers in Australia', *International Journal of Refugee Law* 14, 302: 325.
- <sup>29</sup> See Goodwin-Gill, G and McAdam, J (2006). *The Refugee in International Law*. Oxford: Oxford University Press: 252-53, 389 and 400.
- <sup>30</sup> Crock and Ghezelbash (2010) *op cit.*
- <sup>31</sup> See *Sydney Morning Herald* (2005). 'Mob Violence envelops Cronulla', 11 December, available at <http://www.smh.com.au/news/national/mob-violence-envelops-cronulla/2005/12/11/1134235936223.html> and ABC 4 Corners (2006). 'Riot and Revenge', 13 March, transcript available at <http://www.abc.net.au/4corners/content/2006/s1588360.htm>.
- <sup>32</sup> Reports on the findings made by the Immigration Ombudsman are available at [http://www.comb.gov.au/commonwealth/publish.nsf/Content/publications\\_immigrationreports](http://www.comb.gov.au/commonwealth/publish.nsf/Content/publications_immigrationreports).
- <sup>33</sup> See Palmer (2005) *op cit.*
- <sup>34</sup> See Comrie, Neil (2005). Inquiry into the Circumstances of the Vivien Alvarez Matter Report No 3, available at: [http://www.immi.gov.au/media/publications/pdf/alvarez\\_report03.pdf](http://www.immi.gov.au/media/publications/pdf/alvarez_report03.pdf) (accessed 6 June 2008).

- <sup>35</sup> See *Kioa v West* (1985) 159 CLR 550. The *Australian Citizenship Act* 1948 was amended on 20 August 1986.
- <sup>36</sup> See *Nystrom v MIMIA* [2005] FCAFC 121 at [1] per Moore and Giles JJ. For the best account of the law in this complex area, see Foster, Michelle (2009). 'An Alien by the Barest of Threads': The Legality of the Deportation of Long-Term Residents from Australia' *Melbourne University Law Review*, 33: 483; and Crock and Berg (2010) *op cit*: Chapter 17.
- <sup>37</sup> See, for example, the cases of Stefan Nystrom and Robert Jovicic: see Foster (2009) *ibid*.
- <sup>38</sup> Howard, John (2001). Speech delivered at the Federal Liberal Party Campaign Launch, Sydney, 28 October.
- <sup>39</sup> See 'Getting things done', available at <http://www.liberal.org.au/> (accessed 9 July 2010).
- <sup>40</sup> PM Kevin Rudd, Door stop interview, 14 October 2009. See 'PM starts rocking the boatpeople in the old Labor way' *The Australian*, 16 November 2009, available at <http://www.theaustralian.com.au/news/pm-starts-rocking-the-boatpeople-in-the-old-labor-way/story-e6frg71f-1225787299528>.
- <sup>41</sup> For example, a variety of private welfare organisations have been allowed in to work with detainees; families and unaccompanied children have been accommodated in community housing; and detainees have been allowed greater freedom to communicate with lawyers and supporters than was the case in earlier years. See for example, the programs offered by ALIV (Australian League of Immigration Volunteers), at [www.aliv.org.au/xmas.html](http://www.aliv.org.au/xmas.html).
- <sup>42</sup> Evans, Chris, O'Conner, Brendan and Smith, Stephen (2010). 'Suspension on processing of all new applications from asylum seekers from Sri Lanka and Afghanistan', Speech given at Parliament House, 9 April, available at <http://www.minister.immi.gov.au/media/speeches/2010/ce100409.htm> (accessed 7 April 2010).
- <sup>43</sup> Evans, Chris (2010). 'Curtin to hold suspended asylum seekers' (Media Release: 18 April), available at <http://www.minister.immi.gov.au/media/media-releases/2010/ce10030.htm> (accessed 7 April 2010).
- <sup>44</sup> See *Sydney Morning Herald* (2010). 'Hope turns to dust in the middle of nowhere', 3 May, available at: <http://www.smh.com.au/national/hope-turns-to-dust-in-the-middle-of-nowhere-20100502-u1ja.html> (accessed 9 July 2010)
- <sup>45</sup> See Gillard (2010) *op cit*.
- <sup>46</sup> See *The Australian* (2010). 'Rudd changes tack on boats' 2 June, available at <http://www.theaustralian.com.au/politics/rudd-changes-tack-on-boats/story-e6frgczf-1225874225671>.
- <sup>47</sup> See Crock and Ghezelbash (2010), *op cit*.
- <sup>48</sup> *Ibid*.
- <sup>49</sup> See *Anti-People Smuggling Act* 2010 (Cth).
- <sup>50</sup> See Gillard (2010) *op cit*.



## **'Preposterous Caricatures': Fear, Tokenism, Denial and the Australia-Indonesia Relationship**

**Tim Lindsey**

*'In politics, what begins in fear usually ends in folly.'* (Coleridge)

**M**y favourite trick question is 'who is Australia's largest trading partner?' The answer usually surprises. The ASEAN<sup>1</sup> countries as a single bloc are by far our biggest source of two-way trade (\$88.7 billion). Behind them come Japan (\$76 billion), then China (\$73.9 billion) and, lagging in the rear, the USA and the European Union. Our trade with Asia is now growing at twice the rate of our trade with the rest of the world.<sup>2</sup>

I like the question because it reminds us that although Southeast Asia is rarely seen as being as important as North or South Asia, it will, in fact, play a key role in how Australia fares in the 'Asian Century'. As economic power shifts from the Atlantic to the Pacific, with political power following inevitably in its wake, much of our future will be determined by the states sandwiched between India and China.

Australia's emerging economic role as a sort of *de facto* southern province of Asia's booming economies is one reason why Indonesia should matter a great deal to Australia. Indonesia may be only our 13<sup>th</sup> ranked bilateral trading partner with 3.8 per cent of two-way trade,<sup>3</sup> but it is by far the biggest of the ASEAN states by population and territory. What it says counts for a lot (maybe the most) when our Southeast Asian neighbours meet.

Trade is, of course, not the only reason why Australia should be concerned about its relations with Indonesia. The giant of our near north will always matter a lot for Australia simply because it is the world's fourth largest state by population (240 million), the world's largest Muslim society (with more Muslims than in the Middle East) and our close neighbour. Since its remarkable post-authoritarian transition in the decade since Soeharto fell in 1998, Indonesia is now also the world's third largest democracy after the US and India.

Indonesia sits astride some of the busiest sea and air lanes in the world. It is a sprawling archipelagic state of more than 17,400 islands scattered across a distance equivalent to that between Moscow and London, with historically porous borders shared with Malaysia and Singapore to the West and Papua New Guinea, Timor Leste and the Philippines to the East. This means that Indonesia is also of critical importance to Australia's northern border security and to controlling militant Islamist activity in the region. The implications for Australia of instability or conflict in Indonesia are obvious, as are the implications of hostility between our two countries.

It is therefore not hard to understand why support for the bilateral relationship has been bipartisan policy in Australia since then Foreign Minister Alexander Downer finally persuaded Prime Minister John Howard of its importance early in the Coalition's last term in government. The cliché beloved of supporters of the Australia-Indonesia relationship - that our nations are inextricably entwined by geography - expresses a necessary pillar of Australia's modern foreign policy. Howard belatedly came to accept this, once the ghost of Keating's ascendancy on Asia policy faded. This shift in attitude marked the end of Howard's previous provocative 'megaphone diplomacy' arrogance in dealing with Indonesia. The new approach was made concrete with the \$1 billion he pledged to help Indonesia clean up after the catastrophic tsunami in Aceh in December 2004 and the devastating Yogyakarta earthquake that followed. The bilateral relationship was quickly

transformed by this gift, and Howard and President Susilo Bambang Yudhoyono soon claimed a 'special relationship', one that fortunately proved transferable when Kevin Rudd became Prime Minister in December 2007.

In the meantime, the toxic resentment over East Timorese independence that had obstructed government-to-government dealings under Yudhoyono's predecessors had also faded. This was assisted by an expansive framework for engagement that built on the Lombok Security Cooperation Treaty, regular Australia-Indonesia-East Timor Trilateral Ministerial Meetings, the annual Australia Indonesia Ministerial Forum, and the Australia Indonesia Partnership for Development Cooperation, among a range of other formal institutional linkages. Australia also hugely expanded its aid program in Indonesia, and in July this year completed the construction of 2000 'Basic Education Program' schools across Indonesia. In 2009 Indonesia offered aid to Australia for the first time, pledging \$1 million to help recovery efforts after Victoria's catastrophic 'Black Saturday' bushfires that year. Although a relatively modest sum, it was a lot for a developing country, and constituted strong symbolic recognition of the success of Australia's efforts to re-boot the bilateral relationship over the previous five years.

On any reading, the relationship between Australia and newly-democratic Indonesia is now at an historic high. Keating's words in 1994 have now become doctrine: 'No country is more important to Australia than Indonesia. If we fail to get this relationship right, and nurture and develop it, the whole web of our foreign relations is incomplete'.<sup>4</sup> It is thus no coincidence that for some time Jakarta has been Australia's largest diplomatic post, that Indonesia is Australia's largest aid recipient (\$452.5 million in 2009-10, and \$2 billion over 5 years from 2005),<sup>5</sup> that the largest foreign scholarship program in Indonesia is Australian, or that ministers of both countries visit each other with astonishing and increasing frequency - 70 visits since November 2007 alone.<sup>6</sup>

President Yudhoyono understands all this, as was clear from his address to a joint sitting of Federal Parliament in March this year, made in the course of a visit during which he was awarded the Order of Australia by the Governor General. To a standing ovation, Yudhoyono told Australian politicians that Indonesia and Australia now enjoyed a 'fair dinkum partnership'. 'We are equal stakeholders in a common future', he added, 'with much to gain if we get this relationship right, and much to lose if we get it wrong'. Rudd echoed this commitment in his reply, and recognised that the enthusiasm Canberra now has for the relationship was the result of a conscious shift, one that reflects Indonesia's increasing significance for Australia. He said, 'We are neighbours by circumstance, but we are friends because we have chosen to be friends'.

### **Fear and loathing**

Unfortunately, however, the public on both sides of the Arafura Sea remain stubbornly resistant to the choice their leaders have made. There is little popular enthusiasm in their own countries for the views expressed by Yudhoyono and Rudd earlier this year. The public are unmoved by the Keating doctrine; indeed, most are unaware of it. Their perceptions remain dominated by old anxieties about cultural differences and potential military threats, even if these are largely misplaced. Yudhoyono acknowledged this, saying in his address that the greatest problem in the relationship was the persistence of 'preposterous mental caricatures' on both sides. He said there were still Australians who saw Indonesia as an authoritarian country, a military dictatorship, expansionist, 'or as a hot-bed of Islamic extremism'.<sup>7</sup>

Yudhoyono is right. Outside government and a few pockets of Indonesia expertise in the education system, the police and defence force and the business community, the defining characteristics of Australian attitudes towards Indonesia are overwhelmingly based on ignorance and an embedded, largely irrational, fear. The Lowy Institute's annual surveys on foreign policy make this clear.<sup>8</sup> Its 2005 survey, for example, revealed that Indonesia was seen as 'dangerous'.

Respondents to Lowy's 2006 survey, which dealt specifically with the Australia-Indonesia relationship, also agreed with the factually inaccurate statement that Indonesia is essentially controlled by the military (rating their level of agreement with this statement at 6.8 out of 10); and that Australia is right to worry about Indonesia as a military threat (6.2). They were also uncertain that Indonesia is an 'emerging democracy' (5.1). In addition, 47 per cent of respondents felt that relations with Indonesia were worsening and only 20 per cent of respondents were able to name the Indonesian president.

The 2007 survey found that only 15 per cent of respondents described their views of Indonesia as positive. 52 per cent were negative and 25 per cent of those were 'very negative'.

The 2008 survey repeated a question posed in 2006 regarding whether respondents believed relations were worsening or improving between Indonesia and Australia. 26 per cent believed that relationships were improving (up from 19 per cent in 2006), but 16 per cent believed they were worsening (down from 47 per cent in 2006).

In the 2009 survey, respondents were asked whether they trusted Indonesia to act responsibly in the world. 54 per cent responded 'Not at all' or 'Not very much'. 45 per cent of respondents also stated that they did not trust Indonesia to 'act responsibly in the world'.

Despite the ten years of democratisation in Indonesia and five years of 'fair dinkum partnership' between Canberra and Jakarta, this year's Lowy survey showed that both fear and ignorance about Indonesia remained consistent in Australian perceptions. When asked 'Do you think Indonesia is more open and democratic, or less open and democratic, than say, 15 years ago?' 39 per cent said it was 'about the same' and 14 per cent said it was 'less open'. When asked whether Indonesia is more of a threat or less of a threat than it was 15 years ago, an astonishing 33 per cent said it was more of a threat, and 38 per cent said they saw 'no change'.

A feature of the Lowy surveys since 2006 has been an 'international thermometer' that gauges Australian's 'feelings towards other countries'. Participants are asked to measure their affinity towards selected countries on a scale of 0-100. Indonesia has consistently rated very poorly by this measure. In 2010 it reached its highest point at 54°. Previously it had managed just 50°, consistently beating only Iraq, Iran, North Korea, Pakistan and Burma (with Israel added in 2010).

Lowy is not alone in these findings. A survey conducted in 2005 by Crosby Textor asked whether Indonesians were 'a likeable people'. Only 47 per cent of respondents agreed.<sup>9</sup> The same survey also found that just 7 per cent of respondents believed that 'Indonesia can be relied upon'; only 7 per cent believed that Indonesians 'share our values'; just 15 per cent believed Indonesians are 'in tune with events outside their own country'; and as few as 11 per cent believed Indonesians are 'open and trustworthy'. Only Saudi Arabia fared worse in this survey.<sup>10</sup> A Roy Morgan Poll commissioned by Asialink in 2008 (Aus-CSAP) similarly showed that 53 per cent of Australians saw Indonesia as a country 'likely to create difficulties', the highest proportion of any country in the survey.

The Australian Strategic Policy Institute (ASPI) has also found that Indonesia is popularly viewed as Australia's greatest threat, and that this view has strengthened consistently over the last half century.<sup>11</sup> ASPI draws its data from the Australian Electoral Survey (AES),<sup>12</sup> a major study that coincides with the General Election. 31 per cent of respondents to the 2001 AES stated that Indonesia is 'very likely' to pose a security threat. 'Only about one in four of those interviewed believed that it was "not very likely" that Indonesia would be a threat to Australia'.<sup>13</sup> Incredibly, no other country aroused majority perception of a threat. ASPI also found that, although in the late 1960s less than 1 in 10 of those interviewed believed that Indonesia was a threat, this rose gradually to 3/10 in 1999, as the East Timor crisis unfolded. Fear of Indonesia reached its height at the 2001 election, but receded slightly to 28 per cent in 2007.

These surveys demonstrate that Australian attitudes to Indonesia remain deeply divided, although certainly not evenly so.<sup>14</sup> The small numbers of Australians with an interest in the relationship, or who are informed about Indonesia, tend to see the bilateral relationship as important, mutually beneficial, resilient and strong. These mainly comprise people with professional or personal links to Indonesia; for example, members of government and the public service, businesses active in Indonesia, Indonesian speakers and some educators. For the remainder of Australians, people who have no particular personal or professional connection to Indonesia, the bilateral relationship is for them difficult, tense and unnecessary. Their fear of Indonesia has, if anything, increased significantly since the 1960s. It peaked, ironically, during the post-1998 period, when, as discussed below, Indonesia went through a dramatic process of democratisation, liberalisation, demilitarisation and opening to the world. This was a process that was, unfortunately, masked for many Australians by the violence accompanying East Timor's separation from Indonesia that took place at the same time.

Unsurprisingly, Indonesians are divided along similar lines in their perceptions of Australia, as Yudhoyono noted in his speech in March. Acknowledging that 'preposterous mental caricatures' are not unique to this side of the Arafura Sea, he said that, 'Likewise, some in Indonesia still suffer from "Australiaphobia" and believed in the notion of the old "white Australia", that Australia harbours ill-intention towards Indonesia'.<sup>15</sup> The economics of development means that the Indonesians with an interest in the relationship – and therefore more likely to have a positive view of Australia – are a smaller percentage of their population of 240 million, although this minority is probably larger in overall terms than the equivalent group here. After all, for some time Australia has hosted between 15,000 and 20,000 Indonesian students, making this country the foremost destination for Indonesians studying abroad.

In summary, however, the remainder of Indonesians – again, the majority – are usually indifferent, at best, to Australia, although suspicion of Australian ambitions to control Eastern Southeast Asia is a common default position, including in government departments, notwithstanding the current enthusiasm for Australia among the Indonesian government's leadership. Imron Cotan, for example, then Indonesian Ambassador to Australia, told an Australian journalist in 2004 that 'while helping his country's Foreign Affairs Ministry assess applicants for diplomatic positions "it emerged that 95 per cent of the 6000 aspirants held anti-Australian views."<sup>16</sup>

It is this broad-based popular indifference, dislike or dormant prejudice that is sometimes provoked into resentment or hostility when incited by small cliques in Indonesia for various political purposes. These provocateurs have in the past included groups within the legislature, the armed forces, a few newspapers, and numerically tiny but vocal groups of

conservative Islamists, who have developed considerable skill in influencing public opinion to make up for their consistent lack of success at the ballot box.

The result then is that in both countries the bilateral relationship between Australia and Indonesia is usually managed by its supporters, but judged by its sceptics and opponents, who are generally both fearful and ill-informed, but who constitute an overwhelming majority. The question is how this has happened: why are attitudes so divided in both countries, and why are popular Australian attitudes to our largest and most important neighbour, a country likely to play a vital part in our future security and prosperity, in such a mess? History suggests some answers.

### **The invisible democracy**

In May 1998, Indonesia's catastrophic financial crisis finally unravelled a Faustian bargain (economic growth at the cost of individual freedom) that had kept President Soeharto in power for 32 years. At the height of the crisis, with 80 per cent of financial institutions and corporations technically insolvent, the armed forces and elite finally deserted him. He resigned on national television amid rioting and looting in the capital.

Four years later, in August 2002, the MPR, Indonesia's popular assembly, completed the fourth of a set of annual Constitutional amendments begun in 1999. The result was a radical recreation of Soeharto's repressive authoritarian bureaucratic New Order as an American-style Presidential democracy in a decentralised quasi-federation. Power stripped from the Presidency went in part to the national legislature (DPR) and in part down to district municipalities, with elections at the national, provincial and local level.

The issues decided during this hotly-contested process went to the very heart of the modern Indonesian state, including: would Indonesia become an Islamic state? Would it become a democracy? Would the military retain a formal role in politics? Few believed that Indonesia's politicians, famous for in-fighting and horse-trading, could resolve debates that had polarised their nation since independence in 1945. In fact, not only was a majority reached on these difficult issues, but in the end the 695 members of the Assembly decided most questions unanimously.

Since then, a new generation of Indonesian politicians (albeit with some influential New Order survivors) had to address other old and hugely difficult issues. What would be the territorial limits of the Republic? What would be the status of Aceh and Papua? How could a consistent, competent and fair judicial system be created, necessary to make other reforms work? How far could the military be stripped of privileges, and its human rights abuses curtailed? In short, could the new politicians unravel the pervasive and coercive system of institutionalised corruption inherited from Soeharto? The fact of elections means they were driven in much of this by an activist civil society, which has blossomed since 1998. This is especially true of NGOs and a now very diverse and sometimes feral media. The result has been a much broader public understanding in Indonesia of the importance of political and legal change and institutional reform than at any time since the 1950s and the mid-1960s. Political debate is open, sustained, plural and, often, subtle.

Reform however, has been slow, difficult and disorderly. Although Indonesia survived the Global Financial Crisis well, Western investment has never returned to the boom levels that prevailed before the 1998 Asian Economic Crisis, because business knows that Reformasi [Reformation] still has far to go, particularly in dealing with the deeply embedded institutionalisation of corruption inherited from the Soeharto regime. Once the opponents of the New Order won power, they found that it had been much easier to

agitate than it was to govern, let alone deliver substantive reform. Despite this, the principles of a more just and democratic system are now broadly agreed upon and in place, in a formal sense, although much of the essential detail for making these principles effective institutionally is still missing, or is contested.

But what is remarkable about the post-Soeharto transformation of Indonesia is not so much the morass of problems it still faces, but how far it has come, despite such adverse circumstances. The economic collapse it suffered in 1998 was among the worst suffered by any country in the last century. It still faces huge challenges created by dismantling not only Soeharto's militarised New Order, but also much of his elaborate system of centralised and repressive administration. Added to this is a resurgence of terrorist groups such as Jemaah Islamiyah (who have targeted Australians as well as Indonesians and other Westerners in a series of brutal attacks since 2000), old regional secessionist movements, a series of natural disasters (from SARS to earthquakes, tsunamis, floods, and the avian flu) and a succession of transport disasters, to say nothing of political scandals and bitter power struggles between old revanchist elites left by Soeharto and the new reformist groups.<sup>17</sup> The task of reinventing any state system to deliver better governance is always extraordinarily difficult and most Indonesians see *Reformasi* as slow, painful and disappointing. This view is common despite the extraordinary achievements of the last decade, most prominent among which have been a genuine transition to a functioning multi-party democracy, the retreat of the military from politics, and the emergence of a flourishing open society.

But how few Australians are aware that any of this has happened at all? For most of us, the old tropes that applied for so long under Soeharto still apply. Typically, Indonesia and Indonesians are perceived only through a set of distorting lenses that, mostly, are about violence. As the polls described earlier show, Indonesia is still imagined as a military dictatorship, where a brutal, aggressive military regime, bent on territorial expansion and eager to eradicate minority ethnic groups, rules by force over a cowed and compliant population. Woven in are images of fanatical Islamist terrorists who, with imagined covert state approval, seek to drive Westerners and Christians from their nation, and who are fancifully assumed to dominate the archipelago. Indonesia remains a huge, restless and unpredictable monster, perpetually poised to invade.

In regions like Papua where the military still acts with some autonomy, aspects of these images may still hold some validity. Generally, however, they are so far from reality as to be worse than useless as a basis for understanding events in the complex archipelago to our north.

An Indonesian officer with whom I once discussed these perceptions expressed amazement. 'What about the threat from the south?' he asked. 'You've got planes that fly and equipment that works. We haven't.' He reminded me that the Indonesian military has been excluded from politics since Soeharto, is poorly armed and trained, and at less than half a million in size, is disproportionately small for the population. He pointed out that Indonesian troops have never fought on Australian soil but Australians have four times fought (albeit for justifiable reasons) in the archipelago (against the Japanese in WWII; with the British, immediately following the Japanese surrender in 1945; against Indonesia during Confrontation in Kalimantan in the early 1960s; and in East Timor from 1999, while it was still recognised by Australia as Indonesian territory).

