

A Matter of Land, Life and Death:
Reframing the Australian Human Rights Commission's
National Anti-Racism Framework

31st March, 2022

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Introduction

The Australian Human Rights Commission is an independent statutory body established to protect and promote human rights in Australia. Freedom from racial discrimination is one such human right, hence the present concern to introduce a National Anti-Racism Framework. However, the *Racial Discrimination Act 1975* (RDA) was suspended under the *Northern Territory National Emergency Response Act 2007*. Certain legislation in Queensland and the Northern Territory was also exempted from racial discrimination provisions (Bielefeld & Altman, 2015). The suspension specifically concerned Aboriginal and Torres Strait Islander people. Although the Human Rights and Equal Opportunities Commission (HREOC) drafted a submission expressing concern about interpretation of 'special measures' (McRae, 2012), we do not recall voluble protests from the HREOC at the time or since, concerning how easily and swiftly the special measures licence afforded by the RDA became operationalised *against* Aboriginal and Torres Strait Islander people, thereby giving lie to the idea that the state will protect the most vulnerable communities from racism. It was noted too that the RDA, upon which the proposed national anti-racist framework will be erected, was not considering the NT Intervention, a particularly solid foundation:

Domestic anti-discrimination legislation, enacted in 1975, was therefore not useful in acting as a check on the enactment of discriminatory legislation and it is reasonable to expect that the Australian Parliament should consider more seriously protective human rights legislation when enacting highly discriminatory legislation.....The lack of consideration of the RDA and the ease with which it was suspended in this instance suggests that it is not effective as a protective instrument for Indigenous Australians (McRae, 2012, p. 62)

Moreover, successive Race Discrimination Commissioners in particular, appear not to have voiced concern at the time or since about the precedent set by the RDA suspension, which represents a structural adjustment that adversely and uniquely affects Indigenous peoples.

It should come as no surprise therefore if there is a less than enthusiastic reception from Indigenous peoples to the prospect of a national anti-racist framework. At a time when state racism bore down heavily on Indigenous peoples, the crucial bulwark against that racism was removed with barely a murmur of protest from the supposedly independent AHRC, leaving the communities no means of statutory redress. That redress is now to be promised by this anti-racist framework is hard to entertain considering the AHRC's hitherto chequered record of advocacy on behalf of Indigenous people. It is unfortunate that the organisation has so far not recognised that it has breached trust and that it must rebuild its relationship with Indigenous people. A start could have been made with the concept paper acknowledging the need to avoid a cookie cutter approach through yoking Indigenous people with the 'multicultural' and collapsing incommensurable experiences. Yet nowhere in the concept paper is it recognised that Indigenous people have a unique experience of racism. This particular experience of racism does not warrant consideration. Instead we have a generalised racism that assumes that all racism is the same and afflicts vulnerable communities equally and in the same damaging ways. The organisation falls woefully short on clear understandings of how 'race' and racism work to continually dispossess Indigenous people. Indeed, the conflation of multiculturalism with Indigenous concerns is a clear example of this kind of racism, where the former launders the dispossession of the latter. Unqualified praise for this anti-racist initiative, its rationale and humanitarian motives, therefore, cannot be assumed.

In seeking comments on the discussion paper, the AHRC would do well to recognise its own complicity in the very thing it would have us believe it decries: In conflating prescriptive multiculturalism with Indigenous struggles for sovereignty, the AHRC adds racist insult to 'RDA suspension' injury.

A concept paper without conceptual clarity

Perhaps the most concerning aspect of the ‘concept’ paper is the failure to provide conceptual clarity about the key terms deployed, such as ‘race’, ‘racism’, and, egregiously, ‘anti-racism’. There is instead an assumed shared understanding of the phenomena being discussed, one so broad as to assume universal application and without a sense of the unique ways in which the concepts adduced are inflected here. There is also nothing by way of understanding how ‘race’ serves in the operation of power. Thus, when referring to ‘race’ the AHRC typically refers to it as a category of “people based on their race, colour or ethnicity”¹ or “certain groups identifiable by race”². Here race, rather than being understood as a structure of oppression, becomes principally an epidermal marker and identity category to which people belong or are assigned. There is focus on interpersonal relationships and attitudinal expression, and not every group gets marked by ‘race’. ‘Whiteness’ goes largely unremarked reinforcing the sense that it is normative (that is, British)³; whilst for all ‘others’, they are just that, ‘Othered’.⁴

