

Multiculturalism and the war on terror
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Thank you for the invitation to make this presentation.

The issue I propose to focus on tonight is this: is multiculturalism part of the solution to terrorism or part of the problem?

The main thrust of my argument is as follows:

First, Australia faces a threat of terrorism which has ideological and organisational links to the terrorist outrages in New York, London, Madrid, Bali and other places in recent years and weeks.

Second, federal and state governments have an obligation to respond to these threats and protect the lives and well-being of all who live here.

Third, governments must ensure that their responses are proportionate to the threat and that in the course of defending the democratic values which terrorism attacks, they do not inadvertently betray them.

Fourth, assertions that multiculturalism spawns or sustains terrorism, and must therefore be abolished to combat it, are wrong.

Finally, a strong commitment to multiculturalism in principle and practice should be an element of our counter-terrorism strategy.

Let me begin with a couple of working definitions for the purposes of this discussion.

Firstly, 'multiculturalism'.

In essence, multiculturalism refers to the belief that, within a framework of key common values, members of different cultural and ethnic groups have the right to retain distinctive identities, and that there should be policies and programs to reflect and support this, including measures to ensure equality of opportunity in all key areas of life.

These days multiculturalism is commonly defined as incorporating freedom of religious expression.

When I speak of the 'war on terror' I do so in the sense that has the most currency at present - the diverse actions by governments to prevent and respond to politically and ideologically motivated violence by individuals and groups.

These actions involve mainly the intelligence and criminal justice institutions.

Governments also use military force domestically, or externally against other governments which are accused of supporting terrorism – Afghanistan is an example of the latter.

Internationally, it has sometimes been recognised that multiculturalism may be part of the solution to terrorism.

Take for example the plan of action for combating terrorism agreed by the Organization for Security and Cooperation in Europe (acronym OSCE).

The OSCE is the largest regional security organization in the world with 55 state members from Europe and Central Asia and also the USA and Canada.

Quite a number of its members have experienced violence that would fall within common legal definitions of terrorism - France, Germany, Greece, Italy, Russian Federation, Spain, Turkey, UK.

In December 2001, following the attacks in the USA, the OSCE prepared a plan of action for combating terrorism. The plan notes that:

No circumstance or cause can justify acts of terrorism. At the same time, there are various social, economic, political and other factors...which engender conditions in which terrorist organizations are able to recruit and win support.

The implications of this are reflected in a section entitled: "Preventive action against terrorism in the OSCE area", within which is a sub-section called "Promoting human rights, tolerance and multiculturalism."

Under that heading, the plan provides the following

"participating states...will promote and enhance tolerance, coexistence and harmonious relations between ethnic, religious, linguistic and other groups...

Will...promote their respect for the rule of law, democratic values and individual freedoms.

Will work to ensure that persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity."

These are expressions of the key principles of Australian multiculturalism - promotion of tolerance between groups; responding to discrimination against them; ensuring the right to express and develop ethnic and religious identity.

The practical application of these principles to the resolution of conflicts involving terrorism is illustrated by the 1998 Good Friday Agreement, in relation to Northern Ireland.

The Agreement was struck after protracted negotiations between representatives of the governments of the Republic of Ireland and the United Kingdom and eight political parties representing unionist, loyalist, nationalist, republican and cross-community constituencies in Northern Ireland.

It provides that the form of a future government for Northern Ireland should be determined by majority vote but that whatever its form, the manner in which it would exercise its powers should be constrained.

In particular, the agreement states that

the power of the sovereign government [in Northern Ireland]...shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights of freedom from discrimination for all citizens.

In Australia, there was no apprehension of inter-communal violence when multiculturalism was adopted here, but the policy was explicitly seen as offering far more than the opportunity to eat a different cuisine every night of the year.

In 1981, Prime Minister Malcolm Fraser noted that the attempt to enforce, through the policy of assimilation, conformity held high costs both for the individual and the society.

He said:

It denies people their identity and self-esteem. It drives a wedge between children and their parents. Ultimately it poses a real threat of alienation and division. We cannot demand of people that they renounce the heritage they value, and yet expect them to feel welcome as full members of our society. Realism alone dictates that cultural differences must be responded to in a positive way.

That positive way was multiculturalism.

So, how did multiculturalism go from being hailed as an antidote to alienation to being accused of aiding and abetting terrorism, the scourge of the new century?

From its inception multiculturalism was blamed by some for a variety of real or perceived social ills – ethnic enclaves; violent youth gangs; disunity among the working class; inadequate manifestations of patriotism.