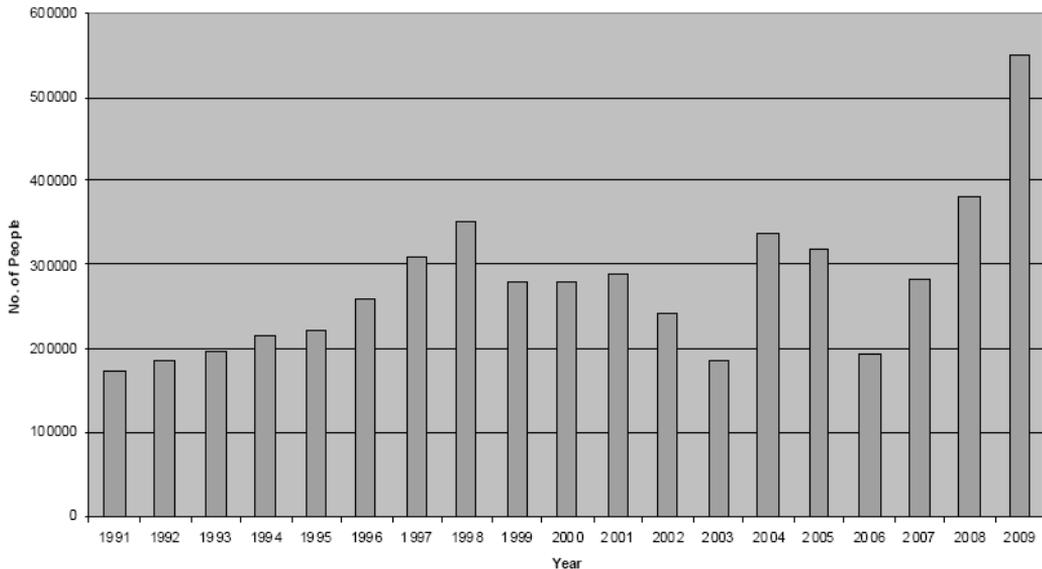
To add to a deeply-rooted and almost obsessive popular anxiety about a looming, gravity-driven invasion down the map from North to South, we now have the added horror of jihad, of terrorist Islamists. The impact of the Bali, Marriott Hotel and Australian Embassy

bombings on the Australian psyche has been considerable. Popular consciousness, encouraged by the media, has exaggerated the extent of the threat of militant extremists to the stability of Indonesia and created a deeply misleading conflation of Islam with terrorist factions - and in some minds even a conflation of the Indonesian state with the very militant groups that seek to dismantle it.

But not all the lenses through which Indonesia is commonly viewed in Australia are to do with a threatened violence, a masculine attacker. There are also tropes of passivity, where Indonesia is perceived as weak, passive, dependent, vulnerable, often feminised and sexualised. This is Indonesia as a victim, as in Aceh after the tsunami or Yogyakarta after the earthquake. Bali too fits this paradigm. It is Australia's passive site of leisure, escape and of lust, a destination for parties, sex and, of course, drugs, as we are frequently reminded by high-profile criminal prosecutions of Australian drug offenders such as Schapelle Corby and the Bali Nine.

The targeting of Bali by Jemaah Islamiyah in bombings that killed Australians in 2002 and 2005 was a reaction to this imagery, an attack on what the terrorists perceived as the godlessness and immorality of Bali as playground of the West. The bombing of the Sari Club and Paddy's Bar in 2002, occurring close in time with the 'other Bali bombs' (as locals called the SARS and avian flu scares), devastated Bali's tourist image and economy and contributed to Australian fears about Indonesia. The trope of Bali as playground is, however, remarkably resilient. By 2009 Australian tourist arrivals in Indonesia (mostly to Bali) had reached far higher levels than before the bombing, as the following table demonstrates.

Australian Visitors to Indonesia



Source: ABS: Overseas arrivals and departures.

Whether passive or aggressive, however, the common denominators in all these deeply-entrenched and resilient popular images of Indonesia are ignorance, a form of implicit contempt, fear, pity or exploitation. They draw on facts, often half-remembered from the

past, but exaggerate and overstate; fragments become the whole. In all of them Indonesia is seen as inferior, threatening, weak and morally underdeveloped: cowardly bully or corrupting seductress.

### **Looking south**

These attitudes towards Indonesia are often invisible to Australians, usually because they are deeply buried, unconscious. They seem very obvious, however, when you stand in Southeast Asia and look south.

Many Australians are proud of their country as an open, multicultural and democratic nation. They see it as possessing a record of racial tolerance, inclusiveness, human rights and the rule of law. They point to Australia's record as one of the earliest democracies to grant women the vote; the fact that our political system has functioned remarkably well in its first century of operation; to the relative absence of inter-racial violence and to a continuing policy commitment to cultural diversity. Most Australians have considerable difficulty in accepting that their country's reputation in Southeast Asia is quite different and that it is often regarded as a racist state, as Yudhoyono suggested with unusual frankness in his address to Parliament this year.

As do many Indonesians when discussing Australia, Yudhoyono specifically mentioned the White Australia policy, which only formally ended in 1975. This policy is still within the memory of living Indonesians, many of them senior government figures like Yudhoyono. If he were less polite, he might also have mentioned that although white women may have voted for most of federation Aboriginal people had to wait until 1967 to be enfranchised, as Indonesian intellectuals often remind me.

Indonesian attitudes to Australia are also influenced by remnants of hostility to Dutch colonialism, whose social and legal systems in some ways resembled South African apartheid. Indonesia's war for independence from colonial forces was the source of its formerly authoritarian political system and of the central role that the military long claimed in politics and business. This powerful rhetoric of nationalism, unsurprisingly, embraces a deep suspicion of Western colonial ambitions. The Indonesian Revolution against colonialism (1945-1949) is still a fundamental part of school curricula and national imagery. The generation of soldiers who fought in 1945 (which included Soeharto) have only recently left the political stage, replaced by veterans of East Timor (including Yudhoyono). Ingrained distrust of whites as inherently neo-colonial thus survives. Many Indonesians often find these ideas hard to resist, which is why most, erroneously (but genuinely), believe Australia wants an independent Papua as a client state, and why many are routinely suspicious of Australia's motives in its dealings with Indonesia.

Yet their mutual misunderstandings mask the fact that most Indonesians and Australians have more in common than they realise. Most Indonesians and Australians now share an enthusiasm for democracy and enjoy open, vigorous political debate, characterised by a healthy cynicism about politicians. Both aspire to a middle-class life, or better, and both societies are now open and enthusiastic participants in a globalised world culture. Most Indonesians fear extremist Islam as much as most Australians - and not surprisingly, given that over the last ten years Islamist militants in Indonesia have killed more far more Indonesians than Westerners. Most important of all, however, Indonesians and Australians - for all the much-vaunted cultural and historical differences between them - do tend to get on well when they come together.

### **Why is the relationship so fraught?**

Goodwill exists between elites, between governments and between people who have professional or personal links across the Arafura Sea, but a gap of popular misunderstanding remains between the people in the streets, the majority in each country who have no connection with the other. Why? - and what can be done, in Australia at least?

One reason why Australians are getting their northern neighbours wrong is undoubtedly the dramatic decline in Asian studies nationwide.<sup>18</sup> Lack of consistent funding and institutional support for Asia education over the last four decades has stripped our regional literacy. Despite our proximity to Asia, very few young Australians learn the languages of our region. Incredibly, the only Western country located in Asia is now the lowest-ranked OECD country for second language skills. It is to our shame that more people studied Asian societies in the 1960s when Menzies was in power and the White Australia policy in place than they do today. Then, 40 per cent of year 12 students across Australia took second languages – now it's just 12 per cent and falling, with less than 1 per cent of year 12 students choosing Indonesian. Universities do even worse: fewer than 3 per cent of tertiary students now choose any Asia-related subjects at all.

Even where Indonesian studies courses are still hanging on, the government travel advisories put in place after the Bali bombing in 2002 that warn of the risks of travel to Indonesia have made it virtually impossible for teachers to take students to Indonesia, for liability and insurance reasons. The advisories are reasonable enough in themselves, but they have become a very blunt instrument of policy and in their current form are proving extremely damaging to mutual understanding between Australians and Indonesians. They have created a situation whereby students in our schools have almost no prospect of seeing Indonesia and experiencing the immersion in a culture that is so important a part of language studies. They therefore have little incentive to continue studies. Although Australian arrivals in Bali are, as mentioned, back above the pre-bombing levels, they are almost entirely comprised of holidaymakers, mostly on cheap packages, some of whom are apparently unaware that Bali is even part of Indonesia.<sup>19</sup> It is deeply ironic that Australian educational travel to Indonesia, the sort that will build the knowledge base necessary to manage the bilateral relationship in the future, is now effectively dead. This must surely comfort Jemaah Islamiyah, who have frequently cited the desire to end all Western influence in Indonesia as one of the motivations for their bombings.<sup>20</sup>

In any case, we have now dumbed-down so far that we are unable to talk in their own tongues to the peoples of our own region - the very societies that will largely determine our economic future and our national security, let alone our place in the crucial global interfaith and cross-cultural dialogues of the coming decades. This should be seen as a national scandal, but it is rarely mentioned in public debate, and gains little traction in federal political circles. Yes, Asia research is still surviving; there are valuable government-funded schemes that often support the Asia research projects of individual scholars, especially through the Australian Research Council and AusAID, but what is required is systematic, sector-wide support for Asian studies and languages across schools and universities. Unfortunately no politician - government *or* Opposition - offers a clear and comprehensive solution. As matters now stand the constant public rhetoric in government, business and education of 'internationalisation' and 'engagement with Asia' is just that: rhetoric. In most cases it is tokenism, rarely accompanied by adequate action. We tick the Asia box, but do little to follow up.

The Rudd government, for example, committed \$62 million over 4 years to Asia literacy in 2007 through its National Asian Languages and Studies in Schools Program (NALSSP), but that was nowhere near enough. Any such program needed to at least match the former National Asian Languages and Studies in Australian Schools Strategy (NALSAS). This was pushed by Rudd while a Queensland bureaucrat, introduced by Keating in 1994 and axed by the Howard government in 2002. NALSAS had a budget in today's terms of \$100 million per year and in its eight years of existence it doubled Asian studies enrolments across Australia. They have plunged since.

Surely no one would seriously suggest that any country could successfully manage relations with a neighbouring state without speaking its language? Yet that is what Australia now faces with Indonesia. Across this country, there are now just 1,100 Year 12 students studying Indonesian, according to a recent authoritative report<sup>21</sup> commissioned by the Department of Education, Employment and Workplace Relations, the first of its kind for 15 years. This is down from the 1,300 in 2008, and it is half what it was 10 years ago. The figures are falling because every year 10,000 students from kindergarten to year 12, that is, 99 per cent of those who start studying the language, discontinue Indonesian studies.

As result, despite Australia once having been 'a world leader in teaching Indonesian as a foreign language, the only Western country to support the teaching of Indonesian in schools', as the Report puts it, Indonesian is now 'a language at risk' in our education system. On current trends Indonesian will be extinct at Year 12 in our schools by 2020. Small wonder then, that our public perceptions of Indonesia are based on ignorance.

### **Conclusion**

Australian attitudes to Indonesia need to change, if only for selfish of reasons: our own security and prosperity. The point was made clearly by expatriate Australian James Wolfensohn, the former head of the World Bank, when he called for a recalibration of our attitudes:

... too many of my friends in Australia and their kids still think in terms of a European or American connection ... but the reality is that it is the developing world, and in particular Asia... that will have a hugely more significant impact on Australia and Australia needs to understand it and adapt.<sup>22</sup>

Australia, he concluded, is not prepared for a geopolitical shift of power away from the US toward Asia.

So, what to do? We need to think of a creative solution to the effective ban on educational travel in Indonesia created by the travel advisories, and we need get serious again about investing in Asian studies in schools. This will require at least \$100 million per year to match the success of the axed NALSAS scheme. We also need approaches to public analysis that do better in avoiding reductionism and stereotypes, approaches that drill deeper into the complexity of Indonesian societies and start to explain their mysteries to Australians. This is needed as much in the media as among the dwindling ranks of the Indonesia-expert academy. There are distinguished Asia hands among our senior journalists, but we need many more of them.

Australia also needs more funding for public diplomacy in Indonesia. This was one of the key points made by both Australian and Indonesian participants in the 'Partners in a New Era' Australia-Indonesia bilateral conference hosted by Foreign Ministers Smith and Wirayuda in Sydney in 2009, and attended by the largest delegation of Indonesian ministers and officials then to have visited Australia. The importance of building people-to-

people links between the countries to overcome the increasing gulf of misperception was also emphasised by Yudhoyono in his parliamentary address, but it should, surely, be self-evident. Given the clear strategic importance of Indonesia for Australia, it is a matter of concern that Australian is regularly outspent in its public and cultural diplomacy in Indonesia by far more distant countries (for example Germany, Britain and the Netherlands). They have cultural centres in Jakarta. Australia does not. This is not surprising, given that the Department of Foreign Affairs' annual budget allocation to its Australia Indonesia Institute to strengthen people-to-people links with Indonesia in areas such as the arts, education, youth, sport and interfaith activity has now been reduced to \$750,000. By any measure this is not enough to deal with the pressing need to build more profound understandings between the 260 million-plus people of our two countries.

There is, of course, much more that we need urgently, but even these basic reforms in education and diplomacy are, sadly, unlikely to happen any time soon. Beyond the odd burst of sympathetic rhetoric and a minimal dribble of funds, no government in Australia - state or federal - seems seriously concerned about what is fast becoming the evaporation of Indonesia literacy around Australia. Business, which consistently sees Indonesia as a market rather than an investment, seems equally unperturbed, despite occasional expressions of concern.<sup>23</sup> We are in denial.

The danger is that without these reforms, the 'preposterous mental caricatures' Yudhoyono so accurately described, misunderstandings based in fear and ignorance, will become uncontested popular 'facts'. The result is thus likely to be a slow deterioration of the current close bilateral relationship between Australia and Indonesia; replaced by the tensions that once prevailed, as old tropes again become the foundations of poor policy. My own fear is that because modern Australian governments apparently believe they will not last long if they move ahead of public prejudices, they pay too much attention to opinion polls. Given this situation, it is likely that the federal government will succumb to popular fears, and the current policies of tokenism on Indonesian studies will become rusted in place. This failure to provide leadership on Asia literacy will have dire consequences for the national interest. Not only will it damage our immediate capacity to manage our crucial bilateral relationship with Indonesia, but it will also severely compromise the security and prosperity of the next generation of Australians.

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- <sup>1</sup> Association of Southeast Asian Nations.
- <sup>2</sup> These figures are for 2008 and are drawn from the 2009 Asialink Index, at [http://www.asialink.unimelb.edu.au/\\_\\_data/assets/pdf\\_file/0003/25158/pwc-mi-asialink\\_index2009.pdf](http://www.asialink.unimelb.edu.au/__data/assets/pdf_file/0003/25158/pwc-mi-asialink_index2009.pdf). Last accessed 14 July 2010.
- <sup>3</sup> 'Two-way trade (merchandise and services) worth \$10.3 billion in 2007-2008 [made] Indonesia our 13th largest trading partner, and two-way investment [was] worth around \$4.5 billion in 2007-2008' [http://www.dfat.gov.au/geo/indonesia/indonesia\\_brief.html](http://www.dfat.gov.au/geo/indonesia/indonesia_brief.html). Last visited 15 July 2010.
- <sup>4</sup> Singh, Bilveer (2002). *Defense Relations Between Australia and Indonesia in the Post-Cold War Era*, Greenwood Press, Westport Conn: 89-93.
- <sup>5</sup> [http://www.dfat.gov.au/geo/indonesia/indonesia\\_brief.html](http://www.dfat.gov.au/geo/indonesia/indonesia_brief.html). Last visited 15 July 2010. The figure of \$2 billion includes concessional loans.
- <sup>6</sup> <http://www.foreignminister.gov.au/releases/2010/fa-s100714.html>. Last visited 15 July 2010.
- <sup>7</sup> Murphy, Katharine (2010). 'Yudhoyono's plea for better ties'. *The Age*, 11 March.
- <sup>8</sup> For the surveys cited in this section, see *Lowy Poll reports*:  
2010 - <http://www.lowyinstitute.org/PublicationPop.asp?pid=1305>  
2009- <http://www.lowyinstitute.org/PublicationPop.asp?pid=1148>  
2008- <http://www.lowyinstitute.org/PublicationPop.asp?pid=895>  
2007- <http://www.lowyinstitute.org/PublicationPop.asp?pid=660>  
2006- <http://www.lowyinstitute.org/PublicationPop.asp?pid=470>  
2005- <http://www.lowyinstitute.org/PublicationPop.asp?pid=236>
- <sup>9</sup> Textor, Crosby (2005). 'Australians Hold Sophisticated and Discriminating Views About Other Countries and People', 20 August; available at <http://www.crosbytextor.com.au/Docs/Australians%20hold%20sophisticated%20and%20discriminating%20views%20about%20other%20countries%20and%20people%20-%20CT%20release%20-%2020-9.pdf>. Last accessed 14 July 2010.
- <sup>10</sup> Countries covered included (in descending order); UK, NZ, USA, Japan, Singapore, Germany, France, China, Fiji, Taiwan, India, Israel, Philippines, *Indonesia*, Saudi Arabia
- <sup>11</sup> McAllister, Ian (2004). *Attitude Matters: Public opinion in Australia towards defence and security*, Australian Institute for Strategic Policy, Canberra: 4.
- <sup>12</sup> ASPI is an independent non-partisan policy institute established by the government.: <http://www.aspi.org.au/>
- <sup>13</sup> McAllister (2004) *op cit*.
- <sup>14</sup> The following paragraphs draw in part on Tim Lindsey (2007). 'Relaxed, Complacent and Risible', *The Australian Literary Review* 2, 2, 7 March: 18-19.
- <sup>15</sup> Murphy (2010) *op cit*.
- <sup>16</sup> Daley, Paul (2004). 'Breach of Trust', *The Bulletin*, 14 April: np.
- <sup>17</sup> The best example of this was the confrontation over several years between erstwhile Soeharto crony and tycoon, Aburizal Bakrie, now chair of the Golkar party, Soeharto's former political vehicle, and Yudhoyono's reformist Minister of Finance and anti-corruption campaigner, Dr Sri Mulyani Indrawati. Dr Indrawati accused Bakrie companies of tax malfeasance. Bakrie, in turn, alleged impropriety in Dr Indrawati's conduct of a government bank bail-out, although this has not been substantiated, despite extensive investigations. The outcome was that Dr Indrawati resigned to take a senior role in the World Bank in Washington, while Bakrie became head of joint coalition secretariat that now manages the alliance between his party and Yudhoyono's Partai Demokrat.
- <sup>18</sup> This section draws in part on Tim Lindsey (2010) 'The Power of Speech', *The Australian* (Supplements), 21 May.
- <sup>19</sup> In 2010 Bali was included on the Lowy Survey thermometer. It scored 57° to Indonesia's 54°, reflecting persisting popular confusion about whether or not Bali is, in fact, Indonesian.
- <sup>20</sup> 'So why did we choose Bali as our target? Because it was understood that Bali is the area most often visited by foreign tourists, particularly from Western and other countries, which note well are the countries that ally themselves with America ... These countries include ... Australia ... another mission of ours was to save the Indonesian state and Indonesian nation from all forms

of foreign intervention in all aspects ... Remember that foreign intervention will bring nothing that is good for the Indonesian people and nation ...' Mukhlas (Aly Ghuftron bin Nurhasyim) (2003). *Jihad Bom Bali: Sebuah Pembelaan. Operasi Peledakan Bom Legian dan Renon. 12 Oktober 2002*. I am grateful to Greg Fealy for this reference, which is his translation: Fealy, Greg and Hooker, Virginia (2006). *Voices of Islam in Southeast Asia: A Contemporary Sourcebook*. ISEAS, Singapore: 377-387.

- <sup>21</sup> Asia Education Foundation (2010). *The Current State of Chinese, Indonesian, Japanese and Korean Language Education in Australian Schools: Four Languages, Four Stories*, AEF, Melbourne, at [http://www.asiaeducation.edu.au/verve/\\_resources/OverArchingReport.pdf](http://www.asiaeducation.edu.au/verve/_resources/OverArchingReport.pdf), last accessed 15 July 2010.
- <sup>22</sup> Wolfensohn, James at <http://www.abc.net.au/foreign/content/2006/s1620337.htm>, last accessed 14 July 2010.
- <sup>23</sup> One impressive effort to shift business apathy is the new Business Alliance for Asia Literacy, set up under the auspices of the Asia Education Foundation in 2009. This group includes significant Australian corporations and peak bodies, but is yet to have much effect of government policy. See [www.asiaeducation.edu.au/asia\\_literacy\\_alliance/business\\_alliance\\_for\\_asia\\_literacy/business\\_alliance\\_for\\_asia\\_literacy.html](http://www.asiaeducation.edu.au/asia_literacy_alliance/business_alliance_for_asia_literacy/business_alliance_for_asia_literacy.html). Last visited 25 July 2010.



## Fear: Crime and Punishment

**Chris Cunneen**

Australia, like many western nations, has seen an unprecedented rise in the levels of imprisonment over recent decades. Several factors have flowed from this over-reliance on criminalisation and imprisonment as a tool of social policy:

- governments have seen a significant growth in budgets allocated to criminal justice expenditure at the cost of providing community-based resources;
- criminal justice policy has become increasingly politicised with little difference between the policies of major parties except to the extent that they try to outdo each other in more punitive approaches to law and order; and
- perhaps most importantly, it has been the more marginalised and less powerful social groups which have experienced the brunt of growing prison numbers. In particular, people with mental illness, Aboriginal and Torres Strait Islander peoples and women have seen the most significant increases in their rates of imprisonment. One effect of these policies has been, at a considerable financial cost, to further entrench the social exclusion of the already marginalised.

### **Punishment: costs and numbers**

Governments make considerable outlays in their budgets every year to ensure that individuals who have been convicted of crimes are punished. The most recent report on the cost of government service provision noted that correctional services had national net operating expenditure and capital costs of \$2.79 billion in 2008-09.<sup>1</sup> These costs and the numbers of people incarcerated have been on a significant upward curve at least from the later part of the 1980s. After more than two decades of growth we are spending more money and depriving more people of their liberty, but are we spending money efficiently and effectively? Do we feel safer and less fearful of crime? And can we afford either financially, socially or in terms of public safety the current system, particularly when responsible governments elsewhere have been looking to reduce prison numbers?