‘Race’ works more complexly than is allowed by this analysis, and the lack of definitional signposts does nothing in improving the understanding of the phenomena the concept paper seek to address. For instance, the document offers no working definition of ‘racism’ and ‘anti-racism’ – two core concepts that are nominally central to the National Anti-Racist Framework. In the absence of definition, we too note a failure to demarcate the concepts of ‘institutional racism’⁵, ‘individual racism’⁶, ‘systemic racism’⁷, ‘societal racism’⁸, and ‘structural racism’⁹. These are clearly not the same but are wielded with a breeziness that suggests clear-eyed understanding where, on the evidence of written framework detail, none exists. Scholarly and professional understandings of ‘race’ are far in advance of the muddle offered here, and though it is understood that as a statutory body, the AHRC has many masters to please, it is nevertheless surprising that we are presented with this rivulet of understanding and thought.

Typical of the shallowness of this understanding is the Commissioner’s opening introduction where he conjures an imagining of an “ugly racism” against “people of Asian descent”¹⁰, while not explicitly referencing the racial violence that Aboriginal and Torres Strait Islander people have and continue to experience on daily basis¹¹. Further, he makes reference to the global Black Lives Matter movement, characterising it as highlighting “injustices experienced by people from culturally diverse backgrounds and by Aboriginal and Torres Strait Islander peoples”¹². This represents a gross misreading of the Black Lives Matter movement, which describes its mission to “eradicate white supremacy and build local power to intervene in violence inflicted on Black communities by the state and vigilantes” (Black Lives Matter, 2020). The radical promise of the movement appears deliberately avoided in favour of bland homilies and appeals to liberal sensibilities. Moreover, the failure to acknowledge racial violence at the hands of the state, particularly in

¹ See item 7 ‘in Concept Paper ‘There is a need for greater community understanding of the different dimensions of racism and racial inequality in Australia’

² See item 7 in Concept Paper ‘There is a need for greater community understanding of the different dimensions of racism and racial inequality in Australia’

³ See item 18 in Concept Paper ‘What principles could guide a National Framework?’ from “*It should recognise and acknowledge Australia’s: [...] British heritage*”

⁴ See item 18 in Concept Paper ‘What principles could guide a National Framework’

⁵ See ‘Proposed Guiding Principles’ and item 7 in Concept Paper ‘There is a need for greater community understanding of the different dimensions of racism and racial inequality in Australia’

⁶ See ‘Proposed Guiding Principles’ in Concept Paper, specifically Principle 8, “*Racism takes many forms (e.g. individual, vilification / abuse, institutional or systemic) and is experienced and impacts on people in different ways*”

⁷ See ‘Proposed Guiding Principles’, item 7 in Concept Paper ‘There is a need for greater community understanding of the different dimensions of racism and racial inequality in Australia’

⁸ See ‘Proposed Guiding Principles’ in Concept Paper

⁹ See ‘National Outcome 5’ and item 25 in Concept Paper ‘In relation to racism, a rights-based approach requires governments to[...]’

¹⁰ See item 1 in Concept Paper ‘Introduction’

¹¹ See Introduction of Concept Paper

¹² See Introduction of Concept Paper

the year of the 30th Anniversary of the Royal Commission into Aboriginal Deaths in Custody and at a time when the death toll continues to rise, is offensive and works to cast doubt on the sincerity of concern for racial injustices faced by Aboriginal and Torres Strait Islander people.

Of the general tenor of the paper, we note a loosely imagined sense of demotic racism that currently prevails, one that is divorced from the documentary literature and the direct experiences of those suffering the full brunt of racial violence. We further note, as previously highlighted, a narrowly conceived conception of racism – one that is cut from the ‘multicultural’ template, where racism is reduced to a matter of verbal expressions of hate or racist humour and as an absence of diversity in leadership roles. There is only a cursory nod to ‘institutional forms of racial discrimination’ or ‘systemic issues’¹³, which again betrays a weak grasp of the multivalent nature of racism.

