

WE DEMAND A CEASEFIRE

RESPONDING TO AUSTRALIA'S 'ANTI-RACISM' FRAMEWORK



ICRR and Sisters Inside support the Australia Human Rights Commission's (AHRC) call for the development of a national anti-racism strategy. It is desperately needed. However, in its current form, the proposed strategy marks a continuation of the war of race rather than a turning point. Here we outline principles that might inform a legitimate national anti-racism strategy. We take our lead from the most courageous Indigenous anti-racist thinkers and warriors – the families of those hurt and killed by racial violence, those on the frontlines of battles against racism in workplaces, schools, courts and hospitals, and all Blackfullas fighting racism on the streets.

"We take our lead from the most courageous
Indigenous anti-racist thinkers and
warriors...Blackfullas fighting racism on the streets"

The war of race has been raging in this place since first invasion, and is as violent today as it was then. The state is implicated in this war and continues to enact racial violence in multiple forms. Sovereign Aboriginal and Torres Strait Islander people are its foundational targets, and lead the fight against racial violence. In doing this, they fight for all racialised people in this place.

Following the lead of these activists, we are not seeking to be included in projects to build 'tolerance' or 'social cohesion' that simultaneously ignore this war raging all around us. If institutions continue to launder state violence using the polite language of diversity and inclusion, their 'anti-racist strategies' will be racist.[1]

Instead, we demand a ceasefire.[2] The state needs to stop killing Aboriginal and Torres Strait Islander people immediately – not just in custody, but psychologically, physically and socially through the education system, family and child 'protection' systems, in ambulances and emergency centre carparks, in its indifference to murdered (not missing) Indigenous women, and in countless other ways. These practices are not disconnected, but spin a web of racial violence that deeply attaches to the lives of Blackfullas and other racialised people in this place.

Regardless of whether these calls are heard or not in the current AHRC process, communities will continue to stand up and take the steps necessary to protect themselves and racialised others from racial violence. In so doing, these communities imagine worlds free from racial hierarchies and attendant oppression. We take our lead from them, and structure our submission using the theory produced by those fighting racism in the streets.

ALWAYS WAS ALWAYS WILL BE

ANTI-RACISM MUST START FROM SOVEREIGNTY

Anti-racism in this place must start from sovereignty. This is stolen land and Australian governments remain in place by reproducing the originary violence[3] of colonisation everyday through legal, policy, health and carceral institutions. These institutions only exist and assert authority by denying the existence of Indigenous sovereignty and this denial is the core of racial violence in this place.

Centring Indigenous sovereignty has the effect of showing us that there is nothing 'common sense' about prisons, policing, child removals, racist education programs and violent health care. It is possible to imagine a world beyond current systems and social relationships, and Black people do this all the time in many different ways.[4] Imagining the abolition of race itself and its violent institutions becomes possible through, and only through, Indigenous sovereignty.

STILL HERE

RACE, RACISM AND RACIAL VIOLENCE ARE FOUNDATIONAL TO THE COLONIAL PROJECT

Race, racism and racial violence are foundational to the colonial project in this place and to 'Australia'. They are not new or discrete events that are embodied in 'aberrational' laws (such as the White Australia Policy) or social moments. Indigenous peoples and communities are First Nations and 'first raced'[5] and have been resisting racial and colonial violence since the first days of invasion. Anti-racism here involves starting from the racial and colonial violence experienced by Indigenous peoples and communities, who continue to be the prime targets of demotic forms of racism, and the test subjects of each new racist policy (though these policies are often extended to others – as, for example, happened with welfare quarantine cards).

Like Israel's "Museum of Tolerance", built on the site of a Palestinian cemetery, the AHRC forms part of the superstructure of a state based on foundational racial violence.[6] In this way, it can serve to reinforce the social and legal amnesia at the foundation of the Australian state. In claiming to be able to adjudicate racial tolerance without addressing racial violence it launders the violence of the state against Indigenous peoples.

THEY SAY JUSTICE, WE SAY MURDER

THERE IS NO JUSTICE IN THE LEGAL SYSTEM FOR INDIGENOUS PEOPLE

There is no justice in the legal system for Indigenous people. High rates of incarceration, child removals, killings in custody, murdered not missing women and gender diverse people, domestic and family violence, and premature deaths at the hands of the health system are the clearest indicators of ongoing and systemic racial violence. Even when the legal system takes up the cases of Indigenous families and even with clear empirical evidence of racial violence, we see the same racist processes produce the same racist outcomes. Legal systems are the frontline aggressors in this war, not the site of redress for those afflicted by racial violence.