Prison expenditure in 2009 increased by 5 per cent over the previous year, and in line with the longer term trend. Indeed if we go back to the first report on government service provision in 1995, the warning then was fairly clear. The report noted that 'over the past decade spending in this area [corrective services] has grown strongly in real terms, at an annual average rate of 5.4 per cent Australia wide'.<sup>2</sup> And, as later reports on government service provision attest, prison expenditure continued to grow in real terms at a similar pace. Imprisonment rates have also been increasing – at only a slightly slower tempo than spending. In 2008-09 the daily average for prisoners was 27,612 people. This was an increase of 4.4 percent over the reported daily average of the previous year.<sup>3</sup> The Australian Bureau of Statistics has estimated that in the decade between 1993 and 2003 the Australian rate of imprisonment increased by 22 per cent,<sup>4</sup> and between 1998 and 2008 the rate had increased by 20 per cent.<sup>5</sup>

The increase in imprisonment in Australia has been reflected in many other western states. Recent international literature and research pose a number of explanations for the growth in imprisonment over the last 25 years. It has been suggested that many western democracies are entering a period of 'mass imprisonment'.<sup>6</sup> This change represents a reversal of earlier trends where prison rates had been relatively stable or increasing only slowly during most of the twentieth century. According to many commentators, the rise of mass imprisonment is consistent with the broader political agenda of the neo-liberal

state,<sup>7</sup> a move away from rehabilitative aims towards a culture of control<sup>8</sup> and an increased reliance on risk assessment.<sup>9</sup>

### **Punishment as social policy**

Perhaps one of the most fundamental points to grasp is that rising imprisonment is not directly related to increases in crime. In the final analysis, the use of prison is a function of government policy and legislation and judicial decision-making. In summarising the international literature Wilkinson and Pickett note<sup>10</sup> that only 12 per cent of the growth in the state prison population in the USA during the 1980s and 1990s could be associated with increases in criminal offending – the rest was the result of increased use of imprisonment and longer periods of imprisonment. Similarly a comparison between the UK and the Netherlands showed that two thirds of the difference in the higher UK imprisonment rates was a result of the greater use of custodial penalties rather than differences in crime rates. We have similar research in Australia: the NSW Bureau of Crime Statistics and Research studied the 48 per cent increase in Indigenous imprisonment rates in NSW between 2001 and 2008 (which, incidentally, was a greater increase than occurred with the non-Indigenous imprisonment rate). It found that 25 per cent of the increase was caused by more Indigenous people being remanded in custody and for longer periods of time, and 75 per cent of the increase was caused by more Indigenous people being sentenced to imprisonment (rather than to a non-custodial sentencing option) and being sentenced to gaol for longer periods of time. None of the increase was a result of more Indigenous people being convicted of a crime. In other words, the 48 per cent increase was not caused by increased crime levels.<sup>11</sup>

More generally, imprisonment rates in Australia do not appear to be a function of increased levels of crime, since increases in imprisonment rates have continued, while crime rates have levelled or fallen, in many categories of crime from 2000.<sup>12</sup> There have been contradictory movements in some states: Western Australia, for example, has maintained a 'three strikes' law relating to property offences while simultaneously abolishing short prison sentences of six months or less. However, the overall environment has been one of constantly changing criminal law. Roth<sup>13</sup> found that between 1 January 2003 and 31 July 2006 there were over 230 major changes to law and order legislation in Australian states and territories, while Steel<sup>14</sup> has noted the rapidity with which bail legislation has changed in some jurisdictions, usually in response to some politically expedient incident. More broadly, a number of factors appear to have contributed to the increased use of imprisonment, including changes in sentencing law and practice, restrictions on judicial discretion, changes to bail eligibility, changes in administrative procedures and practices, changes in parole and post-release surveillance and a judicial and political perception of the need for 'tougher' penalties. While these administrative, legal and technical changes contribute to increased penal severity, they are themselves reflective of less tolerant and more punitive approaches to crime and punishment.

In reflecting on the US growth in imprisonment, Simon argues that criminalisation and imprisonment has become increasingly used as a tool of social policy which has resulted in a process of 'governing through crime'.<sup>15</sup> Increased punishment has been targeted at those defined as high risk, dangerous and marginalised. Furthermore, governance through crime has also focused on reducing the risk of crime and thus extended various modes of surveillance into a range of institutions previously outside the criminal justice system, including schools, hospitals, workplaces, shopping malls, transport systems and other public and private spaces. These changes have brought about a transformation in the civil and political order which is increasingly structured around 'the problem of crime'.

One outcome of this has been the reorientation of fiscal and administrative structures to deal with crime and a resultant level of incarceration well beyond historical norms.<sup>16</sup>

The advent of governing through crime, and the rise in penal severity, has been attributed to certain political configurations in some liberal democracies.<sup>17</sup> These include lower levels of public trust in politicians and a new populism which distrusts 'experts'. Further, there is public lack of credibility specifically in the expertise of criminal justice professionals and less virtue and public good associated with judicial autonomy: judicial independence is seen as a problem to be contained rather than a basic democratic safeguard. Weaker ideological differentiation between major political parties has resulted in a greater focus on the 'median' voter and the exploitation of fear of crime as a strong consensus concern. This focus has led to populist political responses to perceived 'popular' opinion about crime: hence a view that the most politically expedient response to crime is the promotion and implementation of the 'toughest' response to crime. A contradictory outcome of the focus on governing through crime and the promotion of populist responses to crime is that the result is a higher level of *insecurity*: the problem of crime and the criminal appears everywhere from child sex offenders in the local neighbourhood to asylum seekers arriving by boat, from the threat of terrorists to public drunkenness on the streets and increasing juvenile crime. Like the dilemma faced in Goethe's poem *The Sorcerer's Apprentice*, no matter how many people we incarcerate the problem seems destined to ever multiply more quickly.

However, not all modern democracies have followed the path of countries like Australia, New Zealand, the US or the UK which have relied on exclusionary and punitive approaches to penal policy. According to Lacey,<sup>18</sup> some European jurisdictions have opted instead for criminal justice systems that are relatively moderate and inclusionary. Lacey argues that more social democratic and corporatist forms of government have sustained more moderate criminal justice policies. Consistent with this argument is the view of Wilkinson and Pickett that modern democratic societies with higher levels of inequality also have more punitive approaches to punishment.<sup>19</sup> We can see significant differences in levels of imprisonment between states and territories within Australia. While the increases have occurred in all jurisdictions, the size of the increase has not been uniform across the country – NSW and Queensland in particular have had the highest increases – and the absolute levels of imprisonment vary widely around the country. The Northern Territory has the nation's highest imprisonment rate, with 646.7 prisoners per 100,000 adults, about five and six times the rates of Tasmania (136.6) and Victoria (103.6). Moreover, large and ostensibly similar jurisdictions, such as NSW and Victoria, also vary markedly. NSW has an imprisonment rate of 184.8 per 100,000 adults, almost double that of Victoria.<sup>20</sup>

### **Racialisation and punishment**

While distrust in government and experts, a fear of crime and a developing 'culture of control' may go some way to explaining the punitiveness which has underpinned developments in penal policy, it is also clear that punishment is highly racialised. The two jurisdictions in Australia which have the highest imprisonment rates (the Northern Territory and Western Australia) are also the jurisdictions with the largest proportion of Indigenous people living within their boundaries. Indeed in Western Australia, Indigenous imprisonment rates are way beyond any meaningful comparison to other rates in Australia: the Indigenous rate of imprisonment in Western Australia is 4309.6 per 100,000, while the Indigenous male rate is 7803.5.<sup>21</sup> By the first quarter of 2010 the number of Indigenous people imprisoned in Australia had reached 7613 and comprised

26 per cent of the total prison population. The Indigenous rate of imprisonment was 14 times higher than the non-Indigenous rate.<sup>22</sup>

US research suggests that racial resentment is inextricably connected to public punitiveness, that race and racism 'shape the contours' of how Americans think about crime and punishment.<sup>23</sup> According to Unnever and Cullen one of the most salient and consistent predictors of punitiveness is 'racial animus': mass imprisonment and the death penalty are acceptable in the US because they are disproportionately aimed at African Americans.<sup>24</sup> It has been well publicised in the US that the odds of an African American male going to gaol are higher than going to college, or getting married.<sup>25</sup> No similar comparative analysis has been conducted in Australia. So what does the data indicate?

First, it is worth considering that the Indigenous re-imprisonment rate (66 per cent within 10 years) is much higher than the retention rate for Indigenous students from year 7 to year 12 of high school (46.5 per cent) and higher than the university retention rate for Indigenous students (which is below 50 per cent).<sup>26</sup> In other words, Indigenous people are returned to prison at a higher rate than they are retained in either high school or university. Secondly, imprisonment rates for Indigenous people have been increasing. Nationally the rate increased by 45.5 per cent for Indigenous females and 26.6 per cent for Indigenous males between 2000 and 2008.<sup>27</sup> Meanwhile, Indigenous participation in university and TAFE decreased across all age groups between 2001 and 2006. For example, Indigenous participation at university for 25 to 34 year olds fell by 18 per cent between 2001 and 2006.<sup>28</sup>

The 2006 Census showed 7057 Indigenous people enrolled in a university or tertiary institution. Of those, 2322 were males and 4735 were females.<sup>29</sup> At same time, there were 6091 Indigenous people imprisoned. Of these, 5549 were male and 542 were female.<sup>30</sup> On the basis of the 2006 Census data Indigenous men are 2.4 times more likely to be in gaol than in a tertiary institution at any one time.<sup>31</sup> Given the trends of *decreasing* Indigenous tertiary participation levels and *increasing* Indigenous imprisonment rates it is likely that these odds have increased further since 2006. Furthermore, the situation is likely to be considerably worse than these static census figures would indicate, because Aboriginal and Torres Strait Islander people move in and out of the prison system relatively frequently. We know that Indigenous prisoners are more likely to be re-imprisoned on multiple occasions, and that many more Indigenous people will be imprisoned for short sentences over a twelve month period than the annual census figure would indicate.<sup>32</sup> This likelihood of multiple imprisonment experiences over a lifetime stands in stark contrast to lower participation rates in tertiary institutions and poor retention rates after enrolment.

The traditional goals or objectives of sentencing and punishment are deterrence, rehabilitation, denunciation, retribution and community protection. Given the mass imprisonment of Indigenous people it is worth asking whether these goals have much purchase or legitimacy in sentencing Indigenous offenders. The desired outcomes of specific deterrence of the offender and general deterrence in the community is undermined by high levels of re-offending, and the widespread familiarity within the community of incarceration and the criminal justice system more generally. Similarly it is difficult to argue that rehabilitation is achieved when re-offending levels are high and there is limited access to programs (either therapeutic or vocational) while in prison. Community protection may be achieved in the short term through incapacitation, but not in the longer term if there is a failure to change behaviour.

A goal of punishment is said to be the public denunciation of crime. Yet effective denunciation requires that the institutions of the criminal justice system are seen as legitimate by the offender and their community. The act of denunciation requires institutional legitimacy. However if the justice system is seen as an alien institution, an Anglo-Australian institution with only limited connectedness to Indigenous people, then denunciation is not likely to be effective. Similarly, retribution requires moral authority and political legitimacy. Retribution in sentencing requires the community, if not the offender, to recognise that the act was wrong. It is the wrongness of the act, and the authority of the justice system which justifies the infliction of pain on the offender. However, without that authority and legitimacy, retribution is likely to be experienced as oppression. As Blagg has noted, there can be radically incommensurate views between mainstream Australia and Aboriginal people about the meaning and experience of prison. Blagg suggests that the prison itself becomes a site for the maintenance of an Aboriginal domain.<sup>33</sup> While there has been some move to increase the legitimacy of the courts through the introduction of various Aboriginal sentencing courts (eg Murri Courts, Koori Courts, circle sentencing courts), these reforms are seriously undermined when most Indigenous offenders go through mainstream courts, and increasing numbers are being sentenced to gaol.<sup>34</sup>

### **Waste management and the hidden costs of imprisonment**

Harsh criminal justice policies and ever increasing prison numbers may be popular among politicians and some voters. Punitive measures can be introduced by government in response to apparent populist demands with relative ease. Governments can be seen to be doing 'something' without much consideration of the longer term impacts. Indeed, increased criminalisation does not require complex bureaucracies or systems of government,<sup>35</sup> although it does require increased budgetary allocations. A result has been what some have called the 'waste management' prison which 'promises no transformation of the prisoner... Instead, it promises to promote security in the community simply by creating a space physically separated from the community'.<sup>36</sup> It functions to hold people who are defined as presenting an unacceptable risk for society.

The idea of the waste management prison is at least metaphorically useful in capturing some of the changes which have occurred as a result of penal expansionism. The size of the prison system has grown to deal with expanding prison numbers, and a significant focus on risk and custody has developed, alongside the physical expansion of the penal estate. How we *think* about the physical size of prisons has also changed over the last two decades. A medium sized prison in the 1990s was about 300 inmates, and large prison was around 500. Across Australia today new prisons are being built or old prisons expanded to hold around 1000-plus prisoners. Staffing ratios have fallen, there are more prisoners per prison officer and there is far greater reliance on various technical forms of surveillance and security in the new prisons. Economies of scale are being used to try and push down the average cost per prisoner. However, in the Australian context it would be too simplistic to see prisons as no longer aimed at, or interested in, reforming individuals. Certainly the public rhetoric of correctional services still prioritises rehabilitation as a core goal, alongside security. Typically, with a focus on measurable performance outcomes, correctional services identify a reduction in re-offending as a key corporate goal. Yet the achievement of this goal is increasingly illusory. Indeed, the expansion of prisons make it less likely that recidivism rates will decline.

The problem that penal expansionism poses, is that greater and greater resources have to be allocated to building and operating prisons, and proportionately less is available for

programs within prisons and for non-custodial sentencing options and other support services outside of prison. Mass imprisonment has become the policy solution to the political problem posed by law and order politics. A continuing string of political promises to be tougher on law and order inevitably demands an expansion of the incarceration end of the criminal justice system. It is clear that the more marginalised groups within society are those that have been impacted upon the most. We referred in the previous section to Indigenous people. There have also been significant increases in women's imprisonment: between 1993 and 2003 the female prison population increased by 110 per cent, with particularly large increases among Indigenous women prisoners.<sup>37</sup> The presence of people with mental health disorders and cognitive disability (MHDCD) in prison is not new, but the rate of people with MHDCD appears to have increased.<sup>38</sup> Women with mental health disorders are more highly over-represented amongst the prison population than men. People with MHDCD are convicted and imprisoned for lower level offences such as theft, road traffic/motor vehicle regulatory offences; justice offences, alcohol and drug related offences and public order offences.<sup>39</sup> Baldry paints a picture of people with MHDCD constantly recycling through the prison system, living chaotic lives on the outside without support, often homeless, until coming back to prison for a relatively short sentence and then being released back into the same highly marginalised situation, where they are re-arrested and re-imprisoned.<sup>40</sup>

The social costs of imprisonment are observable on a number of levels. There is an unequal distribution of imprisonment among the poor, among socially marginal groups and minority groups (particularly Indigenous people). In most cases, imprisonment does not resolve issues relating to alcohol and drug abuse; the effects from experiencing physical, sexual and emotional violence as a child and/or as an adult; or the prevalence of intellectual disabilities and mental health problems. In general 60 per cent of inmates are not functionally literate or numerate; 44 per cent are long-term unemployed; 60 per cent did not complete Year 10; 64 per cent have no stable family; a high proportion were state wards (that is, previously placed in state care as children); and most come from the most seriously disadvantaged communities.<sup>41</sup> Imprisonment can further exacerbate or cause loss of employment and income, loss of housing, and breakdown of families and relationships, including the children of imprisoned parents going into care and the beginning of a new cycle of poor educational outcomes and contact with the criminal justice system. The social costs of imprisonment can also be seen through the inability of the prison to reform or rehabilitate offenders and in its self-reproducing nature: in NSW some 67 per cent of current prisoners had previously been imprisoned.<sup>42</sup>

It is also important to consider the relationship between social costs and dollar costs. NSW spends the largest part of the national annual expenditure on prisons – over \$1 billion or 37 per cent of the \$2.8 billion annually, so it is useful to consider expenditure in this state. In NSW corrections expenditure per person in the population increased in real terms over the last five years by 11.5 per cent.<sup>43</sup> During a similar period, NSW state government recurrent expenditure on schools declined in real dollars by 0.51 per cent and expenditure per fulltime student declined in real terms by 0.64 per cent.<sup>44</sup> NSW real recurrent expenditure in the Vocational and Educational Training (VET) sector fell by 6.3 per cent over the same period.<sup>45</sup> NSW government expenditure per person on public hospitals rose in real terms by 9.8 percent during the same period.<sup>46</sup> In summary, the NSW state government increase in expenditure per person on prisons was greater than the increase per person on public hospitals, while real recurrent expenditure on school and adult education declined.

It is worth considering prisons in the context of *opportunity costs*, by which I mean the cost of passing up the next best choice when making a decision. If government capital expenditure and recurrent funding is used for building and maintaining prisons the opportunity cost is the value of the next best purpose the funding could have been used for. For example, as an alternative to prisons, government funding could have gone into school or adult education, supported housing, mental health services, drug and alcohol rehabilitation or employment programs. The choice between various options would be an easier decision if we knew the end outcome. However, we know the significant limitations of prison as a rehabilitative institution and crime and control option. And we do have sufficient information to make informed choices on the best results gained for public expenditure. Various Australian and international research has shown that reductions in long term unemployment, increased school and adult vocational education, stable accommodation, increased average weekly earnings and various treatment programs will bring about reductions in re-offending.<sup>47</sup> And we do know that building prisons is a comparatively expensive option. For every prison bed we construct we could provide more than 30 school student places.<sup>48</sup>

Economist often refer to social costs as negative externalities, or the negative external costs involved in the production of goods or services. These external costs are seldom borne by the producer. The failure to properly account for external costs leads to an over-production of those goods that have a high social cost. For example, the logging of trees for timber can cause the loss of a recreation area, loss of soil quality and erosion, loss of air quality, etc, but this loss is usually not quantified and included in the price of the timber that is made from the trees. As a result, individual producers have no incentive to factor in these external social costs, and as a result more of this activity is performed than would be if its cost had a true accounting. As a result there is over-production because the real social costs are not being properly met.

There is an analogous argument with imprisonment. Governments do not acknowledge the real social cost of imprisonment – they pass that cost onto the racialised and working class communities from which the incarcerated are drawn. They do not acknowledge the costs on the individuals incarcerated, their families or their communities. Nor do they acknowledge the costs of reproducing crime and victimisation through the recidivism compounded by imprisonment. They also do not acknowledge the opportunity costs – that for every person imprisoned we have fewer programs, services, school places, etc – less of the very things we know might reduce crime and its consequent social harms. Because the true social costs of imprisonment are not acknowledged or accounted for, we have endemic over-production of the prison as a strategy of containment. Governments simply do not meet the real costs of imprisonment – and, in fact, they pass those costs back to the impoverished communities from which they draw prisoners through lower standards of health, education and housing.

### **Conclusion: fear and safety**

It was Durkheim who argued that punishment serves a particular symbolic function of drawing the moral limits around a society. The spectacle of punishment was not aimed at the offender: its target was the broader citizenry. Punishment of the offender had the outcome of increasing social solidarity. Yet punitive responses to crime do not make us feel safer. If there is any solidarity it is in the consensus forged around fear and, arguably, this fear drives a passion for punitive punishments. Indeed, it has been suggested in the US that governing through crime has fuelled a culture of fear and control, which

simultaneously lowers the threshold of fear while placing ever greater burdens on individuals.<sup>49</sup>

In the first section of this essay I referred to the significant difference between imprisonment in NSW and Victoria, with the imprisonment rate in Victoria only slightly more than half that of NSW. In many ways they are two comparable jurisdictions: both with the largest urban populations in Australia, both culturally diverse, both major economic centres. Yet the two states have different approaches to punishment. There is a greater use of custody in NSW than Victoria. NSW has a consistently higher proportion of offenders sentenced to fulltime imprisonment than Victoria,<sup>50</sup> recidivism rates are also higher in NSW<sup>51</sup> and NSW spends more than double the budget on corrections compared to Victoria.<sup>52</sup> Indeed NSW now faces the prospect of needing to build a 1000 bed prison every two years if prison numbers continue to grow at 5 per cent per annum.

We might expect, as a result of all this activity and expense, that the residents of NSW feel safer than their southern counterparts in Victoria. But reports from national surveys on perceptions of community safety show otherwise.<sup>53</sup> Consistently over a number of years Victorians are more likely to report feeling 'safe' or 'very safe' than people in NSW across a range of activities including being at home alone during the day, at home alone during the night, walking or jogging during the day, and walking or jogging during the night. The only area where Victorians reported feeling less safe than people in NSW is on public transport.

Outside of Australia responsible governments are responding to the problem of over-incarceration and developing policy to reduce imprisonment. Change is occurring in high imprisoning states in the US with the development of justice re-investment strategies<sup>54</sup> and other programs for release of prisoners. In the last 18 months in the UK there has been the UK Commission on English Prisons Today and a report by the UK House of Commons Justice Committee.<sup>55</sup> The House of Commons report called for a one third reduction in prison numbers, a justice re-investment strategy, a national debate on spending on criminal justice and increasing community understanding of the cost of imprisonment. In Australia, such a debate has yet to seriously begin.

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## **AIDS and Religion: 'This Wave of Hate Must Stop'**

**Michael Kirby**

### **Is there a problem?**

Everything that needs to be said for this dialogue was stated by Bishop Desmond Tutu, Nobel Peace Prize Laureate and Archbishop Emeritus of Cape Town, South Africa.<sup>1</sup> It was he who declared in March 2010 that the time had come, particularly for Africans, to stop the 'wave of hate' and to stand up 'against wrong'. He was referring to the wrong to 'gay, lesbian, bisexual and transgendered people' who are 'part of the African family'.

Relevant to the struggle against HIV/AIDS, which has afflicted humanity since the 1980s, the hate that must stop is even more widely directed. The vulnerable groups are not only gays (men who have sex with men – MSM). They also include sex workers (CSWs), injecting drug users (IDUs) and women who are particularly susceptible in this epidemic.

As to whether there is a problem, read what Bishop Tutu said:

- 'Men have been falsely charged in Senegal and health services for these men and their community have suffered.
- In Malawi, men have been jailed and humiliated for expressing their partnerships with other men.
- Just this month, mobs in Mtwapa township, Kenya attacked men they suspected of being gay. Kenyan religious leaders, I am ashamed to say, threatened an HIV clinic there for providing counselling services to all members of the community, because the clerics want gay men excluded.
- Uganda's parliament is debating legislation that would make homosexuality punishable by life imprisonment.
- More discriminatory legislation has been debated in Rwanda and Burundi.
- These are terrible backward steps for human rights in Africa. Our lesbian and gay brothers and sisters across Africa are living in fear.'

All of this news from Africa would be bad enough. But the same fear extends far beyond that continent. It exists in many countries where, despite the knowledge that science now affords us about human sexuality, irrational hatred of sexual minorities and sexual activities is encouraged and even sometimes promoted by religious leaders, in supposed reliance upon their understandings of religious texts. They rely on their imperfect human understanding of what was written in ancient books long before Dr Alfred Kinsey and his many followers demonstrated the realities of human sexual experience; the frequency and variety of its manifestations; and the dangers and injustice of punishing people for adult, private, consensual sexual conduct.

Most religious people are good and kind. Love for one another exists as a basic tenet in all religions and all cultures. I have myself been brought up in religious faith. I honour brothers and sisters in all religions who are struggling to make a charitable, informed and unbiased contribution to the global struggle against HIV/AIDS.

However, officially the Roman Catholic and Greek and Orthodox Christian churches are still in serious denial about the scientific evidence available about human sexuality, as they have often been in denial about science and its other teachings in the past. Just as they originally denied the opinions of Galileo and Copernicus that the earth circled the sun; and as they and the Anglican Church originally denied Darwin's thesis of evolution of the species, expounded 150 years ago.

Clutching onto imperfect understandings of ancient scripture, leaders of most of the spiritual faiths, instead of re-examining their holy texts by reference to science (as they did in other instances in the past), have adopted a new, irrational approach. An example may be found in the current attitudes towards gays. Last year, the representative of the Holy See told a United Nations meeting that criminal laws against sexual minorities (introduced to give effect to the supposed religious prohibition) should now be abolished. Yet that Church goes on to teach that gays must adhere to a celibate life and never engage in their 'unnatural' sexual conduct. This is a seriously conflicted and unstable instruction.