The AHRC rightly note the need for greater community understanding of the different dimensions of racism, but if the concept paper reduces racism principally to an experience of individuals who are culturally othered, what hope for a more informed understanding of the various ways racism works, such as coupling of racism to power? Race as an expression of power in this place works in the first instance to dispossess Indigenous peoples. In this, the multicultural settler ‘other’ is also complicit, and so requires a more sophisticated understanding than the discussion paper can possibly conceive given its concern to collapse different racisms together. Yet the paper continues in this vein, when we observe the AHRC’s particular tendency to give expression to the proposed national framework through the tabulation of racism, where racism is referred to as ‘incidents’¹⁴ against which ameliorative ‘measurable targets’ could be set. Reducing racism to discrete units of suffering which can be numerically measured, and from which an understanding of the phenomena can then be derived, denies the amorphous ways race operates in concert with power. This positing through numbers echoes the logic of dispossession, *terra nullius*, ‘land belonging to no one’, and cannot now be the central means by which we grasp the full import of racism; and besides, an algorithmic approach to anti-racism further dehumanises those who have already been forcibly essentialised.

The concession to Indigenous peoples - a stress on ‘cultural competency’ as a tool for increasing awareness of race¹⁵ - is problematic because, firstly it is not defined, but also because deeper understandings of ‘culture’ are not effective remedies for the tyranny of race and human hierarchical ordering which follows. Indeed, culture can serve as a proxy for race, laundering explicit racist expression. Cultural competency is not an anti-racist project, and worse, it runs the risk of apportioning blame on its intended beneficiaries, those ‘cultural others’ whose culture is deemed so inscrutable as to necessitate better competency. ‘Culture’ understood in this way is freighted with the weight of its own oppression – if it is poorly understood, it is deemed to have deviated so far from the prevailing conceptions as to demand a special effort: it conceives of racism as gestating from within, not without. The ‘harmony’ of ‘Harmony Day’ is reflective of this approach, a ‘I’d like to teach the world to sing’ celebration rather than one that determinedly draws attention to International Day for the Elimination of Racial Discrimination.

In sum, we agree with the AHRC on the need to develop a ‘broad based community understanding of racism and racial discrimination and how to counter it’. However, on this showing, the AHRC has demonstrated that they are unable or unwilling to provide leadership in this regard and speak truth to power.

¹³ See item 7 in Concept Paper ‘There is a need for greater community understanding of the different dimensions of racism and racial inequality in Australia’

¹⁴ See Item 13 in Concept Paper ‘Ensure accountability mechanisms to measure progress over time in reducing the incidence of racism’

¹⁵ See Item 13 in Concept Paper ‘Build cultural competency in key public institutions’

Discourses of time, movements & moments divorced from history

Race and history are not mutually exclusive, but to read the concept paper is to learn that the AHRC evidently thinks so. Please note Stuart Hall's (1996) injunction that race cannot be considered fixed and so invite a 'one-size fits-all' anti-racist approach. He argues:

Racism is always historically specific. Though it may draw on the cultural traces deposited by historical phases, it always takes on specific forms.

There are specific forms directed against Indigenous peoples, based upon an originary concern to violently dispossess those rooted to Country (Watson, 2009). This racism cannot be conflated with that experienced by those for whom a diasporic itinerancy is the measure of their presence, inviting civic forms of citizenship that reinscribe colonial, racial violence. There are two temporal trajectories at work here, one born of invasion and the other, of migration. They cannot be conflated, nor can the former be subordinated to the latter, as appears to be the case in the Commissioner's introduction, where a particular temporal sense is in evidence. He describes racism as having had a "resurgence", which "has been painfully apparent in the last year"¹⁶. He writes also of having reached "the tipping point" and an "important moment"¹⁷. The construal of time here elides 'race' as foundational to very founding of the colony, and thereby sweeps away the history of racism and its contemporary expressions faced by Indigenous peoples. That the 'tipping point' portends only for the 'multicultural' is confirmed by the ways in which racism is construed by the discussion paper; divorced from power; 'incidents' temporally anchored in the present; and 'cultural othering'. This narrative of race is disingenuous, ahistorical, selectively amnesic, and temporally obtuse.