Thirty years on from the Royal Commission into Aboriginal Deaths in Custody, which found widespread systemic racism and injustice, incarceration rates have risen dramatically and killings in custody continue unabated.[7] Judges, courts, police and prison officers must lay down their weapons (these are not only guns and tasers) and stop killing Indigenous people now.

BLACK LIVES MATTER

WE DEMAND SOLIDARITY WITH OPPRESSED PEOPLES

This is a global movement. Indigenous struggles for sovereignty and justice in this place are already grounded in local and global solidarities, involving Palestinian activists, refugee communities, unions and Indigenous peoples worldwide.[8] We do not need 'social cohesion'; instead we demand solidarity with oppressed peoples; this grass-roots solidarity already exists and will continue regardless. State-sanctioned projects of multiculturalism do not attend to racial violence and undermine solidarity-building efforts necessary to effecting social change. Indigenous communities are already doing broad-based anti-racism work to dismantle structures of racialised oppression for every body that is deemed 'other' in this place. Overlapping and intersecting crises, from climate change to COVID-19, demonstrate the need for a continued collective anti-racism, led by Indigenous peoples.

NO JUSTICE, NO PEACE

**JUSTICE IS A STRUGGLE
FOUGHT AND FOUND IN THE STREETS**

Justice is a struggle that is fought and found in the streets, and not in the 'suite'.^[9] It is articulated by families who continue to speak through their grief on behalf of their loved ones to a state deaf to their demands. We continually return to the streets and to the families for inspiration and fortitude. Indigenous families deserve so much more than 'gofundmes' and t-shirts made to honour their loved ones killed by racial violence. We do not expect this justice to come from the legal system - a system that cannot even legislate a national human rights framework. We stand in solidarity with the families who are engaged with the legal systems to strategise for change and build collective power. We too support their efforts which expand an imagining of justice from that offered in racist legal systems.^[10]

FROM THE RIVER TO THE SEA

RACISM IS ONE OF AUSTRALIA'S BIGGEST EXPORTS

Racism is one of Australia's biggest exports. From the 1897 Queensland Protection Act which informed South African apartheid legislation, to the development of brutal refugee detention policies which have been taken up around the world, this nation-state has been a leader in maintaining a racially divided world. It must be held accountable not just for the racist violence it enacts and legitimises here, but its active support for racist and colonial regimes elsewhere, such as in Palestine and West Papua. Institutions that are part of the Australian state must confront this legacy and ongoing reality before assuming they have the moral authority to mitigate racism in Australian society.

HANDS OFF OUR KIDS

OUR KIDS BELONG WITH FAMILY AND COMMUNITY

Indigenous children are not safe with the state. Child removals and residential 'care' must end, with genuine resourcing and alternatives led by Indigenous communities. No child should EVER be in prison. The family courts seamlessly reinforce these devastating separations and enact their own forms of violence towards children and families.

TELL THE TRUTH

THE STATE IS A PERPETRATOR OF BRUTAL RACIAL VIOLENCE

We heed and echo Black activists who continue to tell this truth: the state is a perpetrator of brutal racial violence. The state and its agents cannot perform anti-racism while continuing to perpetrate and avoid accountability for their own violence. Indigenous communities must be resourced to participate in processes that hold a mirror up to the state, through additional funding for community controlled legal and advocacy services, banning non-disclosure agreements, changing legal processes that silence Indigenous peoples, and producing free publishing transcripts of legal matters that are of significance for Indigenous communities. All white juries are a direct form of racial violence.

There is a need for a broader understanding of the nature and extent of racial violence. It takes place in watch houses, prisons and paddy wagons, but also at workplace morning teas, classrooms, playgrounds on the edge of sporting fields, in hospital wards and in universities. Articulating a clear and comprehensive definition of racial violence is therefore critical to a transformative national anti-racism strategy.

STOP KILLING US

WE ECHO THE CALLS OF INDIGENOUS FAMILIES & COMMUNITIES

There are very clear steps the state can take now to minimise the most extreme forms of racial violence. We echo the calls of Indigenous families and communities, who have been left to push for structural change in the depths of their grief. There is a unique generosity in the way they make demands that improve the conditions of life for everyone, while the impacts of racial violence are so unevenly felt and borne by Indigenous peoples. In line with their existing demands, we require that the state:

- Remove all guns and weapons from police, starting in Aboriginal communities
- Ban spithoods and other forms of physical and chemical restraints in prisons, police watch houses and hospitals
- Establish independent investigations into all killings in custody and 'care'
- End strip searching, which is sexual assault by the state
- Independent investigations into all murdered (not missing) Indigenous women, girls and gender diverse people
- End offshore processing and mandatory detention of all refugees.