Given that, in many countries, members of religious faiths (in particular) should have special expertise on the extreme difficulty of enforcing celibacy on human beings (and that they must now be aware of the conflicts, failings and temptations that this most unnatural demand results in), it is astonishing that such an instruction should be given to the faithful by presumably rational people; or that it should be taught from pulpits and in churches, mosques and temples. Yet so it is. The public are whipped up into the kind of hate that Bishop Tutu has described in Africa.

In other parts of the world, the hate may not always be so intense. But the stigma over sexual conduct that is often taught by religious people cannot be accepted any longer. It is now a major cause of death in the AIDS epidemic.

It has to stop. Not only because it is immoral, conflicted, irrational and wrong. Not only because it is a denial of the essential spiritual message of love that lies at the heart of all of the world's great religions. But also because it is now seriously impeding the global struggle against HIV and AIDS for the saving of lives. The magnitude of the suffering demands blunt speaking at this time. As Bishop Tutu has said:

All of us, especially Africans, need access to essential HIV services. ... This pandering to intolerance is being done by politicians looking for scapegoats for their failures ... but it is a great wrong. An even larger offence is that being done in the name of God. Show me where Christ said 'Love thy fellow man, except for the gay ones'. Gay people too are made in my God's image. I would never worship a homophobic God.

Rightly, Bishop Tutu has drawn a parallel between the earlier, successful, global struggle against racial apartheid and the present global struggle against sexual apartheid. To the moral struggle against sexual apartheid must now be added the urgent needs of the struggle against HIV and AIDS.

So we *do* have a problem. It has brought us to this meeting in Den Dolder. At its core, it arises from the fact that, thirty years into this epidemic, we do not have a cure or a vaccine for HIV or AIDS. We have palliative treatment of great utility. But the world cannot afford the continued economic burden of providing such treatment to 2.7 million new HIV infections each year. Urgent strategies of the world today must be addressed to the prevention of further infections.

Prevention cannot work so long as our societies stigmatise and hate many of the people most at risk of infection. Only by getting into their heads and helping them to practise and promote safer sexual and other conduct, can we bring the AIDS epidemic down. We cannot do this effectively without co-operation and support from religious leaders. Yet all too often they are silent or actually speak against the policies that may help to reduce the stigma; promote the necessary realism; and spread the love of God, not the hate of vulnerable minorities:

- Too many preach that condoms must not be distributed, because they promote 'extra-marital sex' and falsely claim that condoms are ineffective to prevent the spread of the virus;
- Too many oppose early factual education of young people in the requirements of safer sex that may help save their lives;
- Too many condemn syringe exchange facilities that help reduce the spread of infection by injecting drug users;
- Too many oppose the provision of condoms and other protective facilities in prisons and other institutions that are potential incubators of the epidemic;
- Too many object to the decriminalisation of sex work, despite its existence from ancient times in every society and the value for life and human dignity that needs to be mobilised so as to empower those who work within it;
- Too many fight fiercely against the removal of legal discrimination against gays and promote attacks on and hatred of gays in many societies; and
- Far too many resist the removal of the patriarchal attitudes to women, defending the persistence of their second-class status on unconvincing religious grounds.

Those who criticise these attitudes are often castigated as God's enemy. Well, I declare that we are God's friends and the helpers of true spirituality and love. The religion in which I was raised had, at its core, love for God and for one another. Reconciliation. Universalism. Non-discrimination. This should be the message of religion, especially today. Yet everywhere, the message is different in practice. Too many old men in fine dress preaching dangerous messages. Sadly many of them in the past, as we now know, have been hypocrites and false-sayers.

So this is the immediate problem we face. Its urgency demands that it should be clearly identified in an appeal to the rational mind of humanity. It is that rational mind, which is genetically part of our species and, if you like, God-given, that will rescue the human family from the irrationality and wave of hate that Bishop Tutu has identified and condemned. We should join him and support him in this hour of global need.

### **What exactly is the problem?**

The special problem in relation to the HIV/AIDS epidemic is that the principal vectors for the spread of the infection of HIV involve three means that are often the subject of religious antagonism. I refer to sex; drugs and women.

Many religions demand exclusive marital relationships for any form of human sexual conduct. That this is not what happens in most societies does not matter. Marriage remains the religious gold standard. Those who do not, or cannot, fit within that standard are cast out of the kingdom of the faithful. But that means a huge proportion of humanity. And it is this proportion that is at risk of fear and stigma, specifically damaging to the struggle against the spread of HIV. I refer to MSM, CSWs and others who engage in non-marital sexual relations.

Likewise, religion typically opposes drug use, which is often rightly seen as diminishing the full capacity of human self-control that is part of our essential human nature. Still, if this is part of the reality of the world, we must face it realistically and deal with its consequences. We should not write off to an early death those who do not meet religions' standards. Women are particularly vulnerable to HIV because, in many societies, they are controlled by men. The stories of violence against women infected by their husbands are all too common. It is a sad tale of disempowerment and vulnerability.

There is a serious tension between the endeavours of international and national leaders to promote good public health strategies to confront HIV and AIDS and the repeated instruction of many religious leaders today, denouncing adultery, condemning MSM, rejecting IDUs and disempowering women. If the reasoned messages of the Secretary-General of the United Nations, the Director of UNDP, the Director of UNAIDS and the High Commissioner of Human Rights are not heeded, a clarion wake-up call must now be given. This is because, following the global financial crisis, the world will simply not keep handing out the funds to provide expensive anti-retroviral treatment for HIV to the millions of newly infected people who will need them every year. We must halt the expansion of the epidemic. The urgent imperative is to promote prevention of the further spread of the virus. We need to re-double our efforts to secure effective vaccines and curative drugs. But, in the meantime, we must all contribute to prevention. Millions of lives are at stake. Protecting them effectively is one of the greatest moral challenges that is before the human family today.

The particular circumstances in Africa referred to by Bishop Tutu are illustrations of the kind of stigma that is being spread throughout the world, in part by uninformed religious teachers. Those who give these lessons should be reading the words of Tutu, a true spiritualist. He has declared that the sorry history of recent years in Africa demonstrate the manner in which religion is all too often pandering to prejudice. Everyone, he suggests, seems to need someone to look down on. Religion should be leading people to look up: to the path of love, not hate.

### **What is the solution?**

There are no easy solutions to the challenge that I have identified. Pessimists would say there are no solutions at all. The patriarchal organisation of religion; the vested interests; the ignorant literalism of scriptural interpretation; the anti-scientific attitude towards new knowledge; the ease of whipping up fear and hatred; and the diversions that these attitudes produce, all make it hard to turn the global response around.

Some religious leaders protest that they already have the 'magic cure' to HIV. 'Just say no', they proclaim. Objective evidence shows that this strategy usually fails. People lapse. People are human. They fall into temptations for highly pleasurable activities. For one thing, telling people just to 'say no' has not always worked with religious personnel themselves. How could it be expected to work with ordinary people? How, for example, can it seriously be expected that ordinary gay people will deny themselves the human endearment and life commitment of faithful companionships? Any religious leader who seriously suggests that the gay minority, numbering millions of human beings, should live a life of celibacy needs to get urgent psychotherapy. It is just not going to happen. Human realities must be faced. Those realities demand a new approach. If necessary, they require a new reading of ancient scriptural texts.

If religion needs such an adjustment in the current age, the realities must immediately address the minority communities that are at special risk to HIV infection. For MSM, it is essential to re-read the passages of scriptural condemnation that are often cited as divine foundations for hatred and punishment for gays. Coming to us as they do through multiple translations and from societies so different from our own, have these texts been misunderstood? Can it seriously be suggested that a loving God would hate a proportion of human beings who are gay or try to force them, against their nature, into heterosexual relations, just to please those who demand a false universal binary division of humanity? This seems as unlikely as suggesting that God hates left-handed people. Or black-skinned people. Or tall people. Variation is part of nature – of all living things. If such

variation is God-given, it scarcely seems credible that God would impose on his creatures an irrational and perverse indulgence in activities alien to their nature. Or deny them activities central to their own discovery of love and human support.

Given that the solution of the present interface between religion and epidemiology is unlikely to be either the complete surrender of religion to science, still less of science to religion, a compromise needs to be found. In some religious circles, that compromise is now being addressed. It is not always easy to find. Sometimes it is painful just to explore it. But new lines must be drawn to chart the way ahead. They must be based on the urgent needs of the times; the moral necessity to reduce the damaging hate; and the immediate imperative to promote awareness, knowledge and self-protection, so as quickly to bring down the rates of HIV and the toll of death and suffering.

Specifically, what can people of religion do at this moment to help achieve such a compromise?

- Religious institutions already help in many practical tasks of dealing with the consequences of the AIDS epidemic. They do so by providing the loving care for AIDS patients in hospitals and care agencies, as the Roman Catholic sisters at St Vincent's Hospital in Sydney, Australia, have done from the very beginning of the epidemic. They provide comfort and support for the sick, the dying and the grieving, as religious people are doing every day in a world where deaths from AIDS still run at millions every year;
- Religious schools and colleges should include truthful instruction to the young about the new and special danger of HIV that is in the midst of our societies. The young, particularly, need truthful instruction and knowledge so that they can protect themselves in the actuality of their lives. To deny such knowledge in the name of religious fidelity and in the face of the real dangers that face young people is very wrong. Somehow religions must find a means of upholding their doctrinal understandings whilst providing access to other and different knowledge for the young;
- In considering notions such as chastity, virginity, monogamy and the like, religion must face, with clear insight, the truth of human conduct in the here and now. It must accept that chastity is not a path suitable to most human beings, certainly those in modern societies where they are daily bombarded by sexual messages of temptation and fantasy. Access to the condom is a kind of litmus test in this respect. To ban condoms as a tool of promiscuity might arguably have been understandable in the 1950s. It became less so after the sexual revolution and scientific advances in safe contraception in the decades that followed. It became positively wrong and destructive of human life in the decades of AIDS. It would not have required a brilliant theologian to construct a sensitive new rule that drew a distinction between condom use just for sexual promiscuity and usage to avoid spreading the HIV infection. Yet the great religious minds of the age, so skilled in dancing on the head of the pin, have not been able to wrap themselves around such a simple theological distinction. Instead, by opposing the availability of condoms and condemning their use, as religions do in many developing countries, religion has condemned many adherents to death in the actuality of their circumstances;
- Secular governments have their own responsibility to ensure the spread of knowledge and the prevention of stigma and hatred. In some of the instances mentioned by Bishop Tutu, the authorities have stepped in, as police did recently in Kenya to protect gays at the mercy of a mob. Where religions fail, there will always be dissident members and preachers of the essential messages of love and of life. Governments

need to reach out to, and support, the voices of these wise prophets until, in God's time, organised religion comes itself to listen to their wisdom;

- Religious leaders and theologians need to go back to the supposed textual foundations for religious homophobia, sexual condemnation and patriarchy to search for the essential messages of love that lie at the root of all great religions. As a judge, I often saw lawyers who were distracted from the great themes because they confined their attention to particular words, read out of context. That, I suggest, is what has happened in the reading of religious texts interpreted as being antagonistic to gays, adulterers, apostates and others. As the world to which the religious text is addressed has changed so radically from the world in which it was first written, it behoves modern religious leaders to read the scriptural instructions in a contemporary context. Religion today, if it is to remain relevant, must re-examine its message with a light sharpened by modern scientific knowledge. When the literal truth of the creation of the universe described in the Biblical words of *Genesis* was cast in doubt by Darwin's discoveries, religion gave way. Religion gave way in its struggle with Galileo and Copernicus. Most religions today do not literally demand death for apostates but respect the human right of people to change or abandon their religions. So the world of religion does move on. But a faster pace for change is needed in our current AIDS predicament, and especially in developing countries as Bishop Tutu has explained; and
- Religion must be taken back to its basics, of truly protecting every precious and beloved human life; of sanctifying human beings in all of their variety; of helping the sick; and of leaving judgment of gays, adulterers and drug users to God. Unless religion can take this path, hate and stigma will continue to drive frightened people into ignorance. It will rob them of knowledge that is protective of their persons and thus of the persons of others. It will promote death. In the age of AIDS, we need a circuit breaker for a new relationship of religion and epidemiology.

### **How can we all help advance the solution?**

Faced with a challenge so large and complex, it is easy to despair. How can lay people challenge the interpretations of holy texts to which the religious may devote their lives? How can the power relationships that have lasted so long be altered? How can attitudes of discomfort towards minorities be changed? Above all, how can change be secured in a very short time to meet the extreme urgency of the predicaments of suffering and the diminished capacity of our world to fund long-term AIDS treatments?

There are glimmers of hope. Never has there been a time when so many leaders of the world community have spoken so bluntly about the need to promote prevention as well as of human respect and dignity in the face of AIDS. The Secretary-General of the United Nations. The Administrator of UNDP. The Director of UNAIDS. National leaders. So many have spoken with clear voices. But are the religious leaders of the world listening? Do they realise the special need for moral leadership on their part? Some are responding, as Bishop Tutu shows so clearly. But far too many are deaf or indifferent to his appeals. Some appear willing to write off the minorities in their ardent defence of unbending interpretations of old scriptural metaphors. This is a double tragedy for our time.

Those who know the history of the AIDS epidemic, and what has worked and not worked in containing it, must re-double their efforts to engage with religious leaders. That is why this present encounter is so unusual and precious. Urgent steps need to be taken worldwide, if possible with religious support:

- The removal of all remaining criminal punishments of gay people everywhere;

- The decriminalisation of consensual adult sex work and the empowerment of sex workers so that they may safely insist on condom usage;
- The provision of safe environments for sterile syringe exchange for IDUs;
- The promotion of the education and empowerment of women, for they are normally the greatest teachers of the younger generation;
- The impartial education in schools and colleges of safer sexual and other practices;
- Better and more candid community education and the promotion of self-awareness;
- Laws, policies and leadership to combat discrimination and stigma;
- The promotion of contacts between religious leaders and people living with HIV and AIDS. PLWHAs are often the best advocates for human empathy and understanding, love and sharing. In my youth, this is what helped Australians to go beyond the 'White Australia' policy. Getting to know people of different races, cultures and lives. Appreciating that diversity is all simply part of the world's reality;
- The encouragement and promotion of great religious spirits, like Bishop Tutu, whose words are always powerful with love and the true essence of their religion;
- The engagement of epidemiologists and community representatives with theologians to encourage contextual interpretations of scripture and an awareness of contemporary urgencies; and
- The promotion of the role of the secular state to uphold the rights of all people and to protect the vulnerable, including against the sorry instances of religious-supported ignorance and violence that Bishop Tutu describes and that we all knew about.

### **Becoming part of the solution, not the problem**

The world, in its AIDS predicament, needs an agenda for change. Is there time to make a difference? There has to be. Somehow we must reduce the continuing infections, for resources will not be available indefinitely to support treatment for the newly infected year by year. How can we do this? We certainly know the measure and nature of the problem. We know what we can do right now to stem the tide. We must turn to religious leaders themselves to prove solutions beyond the simplistic and ineffective demands to 'just say no'. True love for the lives of others must illuminate our answers. Truly, this is a genuine right to life issue. It is past time to expect that effective answers will be given. The global challenge of HIV/AIDS demands all of us that we be included amongst the solution. At the moment in the world, sadly, religion is all too often part of the problem of HIV/AIDS.

*The Hon Michael Kirby AC CMG, FASSA, delivered this paper at the Symposium on AIDS and Religion in Den Dolder, The Netherlands on 22 March 2010 under the auspices of the Government of The Netherlands Ecumenical Advocacy Alliance and UNAIDS.*



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<sup>1</sup> <http://www.washingtonpost.com/wp-dyn/content/article/2010/03/11/AR2010031103341.html>

## Books

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***What Were They Thinking? The Politics of Ideas in Australia.*** By James Walter, with Tod Moore. Sydney: UNSW Press, 2010.

This is a highly ambitious and greatly successful attempt to do what its title suggests: to show the importance of ideas in Australian politics, and describe what those ideas were and are, and where they came from.

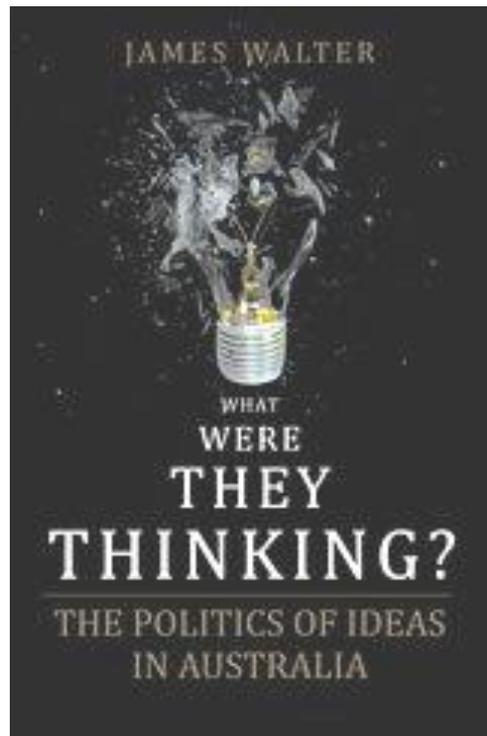
I call it greatly successful because the task called for so much research and so much understanding of each of the ideas promoted, and of the times in which they were deployed. In tackling the task, Professor Walter has had the help of Tod Moore, who contributes two chapters, but it is easy to see a single controlling mind behind the whole enterprise.

The book covers the whole period of Australian settler history, from the First Fleet onwards. The first half-century or so is conventionally covered, with Exclusives and Emancipists, and Wentworth and Deniehy and the Bunyip Aristocracy. After that, with responsible government and the extension of the franchise, ideas begin to make themselves felt within the colonial parliaments, with the author giving weight to such thinkers as Charles Pearson and Bruce Smith, the effect of whose thoughts becoming apparent (whether directly or not) in the following period, with the growth of the Labor Party and the effects of federation.

This is not an intellectual history in the full sense. If it were, it would include treatment of such movements as Spirituality and Theosophy, and the bases of such influences on politics as Santamaria's stable, the New State efforts, perhaps Douglas Credit and the New Guard.

Where it is very successful is in its treatment of thinking on the Right side of our politics, which has been very much neglected by scholars in comparison to the weight given to the Left. This is largely because it is usually the Left that does the writing and publication which provides the meat for the historian looking for sources. Even so, it is more commonly the radical Left that has done the publishing, rather than the run-of-the-mill Labor voters and politicians.

The book begins, not with the past, but with the near present, in the form of the contrast between Kevin Rudd's article on the financial crisis in *The Monthly* early in 2009, and the replies to it by Malcolm Turnbull. The point of this is to show a certain continuity in thought about the aims of politics since federation, expressed as it has been in two streams of doctrine, which I think of as 'Welfare' and 'Prosperity' to express Left and Right respectively. These have continued to flow, though there has been room for overspill from



one to another, as when Deakin and Reid eventually came together, or when Hawke and Keating took lines which might well have come from the other side. The flows were interrupted from time to time, the two biggest upsets being the conscription issue and the Great Depression; but in spite of these upsets, we still have the two flows to choose from when casting our votes.

The book deals more with lives than times, though there are some times, such as the social ferment of the late 1960s and 70s, when the influence of changing public opinion is given some weight. Major players in federal politics get ample treatment – Deakin, Reid, Hughes, Menzies, Lyons, Whitlam, Hawke, Fraser, Howard, Keating. One could argue that some major figures in state politics, such as Lang, Playford or Bjelke-Petersen should have found places, since they did not always flow from the streams; but this book is about how national politics has been served intellectually, and that is enough with which to deal.

There is ample on external influences, from Henry George to Elvis Presley, though perhaps not enough on non-economic ideas, perhaps in the religious sphere. Mannix and Santamaria make only brief appearances; with the long-lived sectarian issue lasting well into the second half of the twentieth century, there was more to say. It may have been said sufficiently elsewhere.

This is a book of which to be proud. It looks and feels efficient, with good treatment of notes, index and bibliography. No later research of its subject will be able to avoid it.

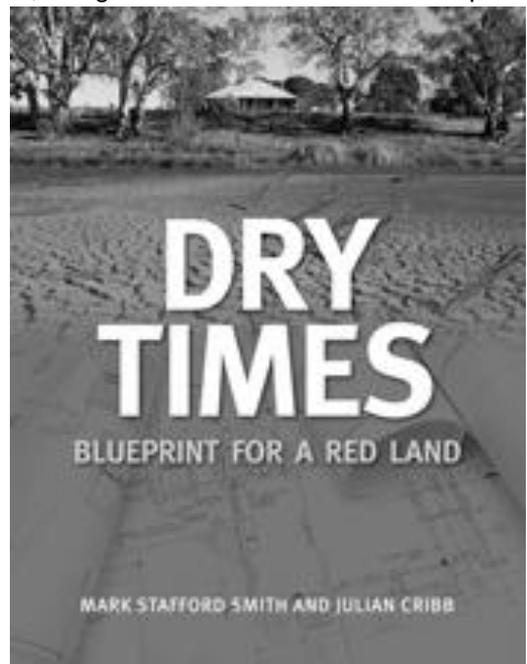
**JDB Miller FASSA**

***Dry Times: Blueprint for a Red Land.*** By M Stafford Smith and J Cribb. Melbourne, CSIRO Publishing. 2009.

*Dry Times* is a pivotal book, providing much-needed insights into the current status of Australia's arid and semi-arid lands and peoples, designed to attract a wide readership.

The text is clear and jargon-free, yet authoritative, reflecting the wealth of first-hand experience and scientific networking accrued by its senior author over three decades. The authors excel in capturing the reader's attention, exemplified in the chapter titles, which read: Dramatic deserts; Spreading deserts: past and future; What drives deserts? Desert survivors; Living off a lean landscape; Dry but smart: tomorrow's desert business; Surprising settlements; Tantalising technologies; Desert democrats; and Desert futures.

A special strength is the frequent deployment of the comparative method, most obviously between Australia's and other global arid zones, also in exploring the critical differences between arid and humid ecosystems and between small, fragile, remote communities and metropolitan systems. Equally effective is the comparative exploration of the uncertain



environments and survival strategies of desert plants and wildlife with those of sustainable desert businesses. In both contexts, five strategies are assessed, namely persistent, refuge, dependent, ephemeral, nomadic and 'exploitative'. Insights into desert life and its challenges are gleaned from short quotes by local people. A local grazier who is well known for his 'persistent strategy' is quoted as stating: 'If you nurture the land, it will sustain you for ever; abuse it and it will break you'.

Consistent with current reader-friendly formats, the text is embellished with frequent, well-chosen boxes, tables, diagrams and maps as well as colour plates. As a geographer, I found the up-to-date maps very useful, even if a few errors crept in. The map of the global distribution of arid regions (p 12) has an error in the key and depicts an over-extended semi-arid zone in Australia. Also, I am not happy with some revisions of my resource trajectories of rangeland regions (map on p 79). Otherwise, the text appears to be error-free. Particularly helpful are the detailed reference list, endnotes and index.

This book provides thoughtful insights into the full array of issues confronting Australia's arid zone, ranging from management of wildlife, of feral animals, of livestock, of pastures and water to the challenges posed by isolation, fragile economies, service provision and dysfunctionality in some Aboriginal communities. There is plenty there for those familiar with our arid regions, while presenting an unrivalled introduction to a wider readership.