Finally, in further evidence of the Commissioner's light purchase on the phenomenon he is charged with banishing, he references the importance of "*maintaining* a peaceful, harmonious multicultural society"¹⁸. The adjectives here are typical of societies evoked by multicultural 'motherhood' statements, where the 'multicultural' makes room for the 'Indigenous' through insensible acknowledgments of First Nations status and Country, but not, crucially, sovereignty. These adjectives can only be deployed to describe a society based on dispossession and racial violence if you wilfully adopt an ahistorical understanding, except where your own sense of time and history is concerned. Central to any substantive anti-racist efforts is truth telling, and it is most concerning that the AHRC refuses to tell the truth of race relations in this country, both historical and contemporary whilst consulting on the development of a National Anti-Racist Framework.

The failure to recognise the role race has played in the formation of this society in a National Anti-Racism Framework inevitably condemns it to failure. The discourse of time invoked in the discussion paper raises further critical concerns regarding how the AHRC conceives of race, and those it sees as 'raced'. Casting a national anti-racist response as borne of present conditions, without regard to history other than one in which you largely figure, has the effect of consigning Indigenous peoples to a prelapsarian, 'ancient' past. This racialised imagining is violent and untutored in the sophisticated play of time captured by protest cries of 'still here' and 'always was, always will be'. These are the temporal markers which should have long ago necessitated national anti-racist efforts; markers which betoken a longstanding past and a powerful present characterised by a sovereignty unceded. The failure to imagine Indigeneity beyond that of 'ancient' or of 'heritage' is part of the same imagining that is blind to Indigenous presence, activism, leadership and scholarship when it comes to modelling a meaningful and courageous anti-racism practice.

¹⁶ See Introduction of Concept Paper

¹⁷ See Introduction of Concept Paper

¹⁸ Emphasis added

Intersection of race and Indigeneity

The AHRC in its framing of Aboriginal and Torres Strait Islander peoples engages in a form of erasure that is very ‘terra nullius’ like. The Commissioner’s introduction references racism as somewhere ‘elsewhere’, both in location and in terms of those who experience it¹⁹. Indigenous peoples are relocated to a distant past of ‘ancient’ and ‘heritage’, but where they are cast in the present, they emerge yoked to multiculturalism and diversity. The unique experiences of Indigenous peoples as ‘first-raced’ and ‘First Nations’, not to mention the function of race itself in a settler colonial state and its singular impact upon Indigenous peoples, is completely overlooked. In the concept paper’s guiding principles, we note the corralling of ‘heritages’, that of an ancient Indigenous heritage, British and the multicultural. All are mustered together without thought as to how this Australian imaginary is any way problematic for First Nations violently dispossessed of their land by the British and lately settled by succeeding waves of migration. In keeping with an analysis devoid of a consideration of power, there is, as has been argued, no attempt to highlight the unique and lethal racism faced by Indigenous peoples – and its centrality to the maintenance of the settler-colonial state. Instead, we have an assumption that racism is experienced evenly across all ‘raced’ groups, when in fact ‘race’ is a hierarchy where ‘raced’ groups are assigned different levels and that Indigenous peoples have been cast to the lowest reaches. This hierarchical ordering is central to the nature of the settler-colonial state, where the intersection of ‘race’ and Indigeneity is marked by a particular inflection of the former so as to wreak effectively the racial violence of dispossession. In failing to give due attention to this singular racism, the AHRC has already consigned that whatever eventuates as a national framework to the dustbin.

In a bid to avert this fate, we make further points of observation so that those responsible for the development of the framework may be alert to the conceptual flaws of the proposed approach. Firstly, we witness the goal of the AHRC’s conceptualisation of anti-racism as one of working toward ‘equal rights’ yet, for Indigenous peoples, the emancipatory goal is one that recognises and protects their ‘unique rights’. Further, the AHRC refer to Indigenous peoples as occupying a ‘unique place’ but fail to account for this in the context of rights in their proposed framework. We expected better given the discussion paper refers to the United Nations Declaration on the Rights of Indigenous Peoples and Canada’s Anti-Racism Strategy (2019-2022), which explicitly refers to the experiences and expertise of Indigenous peoples as a priority.

We note that attending to the ‘unique rights’ of Indigenous peoples may contest the AHRC’s narrative of anti-racism being in the ‘Australian’ national interest, which appears to be the central rationale for the move to a national framework and the basis on which to lobby. Yet, this configuration of ‘race’ and ‘anti-racism’ that seeks to secure leverage in the name of the nation’s interests is at the expense of Indigenous peoples’ rights; in this, the drive for a National Anti-Racism Framework conversely compounds the racism faced by Indigenous people and further services the project of dispossession. Thus, a National Anti-Racism Framework premised upon ignoring the unique rights of Indigenous peoples is all but useless for Indigenous peoples, and seems to be at odds with our understanding of ‘anti-racism’.