PAY THE RENT

RETURN RESOURCES TO COMMUNITY CONTROL

Aboriginal and Torres Strait Islander community controlled organisations have been systematically gutted by successive governments. Returning resources to community control must be central to a state anti-racism strategy. The state must also provide adequate and safe housing for Indigenous peoples; this is the bare minimum for a semblance of human dignity but will also reduce preventable diseases like Rheumatic Heart Disease. What could be a bigger admission of the state's racism in 2021 than the fact that it had to commandeer and drive caravans into Wilcannia at the height of the COVID-19 outbreak in that community?

Climate change will only worsen the housing crisis for Indigenous communities, as parts of country become uninhabitable because of rising temperatures and disasters. The state must work with affected communities to fund redress and housing that meets community expectations.

RESPECT THE BLACK MATRIARCHY

RACIAL VIOLENCE IN THIS PLACE IS DEEPLY GENDERED

Racial violence here is deeply gendered. This is clear in the crisis of murdered not missing Indigenous women and gender diverse people. Aboriginal and Torres Strait Islander women who are 'missing' remain missing in processes that claim to deliver justice – such as coronial inquests and police investigations. In public debate and state processes, Indigenous women are silenced although they are never silent.[11]

Sexual violence has been central to colonisation and continues to be used as a weapon of war. We honour the leadership of Black women, who fight for an end to this violence on behalf of all women, children, queer and gender diverse people. This gendered racial violence cannot be stopped by extending the authority of carceral institutions – as is currently happening with moves to criminalise coercive control.[12]

LAND BACK

GIVE THE LAND BACK

Racism in this country will continue so long as the state continues to occupy Indigenous lands on the pretext of the racial inferiority of Indigenous peoples, embodied in the foundational legal claim of terra nullius.

Action to minimise the impact of climate change is urgently needed. Aboriginal and Torres Strait Islander communities are among the hardest hit from the government's inaction on climate change. Again it has been left to Aboriginal and Torres Strait Islander communities to take up this fight on their own. We support Mr Kabai and Mr Pabai's case requiring the Australian government to reduce greenhouse gas emissions to protect communities in the Torres Strait.[13]

The best way forward is to return control of land to Indigenous peoples and communities. This will not happen through Native Title or other land arrangements that are premised on the state maintaining ultimate authority. Instead, it requires systems that return full control over land use and management to the Indigenous owners.

Give the land back.

NOTES

- [1] For a full discussion of the current AHRC anti-racism strategy paper, see the submission by Professor Chelsea Watego and Dr David Singh.
- [2] We echo the calls of the family of Kumanjayi Walker, including the words of Walpiri elder Uncle Ned Jampinjimpa Hargraves, who demanded this ceasefire, saying "the police must put down their weapons... we cannot walk around in fear... we have waited too long for justice" (<https://www.canberratimes.com.au/story/7655117/kumanjayi-would-be-proud-of-us-family-addresses-not-guilty-murder-verdict/>)
- [3] This term is taken from Tanganeald, Meintangk Boandik Professor Irene Watson, who named the way that this founding violence is continually reproduced to sustain the state (<https://epress.lib.uts.edu.au/journals/index.php/csrj/article/view/2037>).
- [4] As one example, see the National Indigenous Youth Education Council 'Learn Our Truth' project to change the way that schools enact historical silencing and ongoing racial harm (<https://www.niyec.com/learn-our-truth>)
- [5] Professor Chelsea Watego (<https://indigenoux.com.au/dr-chelsea-bond-delivers-a-masterclass-in-indigenous-excellence/>)
- [6] Saree Makdisi, "The Architecture of Erasure", *Critical Inquiry*, 2010, <https://doi.org/10.1086/653411>
- [7] Eddie Cubillo, "30th Anniversary of the RCIADIC and the 'white noise' of the justice system is loud and clear", *Alternative Law Journal*, 2021. <https://journals.sagepub.com/doi/abs/10.1177/1037969X211019139?journalCode=aljb>
- [8] See for an example of this kind of global solidarity grounded in place, *The Sunday Paper* <https://www.thesundaypaper.com.au/>
- [9] Phrase attributed to Hosea Williams <https://kinginstitute.stanford.edu/encyclopedia/williams-hosea>
- [10] Amy McQuire (<https://amymcquire.substack.com/p/shattered-glass-the-death-in-custody?s=r>)
- [11] Amy McQuire, <https://amymcquire.substack.com/p/silencing-aboriginal-women-on-issues?s=r>
- [12] <https://theconversation.com/carceral-feminism-and-coercive-control-when-indigenous-women-arent-seen-as-ideal-victims-witnesses-or-women-161091>
- [13] Pabai Pabai and Guy Paul Kabai v. Commonwealth of Australia - Climate Change Litigation (climatecasechart.com)