**John Holmes FASSA**



## Genetics of Attention Deficit Hyperactivity Disorder

**Mark A Bellgrove**

Attention deficit hyperactivity disorder (ADHD) is one of the most prevalent childhood mental conditions, affecting around 2-6 per cent of school-aged children. The primary symptoms of the disorder are exaggerated levels of inattention and /or hyperactivity and impulsivity that are impairing behaviour across multiple settings, and are developmentally inappropriate. Although there are clear environmental and psychosocial risk factors for the development of attention problems and ADHD, it is not generally appreciated that ADHD is one of the most heritable of mental disorders. Indeed with heritability estimates of around 0.70,<sup>1</sup> there appears to be a much stronger genetic than environmental contribution to the disorder. But how do we identify genes for mental conditions such as ADHD, and what progress has been made on this front? Here I provide a brief review of recent attempts to unlock the genetic basis of ADHD.

ADHD is constantly in the media, not least because of concern regarding the treatment of children with potentially addictive stimulant medications. Yet as we will see in this short review, the mode of action of pharmacological treatments for ADHD provides us with important clues to the aetiology of the disorder and may help us to identify risk genes for ADHD. Since the 1950s, the mainstay pharmacological treatment for children with ADHD has been the psycho-stimulants methylphenidate (Ritalin) and dexamphetamine. The mode of action of these drugs and their effects on brain and behaviour are now well understood. Methylphenidate (and dexamphetamine) act primarily by inhibiting the action of the dopamine transporter (DAT), which is a transmembrane protein responsible for the re-uptake of dopamine from the synapse into the presynaptic terminal. The dopamine transporter, like other transporters for noradrenaline and serotonin, plays a vital role in regulating neurotransmission. One biological hypothesis for ADHD is that the dopamine transporter is overactive in individuals with ADHD, leading to a greater re-uptake of dopamine than is optimal. This *hypo-dopaminergic* hypothesis asserts that drugs such as methylphenidate are effective for children with ADHD because they inhibit the action of the dopamine transporter making more dopamine available for neurotransmission. Support for this biological hypothesis comes from a number of molecular brain imaging studies in both children and adults with ADHD showing that the dopamine transporter protein is more abundant in an area of the brain called the striatum, which is important for controlling and inhibiting behavior.<sup>2</sup>

But stimulants also have more widespread effects throughout the brain, and the clinical effects are probably mediated by effects at the dopamine D4 and D2 receptors in the prefrontal cortex and striatum, respectively. Furthermore, it is now also appreciated that stimulants profoundly modulate the action of the noradrenaline transporter as well as alpha-2 receptors in the prefrontal cortex.<sup>3</sup> Concerns regarding the addictive potential of stimulant medications led to the development of a non-stimulant drug called atomoxetine.

Atomoxetine is analogous to methylphenidate in that it inhibits the action of the noradrenaline transporter, however its effects are predominantly confined to the prefrontal cortex with little or no action in the ventral striatum (nucleus accumbens), an area of the brain known to mediate the addictive potential of dopaminergic drugs. Given the clinical efficacy of drugs with both dopaminergic and noradrenergic actions, the dopaminergic hypothesis of ADHD has largely been supplanted by one in which dysregulation to catecholamines broadly (ie, dopamine and noradrenaline) is presumed.

Knowledge of the biological basis of ADHD and its drug treatment has provided vital leads for psychiatric geneticists who have employed a *candidate gene approach*. The logic of the candidate gene approach is that genes for a disorder can be predicted *a priori*, based upon pathophysiological models of the disorder. In the case of ADHD, the strong *a priori* evidence for involvement of dopamine and noradrenaline, led to the identification of genes such as the dopamine transporter (DAT1), receptors (DRD2, DRD4) and noradrenergic transporter (NET1) as candidate genes for ADHD. In order to be able to determine if DNA variation in one of these candidate genes could confer risk to ADHD, researchers have typically employed a genetic or *allelic association* design, in which the frequency of a DNA variant or *polymorphism*, is compared between a group of individuals with and without ADHD. If a particular allele of a gene polymorphism is more frequent in ADHD cases than controls, it is said to be 'associated' and may be thought of as conferring risk to the disorder.

This approach has now yielded a number of replicated genetic associations, with a number of genes each thought to confer a small amount of risk to ADHD. Most notably meta-analyses indicate replicated associations with polymorphisms of the DAT1 gene and the genes for the dopamine D4 and D5 receptors.<sup>4</sup> Noradrenergic system genes have been less extensively studied than their dopaminergic counterparts but evidence is mounting that polymorphisms within the NET1 gene might confer risk to ADHD and also predicts the degree of therapeutic response achieved by atomoxetine.<sup>5</sup>

The hypothesis-driven candidate gene approach can be compared to the hypothesis-free genome-wide association approach. Genome wide association studies (GWAS) interrogate each of the 30,000 human genes for genetic association with the disorder of interest, independently of any guiding biological hypothesis for the disorder. The GWAS approach has the potential to identify novel genetic associations that could not be predicted based upon current knowledge of a disorder. The downside of this approach however, is that statistical testing across many hundreds of thousands of polymorphisms dramatically inflates the potential for false positive results. This attendant Type I error problem can be controlled by adjusting the statistical threshold (currently accepted to be  $p = 10^{-8}$ ) however very large samples (many thousands of individuals) are potentially needed to identify associations with significance levels less than this critical p-value. To date three GWAS studies of ADHD have been completed and although interesting genetic associations have emerged across all three (eg, Cadherin 13 involved in brain development) no associations at the p-value of  $10^{-8}$  have been identified.<sup>6</sup> Of course stringent control of Type 1 error rate means that the potential for missing interesting and true findings is inflated (a Type 2 error problem). Indeed many of the genes identified in the era of candidate gene studies are revealing themselves again in the GWAS studies, albeit with p-values that do not attain  $10^{-8}$ .

Typical association studies as described above assume that common DNA variants (eg, with a population frequency  $>1\%$ ) are responsible for driving the genetic basis of complex disorders, such as ADHD. Another position is that multiple, low frequency or *rare*, DNA variants could be driving genetic risk for ADHD and might be seen more commonly in ADHD and non-ADHD populations. Detecting these *rare variants* requires detailed sequence analysis, in a base-pair by base-pair fashion along the DNA and has only recently become feasible with the advent of next generation sequencing platforms. No studies have yet attempted to identify rare variants associated with ADHD, although this is clearly a burgeoning area of interest.

ADHD, like all psychiatric phenotypes, is heterogeneous with respect to its clinical presentation. Heterogeneity is well recognised as a major impediment to mapping genes for psychiatric disorders, since the task of identifying genes of small effect size will be magnified with a variable clinical phenotype. For these reasons, studies of susceptibility genes for psychiatric disorders have emphasised the utility of quantitative indices of disease risk or liability, termed endophenotypes. Endophenotypes are traits - cognitive or physiological, for example - that may be closer to dysfunction in discrete neural systems than in the broad phenotype. Since the endophenotype is thought to be less removed from the relevant gene action than diagnosis, endophenotypes may provide greater sensitivity for genetic studies. Below I provide one example of this approach to ADHD from our own work at the Queensland Brain Institute.

An intriguing feature of the cognitive deficits associated with ADHD is a subtle impairment in directing attention that is asymmetrical across the visual field, being pronounced for stimuli presented in the left side of space. Similarly asymmetrical deficits in spatial attention are a common consequence of damage to the right cerebral hemisphere in humans, including the frontal and parietal lobes and the striatum. Each of these areas has been independently implicated by brain imaging studies in children and adults with ADHD. Curiously, this phenomenon of left-sided inattention is related to symptom severity, and has been reported in the biological parents of children with ADHD; it has been shown to improve with psychostimulant medications, such as methylphenidate. Since methylphenidate has a strong action on the dopamine transporter, and DNA variation in the DAT1 gene is an established genetic risk factor for ADHD (see above), Bellgrove and colleagues asked whether variation in the gene could predict the extent of left sided inattention in ADHD children. Across a number of studies<sup>7</sup> it was demonstrated that DNA variation in common polymorphisms of the DAT1 gene was predictive of the extent of attentional impairment seen in children with ADHD. Moreover, even children without ADHD who carried risk variants of the DAT1 gene displayed a subtle form of this attentional phenotype. Current studies are determining the extent to which DAT1 gene variants influence brain activity while children with and without ADHD perform tasks of spatial attention. Furthermore, parallel work using post mortem brain tissue is investigating whether DAT1 gene variants actually alter the expression of the gene in areas of the brain that are important for the control of attention, such as the parietal cortex. These studies will help to build a picture of how DNA variation in a dopaminergic gene could influence the development of attentional networks in the brain and ultimately confer susceptibility to developing ADHD.

The above review has provided a brief snapshot of our current understanding of the genetic basis of ADHD. But what are the current or longer term implications of this knowledge for the treatment of children with ADHD? Most tangibly, it seems likely that the identification of replicated genetic risk factors for ADHD has the potential to revolutionise the drug treatment of ADHD. Although current medications such as the psychostimulants offer short-term improvements in behavioural functioning, evidence suggests that they are less effective in improving the longer term outcome for individuals with ADHD. The identification of susceptibility genes for ADHD should highlight novel biological systems that can be appropriately targeted for pharmacotherapy. More immediately however, knowledge of an individual's genotype at the dopamine or noradrenaline transporter genes is proving to have predictive value for the degree of therapeutic responsiveness achieved by either methylphenidate or atomoxetine.<sup>8</sup> If robust gene-cognition linkages can be formed, then there is also the potential that individuals carrying particular genetic risk variants could be targeted for cognitive remediation and /or psychosocial interventions.

This seems an important, but as yet unexplored, area of investigation given that neurocognitive deficits in ADHD, as in other mental disorders, are associated with reduced social, occupational and quality of life outcomes.



**Mark A Bellgrove** was the recipient of the Academy Paul Bourke Award for Early Career Research (2009) and is Associate Professor in the Queensland Brain Institute and School of Psychology at the University of Queensland,

### Acknowledgements

Mark Bellgrove is supported by an NHMRC Career Development Award and a Young Investigator Award from NARSAD, USA. His research into ADHD is supported by NHMRC Project Grants (569636; 569532; 569533).

- <sup>1</sup> See for example, Levy, F, Hay, D, McStephen, M, Wood, C and Waldman, I (1997). Attention-deficit hyperactivity disorder: a category or a continuum? Genetic analysis of a large-scale twin study. *Journal of the American Academy of Child and Adolescent Psychiatry*, 36: 737-744.
- <sup>2</sup> Cheon, KA, Ryu, YH, Kim, JW and Cho, DY (2005). The homozygosity for 10-repeat allele at dopamine transporter gene and dopamine transporter density in Korean children with attention deficit hyperactivity disorder: relating to treatment response to methylphenidate. *Eur Neuropsychopharmacol*, 15, 1: 95-101; Cheon, KA, Ryu, YH, Kim, YK, Namkoong, K, Kim, CH and Lee, JD (2003). Dopamine transporter density in the basal ganglia assessed with [123I]IPT SPET in children with attention deficit hyperactivity disorder. *Eur J Nucl Med Mol Imaging*, 30, 2: 306-311; Dresel, S, Krause, J, Krause, KH, LaFougere, C, Brinkbaumer, K, Kung, HF *et al* (2000). Attention deficit hyperactivity disorder: binding of [99mTc]TRODAT-1 to the dopamine transporter before and after methylphenidate treatment. *European Journal of Nuclear Medicine*, 27,10: 1518-1524; Krause, KH, Dresel, SH, Krause, J, Kung, HF and Tatsch, K (2000). Increased striatal dopamine transporter in adult patients with attention deficit hyperactivity disorder: effects of methylphenidate as measures by single photon emission computed tomography. *Neuroscience Letters*, 285: 107-110.
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- <sup>4</sup> Gizer, IR, Ficks, C and Waldman, ID (2009). Candidate gene studies of ADHD: a meta-analytic review. *Hum Genet*, 126, 1: 51-90.
- <sup>5</sup> Ramoz, N, Boni, C, Downing, AM, Close, SL, Peters, SL, Prokop, AM *et al* (2009). A haplotype of the norepinephrine transporter (Net) gene Slc6a2 is associated with clinical response to atomoxetine in attention-deficit hyperactivity disorder (ADHD). *Neuropsychopharmacology*, 34, 9: 2135-2142.
- <sup>6</sup> Franke, B, Neale, BM and Faraone, SV (2009). Genome-wide association studies in ADHD. *Hum Genet*, 126, 1: 13-50.
- <sup>7</sup> Bellgrove, MA, Johnson, KA, Barry, E, Mulligan, A, Hawi, Z, Gill, M *et al* (2009). Dopaminergic haplotype as a predictor of spatial inattention in children with attention-deficit/hyperactivity disorder. *Arch Gen Psychiatry*, 66, 10: 1135-1142.
- <sup>8</sup> Ramoz *et al* (2009) *op cit*.

## Academy News

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### International Program

Fellows of the Academy and social sciences researchers are advised that ASSA's international programs bestowing grants for travel between Australia and the Netherlands, France or China are now open. These competitive schemes bestow grants which vary between AU\$3,000 and AU\$7,500 to offset the expenses associated with international travel to assist Australian social scientists to collaborate with researchers from these countries.

Applications for projects involving travel in 2011 are due by the close of business **Friday 8 October**. For more information and application forms, please go the International Programs page of the ASSA website:

[http://www.assa.edu.au/programs/international/international\\_grant\\_schemes.php](http://www.assa.edu.au/programs/international/international_grant_schemes.php)

### British Academy / ASSA collaborative grant

A report on the project 'Emerging Oceans Governance Challenges in a Changing Arctic: Addressing Biodiversity, Boundaries and Maritime Activities' has been received.

#### *Project objectives*

The aim of the project was to support and enhance research links between the Australian National Centre for Ocean Resources and Security (ANCORS) and oceans policy research centres in the United Kingdom (UK) with a view to fostering collaborative research on emerging oceans governance challenges in the Arctic. Key outputs were anticipated to be collaborative conference presentations, publications and joint applications for research grant funding.

#### *Project outcomes*

1. International Arctic Governance Workshop: University of Oxford, August 2009.

Experts from Australia, Canada, Norway, the UK and US were among members of a research group brought together *Dr Tavis Potts* (UK) and Associate *Professor Clive Schofield* (Aus) to investigate the impacts of climate change on the Arctic.

While the significant climatic and environmental changes being experienced in the Arctic regions were not in question, it is not clear how global warming will affect the marine and land-based life of the region, or the availability of resources. Dr Ray Leakey, a biologist from the Scottish Association for Marine Science said: 'There are a lot of subtleties we just don't understand and we are long way from predicting exactly what's going on. Changes are likely to be poorly predicted or unpredictable but we must still prepare for change. Marine life can adapt, move north, or die.'

The 16-member group, which included scientists, lawyers and experts in the region's Indigenous people, discussed options for funding for wide-ranging integrated research. Dr Potts said: 'In a way, science has hit the buffers when it comes to the Arctic. This most inhospitable of regions is changing more rapidly than any other place on earth. Yet despite the wealth of research on the Arctic, we know little of how this vast area will look in 20, 30, 50 years time. We don't know how climate change will affect its four million people and the wildlife living in the region, or what impact it will have on the interactions between society and nature.' Associate Professor Clive Schofield of the Australian Centre for Ocean Resources and security (ANCORS) at the University of Wollongong added: 'Maritime jurisdictional and oceans governance trends in the Arctic region are also

evolving rapidly, although a number of these issues tend to be misrepresented in the media, especially concerning outer continental shelf rights in the central Arctic Ocean. Our collaboration aims to inform and influence the discourse on Arctic governance.'

The workshop focused on developing the research questions that face the complexities of human lives, of different governance systems and regional ecosystem change. The effect of climate change on Arctic shipping could be one of the first areas the coalition studies. Melting ice means the Northwest Passage, a sea route through the Arctic Ocean linking Europe to Asia, could be navigable for longer periods of the year. Assoc Professor Schofield said: 'How will a Korean or Chinese shipping company know the requirements of the Canadian government? They will need help with identifying the risks and rewards.'

Researchers may also investigate the impact of warming on Indigenous peoples. Oregon State University anthropologist, Dr Deanna Kingston, is from King Island, west of Alaska, and has maintained her links with the King Island Inupiat who now live on the mainland. She said many Alaskans lived at subsistence levels and were dependent either on marine mammals, such as whales and walrus, or on land mammals like Caribou. 'Offshore developments can affect marine mammals and onshore oil drilling affects the Caribou. That does not come into environmental impact assessments', she said.

What will happen if Greenland, which has now established Home Rule from Denmark, becomes completely independent? That would send shockwaves through Arctic Indigenous communities. There may be nine billion barrels of oil close to Greenland's coast awaiting discovery and already, oil exploration is occurring in other regions of the Arctic. No-one knows how a massive oil spill, perhaps from a new rig in a newly opened oil field, or from a tanker navigating the Northwest Passage for the first time, will affect Arctic ecosystems.

The workshop decided to focus research in four areas: to develop a framework for linking science and policy; to re-examine the scale for dealing with rapid change and adaptation - in other words, integrate large and small-scale research; to look at the bio-cultural diversity of the Arctic region - what one Inuit community thinks and does is completely different from another community; and assess the environmental policies of different countries and their roles.

The workshop resulted in the establishment of the AURORA network. The group has a distinctive, multidisciplinary approach involving lawyers, scientists, geographers and anthropologists who are committed to working closely together, applying field work and talking to people about what is happening at Indigenous and government levels. The workshop has led to the planning of several activities which will potentially include a conference panel session in 2010, several grant applications and a publication strategy. The AURORA network comprises: Tavis Potts, Scottish Association for Marine Science (SAMS); Clive Schofield, Australian National Centre for Ocean Resources and Security (ANCORS), University of Wollongong; Warwick Gullett, ANCORS, University of Wollongong; Tom Thornton, Environmental Change Institute, Oxford; Michael Bravo, Scott Polar Research Institute, Cambridge; Ian Townsend-Gault, University of British Columbia, Canada; Mary Jones, University of Tromsø; Njord Wegge, University of Tromsø; Stanislav Shmelev, Environmental Change Institute, Oxford; Jeremy Wilkinson, Scottish Association for Marine Science; Ray Leakey, Scottish Association for Marine Science; David VanderZwaag, Dalhousie University; Deanna Kingston, Oregon State University; Martina Tyrrell, University of Reading; Pamela Strigo, Canadian High Commission; Branka Valcic, Scottish Association for Marine Science; and Bettina Wittneben, Smith School of Enterprise and the Environment.

2. Research and strategy meeting: Australian National Centre for Marine Resources and Security (ANCORS), University of Wollongong, January 2010.

The meeting achieved the following outcomes:

- Review of publication strategy for 2010-11
- Grant application strategy for 2010 (see below)
- Planning for conference sessions and presentations in 2010 International Polar Year conference: Norway, June; and special session at a conference on Institutions Governing Ocean Regions to be held at the International Tribunal on the Law of the Sea (ITLOS) in October 2010 and co-organised by the Law of the Sea Institute, University of California, Berkeley and Inha University, Korea.

3. Publications resulting from the grant:

Potts, T and Schofield, C. (2009). Arctic Scramble or Sustainable Development - Sustainable maritime development in the Arctic. *Ocean Challenge: Journal of the Challenger Society*. 16, 2.

Schofield, C and Potts, T (2009). Across the top of the World? Emerging Arctic Navigational Opportunities and Arctic Governance. *Carbon and Climate Law Review*. 4: 472-482.

Schofield, C, Potts, T and Townsend-Gault, I (2009). Boundaries, Biodiversity, Resources and Increasing Maritime Activities: Emerging Oceans Governance Challenges for Canada in the Arctic Ocean. *Vermont Law Review*. 34, 1: 35-55.

4. Funding proposals resulting from the grant

- Completion of a European Union Framework 7 proposal: EcoArc (Economic Impacts of Climate Change in the Arctic). SAMS, Oxford, and ANCORS are all partners in the proposal. Clive Schofield and Warwick Gullett of ANCORS are part of the executive advisory board.
- Development of an ESRC (UK) proposal on the influence of external actors in the Arctic (SE Asia and the EU) involving Clive Schofield and Tavis Potts of ANCORS and SAMS.
- Discussions leading to a submission to the British Academy Small Grants fund for the 1<sup>st</sup> round in 2010 for a follow up Arctic Governance Workshop. This would continue to deepen and strengthen the network established from the Oxford workshop.

### **Australia – France Joint Action Program (SSP)**

■ A report on the project, 'Indentured labourers in the Pacific: race, classification and social outcomes in colonial and post-colonial contexts (Australia, New Caledonia, Fiji)', has been received from the participants, *Bronwen Douglas* (ANU, Canberra) and *Alban Bensa* (EHESS, Paris) (leaders), *Benoît Trépiéd* (EHESS / Institut Agronomique néo-Calédonien) and *Chris Ballard* (ANU, Canberra).

The SSP grant 2009 was entirely dedicated to a research trip by Benoît Trépiéd to the Division of Pacific and Asian History, School of Culture, History and Language (CAP), The Australian National University (Canberra).

Begun in 2008, this project is comparing the social conditions of immigrant indentured labourers and their descendants in Queensland, New Caledonia, and Fiji from 1850 to the present. Locating these groups in relation to variants of the coloniser/colonised and White/Black cleavages that underpin such systems, the project aims to elucidate the social and racial logics of multicultural societies in contemporary Oceania. We are

examining both the historical production of the category of immigrant labourer and the actual experiences of individuals thus defined.

In our joint proposal of July 2008, we planned to use the SSP grant to have Dr Benoît Trépied come from Paris to Canberra and Brisbane in June 2009, to do three weeks' research at the ANU under Dr Douglas's supervision and one week's at the University of Queensland with Professor Clive Moore, one of the main Australian specialists on indentured labour in Queensland. However, Dr Trépied was committed to another research program in France from March to July 2009 and was then appointed as a Research Fellow at the Institut Agronomique néo-Calédonien (IAC) in New Caledonia from August 2009. This new situation forced us to change the timetable of the SSP project, as Dr Trépied had to ask for official leave from his new employer in order to go to Australia. We finally decided, in coordination with the Institut Agronomique néo-Calédonien, to have the SSP grant cover Dr Trépied's stay at the ANU for three weeks in December 2009. However, we were forced to cancel his planned trip to Brisbane as his stay in Australia was too short to enable him to start a new collaboration.

We are delighted to say that our collaboration has once again been extremely productive and has resulted in three important forthcoming publications.

1. After having conducted an intensive bibliographical survey in 2008 at the ANU Library and the National Library of Australia on the historiography of indentured labour in Australia and the Pacific, Dr Trépied wrote a scholarly article in French to be submitted to the *Journal de la Société des Océanistes*. This paper provides a detailed overview for Francophone readers of the main debates which have structured the Anglophone historiography on indentured labour in the region, with a special focus on Queensland and Fiji (see major works by Peter Corris, Adrian Graves, Patricia Mercer, Clive Moore, Doug Munro, Kay Saunders and Ralph Shlomowitz on Queensland; Kenneth Gillion, John Kelly, Bruce Knapman, Brij Lal and Robert Norton on Fiji).