Crucially, Aboriginal and Torres Strait Islander peoples are not simply victims of racism and abjected to the point where they are in need of empowerment. In fact, Indigenous people have been leading the fight against racism. They have been the most courageous and consistent in speaking of, thinking about, and strategising the fight against racism. The failure to engage with this expertise is a most egregious form of erasure emerging from the concept paper. We note National Outcome 6 which suggests that Indigenous communities should be supported to ‘grow their leadership’ and are in need of ‘capacity-building initiatives’ to address racism and race hate. This contrasts starkly with the Canadian example referenced in the concept paper which states “Indigenous peoples and communities on the ground who have expertise in addressing

¹⁹ See Introduction of Concept Paper

various forms of racism and discrimination will be supported” (2019, p. 5). So, the Canadian example recognises the existing leadership and expertise of Indigenous peoples in driving national anti-racism efforts, whilst the AHRC still invokes a racialised imagining of Indigenous peoples as lacking, the state as a benevolent agency and principal lead in anti-racist efforts. The racialised and paternal location of Indigenous peoples in the AHRC’s anti-racist imaginary is alarming and must be corrected as a matter of urgency.

Refusing to recognise the state as perpetrator of racial violence

The concept paper is disingenuous in not explicitly acknowledging the role of the state as a perpetrator of racial violence. To add insult to injury, the AHRC, in seeking to leverage the need for a National Anti-Racist Framework, claims that racism imperils the state. This claim of course elides the ways in which race and its cognate racism is foundational to the very character of the nation state, most especially in the case of the settler-colonial state. The race critical scholar, David Theo Goldberg (2001) has cogently argued the need to comprehend what he calls the “co-articulation of race and the modern state” (p. 4). He writes:

[...] race is integral to the emergence, development, and transformations (conceptually, philosophically, materially) of the modern nation-state. Race marks and orders the modern nation-state, and so [too] state-projects, more or less from its point of conceptual and institutional emergence. The apparatuses and technologies employed by modern states have served variously to fashion, modify, and reify the terms of racial expression, as well as racist exclusions and subjugation (p. 4)

The concept paper is one such ‘state project’ that required the breaking of the ‘fourth-wall’, so to speak, if it was not to simply perform anti-racism. That requirement, of turning to the state sponsor and directly implicating the actor in what is an anti-racist charade, would require on the part of the authors a mettle that that has lately been conspicuous by its absence amongst the serried ranks of equity policy advisor class. At the very least an ahistorical take was to be avoided, with the state implicated by inference, but this too is beyond the paper.

Compounding what is already an egregious effort, racial injury is further inflicted on Aboriginal and Torres Strait Islander peoples in the way the AHRC characterises the state’s present position on anti-racism, namely that addressing racism is “not exclusively the domain of government”²⁰ but that the government is committed to addressing racism at the national level, and finally, that there is a need to “affirm Australia as a country committed to combatting racism”²¹. Here we have a most generous assessment of the state, one that is cast as innocent, well-intentioned, and benevolent. The concept paper goes on to claim that “the Australian Government has already committed to taking action to address racism, especially as experienced by Aboriginal and Torres Strait Islander peoples” and cites as evidence the National Agreement on Closing the Gap²². Quite apart from the fact that the conditions that necessitated the Closing the Gap policy were fostered by the state, it is on the evidence presented year after year, a failed policy and certainly not one that can be reasonably adduced as evidence of substantive anti-racism, especially after the way is continually casts Indigenous bodies as behaviourally deviant.

Even the much anticipated ‘redesign’ involved a simple refresh of targets, which signalled the extent to which the state’s ‘anti-racism’ efforts had continually fallen short of its own targets. Notwithstanding this

²⁰ See Introduction of Concept Paper

²¹ Emphasis added. See Item 13 of Concept Paper ‘A national anti-racism framework would provide a basis for all Australian governments to commit to combatting racism in Australia.