This article tackles several crucial issues at the core of indentured labourers' historical trajectories in the Pacific, which have become major controversies within the historiography. How many people were actually concerned by this phenomenon (travels throughout the Pacific, deaths, returns, stays and settling downs in Australia and Fiji)? How did the legal and practical conditions of negotiation between recruiters and islanders evolve through the years? Was the recruitment free or forced? Were the conditions of labour and living of indentured labourers like slavery (as assumed by many opponents to indentured labour, in the past and in the present)? Was there room for labourers' agency? How were the social positions of indentured labourers legally defined within the colonial worlds of Queensland and Fiji? How did they interact with colonisers and Indigenous people? And finally, how do contemporary memories of these historical episodes continue to clash today within Australian and Fijian societies? In the process of writing about these issues, Dr Trépied's readings at the ANU and his discussions with the leaders of the project and other researchers were essential for him to understand fully the social, political and academic contexts of these debates, which mainly took place within the Research School of Pacific and Asian Studies (RSPAS), as the most important research centre on the Pacific, and in its scholarly journal, the *Journal of Pacific History*.

2. During his recent Visiting Fellowship at the ANU, Dr Trépied finished another scholarly article, in English, on a particular aspect of colonial labour in New Caledonia, focusing on Kanak and indentured stockmen working with white cattle-breeders. This article resulted from a close collaboration between Benoît Trépied and Dr Adrian Muckle, a former ANU PhD student under the supervision of Dr Douglas and now Lecturer at Victoria University

of Wellington (New Zealand). The article has recently been submitted to *Oceania*, the University of Sydney-based scholarly journal.

Drawing on archival and oral sources as well as microhistorical and ethnographic approaches, this study sketches the involvement of Kanak and indentured New Hebrideans and Javanese as stockmen in the cattle industry over more than 100 years of New Caledonian history. With particular reference to the locality of Koné, it traces the political alliances fashioned between Kanak station workers and their employers in the context of colonisation, rebellion, evangelisation, post-war political emancipation, local development and the struggle for independence. By bringing the figure of the stockman into focus in all his complexity, Drs Trépiéd and Muckle provide a renewed perspective on colonial transformations and labour history in New Caledonia. As a concrete insight on social relations and practical accommodation between Indigenous people and indentured labourers on one side, and white settlers of New Caledonia on the other side, this article gives an opportunity for Anglophone readers to understand the complex colonial dynamics at the core of New Caledonian society.

3. In November 2008, during his previous Visiting Fellowship at the ANU funded by the 2008 SSP grant, Dr Trépiéd gave a public seminar in RSPAS on the articulation between political activities and race relations in New Caledonia, using a micro-historical ethnography of the commune of Koné in the 1950s and 1960s, when former native subjects (*indigènes*) and indentured labourers (*Javanais, Tonkinois, Hébridais, Japonais*) became French citizens and started to participate in electoral competition. It was then decided that he would produce an English version of this paper to be submitted to the *Journal of Pacific History*. The article was duly accepted and will appear in vol 45 of the journal in 2010. During his recent stay at the ANU, Dr Trépiéd completed final revisions of this paper in consultation with Dr Vicki Luker, executive editor of the *Journal of Pacific History*.

Finally, Dr Trépiéd took advantage of his recent visit to the ANU to discuss some parts and chapters of his book manuscript with ANU researchers. The book is a revised version of his PhD thesis and focuses on the political participation of indentured labourers' descendants in New Caledonia. It has been accepted for publication by Collection Recherches Internationales, éditions Karthala, in Paris.

Overall, our collaboration through this and the previous SSP grant has been a major achievement in enabling us to connect separate Francophone and Anglophone academic research and scholarly traditions on the Pacific. The grants have enabled Dr Trépiéd to write three major scholarly articles on indentured labour in the Pacific and to complete the manuscript of his book. He has made enduring linkages with ANU researchers which will continue to influence his future work. In this context, the research undertaken by Dr Trépiéd under the SSP grants has provided a very solid foundation for his recent submission to the CNRS for a project on 'Destins sociaux en diaspora : les travailleurs immigrés sous contrat d'engagement dans le Pacifique colonial et post-colonial' (Projet de recherche CNRS 2010 Section 38, CR2 non fléché et CR1 Pacifique, Océanie).

We thank the French Embassy in Australia and the Academy of the Social Sciences for the award of the grants and for their visionary support of collaborative social science research between our two countries.

■ *Dr Lynne Chester*, University of Sydney [formerly Curtin University], has reported on progress of the project 'Design of an empirical analysis of the reasons constraining investment in EU and Australian electricity generation', conducted with her French

counterpart, *Dominique Finon*, Directeur de Recherche, Centre National de la Recherche Scientifique (CNRS), CIREC, Paris.

Dr Chester travelled to France on 28 June 2010. The purpose of this trip was to spend 5 days at CIREC developing, with Dominique Finon, a detailed project design to generate an empirical analysis of the actual [not theoretical or hypothesised] reasons preventing or leading to investment decisions in European and Australian electricity generation capacity.

We proceeded to determine a range of aspects for empirical testing and the most appropriate ways to operationalise the research. We were, however, very cognisant that this project was conceptualised in August-September 2009 and a number of subsequent events could be of particular significance to major investment decisions in electricity generation capacity as well as exerting some bearing on the willingness of large generation companies to provide meaningful data for the proposed empirical analysis. These events have included the outcome of the December 2009 Copenhagen Climate Change Summit, the current European debt crisis and continuing fragility in global financial markets, the Australian Government's decisions to delay the implementation of its Carbon Pollution Reduction Scheme and the Energy White Paper, the passage of the US Climate Change Bill through Congress, and the Australian Government's protracted resource rent tax disagreement with large mining companies.

We agreed that both the design and conduct of the proposed empirical analysis needed to take into account these factors. Hence, more time than originally envisaged was spent during the 5-day visit on the most appropriate methods of data collection to achieve the intended research outcomes. The preferred primary data collection method is semi-structured interviews with selected large companies although more work will be required on the design of these interviews. The criteria to select companies for interview have been widened also in light of the above listed events. Given these adjustments to the project design, there is outstanding work on the budget and resourcing for the proposed project.

It is intended that the design of this project will continue to be refined over coming months and form the basis for an ARC Linkage application in 2011.

The partners to this project have also agreed that the project will form a module within a larger research project. This larger project will examine a much wider set of outcomes of liberalised electricity markets falling across the interrelated categories of generation capacity, prices, consumers, finance, climate change policies and labour. This larger project will draw together energy researchers from the UK, the EU [including France], the US, Australia and New Zealand with the key outcomes being a 2-day workshop hosted by CIREC in September 2011, a special issue of *The Energy Journal* in 2011 and a book to be edited by the Australian and French partners of this 2010 SSP project.

### **Australia- Netherlands Exchange**

■ Report from *Sara Charlesworth, RMIT University*: In 2010, I was awarded an ASSA/NFAW grant that facilitated my visit to Utrecht University's Law Faculty from 3 May to 27 May 2010. During the period of my visit I was hosted by *Dr Susanne Burri* and the Rechtstheorie department within the Law Faculty. I was provided with an office and all necessary facilities at the Law Faculty building at Acter Sint Pieter 200. Ms Julie Daems, the Coordinator of the Non-Europe International Office for the Faculty of Law had earlier helped me make arrangements for accommodation and facilitated the necessary university arrangements for my stay before my arrival.

As set out in my application, the purpose of my visit was to:

1. Gather data for a study of the implementation of national policy and legislative strategies in the Netherlands that address gender equality in employment; and
2. Collaborate with Dr Burri on a comparative study of working time regulation and gender equality in Australia and the Netherlands

With respect to the first aim, I was able to interview a range of key stakeholders who provided me with a wide range of information and material on Dutch policy and legislative strategies that address gender equality in employment from a number of perspectives: These interviewees included:

Professor Jennie Goldsmidt, Human Rights Institute; Professor Rikki Holtmaat, University of Leiden; Dr Marjolein van den Brink, Utrecht University and the Equal Treatment Commission; Ms Barbara Bos, Equal Pay Expert, Equal Treatment Commission; Mr Richard de Groot, Secretary, Equal Treatment Commission; Ms Leontine Bijlveld, Women in Law; Ms Catelene Passiher, Secretary of the European Trade Union Confederation; and Ms Magriet Krammwinkel, Legal Officer, FNV.

In addition, I was invited by Dr van den Brink to attend two hearings of the Equal Treatment Commission and then later invited to give a lecture to the whole Commission on the Australian anti-discrimination legal framework. Dr Brink also spent considerable time with me on a number of occasions explaining individual cases and the ETC opinion in these and other cases

In addition Dr Burri spent a significant amount of time with me assisting me to understand the nuances of the interaction of European Law and domestic Dutch law in the area of gender equality. She provided me with a wide range of readings that are not widely available in Australia and also facilitated some of the interviews listed above.

In relation to the second aim, while I was in Utrecht, Dr Burri and I drew up an outline for our joint paper and have now commenced working on this together with another colleague, Alexandra Heron, who will provide comparative material in respect of the UK. We will continue working on this paper in 2010 and hope to publish it early 2011.

In sum, I had a very stimulating and productive time at Utrecht University and am very grateful both to ASSA and the NFAW for making my visit possible.

■ *Dr Joost Coté*, Deakin University, visited The Netherlands from 10-29 June, and reports: For the duration of the visit I was located in Amsterdam as Fellow of the International Institute for Asian Studies (Amsterdam branch) which also assisted in arranging accommodation. Although it had been necessary to slightly delay the program from that described in the application to accommodate teaching commitments, the visit achieved its main aims. These were to:

- undertake specific archival research, access documents and gain practical understanding of three key Dutch archival institutions;
- meet specific individual Dutch academics whose work related to my general research interests;
- gain first hand appreciation of current debate on Dutch colonial historiography and related topics relevant to my research interests; and
- present a seminar and discuss potential publication with Dutch publishers.

1. Archival research was undertaken at the Netherlands Institute for War Documentation, (NIOD), the Dutch sponsor of my visit, and the International Institute for Social History, (IISG) in relation to two specific research projects: the biography of the Dutch colonial architect, town planner, and colonial reformer, HT Karsten, and the experience of Dutch

female civilian wartime internees. A familiarisation visit was also undertaken to the Utrecht City and Provincial archive which has just completed its catalogue and on-line inventory of the extensive Dutch missions archive. All three archives provide rich sources for scholars of Indonesian history, provide detailed on-line inventories, are extremely well organised, and provide efficient and friendly support to overseas researchers.

2. Meetings were undertaken with a number of Dutch academics at different universities and institutions working in areas of common interest: Dutch colonial historiography, Dutch (post)colonial literature, colonial (architectural and intangible) heritage, and Japanese internment experience.

University of Amsterdam: Professor Michiel van Kempen (West Indian postcolonial literature); Dr Pamela Pattynama (Dutch postcolonial literature); Dr Esther Captain (Dutch war memory and heritage)

Free University of Amsterdam: Dr Freek Colombijn (colonial urban history)

Utrecht University: Dr Barnita Bagchi, Centre for the Humanities, (transnational cultural networks).

Dr Ulbe Bosma, senior researcher, IISG, (colonial history, Dutch postcolonialism)

Dr Pauline van Roosmaalen, independent scholar (colonial town planning history)

3. I presented a seminar by invitation to the Institut für Völkerkunde, Albert-Ludwigs-Universität Freiburg entitled: 'Bringing (postcolonial) history home: Remembering an imperial past in Australia, the Netherlands and Indonesia'.

4. Other activities: Affiliation to the IIAS provided informal network with other visiting Asia scholars and links with this Institute's varied activities. I attended the annual IIAS Wertheim Lecture presented by Professor Alfred McCoy. At the KITLV I met with Professor W van den Molen (Head of collections) regarding Dutch language Indonesian history sources. I also met with several publishers regarding publication projects and familiarised myself with current Dutch language publishing in my areas of interest.

In conclusion, I wish to thank the Academy for the opportunity provided to extend network connections with Dutch colleagues and institutions with relevance to expanding research on Indonesian history in Australia.

An extended report is available to interested scholars from: [assa.admin@anu.edu.au](mailto:assa.admin@anu.edu.au).

## **Research Program**

The Research Committee is pleased to report that funding has been awarded by the Australian Research Council to the Academy for its proposed project 'Children of the Recession: The social consequences of an economic downturn'. The project, details of which were reported in the previous *Dialogue*, will run over three years till 2012, lead by Professor Michael Bittman.

The fifth and final paper in the Academy's 'Census Series' of Academy Occasional Papers has been released, and is available for free download from the Academy's website.

*Beyond Life Expectancy* by Diane Gibson utilises data from the 2006 and previous Censuses to construct a picture of Australians aged 80 years and over, examining details such as accommodation, work done including volunteering, diversity, and life expectancy.

The research Committee would like acknowledge the extensive and invaluable support it has received from the Australian Bureau of Statistics in bring the 2006 Census project, and the suite of peer-reviewed papers it produced to fruition. Special thanks are due to Chris Mason, Naomi Elliot, Ping Sui, Rachel Mander and Cate Cocks, all from the ABS, as well as to Jeff Borland, the leader of the project for the Academy.

## **Human Security ARC Special Project - Workshop Report**

On 8 June 2010 the Academy's 2009 ARC Learned Academies Special Project held its first workshop at La Trobe University in Melbourne. The project, 'Reconceptualising human security: its uses and limitations for developing Australian foreign policy', is being lead by Dennis Altman, Joseph Camilleri and Robin Eckersley.

The project's aim is to 'interrogate the concept of human security and the potential to apply the concept to key aspects of Australia's foreign policy and external relations, both in the Asia Pacific region and globally'. It will do this by examining the manner in which emerging security issues, such as identity based conflicts, terrorism, the drug trade, human trafficking, new epidemic diseases, climate change and food security, might be more efficiently connected with more traditional concerns of inter-state armed conflict. In so doing, the project will question how far the concept of human security needs to be analytically refined in order to be of practical use in policy making and policy delivery, with particular focus on the Australian context.

Held in two sessions during one day, this workshop assembled a multidisciplinary group of researchers to examine the theoretical framework of human security, and the implications for policy makers and researchers when this framework when it encountered alternative frameworks seeking to address similar problems. Participants enjoyed a productive, wide-ranging discussion which provided a solid basis for further theoretical development of Human Security as a research and policy framework.

### *Session 1*

The workshop's discussion was catalysed by Stephen James' presentation of his discussion paper 'Human Security: Key Drivers, Antecedents and Conceptualisation'. Dr James emphasised the ongoing evolution of the conceptualisation of human security as an interdisciplinary field of study whose proponents aim to foster complementarity across disciplinary contributions, as well as noting the increased importance of this field in the wake of current challenges to human security, such as the Gulf of Mexico oil spill. Refining the understanding of particular approaches human security can take as a policy framework, in order to address its basic aims of securing 'freedom from want' and 'freedom from fear' across threats which are not just physical or political in nature but also environmental and cultural, was identified by Dr James as a key goal of this workshop (see below for further details).

A further important area for debate in the evolution of a human security framework which was identified by Dr James is an ongoing dialectic between more traditional conceptions of state security and an alternative approach fostered by human security. This topic of debate is made more significant by virtue of the common circumstance in which threats to state security – both internal and external - often prompt responses by states which enhanced state security at the expense of human security.

Responses to Dr James' paper were made by Stephanie Lawson, a Fellow of the Academy, and Dr Bill Durodié, from the Centre for Non-Traditional Security Studies at the Nanyang Technological University, Singapore. While acknowledging the increased prominence and significance of human security as a research and policy framework, the respondents expressed concern at the 'widening gap between rhetoric and reality' when considering recent state responses to threats to security – such as, for example, the December 2004 Indian Ocean tsunami – and the calls for an alternative security framework to which these sometime lead. Respondents proposed that the occasional emergence of an 'anti-statist' edge to human security studies may be counterproductive,

as the state, with its traditional role in the provision of security, may remain the best placed institution to deliver human security outcomes.

Ensuing discussion included examination of the following:

- The definition of state capacity - government, public service, judiciary, legislature – and the role and limitations of such capacity in the provision of human security, and its use as a bureaucratic tool;
- Traditional liberal discourse and human security's place within this, including the issue of collective security vs individual security;
- Domestic vs international threats to human security, and the tendency for emphasis to be placed on the latter;
- Human security's role within existing disciplines of study, including the limitations on the use of human security as a concept; and
- Human security as a critique of the national security discourse.

### *Session 2*

Presenters at the second session were Elizabeth Reid, a Fellow of the Academy, Professor Andrew Brennan (La Trobe University), and Professor Mark McGillivray (Alfred Deakin Research Institute). Presenters discussed existing international measurements of wellbeing, such as the Human Development Index, and the manner in which such indices might account for human security, as well as observing the problems posed for a human security framework by changing conceptions of morality and the movement of boundaries separating public and private spheres, as well as the challenge presented by growing cosmopolitanism and the numbers of stateless people.

The discussants also highlighted, using the current state of human security in Papua New Guinea as an example, the problem posed by countries which may score highly on humanitarian indicators such as democratisation, but have low levels of human security, such as in the areas of food security and freedom from violence. This in turn raised the issue of the application of a human security framework in the context of a failed or failing state, as well as the role of foreign countries in such situations.

Following the opening presentations, discussion in the second session centred on:

- The exposure of developing countries to the most severe threats to human security and the challenges in addressing them;
- Systemic change and cultural traditions;
- A rethinking of development would be required to improve the situation. Grassroots action is needed;
- The 'spectrum' of human security, which is not a question of absolutes, including assessment of the varying degrees of human security;
- Where no traditional state role exists, how can issues of human security be addressed;
- Support for successful local initiatives: provision of space, financial support must be applied strategically, empowerment of local voices;
- Australia's role in assisting other countries to enhance human security; and
- Climate change and human security: global threats cannot be addressed on an exclusively local basis.

The ASSA Human Security project will convene a second workshop later in 2010, which will convene participants to discuss the practical implications of these debates for an Australian 'whole of government' approach to security and development.

A version of Stephen James' paper should shortly be available from the website of the Institute for Human Security: [www.latrobe.edu.au/humansecurity](http://www.latrobe.edu.au/humansecurity).

## Public Forums Program

### 2010 Paul Bourke Lecture

*Mark Bellgrove*, the recipient of the 2009 Paul Bourke Award for Early Career Research presented the 2010 Paul Bourke Lecture at the Queensland Brain Institute, The University of Queensland on 30 June (see his article about an aspect of his work elsewhere in *Dialogue*).

### 2010 Hancock Lecture

The 2010 Hancock Lecture was presented by *Stuart Macintyre*, at the University of Melbourne, on 3 August. The lecture will coincide with the launch of Stuart's book, *The Poor Relation: A History of Social Sciences in Australia*. Stuart will also travel to Brisbane to present the lecture at The University of Queensland on 18 August and to The University of Tasmania in Hobart, on 31 August.

### 2010 Fay Gale Lecture

The inaugural Fay Gale Lecture was given by *Kay Anderson*, on 10 March at the University of Western Sydney. As part of the Academy's outreach efforts, the Fay Gale lecture was also presented at the University of Adelaide, on 18 March, and at the University of Wollongong on 28 April.

### ASSA AGM, Colloquium and Annual Symposium 2010

The Annual General Meeting and related events will this year take place on the 8-10 November.

The Symposium, convened by *Michael Bittman*, will explore the theme 'Family fortunes after the onset of the global financial crisis: the consequences of an economic downturn for work, families and children'

The 2010 Colloquium will discuss 'The degradation of the professional capacity of the Australian public service(s) with regard to effective policy development and implementation' and will be chaired by *Anna Yeatman*, with contributions from Geoff Gallop, Janine O'Flynn and Sue Vardon AO.

The 2010 **Cunningham Lecture** will be presented by *Ross Garnaut*.

## Workshops Program

The Call for Proposals for the 2011-12 round of workshops opened in early March, and will close on 29 October 2009.

### ISL International Workshops

As part of the Academy's International Science Linkages Program, the Workshops Committee called for proposals to receive up to \$20,000 for Workshops with an international focus. Workshops funded under this program must include at least two international researchers and serve to enhance international collaboration. The Call for Proposals closed on 30 April 2010.

The Committee reviewed 18 applications for the ASSA ISL International Workshops, and with difficulty, selected five to receive full or partial funding. They are:

'Psychoanalysis and Politics: Histories of Psychoanalysis and Political Repression'. Convened by Joy Damousi FASSA (Melbourne): 9-10 September, 2010.

'Is Complexity the New Framework for the Study of Global Life?' Convened by Anna Yeatman FASSA (UWS) and Emilian Kavalski (UWS): 19-20 January, 2011.

'Australian and International Perspectives on the Cosmopolitan Civil Sphere'. Convened by Ian Woodward (Griffith), Zlatko Skrbis ((UQ) and Robert Holton FASSA (Trinity College, Dublin): 28-29 April, 2011.

'Transition and Challenge: Health and Mortality in East and Southeast Asia'. Convened by Peter McDonald FASSA (ANU), Zhongwei Zhao (ANU) and Adrian Hayes (ANU): 25-27 October, 2010.

'Security and Stability in Southern Philippines: Implications for Australia and the Region'. Convened by Mary Ann Palma (Wollongong), Victor Prescott FASSA (Melbourne) and Rommel Banloi (Philippines): 28-29 September, 2010.

### **Forthcoming Workshops**

'The public-private hybridisation of the 21st century state'. Convened by Linda Weiss FASSA (Sydney), Ronnie Lipshutz (UC Santa-Cruz) and Beatrice Hibou (CERI, Paris): August 2010.

'Migration and diversity in Australia in 2030: future scenarios and Australian migration research'. Convened by Stephen Castles (Sydney), Graeme Hugo FASSA (Adelaide) and Ellie Vasta (UWS): 9-10 August 2010.

'Understanding emotions: an interdisciplinary workshop'. Convened by Phillipa Maddern (UWA), David Badcock FASSA (UWA) and Andrew Lynch (UWA): 24-25 September 2010.

'Interdisciplinary perspectives on intercountry adoption in Australia: history, policy, practice and experience'. Convened by Denise Cuthbert (Monash), Shurlee Swain FASSA (ACU) and Marian Quartly (Monash): 30 September-1 October 2010.

'Contesting neoliberalism and its future'. Convened by Damien Cahill (Sydney), Frank Stilwell FASSA (Sydney) and Belinda Edwards (ANU): 2-3 December 2010.

Whither Australia's Children's Courts? contemporary challenges and future prospects. Allan Borowski FASSA (La Trobe) and Rosemary Sheehan (Monash): February 2011.

**Reports** from workshops conducted under the Workshop Program, including policy recommendations, are published in *Dialogue*, usually in the first issue following the workshop.



## Reports from Workshops

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### An Ethics for Living in the Anthropocene

**Katherine Gibson, Ruth Fincher and Deborah Bird Rose**

This workshop was held on 7-9 February on the banks of the Georges River close to the University of Western Sydney, Bankstown, the hosting institution. It brought together 15 key thinkers from Anthropology, Education, Human Geography, Philosophy, Science and Technology Studies, Sociology, Political Theory, Communications and Film to consider questions concerning an ethics for living in this new era of human driven climate change called the 'Anthropocene'. The workshop was conceived as a way to honour the late Val Plumwood and to begin to rise to a challenge she posed soon before her death:

If our species does not survive the ecological crisis, it will probably be due to our failure to imagine and work out new ways to live with the earth, to rework ourselves and our high energy, high consumption, and hyper-instrumental societies adaptively.... We will go onwards in a different mode of humanity, or not at all. (in her review of Deborah Bird Rose's *Reports from a Wild Country: Ethics of Decolonisation*, *Australian Humanities Review* 42, August: 1-4, 1).