²² See Item 9 of Concept Paper ‘The Australian Government has already committed to taking action to address racism’

failure, the state was able, through the 'redesign', to stage the exercise as further evidence of its benevolence. At the same time, there was a refusal to recognise the 30th anniversary of failure to implement the RCIADIC recommendations, which are contributing to the continuing number of preventable and avoidable deaths in custody. The litany of failure continues: the refusal to recognise the continued high rates of Indigenous child removals at the hands of the state, the increasing over-representation of Indigenous peoples in custody, and the preventable and avoidable deaths at the hands of the Australian health system, which coronial inquiries are highlighting, but for which there is no accountability. Finally, the AHRC claim that the Australian government's commitment to "taking action to address racism" is evidenced in "the process to develop a national voice for Aboriginal and Torres Strait Islander peoples"²³ is frankly offensive, given the backdrop of continued death, removal, and incarceration. As to whether a 'voice' is enough to correct a racially configured state that by design is deaf to Black appeal, we point to the uneven support for the commitment among Indigenous peoples.

The characterisation of the state as largely innocent and certainly well-intentioned recalls the Israeli government's recent efforts to build a Museum of Tolerance in Jerusalem. The museum is described by its own marketing as a "great institution" that will "focus on issues of human dignity and responsibility" (Makdisi, 2010, p. 519). The good intentions, however, are untroubled by the fact that the actual site of the museum is "the largest and most important Muslim cemetery in all of Palestine, which has been in continuous use for hundreds of years from the time of the Crusades until the uprooting of Palestine in 1948" (Makdisi, 2010, p. 520). This museum exalting tolerance, then, is knowingly built upon the site of a graveyard, and whose descendants were dispossessed by the very state that has blessed the entire enterprise. In a similar display of astonishingchutzpah, the Australian state has, in one breath, sanctioned the National Anti-Racist Framework, and in the other, continues to deny any responsibility for the racism that has injured, maimed, and killed Aboriginal and Torres Strait Islander peoples. Seen in this unforgiving light, the concept paper is akin to the shovel that ceremoniously broke the earth for the construction of that museum. In laundering the state through effacing its actions, the concept paper proposes an anti-racist framework be built over the literal victims of state racism.

The mischaracterisation of the state continues with the AHRC Commissioner's appeal that "it is time we looked at the scourge of racism in the same way that we look at the scourge of domestic violence, or child abuse"²⁴. We stress again, for Indigenous peoples the state is a 'scourge', a perpetrator of racial violence whose actions inflict the severest and deepest wounds of all. If the AHRC recognised this experience, it would recognise the violence of insisting that the state be regarded as a benevolent actor. Further, taking the commissioner's concern to draw relations of equivalence with 'scourge' of domestic or family violence, we see that best practice remedial approaches would also serve to remediate the Indigenous/state relations: the adoption of a victim-centred approach; one that does not demand an appeal to one's perpetrator, and that requires accountability and takes care to ensure safety and protection. However, as it is presently conceived, the concept paper represents the obverse, and therefore proposes a National Anti-Racism Framework that represents yet another form of racial violence in and of itself.

²³ See item 9 of the Concept Paper

²⁴ See Introduction of the Concept Paper

A most racist anti-racism

Central to the weakness of the foundations upon which the National Anti-Racism Framework is built, is its own conception of anti-racism, which is at best, opaque. We note that there is no ‘one way’ to be anti-racist, and elsewhere have outlined Bonett’s (2000) six types of anti-racist approaches, to which we added substantially to account for the ways Indigenous communities have practiced and led anti-racist efforts (Watego, Singh, & Macoun, 2021). We note that none of examples we collected required for their efficacy the kinds of concessions the AHRC insists upon in a National Anti-Racism Framework. By ‘concessions’ we mean the stress the AHRC places on the need for a ‘shared vision’, a ‘consensus’ and the importance of ‘social cohesion’, which all find expression in the proposed national framework as principles, strategies and outcomes. To be clear, to work effectively *against* racism is to disrupt and upend the prevailing social order to expose the circuits of power that maintain racial hierarchies. In this light, a ‘shared vision’, ‘consensus’ and ‘social cohesion’ amount to pleas to maintain the status quo – this is not anti-racism but rather a prescription for multiculturalism. They are not the same, and we have already pointed out how the concept paper tends to conflate the two.

The concept paper continues in this vein however, with liberal, multicultural peans to the importance of ‘empowering bystanders’ and of ‘encouraging allyship’²⁵. Yet, racism is not simply a matter of innocence and ignorance, but one of perpetrators and victims. The racial violence that necessitates anti-racist responses is again strangely censored, so that we are often not entirely clear what the concept paper has summoned as evidence for the need for anti-racism other than the need to preserve multiculturalism. Existing power relationships are elided, so diverting attention away from the need to radically transform those relationships in favour of preserving an imperilled multiculturalism. It bears repeating, multiculturalism is not by definition anti-racist. We merely assume it must be through invoking vague nouns such as ‘cohesion’, ‘vision’, and so on. The concept paper represented an opportunity to present the visceral reality of Australian racism but, concerned to avoid offending patrons, offered a Hallmark greeting card version that upset no one but those occupying the lowest reaches of the racial order.

A further example of the way the concept paper shores up the very problematic it seeks to address is in the way it sustains ideas of race in its bizarre anti-racist imaginary that includes racial categories such as ‘ancient Indigenous’, ‘British heritage’ and ‘diverse multicultural heritage...from different parts of the world’ (the latter, with the former, collapsed for ease of reference). The construction and framing of these categories is deeply problematic. In the case of ‘British heritage’, there is again a breezy invocation of time that serves claims of belonging, especially when juxtaposed against the description, ‘migrants *from different parts of the world*’, which stresses itinerancy and in turn cements British claims to tenure. The category ‘ancient Indigenous heritage’, as we have previously argued, consigns Black Australia to history: a deep time captured by the routine incantation of country as acknowledged by the non-Indigenous. The imaginary is racist in outlook and institutes a natural order in which Indigenous dispossession is rationalised and made to serve as a temporal marker for all that follows. The idea that these categorisations sit neatly alongside each other affords an innocence to those claiming ‘British heritage’, and who have largely remained steadfast in their commitment to white supremacy and the racial order that forebears violently set about establishing in the name of various conceits. A consensus around the need for an anti-racist national framework, therefore, cannot be assumed unless the appeal is reduced to a matter of liberal sentiment.

The framework must challenge the racial order and address directly the violence of race and structures of white supremacy. This requires a commitment to real change that necessarily entails an abrasive and confrontational approach. The dimly sensed, utopic musings of the present commissioner cannot be the

²⁵ See item 15 of Concept Paper ‘A national framework would focus on the necessity to address racism through complementary measures...’

motor that powers this exercise. Anti-racism is a matter of *fighting* racism and white supremacy across all fronts, and not simply the threat presented by extremism. If we are to denature 'Australian' racism and white supremacy, which continues to dispossess and oppress Indigenous communities steadily and unsensationally, the quotidian nature of racial violence and the unremarkable character of white supremacy must be called out each day, and not just when some mythical tipping point, known only to the AHRC, has been reached.

The framework must also set out Australia's anti-racist responsibilities as a member of the so-called 'international order'. The Australian state, and its compradors such as the Race Discrimination Commissioner, cannot condemn racism 'here' and not 'over there', wherever it is enacted, but particularly the Palestinian Occupied Territories. A concept paper that has nothing to say about the responsibilities attached to being a signatory of the International Convention on the Elimination of All Forms of Racial Discrimination is one that is hypocritical from the outset, and whose universal anti-racist pretensions are forever qualified and therefore not to be trusted.

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Appendices

Appendix A: About the authors

Dr David Singh

David is an experienced activist and race scholar. He is originally from the UK where he was an organiser, mobilising a west London community against police and racial violence. He later moved into policy development, leading municipal housing, social services and corporate race equality policy units at the London Boroughs of Hounslow, Hackney, Newham and Warwickshire County Council. In Australia he has been a policy advisor for the Logan City Council and the Queensland State government where he coordinated a whole-of-government responses to refugees and the 2004 tsunamis. He has worked in Indigenous research units at the Queensland University of Technology (QUT) under the leadership of Distinguished Professor Aileen Moreton-Robinson and at the University of Queensland, where he worked under the direction of Associate Professor Chelsea Watego. During his time at QUT he co-authored major reports on Indigenous education and Indigenous higher education governance. With Chelsea Watego, he has researched and written on Indigenous health, Indigenous carceral over-representation, Indigenous bioethics and race and racism. His primary research interest is in race and racism and how these manifest in a variety of policy and service delivery settings, including health, education and policing.