Inspired by Val's life and practice the workshop was held in a setting that invited the bush, rocks, birds and river to be part of a creative conversation.

Our starting premise was that we are now living in an era of unprecedented rapid environmental and social change. The recent 10,000 year history of climatic stability on Earth enabled the rise of agriculture and domestication, the growth of cities, numerous technological revolutions, and the emergence of modernity. In the latest phase of this era, modernity is unmaking the stability that enabled its emergence. Over the 21<sup>st</sup> century severe and numerous weather disasters, scarcity of key resources, major changes in environments, enormous rates of extinction, and other forces that threaten life are set to increase. Current responses to these challenges focus on market-driven solutions that have the potential to further endanger our collective commons.

The workshop focused on new types of ecological economic thinking and ethical practices of living. It sought to identify creative and innovative examples of experimentation that can offer guides for how to think and live differently.

The invited participants included senior and early career scholars, all working with questions that cut across the nature/culture and economy/ecology divides. Prior to the workshop each participant circulated a piece of their writing that touched on the following themes:

- Resituating humans within ecological systems;
- Resituating non-humans in ethical terms;
- Systems of survival that are resilient in the face of change;
- Diversity and dynamism in ecologies and economies;
- Ethical responsibility across space and time, between places and in the future;  
and
- Creating new ecological economic narratives.

Over the course of the workshop we built on the understanding gained from engaging with each other's work prior to the event. Each participant presented a short reflection on the analytical tools we had marshalled for moving our thinking forward around the following themes:

### **Connectivity**

Freya Mathews (La Trobe University), Thom van Dooren (University of Technology Sydney), Anna Yeatman (University of Western Sydney), Deborah Bird Rose (Macquarie), Lesley Instone (University of Newcastle)

### **Resilience**

Katherine Gibson (University of Western Sydney), Jacqui Poltera (University of Western Sydney), Margaret Somerville (Monash), Jenny Cameron (University of Newcastle), Ruth Fincher (University of Melbourne), Gerda Roelvink (University of Western Sydney)

### **Publics and Performance**

Kumi Kato (University of Queensland), Kurt Iveson (University of Sydney), Simon Wearne (independent film-maker)

Professor Julie Graham from the University of Massachusetts Amherst (currently an Eminent Visiting Research Fellow with the Centre for Citizenship and Public Policy at the University of Western Sydney) acted as rapporteur on the reflections offered. She identified the following issues that cross-cut the discussion.

### **Acknowledging the tragedy of anthropogenic climate change**

Participants agreed that it was important to tap into the emotional richness of grief about extinction and loss without getting stuck on the 'blame game'. Discussion canvassed the immobilising effects of knowing, on the one hand, and the powerful effects of the will to ignorance, on the other - both of which are flavouring public debate. Might it be possible to welcome the pain of 'knowing' if it led to different ways of working with non-human others, recognising a confluence of desire across the human/non-human divide and the vital rhythms that animate the world?

All participants were interested in experimenting with innovative practices of being, thinking and working. We identified elements of a new ethics of place and embodiment and an ethics of research.

### **An ethics of place and embodiment**

Starting from the recognition that there is no 'one size fits all' response to climate change, we are concerned to develop an ethics of place that appreciates the specificity and richness of loss and potentiality. While connection to earth others might be an overarching goal, it will be to certain ecologies, species, atmospheres and materialities that we actually connect. We could see ourselves as part of country, accepting the responsibility not forgotten by Indigenous people all over the world, of 'singing' country into health. This might mean cultivating the capacity for deep listening to each other, to the land, to other species and thereby learning to be affected and transformed by the body-world we are part of; seeing the body as a centre of animation but not the ground of a separate self; renouncing the narcissistic defence of omnipotence.

### **An ethics of research**

We all felt that the current crisis calls for new ways of thinking and producing knowledge. There was concern that our research allow for the expression of grief and mourning for what has been and is daily being lost. But it is important to adopt a reparative rather than

a purely critical stance toward knowing. We can work against singular and global representations of 'the problem' in the face of which any small, multiple, place-based action is rendered hopeless. We can choose to read for difference rather than dominance; think connectivity rather than hyper-separation; look for multiplicity - multiple climate changes, multiple ways of living with earth others. We can find ways forward in what is already being done in the here and now; attend to the performative effects of any analysis; tell stories in a hopeful and open way - allowing for the possibility that life is dormant rather than dead. We can use our critical capacities to recover our rich traditions of counter-culture and theorise them outside the mainstream/alternative binary. All these ways of thinking and researching give rise to new strategies for going forward.

We identified the following strategies:

- Using narrative as a way of moving away from the abstractness of theory. Stories illustrate practical ethics; they foster connectivity as they can describe multiple forces coming together, they can revitalise moral capacity;
- Learning to experiment collectively; and
- Developing writing practices for resilience.

Out of the discussions and explorations during the course of the workshop the participants produced a **Manifesto for Living in the Anthropocene** (see below) which we have posted on the Ecological Humanities [www.ecologicalhumanities.org](http://www.ecologicalhumanities.org) and Community Economies [www.communityeconomies.org](http://www.communityeconomies.org) web sites. Signatories to this manifesto include those who attended the workshop and those who were invited but unable to attend. This wider group is working on an edited volume that will encapsulate the creative accomplishments of the workshop. The book will be edited by Gibson, Fincher and Rose and will include short essays that discuss thinking and research strategies for the Anthropocene, interspersed with a range of stories and images. We are negotiating to get this collection published by ANU e-Press so as to maximise accessibility. Workshop participants all expressed eagerness to return to the issues discussed in a year or two to see how our research and practice has changed in light of our experience together. We would like to express our gratitude to the Academy of Social Sciences in Australia for their support for this valuable, stimulating and enjoyable event.

Scholars Concerned for Life in the Anthropocene, Georges River, 8 February, 2010:

Kay Anderson, Jenny Cameron, Thom van Dooren, Kelly Dombroski, Ruth Fincher, Katherine Gibson, Julie Graham, Lesley Instone, Kurt Iveson, Kumi Kato, Freya Mathews, Jacqui Poltera, Kate Rigby, Gerda Roelvink, Deborah Rose, Margaret Somerville, Simon Wearne, Jessica Weir, Anna Yeatman

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## **MANIFESTO FOR LIVING IN THE ANTHROPOCENE**

### **Preamble**

Humanity's actions have become a new planetary force with accelerating effects on the biosphere. This new era, known as the Anthropocene, calls for new ways of thinking and knowing, and for innovative forms of action.

We are a group of concerned social scientists and creative scholars who are moved to address the unique qualities of our contemporary world. In the Anthropocene we are summoned to expand our understandings of ways to conjoin nature and culture, economy and ecology, and natural and social sciences. Already, thinkers among us are exploring ways of dismantling traditional separations. We aim to further and expand this work, identifying multiple pathways toward alternative futures.

Research for the Anthropocene must and will harness the creativity of human potential to reduce harm and promote a flourishing biosphere.

### **Thinking**

We want to engage in life and the living world in an unconstrained and expansive way. Our thinking needs to be in the service of life - and so does our language. This means giving up preconceptions, and instead listening to the world. This means giving up delusions of mastery and control, and instead seeing the world as uncertain and yet unfolding. So our thinking needs to be:

- Curious;
- Experimental;
- Open;
- Adaptive;
- Imaginative;
- Responsive; and
- Responsible.

We are committed to thinking with the community of life and contributing to healing.

### **Stories**

Stories are important for understanding and communicating the significance of our times. We aim to tell stories that:

- Enact connectivity, entangling us in the lives of others;
- Have the capacity to reach beyond abstractions and move us to concern and action;
- Are rich sources of reflection; and
- Enliven moral imagination, drawing us into deeper understandings of responsibilities, reparative possibilities, and alternative futures.

### **Researching**

While we continue our traditions of critical analysis, we are forging new research practices to excavate, encounter and extend reparative possibilities for alternative futures. We look and listen for life-giving potentialities (past and present) by charting connections, re-mapping the familiar and opening ourselves to what can be learned from what already is happening in the world. As participants in a changing world, we advocate:

- Developing new languages for our changing world;
- Stepping into the unknown;

- Making risky attachments; and
- Joining and supporting concerned others.

**Colleagues wherever you may be, put your research to work  
and take a stand for life!**



## **Philanthropy and Public Culture: The influence and legacies of the Carnegie Corporation of New York in Australia**

***Kate Darian-Smith, Julie McLeod and Glenda Sluga***

The workshop was convened by Kate Darian-Smith FASSA and Associate Professor Julie McLeod (University of Melbourne), and Professor Glenda Sluga (University of Sydney). It was attended by around 25 participants, senior scholars to early career researchers and postgraduates, from around Australia and held over two full days (24-25 February) at the University of Melbourne, with administrative support provided by the Graduate School of Education.

### **Overview**

This workshop examined the impact of the Carnegie Corporation of New York (CCNY) on Australian public culture, addressing four sites of Carnegie influence: International Relations; Education and Citizenship; Public Health; and Cultural Institutions. Across these domains, a number of key themes were explored that are directly relevant to the history of the social sciences and contemporary sociological debates: citizenship, national and cosmopolitan identity; globalisation, international relations and public policy; self and collective or national improvement; and taste, cultural judgement and modernity. Of particular interest was the CCNY's influence on the development of the social sciences in Australia, a topic that has much contemporary salience given recent interest in transnationalism and the influence of North-South relations in the recognition and reception of different traditions of social theory (eg, Connell 2007). The papers also opened up discussion on the history of international philanthropy, on conceptual approaches to analysing philanthropic networks, and on the social and cultural impact of philanthropy more broadly, both historically and in the present. It is an interesting time in Australia to be examining these issues. Changes in funding responsibility for public institutions point to the reconfiguring of relations between the public and private sectors, arguably paralleling an intensified focus on attracting new forms of financial support and courting philanthropic organisations. Examining the legacies of previous philanthropic activity provides an important context for assessing these current directions. The CCNY is commemorating its centenary in 2011, and it is timely to mark this important date, and follow up the discussions begun at the workshop, with a peer-reviewed edited volume of essays on CCNY's influence on Australian public culture.

### **Public culture, philanthropy and the social sciences**

This session outlined some of the major legacies of CCNY funding, and of US philanthropy more broadly in Australian public culture. It also focused on the scope of Carnegie initiatives in terms of US-Australian relations, setting up one of the workshop's major themes. Stuart Macintyre (Melbourne) discussed the development of the Australian

university and the effect of American educational foundations, including the CCNY, on the emergence of the social sciences in Australia. Paul Walker (Melbourne) examined the influence from the 1930s of the CCNY on the formation and reshaping of Australian museums in terms of their design, collections and curatorial practice. He provided an overview of CCNY's ambitious survey of museums in Australia and New Zealand, arguing that its funding of museum programs constituted an influential re-conceptualisation of the museum as a service, rather than a building or place.

### **International Relations**

International Relations and the promotion of peace were among the core missions of the CCNY, and close links were to develop with the establishment of IR Studies in Australia. James Cotton (ADFA) argued that although neither the CCNY nor the Rockefeller Foundation had a primary interest in the disciplinary area of 'international studies', these American philanthropic bodies had a major impact on the emergence of the subject in Australia from the 1920s-1960s. This impact was directed through the provision of funding to individuals (often in the form of fellowships) and to organisations, especially the Australian Institute of International Affairs (AIIA). It was also indirect by virtue of the support given to the Institute of Pacific Relations (a small proportion of which was actually for specific Australian purposes). CCNY money supported the early research of key figures in this field, and helped to develop other social science disciplines. There were obvious and intricate links between academics, American and British philanthropic organisations, and government higher education programs in the mid-twentieth century. It was also clear that American philanthropic funds, specifically those of the CCNY, were purposely used to support British Commonwealth academic and intellectual connections (Carnegie, after all, had strong ties to Britain). In other words, the transnational relationships that were developed and promoted at this time cannot be reduced to a simple history of competing British and American influences on the social sciences in Australia. Professor Cotton also argued that the most apparent aspect of this US-based funding was to direct the attention of a selected body of Australian intellectuals beyond the British Empire to global concerns, even as it often reinforced the status of the British Commonwealth. Further, there are tantalising traces in this history of the careers of Australian women working in the political sciences in the interwar period, such as Persia Campbell, whose own scholarship was enabled by the Carnegie Institute funding, but only once they had relocated to the US, where their trail in the Australian history of the social sciences disappears. Adam Henry (ANU) looked more closely at the influence of the Ford Foundation on Australian foreign policy in the 1960s, and the close links between the AIIA and the Department of External Affairs. Alice Garner (La Trobe) highlighted the overlapping agendas of CCNY and the American government's Fulbright's program exchange of scholars. Together these were part of a revolution in education, which in Australia was characterised by a difficult prying away from British models and a leaning towards American pedagogy and university academic culture.

### **Cultural institutions and cultural taste**

This session considered the impact of Carnegie funding on key cultural institutions in Australia, the formation of 'taste' and of aesthetic sensibilities. Sarah Scott (ANU) focused on a Carnegie-funded touring exhibition of Australian art to the US and Canada during 1941, demonstrating how it illustrated differences between national and international approaches to Australian art, including the artistic value bestowed on Aboriginal art. The exhibition was also a key moment of Australia-US public diplomacy, and Dr Scott discussed the broader role of cultural diplomacy in cementing links between Australia, the

US and the UK. Caroline Jordan (La Trobe) provided a comprehensive overview of the CCNY's efforts to advance and modernise Australian museums and art galleries. Focussing on the visual arts, Dr Jordan detailed the CCNY's programs in this field. Using the Queensland Art Fund as a case study, Dr Jordan described Carnegie's donated art set program and argued that it was an important gift and useful resource for art education throughout Australia. Paul Fox (Melbourne) discussed the influence of the CCNY on Australian cultural and social policy by examining the complex interactions between American visitors to Australia and Australian visitors to America during the early twentieth century. He argued that the exchange of ideas facilitated by this global travel contributed to the spread of knowledge and the re-invigoration of a liberal conservative cultural vision for Australia. He also emphasised the centrality of the often informal role of the Australian women involved in this process of intellectual exchange and conscious internationalism of outlook. Discussant Kate Darian-Smith (Melbourne) pointed to the multiple influences of the CCNY in the formation of cultural taste and artistic appreciation in both national and international contexts.

### **Education and citizenship**

The second day of the workshop examined the impact of the Carnegie Corporation on the public domains of education and health. The funding of educational initiatives is perhaps the CCNY's most widely known philanthropic activity. The CCNY had a significant influence on Australian education, especially but not only during the interwar years, funding numerous educational programs and study tours, and supporting the establishment of the Australian Council for Educational Research (ACER) in the early 1930s. Its influence was also felt across a wide range of educational projects, from the dissemination of 'New Education' ideas to the development of psychometrics and expertise in testing and measurement.

We began our workshop discussion with an examination of the educational interests of CCNY in the US, with David Goodman (Melbourne) exploring its involvement in the Adult Education movement. In part this was consistent with the CCNY's wider interest in professionalising and modernising practices in fields such as teaching, librarianship and curatorship. Dr Goodman's paper, however, addressed the kind of education being promoted, arguing there was 'a discernible Deweyan, progressive education inflection' in the promotion of Adult Education. Prefiguring more recent and current imperatives for 'life-long learning', continuous immersion in adult education in mid-twentieth century America was conceived as shaping citizens for the modern world, helping to 'train people to deal with constant change by encouraging certain traits – openness, tolerance, empathy prominent amongst them'.

Themes of progressive education and citizen formation were also explored by Bill Green (Charles Sturt) and Julie McLeod (Melbourne). Professor Green examined the spread of 'New Education' ideas, particularly in the curriculum area of English, and the pivotal role of the CCNY in establishing ACER and in supporting the 1937 conference 'The Fellowship of Education – Education for the Complete Living'. This 'travelling conference' brought an array of international speakers, many of whom endorsed New Education ideas, to Australian audiences. In exploring the 'cultural power' of CCNY in Australia, Professor Green argued that new conceptual approaches were needed to understand the effects of philanthropy today; influenced by Foucauldian conceptions of power, he suggested the idea of 'philanthropic power' was a potentially productive framework for theorising how philanthropy shapes cultural practices. Associate Professor McLeod also discussed the important role of the 1937 conference in circulating 'New Education' ideas beyond the

circle of elite educationalists. During the 1930s and 1940s, CCNY funding, realised through the work of ACER and associated projects, helped promote an internationalist outlook for education, urging international friendship as essential for world peace, and emphasising the need for Australian education systems to be more outward looking. At the same time, CCNY funding bolstered a psychological focus on the assessment of child learning, through the sharing of models for measuring normal development. Such models were not only in tension with the child-centred vision of New Education, they located the sources of social inequality in scientifically validated 'individual differences' and helped institute new ways of valuing and shaping the 'good student' and the 'good citizen'.

In the next workshop session, Julia Horne and Craig Campbell (both University of Sydney) discussed higher education, and visits of Carnegie-sponsored US educational experts to Australia in the early- to mid-twentieth century. As Dr Horne observed, prior to these visits, the CCNY was already funding higher education programs in the US, the UK and Canada. This was a logical site of activity, as Associate Professor Campbell stated, 'universities were the likely sources of educational leadership, and therefore reform, in the dominions'. Dr Horne analysed the visits to Australia of two 'Carnegie men' – James Russell (former Dean of Teachers College, Columbia) in 1928 and LD Coffman (President of University of Minnesota) in 1931 – whose mission was to assess the state of higher education in Australia, and how the CCNY might fund its development. She argued that as a result of these interventions, the CCNY 'helped develop new notions of an "Australian university" and an "Australian academic" in an age of increasing internationalism'. These crosscutting themes of internationalism and national distinctiveness also emerged in Professor Campbell's paper on the Australian visit in 1952 of JB Conant (President of Harvard University). Conant's confidential report to the CCNY expressed strong criticism of Australia's sandstone universities and their reluctance to engage with 'industry, government and the community beyond'. Conant's visit occurred in the context of the Cold War, and the CCNY's 'perception of the declining power of Britain to maintain its Empire/Commonwealth'. Professor Campbell argued that while the CCNY's interests in Australia can be understood in terms of philanthropy, an accompanying 'imperialist' interest warrants further attention.

Simon Marginson (Melbourne), as discussant, pointed out that the work of the CCNY – and other large philanthropic organisations – is an important project for understanding modernity and modernisation, citizenship formation, and processes of nation building and transnational politics in the twentieth century. Carnegie-funded study tours, for example, enabled US experts to re-imagine and reconstruct their nation through going outside it. Professor Marginson suggested that in many respects the legacy of Carnegie in Australia is incomplete, noting as an example the ambitions of the New Education Fellowship to focus on the development of the individual alongside a commitment to social democratic equality – which remains a longstanding tension within education and public culture.

### **Public health**

The final session of the workshop examined several public health initiatives in Australia funded by US philanthropy, and the associated spread of ideas and practices to do with physical and mental health and hygiene. Katie Wright (Melbourne) traced some of the direct and indirect ways in which the Commonwealth Fund and the Carnegie Corporation shaped the development of child guidance in Australia in the 1930s. While the Commonwealth Fund's influence on Australian practices was largely indirect, it was nevertheless highly significant, as projects it underwrote provided models for practices that were emulated in Australia, as in other Western countries. In contrast, the role of the

CCNY in Australia was more direct. Through its Commonwealth Program and its funding of ACER, it provided financial support for clinical practice and professional training, funded research and publications related to child guidance, and provided travel grants to Australian educators and psychologists who were exposed to international child guidance practices. Although modest in scope compared with the Commonwealth Fund's major support of child guidance in the US and Britain, Carnegie philanthropy was important for the carriage into Australia of American and British models of mental hygiene for children.

Nikki Henningham (Melbourne) looked at the interests of US philanthropic bodies in issues of disease and public health in the tropics, and the racialised and gendered implications of such a focus. In particular, she examined the Rockefeller Foundation's support for hookworm eradication in far north Queensland, particularly on the lives of women, in the early twentieth century. Kate Rogers (Melbourne) demonstrated in her paper 'that by facilitating the introduction of intelligence testing to Australia via the Australian Council for Educational Research the Corporation played a central role in legitimising and perpetuating the rhetoric of intellectual sub-normality which has sustained and justified the eugenic decisions associated with these reproductive services'.

### **Workshop dinner**

The workshop dinner was held at University House, and the after dinner speaker, Barry McGaw (President ASSA), presented an engaging address on the topic of educational policy and public culture, drawing on his experiences as Chair of the National Curriculum Board and now Chair of the Australian Curriculum, Assessment and Reporting Agency. He reflected on recent trends and dilemmas in curriculum and school reform and the challenges and responsibilities of public debate on these matters, taking as an immediate and topical case the role of testing and associated protocols for ranking schools and students and attempts to improve public understanding about how schools and education systems are performing.

### **Implications for policy considerations and further research**

It became even clearer over the course of two days intensive discussion that the Carnegie Corporation of New York – alongside other American philanthropic organisations – has had a strong ideological, modernising, and internationalist mission, with its influence extending well beyond the US. The building of a large infrastructure and a network of experts to determine the kind of projects and personnel worthy of CCNY funding meant this was always much more than charitable giving. Indeed, the provision of CCNY funding also facilitated entry into international networks that extended across the British Dominions and metropolitan centres – and that entry was particularly important to intellectual, institutional and policy elites in Australia.

Philanthropy is not only an educational, financial and cultural resource, it is also a 'cultural shaper'. The workshop documented some of the 'shaping work' of the CCNY's activities across the twentieth century, and its role in shaping US-Australian cultural and political relations. There is a very contemporary inflection here, as institutions today continue to court philanthropic funding, often as a replacement for receding public funding for educational, cultural and health activities. In relation to current calls for greater engagement with philanthropic agencies, a crucial policy and scholarly issue to address is the kind of cultural and ideological work performed by contemporary philanthropic activity. Does our concern to induce or invent philanthropy in twentieth century Australia blind us to some of the complex questions that arise from a critical historical look at the history of transnational philanthropy, such as that operated by CCNY?

A recurrent theme throughout the workshop was the shifting relationship between private philanthropy and public culture. Many of the papers provided important historical perspectives onto current challenges facing educational and public institutions. For the education sector, this encompasses the establishment or expansion of university portfolios such as advancement, alumni bequests and donations, philanthropic funding of research and community engagement projects. From a policy perspective, these matters point to the challenge of balancing the requirements of donors and recipients, and the importance of making explicit mutual expectations and anticipated mutual benefits. As the workshop papers amply showed, however, philanthropy is not simply a financial transaction and involves a range of non-financial obligations and benefits.

The CCNY represents a particular type of large philanthropic organisations with a broad agenda and internationalist outlook: it continues to fund projects outside the US. But there are other types of philanthropy: smaller scale foundations, family dynasties, and organisations with a more national and domestic focus. It is necessary to distinguish between these types – and their different social missions – when examining the history and effects of international and nationally based philanthropic activity in Australia. The legacy of the CCNY is an important part of that story, but its role must be placed in wider context. The workshop papers showed, for example, how large foundations such as Rockefeller and CCNY sometimes worked together, intervening in and funding complementary activities.

The workshop discussions drew out some of the tensions in developing an account of the legacies of private philanthropy in Australia. On the one hand, scholars can be critical today of the emphasis of CCNY on the training of elites and the cultivation of transnational networks on which cultural interventions or grant making was based. And in retrospect we might see the limitations of and problems with CCNY's focus on funding and projects in the white British Dominions. On the other hand, there is much to learn from this history in navigating present imperatives. Australia stands on the cusp of another era when philanthropy looks to become a significant part of the life of public and cultural institutions. The post-war era until the end of the Whitlam government in the mid 1970s marked a high point in government funding for public institutions in Australia. The relative decline of this funding has called into being a new role for philanthropic activity. CCNY activity flourished in Australia in quite different social and political circumstances, but as the workshop demonstrated, its immediate effects and continuing legacies provide valuable vantage points from which to consider the social impact and challenges of contemporary philanthropy.

**Workshop website:**

[http://www.edfac.unimelb.edu.au/research/eesi\\_research\\_program/assa\\_conference/](http://www.edfac.unimelb.edu.au/research/eesi_research_program/assa_conference/)



## **Unsettling the Settler State: Creativity and resistance in Indigenous-Settler state governance**

***Morgan Brigg, Sarah Maddison and Jon Altman***

Contemporary Indigenous affairs is awash with the language of crisis. The dominant state response is focused on developing Indigenous responsibility (rather than rights) through coercive policy interventions. Yet this view, justified by an assessment that 'the old ways haven't worked', overlooks the energy and creativity with which Aboriginal and Torres Strait Islander peoples engage with the institutions of the settler society. It also neglects to ask questions of the settler state and its institutions. Silence persists on these crucial issues despite ongoing Indigenous efforts to engage the settler-colonial order through calls for constitutional change, for better representation on the national political stage, and through consistent engagement with the state by a multitude of Indigenous organisations. These Indigenous efforts to enter into dialogue with mainstream Australia have thus far received little or no reciprocal movement from the settler state and its associated institutions, and have received little attention in policy discussions.

To explore the foregoing state of affairs the 'Unsettling the Settler State' workshop was held at the University of New South Wales (UNSW) from 22-23 March 2010. Against the backdrop of what many see as the continuing assimilationist approach in Indigenous policy, the contributors examined how Indigenous people continue to express their sovereignty through local, independent and challenging articulations of their capacity to govern themselves. By giving voice to those engaged in the frontline of these labors, the workshop explored Indigenous efforts that offer challenges to state dominance, spaces for developing forms of political autonomy often unseen by those in power, and ways of rethinking the Australian state in the 21<sup>st</sup> century.

Papers for the workshop were prepared in response to a set of themes and questions developed by Sarah Maddison (UNSW) and Morgan Brigg (UQ). Contributors were asked to explore the ways in which Indigenous people express their prior claims to political autonomy through governance efforts, to examine the vibrancy and depth of Indigenous political values as they find expression in exchange with the institutions and processes of the settler state, and to consider the challenges and prospects for Indigenous-Settler political relations at the beginning of the 21st century. Maddison and Brigg explored these themes in a scene-setting paper highlighting the unrelenting nature of Indigenous peoples' claims for rights and justice in demands for recognition from the settler state.

Many of the contributors to the workshop are directly involved in Indigenous governance efforts, and are little known in mainstream media or academic scholarship. This unique dimension of the workshop was facilitated through partnerships between Indigenous authors and settler interpreters and counterparts, with many of the presentations prepared by small teams. However, bringing together diverse and non-academic contributors, including people from Indigenous Australia, does present particular challenges. Some participants are located remotely, and many grapple with the immediate demands and challenges of living in and working with Indigenous communities amidst challenging political and administrative circumstances. Their priorities are not necessarily those of an urban academic, and the workshop had to adjust accordingly. Several contributors were not able to attend due to 'sorry business' in their communities, or unexpected political developments or other demands. (In these cases papers were presented in absentia, and comments were recorded and sent to participants.)

Despite these challenges, the workshop provided an opportunity for the diverse contributors - Indigenous and non-Indigenous, academic and non-academic - to interact closely in a way that is not usual in discussions of Indigenous affairs. The organisers take this approach to be particularly valuable for bringing out new perspectives and understandings that enrich standard social science approaches to Indigenous governance.

The workshop opened with a welcome by Dean of the Faculty of Arts and Social Sciences, Professor James Donald, followed by an overview of key themes by Sarah Maddison and Morgan Brigg. In the first session for presenting papers, Lyndon Murphy (Griffith University) and Morgan Brigg (University of Queensland) introduced their paper 'Beyond Captives and Captors: Settler-Indigenous Governance for the 21st Century'. As one of the contextual papers for the workshop, Lyndon and Morgan stressed the importance of understanding and analysing the ideas and values that inform discussions about Indigenous governance. They argued that many commentators, both Indigenous and non-Indigenous alike, accept the prevalence of western liberal values and thus do not problematise the somewhat narrow terms of contemporary debate on Indigenous governance. Against this, they suggested an approach to dialogue about governance issues that brings out both Indigenous and Western values and ideas.

The second paper in the first session, 'The Way of the Warlawarlara: Kapululangu's Two-Way Governance', was presented by Zohl Dé Ishtar. This paper arises out of a unique partnership between Zohl and women elders leading the Kapululangu Women's Law and Culture Centre at Balgo. The women choose not to write and have instead transmitted the Law underpinning their approach to governing their organisation in the form of a painting that Zohl showed at the workshop. Zohl has subsequently written and re-written (in consultation with the women) a description and analysis of the guiding role of the Warlawarlara in the governance of Kapululangu, including how the women have negotiated their encounter with mainstream institutional requirements and processes.

Following morning tea the workshop moved to a discussion of the paper prepared by Patsy Cameron and Linn Miller, titled 'Reclaiming History for Indigenous Governance: Tasmanian Stories.' Unfortunately neither Patsy nor Linn were able to attend the workshop so the discussion was recorded and sent to them. The paper documented the ways in which history has been told in ways that further the goals of the settler state, and provided an important alternative to mainstream understandings of Australian history. The argument contrasted the telling of 'official' versions of Tasmanian history with contemporary Indigenous historiography.

In the afternoon of day one, Samara Erlandson presented the paper that she is co-authoring with Joe Morrison, Peter Yu and Ritchie Ah Mat, on the North Australian Indigenous Land and Sea Management Alliance (NAILSMA). The NAILSMA story is an important example of successful regional Indigenous governance in response to the need for environmental governance and the protection of Indigenous interests in the land across the north of Australia. This paper was complemented with one by Sam Jeffries (although Sam could not attend the workshop), documenting the development of the Murdi Paaki Regional Assembly – another important regional governance arrangement, but set in a very different context and facing different challenges. These two papers highlighted the ongoing importance of governance at the regional level for Aboriginal people in Australia, and underscored both the challenges and rewards of developing effective regional governance structures.

Drawing the day to a close we heard from Tom Calma, speaking to the paper he is preparing with Darren Dick examining the development of the new national Indigenous representative body, the National Congress of Australia's First Peoples. Both Tom and Darren have been intimately involved in the development of the new body, leading to a national consultation process that informed the final structure announced in late 2009. Tom and Darren's paper will document the genesis of the National Congress in the context of Australia's struggles to sustain an Indigenous representative body – an experience which contrasts with efforts in other settler nation-states.

Throughout the day participants offered comments on each others' papers, and engaged in discussion of all papers. Each of Jon Altman, Sarah Maddison and Morgan Brigg provided detailed feedback and led discussion in sessions throughout day one. One of the themes to emerge on the first day was the need for more detailed attention, both within the papers prepared for the workshop and in broader discussions and analyses, of the interface between Indigenous and Western ideas, values, and processes within contemporary Indigenous governance efforts.

The second day began with a 'masterclass' writing session. This part of the workshop was designed to address some of the challenges that arise when working across the cultural and other differences among contributors to the workshop, including between community and academic authors. Issues and challenges were documented by drawing out the authors' experiences in preparing their papers. These were then organised into a range of key topics, which were discussed among the contributors with advice and guidance provided along the way. Some of the key issues discussed included having clarity about one's audience including ideas for engaging a wide range of readers through the use of vignettes; the challenges and rewards of working as co-authors, particularly the challenge of developing a joint position by providing supportive critical feedback; the differences between academic and Indigenous ways of presenting and developing knowledge and the various sources of authority that might be drawn on in writing; and the challenges involved in writing for a edited collection (the anticipated outlet for contributions to the workshop) that is deliberately hoping to 'unsettle' in a style that is engaging and allows readers to be brought along with the analyses and arguments. Participants in the workshop reported finding this process particularly useful and supportive.

The presentation of papers continued in the second part of day two, with feedback and discussion led by Morgan Brigg, Sarah Maddison and Juanita Sherwood.

To begin the afternoon session we had a presentation from Kirstie Parker on her paper 'Indigenous media: Telling it like it is and how it might be.' Kirstie's paper contrasted the poor representation of Indigenous people in mainstream media with the development of Indigenous media and the positives this offers, particularly with regard to discussing and contesting governance issues. The paper also documented the ongoing challenges faced by Indigenous media, partly in terms of resourcing, but more broadly with regard to the difficulties involved in reporting news and maintaining relationships in a small community.

Following Kirstie we had a presentation from Howard Pederson on the chapter he is writing with June Oscar, 'Alcohol Restrictions in the Fitzroy Valley: A Story of Resilience and Community Reconstruction', which documents the work in which June and others have been involved, to introduce alcohol restrictions in the Fitzroy Valley. This work is an important contribution to Indigenous autonomy and a significant example of local governance efforts occurring beyond the hubbub of mainstream commentary, albeit at considerable cost to the individuals leading these efforts. This analysis provides an important point of contrast to the dominant view of alcohol management issues in

Aboriginal communities, which of late have emphasised the need for governmental intervention and control.

Next, Manuhua Barcham discussed the paper he is writing with Glen Kelly that analyses the Indigenous governance structures underpinning the successful Single Noongar Nations native title claim in the south west of Western Australia. The paper is focused on questions of resourcing and legitimacy in the formation and sustainability of regional governance arrangements by examining three different models or paths pursued in the southwest of WA.

The final paper was presented by Darryl Cronin on the paper he is writing with Patrick Dodson on 'The Australian Dialogue'. This paper proved a fitting way to end the workshop, focusing on a possible future direction for engaging the nation in some 'unsettling' discussion about the institutions and philosophical underpinnings of the settler state.

A theme that emerged over the second day, and that also resonated with the discussions of day one, concerned the scale and ambition of Indigenous governance efforts around the country and over time. Even when undertaken on a shoestring and in difficult circumstances (as is often the case) Indigenous governance efforts challenge the settler political imagination and its governance processes. Over two days the Unsettling the Settler State workshop helped to clarify and advance understanding of this process of 'unsettling'.

The participants continue to collaborate with the project co-directors on developing the contributions presented in the workshop for an edited book under contract with Federation Press. The final manuscript is due in September 2010, and is expected to be published in early 2011.



## Reports from Roundtables

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### **Will the National Reforms make Australia's Health Care System more Sustainable?**

**Kees van Gool**

Sustainability is a key objective of the National Health Reforms proposed by the Commonwealth Government. Sustainability is not a precise term but can loosely be interpreted as a restriction to health care expenditure growth (such as fixed percentage of national income or taxation revenue). In this paper we examine whether the current round of reforms are likely to deliver a more sustainable health care system.

While the opinions expressed are those of the author they are informed by the dialogue from a recent policy roundtable titled *Health Reform: Exploring Issues of Governance and Financial Management*. The roundtable was convened by the Institute of Public Administration Australia in partnership with the Academy of the Social Sciences, and was held in Sydney on 8 June, and aimed to reflect on potential pathways for Australia's healthcare system, in the wake of the Commonwealth government's recent proposals for reform of the same. The event drew together healthcare administrators, policy makers and public officials, social sciences researchers, and representatives from the media and third sector organisations.

The Government has argued that four of its initiatives will make the health care system more sustainable: (i) new initiatives in the area of prevention to take pressure off public hospitals; (ii) new primary care and aged care initiatives; (iii) activity based funding for all hospital inpatient services (iv) greater Commonwealth Government responsibility for funding public hospitals.

#### **Prevention**

In the Taking Preventative Action report, the Government argues that preventable diseases such as obesity and alcohol abuse are costly to the health care system. By implication, investing in preventative action can reduce those costs. This is not necessarily true and will depend on whether the cost of the preventative action is outweighed by its benefits. This has been shown to be true for some areas but may not be true for some of the government's main targets such as obesity. Despite concerted action in many countries there is still little evidence on how to prevent or reduce obesity – with the possible exception of surgery. However, even when prevention does work, it is doubtful that it will make the health care system more sustainable. First, there is a long time lag between prevention and improved health so it is not going to take pressure off hospitals anytime soon. Secondly, preventing one illness may ultimately lead to an increase of another more expensive disease. This is not an argument against prevention; effective prevention strategies can improve the health of our population – it just may not make the system more sustainable.

#### **Appropriate care**

The Government states that a significant proportion of hospitalisations can be avoided by strengthening primary care arrangements. The Government's reforms propose to establish primary health care organisations to improve the delivery of primary health care services at the local level, through facilitating access to allied health services and work with Local Hospital Networks to assist with patients' transition out of hospital, and, where

relevant, into aged care. However, there is concern that these organisations will not be sufficiently influential on how hospitals interact with primary care providers and therefore unable to deliver on its objectives.

The Government's proposals will also transform the way patients with chronic disease are treated – starting with diabetes. Patients with diabetes may enrol at a GP practice to receive coordinated care. GPs will be rewarded if their patient's health improves which, in turn, is expected to reduce the costs associated with managing complications. This reform has the potential to shift some of the inherent incentives for GPs away from the delivering greater volume of services and towards better health outcomes and may become a benchmark for future reforms. However, its success will depend on whether (i) the new payment arrangements will be sufficient to alter GP behaviour; and (ii) how successful GPs are at improving patient compliance. A further question is whether the new financial rewards will be off-set by cost-savings in the hospital sector.

### **Activity based funding and greater Commonwealth responsibility for hospital funding**

Activity based funding was introduced in most States in the 1990s. The Government's proposal is to extend this nationwide as well as establish an independent hospital pricing umpire which will determine the efficient price of hospital activities. These are the Government's primary policy levers in making hospitals more efficient. Depending on the way the umpire is able to set prices, it may provide important incentives for hospitals to reduce costs and operate at or below the efficient price. However, there is little detail in the current proposals on how prices will be set. For example, will prices be determined on the basis of marginal costs or average costs, how will regional variation and hospital size be incorporated into the efficient price, how will new technologies influence prices and how will quality and safety be incorporated into the incentive structure? These are major issues that will determine the reforms' ability to deliver a more efficient system.

Of course, greater efficiency may not necessarily mean greater sustainability. It is feasible that hospitals could run at a lower cost but that the volume of services increases so that total hospital costs actually rise. This scenario is possible under the reforms because the Commonwealth contribution to hospital activity will be uncapped. This is a significant change because public hospitals have previously operated under some notional or direct funding cap – even in States that have already introduced activity based funding. Whilst the State contribution will remain capped under the reforms, a hospital that can deliver a service at or below the Commonwealth's contribution (which will be set at 60 per cent of the efficient price) will have an incentive to carry out more services. The extent to which such incentives will materialise will, once again, depend on how the efficient price is determined.

The initiatives set out in the proposed reforms are generally welcomed, but there are concerns that a lot of detail still needs to be worked out. These details will be critical, particularly so when it comes to improving sustainability. The Government has announced only a limited number of strategies to deal with this issue, and, as yet, it is not exactly clear how each of these will contribute to making the health care system more sustainable.

**Kees van Gool** is Senior Research Officer, Centre for Health Economics Research and Evaluation, University of Technology, Sydney.

## **Indigenous Disadvantage: Setting the framework for real and sustained progress.**

**Meredith Edwards**

### **Background and purpose**

The Roundtable held on 26 March was the latest in a series of policy roundtables which are the result of collaboration between our Academy, the Institute of Public Administration Australia and the Australia and New Zealand School of Government. The participants were all invited experts with a range of perspectives, about half of whom were Indigenous people. The Roundtable was held in Adelaide and benefited from the sponsorship of Ernst and Young with use of its conference room and some assistance from FaHCSIA.

The main purpose of the Roundtable was to focus on the core elements of the framework needed to achieve and sustain real improvements in Indigenous well-being, and to test the possibility of some new consensus on this. In particular, the convenor, Andrew Podger of IPAA, asked participants to consider three questions: what has occurred that would appear to be useful? what has occurred which could be categorised as harmful? and, what ways can the public service help make a difference?

The day was organised around five sessions:

- COAG – Closing the Gap
- Governance/Community Capacity
- Securing the Future: Achieving sustainable, intergenerational benefits from Native Title
- Economic Development; and
- Building a New Consensus.

Two background papers by academics informed the discussion: Will Sanders: 'Ideology, Evidence and Competing Principles in Australian Indigenous Affairs: from Brough to Rudd via Pearson and the NTER', *CAEPR Discussion Paper*, No 28, 2009. ANU; and JC Altman, N Biddle and BH Hunter, 'How Realistic are the Prospects for 'Closing the Gap in Socioeconomic Outcomes for Indigenous Australians?', *CAEPR Discussion paper* No 287, 2008.

### **Issues and suggestions**

The Roundtable heard many moving stories about past harmful happenings and stories that put a human face to the statistics, such as the lower life expectancy rate of Indigenous compared with non-Indigenous people. When the Roundtable was informed of the hard data, it was clear that in most areas identified, the gap had not closed or was widening (although in too many cases, there is insufficient trend data to come to firm conclusions). If current policies are pursued, the closing the gap targets set by COAG would have to be regarded as overly-ambitious.

Education can be a circuit breaker on Indigenous disadvantage but the hard data does not show any overall improvements for the past twenty years in the areas of literacy and numeracy.

A key issue on which there appeared to be wide consensus was that the government has been too keen in the past to pursue top-down and interventionist strategies rather than more community-based development strategies. The Australian Public Service (as well as state bureaucracies) came in for a lot of criticism for failing to develop appropriate capabilities to ensure a real capacity in its officers to engage and build up relationships with Indigenous communities. A common concern also expressed was the mismatch

between stated principles by governments and the time that is given to implement those principles, especially when they depended for successful implementation on, first, building trust and solid relationships.

Government is inevitably a major player, but to be effective it would have to address a major shift in the way in which the public sector relates to Indigenous organisations and communities and a closer alignment of governmental structures and processes with those on the ground. Some of the factors needing attention included:

- stronger leadership;
- ensuring continuity in personnel as well as time for sustainable initiatives;
- considering implications more carefully before replacing new programs with old ones (eg, CDEP or amalgamation of councils);
- assisting communities to build up their governance capacities;
- involving Indigenous voices early in the policy process; training officers in community development roles; and
- generally enhanced coordination across relevant agencies.

The public service has not done well in increasing the proportion of Indigenous employees which was signaled out for attention including providing career paths.

An issue on which there was debate but on which there were differing views was on how to enhance capability in managing programs for Indigenous Australians: by having a centre of excellence and central coordination in a separate agency (for example attached to FaHCSIA) or to leave all responsibilities with the mainstreaming across departments.

An issue on which many around the table had no real knowledge, were the social and economic benefits that can arise from Native Title negotiations. Finally, one specific suggestion relevant for COAG was for regular meetings of COAG representatives with heads of Indigenous NGOs, before developing detail on new policy initiatives.

The Roundtable participants agreed that the current climate provided a real opportunity for worthwhile government action: all jurisdictions are committed, additional funding has been allocated and business support is unprecedented.



## **Racism and the Tertiary Student Experience - Policy Workshop**

On 31 March, in partnership with the Australian Human Rights Commission and Universities Australia, the Academy of the Social Sciences in Australia convened a policy research workshop in Canberra on the issue of racism and the tertiary student experience in Australia. Although a workshop, the event was convened as part of the ASSA Policy and Advocacy Program Policy Roundtable Series.

The workshop assembled a multidisciplinary group of social scientists from universities and government research organisation with experience in fields of research impacting on this important issue. The group:

- Aimed to examine whether and where there is a stronger propensity for racially motivated crimes against non-English speaking background (NESB) domestic, or

international, students studying in Australian tertiary institutions and, if so, the nature of the risk factors which underlie and explain these propensities.

- Sought to outline measures which can be taken to mitigate against the occurrence of racially motivated crimes against students from Australian universities and colleges, including proposals for public policy development, community engagement, interventions by universities and other tertiary institutions, and potential avenues of research.

Held over a full day, the workshop comprised four sessions. Session one, titled *What do we know?*, sought to establish what social sciences data and research can say about the incidence and impact of racism and race related crime against tertiary students in Australia, including analysing the risk for student victims of race related crime. As became clear in this session, when race related crime is considered there is very little data collected, and distinguishing race related crime figures from criminal data is highly problematic.

Session two, *The 'Known Unknowns'*, aimed to identify those areas where social sciences data was insufficient, or where insufficient analysis and research had been done on the issue of racism towards tertiary students in Australia. During discussion of racism and racially motivated crimes against international students (temporary migrants in Australia on a student visa) as a distinct group, it became clear some unique circumstances apply to this demographic, and that more data and analysis of this group was required to provide a sound basis for future policies which enhance student safety and rights.

In session three, *The Community Context*, participants examined incidence of racism and racially motivated crime against students in the broader context of their lives in the community. Consideration was given to the role and impact on the tertiary student experience by stakeholders from the public and private sector, including transport authorities, businesses and employers, landlords, and community groups. It was noted that many of the negative experiences of students – especially international students, who are particularly vulnerable due to prevailing employment, transport and accommodation circumstances – occurred off-campus, in the community context.

In Session four, titled *Within Education: Students and Racism*, participants considered the role which has been played, and should be played by tertiary education institutions, especially with respect to the rights and safety of international students. It was acknowledged that while universities and other tertiary education providers had a good record in providing resources on-campus in order to ensure the safety and productivity of the tertiary student experience, more could be done by these organisations in collaboration with other community stakeholders to ensure the security and comfort of students in an off-campus context.

The findings and conclusions from the workshop have been drawn together in a Policy Discussion Paper, by Professor Adam Graycar. The paper, which is available for free download from the Publications area of the ASSA website, is intended as an aid to policy makers and university administrators which outlines, for their benefit, the current state of social sciences research into these key issues. See [www.assa.edu.au/publications/](http://www.assa.edu.au/publications/); the two other sponsors of the workshop can be accessed at their websites: <http://www.hreoc.gov.au/>; <http://www.universitiesaustralia.edu.au/>.



### **Vale Fellows of the Academy**

The following Fellows have died:

Leonard Broom, AM (Sociology)

Kevin Ryan, CBE (Law)

Alan Gilbert (History)

Ian Castles AO (Statistics)

Robert Brown (Philosophy)

Former Fellows,

Enid Mona Campbell, AC, OBE (Law), and

Sol Encel (Sociology) have also died.

The Academy extends its condolences to their family and friends.

Obituaries will appear in the *Annual Report*