Professor Chelsea Watego

Professor Chelsea Watego (Munanjahli and South Sea Islander and a leading researcher in race, racism and Indigenist health humanities). Chelsea's work has drawn attention to the role of race in the production of health inequalities and was supported by an Australian Research Council grant (Discovery Early Career Research Award, 2018 – 2021). Her current Australian Research Council Discovery Grant seeks to build an Indigenist Health Humanities as a new field of research; one that is committed to the survival of Indigenous peoples locally and globally, and foregrounds Indigenous intellectual sovereignty. She is a prolific writer and public intellectual, having written for IndigenousX, NITV, The Guardian, and The Conversation, specifically in relation to race and racism. She is a founding board member of Inala Wangarra, an Indigenous community development association within her community, a Director of the Institute for Collaborative Race Research, and was one half of the Wild Black Women radio/podcast show. Her debut book, *Another Day in the Colony*, published by UQ Press in 2021, critically examines the everyday embodied nature of race and racism in a settler-colonial state.

Watego and Singh as Directors of the Institute for Collaborative Race Research (ICRR) have made extensive contributions to public inquiries, coronial inquests and strategy development processes, including submissions with Sisters Inside on the criminalisation of coercive control, made as part of the QLD Women's Safety and Justice Taskforce, and have prepared reports for the Queensland Sentencing Advisory Council which examined the nature of the relationship between the Queensland Police Service and Aboriginal and Torres Strait Islander peoples. Watego and Sing were also commissioned by the NSW Coroner's office to provide an expert report into the health needs of Indigenous peoples in custody and they (along with Dr Alissa Macoun) co-authored a commissioned scoping paper by The Lowitja Institute (Australia's national institute for Aboriginal and Torres Strait Islander Health Research) to explain how race and racism operate within the Australian Health system.

Relevant publications:

Watego, C., Whop L, Singh D, Mukandi B, Macoun A, Newhouse G, Drummond A, McQuire A, Stajic J, Kajlich H, and Brough, M (2021) Black to the Future: Making the Case for Indigenist Health Humanities Int. J. Environ. Res. Public Health 2021, 18, 8704. <https://doi.org/10.3390/ijerph18168704>

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Watego, C (2021, April) They Say Justice, We Say Murder, Meanjin

Watego, C. & Singh, D (2020) More than a refresh required for closing the gap of Indigenous health inequality, The Medical Journal of Australia, 212(5): 198 – 199E1.

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Watego, C. (2016, January 25). The abuse of Aboriginal women via racialized and gendered discourses. Black Nations Rising.

Watego, C., Spurling, G.K., & Askew, D.A. (2014). A Different Kind of Treatment. Medical Journal of Australia, 201(1), 10.

Edited textbooks

Watego, C. 'Health Humanities in Global Context: Race and Ethnicity Across the World'. Handbook for Palgrave Macmillan's Major Reference Works as the Section Editor for Indigenous Peoples across the Pacific (Special Issue editor - Indigenous)

Relevant Commissioned Work

2021 ICRR, 'In no uncertain terms' The violence of criminalising coercive control' Joint Submission of Sisters Inside and Institute of Collaborative Race Research

2021 ICRR, 'The State as abuser: Coercive Control in the Colony' Joint Submission of Sisters Inside and Institute of Collaborative Race Research

2020 Watego, C., Singh, D., & Kajlich, H. Expert Report to NSW Crown Solicitors Officer for Coronial Inquiry into the Death of Mr Nathan Reynolds

2020 Watego, C., Singh, D., & Kajlich, H. Expert Report 'Not a One Way Street' to Queensland Sentencing Advisory Council Review of Assaults Against Public Officers

2020 Watego, C., & Mukandi, B. Development of Consultation Scoping Paper 'Social Determinants of Health' Queensland Mental Health Commission

2018 Watego, C., Singh, D., & Macoun, A. 'Racism and the Australian Health System' – Scoping paper on race, racism and the Australian health system (Lowitja Institute, National Health Justice Partnership)

2018 Watego, C., Singh, D., & Kajlich, H. Discussion paper and literature review (Canada-Australia Indigenous Health and Wellness Racism Working Group, Lowitja Institute),