It was not surprising therefore when several Australian media commentators targeted multiculturalism in the wake of the terrorist attacks in the USA of September 11.

The scapegoating of multiculturalism has however been more widespread and vehement since the attacks in London on 7 July of this year.

The fact that, unlike September 11, the identified individuals who perpetrated the London attacks were not immigrants or foreign infiltrators, but were either born in the UK or had lived there since childhood, was a great shock to many people.

The initial and very reasonable question raised by the bombings was: why and how did these young men become killers of their fellow citizens?

Very quickly however the concern to understand the actions of a small, particular group of Muslim men was turned into an attack on multiculturalism in the UK.

Here are a couple of examples.

This is from prominent Conservative Party MP David Davis:

...the terrorist threat will not be beaten by security measures alone. Searching questions now have to be asked about what has been happening inside Britain's Muslim communities, and how the perverted values of the suicide bomber have been allowed to take root. Britain has pursued a policy of multiculturalism – allowing people of different cultures to settle without expecting them to integrate into society.

And so he went on.

If you examine Davis' blaming of multiculturalism, you quickly note a slide from one thought to another. He begins by saying it is necessary to ask searching questions about how the perverted values of the suicide bomber were allowed to take root, and follows it with the implicit answer: "Britain has pursued a policy of multiculturalism." You look in vain for any evidence that connects the appalling crimes to the policy of multiculturalism.

And here is the analysis presented in an editorial in the Times newspaper.

In the inquest that will go on after the atrocities of July 7, we should not forget that successive governments have played a role in fostering [the alienation of Muslim youth]....Instead of its muddled policies, the government must tackle this problem at source with both stick and carrot. It needs actively to espouse the good in western and British culture, to engender pride, to abandon misguided multiculturalism, to provide better education and proper training and jobs for young Muslims.

Again, as with Davis, a swingeing attack and multiculturalism convicted without any hard evidence of its culpability.

I am not an expert on British multiculturalism so perhaps there is something obvious I'm not aware of which demonstrably links specific policies of the government to what those men did on 7 July.

The absence of any such rigorous analyses however did not stop a number of Australian commentators from chanting the same mantra – to avoid what had occurred in London, we were warned, Australia has to curtail or even abandon the dangerous policy of multiculturalism.

The analysis generally runs along the following lines: multiculturalism has encouraged Muslims to maintain their identity without becoming part of the community at large; this has led to separatism, the free propagation of extremist views and contempt for the Australia nation and its core values.

The solutions proposed by the pundits vary.

The most detailed proposals came from a former Senator, who in less than a month published two somewhat different 6 point plans, which suggested, among other things:

- abolishing SBS;
- making it compulsory for people to answer the 2006 Census religious affiliation question and
- forbidding the public wearing of identity-concealing garments such as the burka or chador, which might cover bomb belts.

Some commentators have called for new restrictive measures relating to Muslim Australians without reference to multiculturalism more generally.

Perhaps best known are two Members of Parliament who have suggested that Muslim girls be prohibited from wearing head scarfs in public schools.

Although the latter proposals have not specifically been described as restricting multiculturalism, they come within the scope of my subject tonight because multiculturalism is now commonly defined as including religion and because – as I cited earlier – some have expressly connected the issues.

I turn now to the issue: would the risk of home-grown terrorism be reduced if we abandoned the policy of multiculturalism?

The first point I want to make is this: insofar as the main terrorist threat we face is connected with **religious** extremism, it presents a challenge to us and to other liberal democracies whether we pursue assimilationist or multicultural policies.

As I mentioned at the beginning of my presentation, the idea that government had no business dictating on matters of faith long predates multiculturalism.

This is explicitly embodied in the Australian Constitution, which provides in section 116 that:

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

International and regional human rights instruments like the Universal Declaration of Human Rights and the European Human Rights Convention also explicitly recognise the right to freedom of religion, linked with freedom of conscience and thought.

As I have said elsewhere, here, in the UK and internationally we have good reason to be concerned about the activities of a small number of religious extremists who incite terrorist violence on the basis of strongly contested interpretations of Islam.

But the environment which they exploit to propagate these ideas is inherent in the very character and freedoms that define Western democracy, such as freedom of speech, freedom of movement and freedom of religion, freedoms which long predate any concept of multiculturalism.

The next point I want to make is that the critics of multiculturalism – at least with respect to Australia – mis-characterise it as concerned solely with promoting or emphasizing difference, as offering no central core of values to provide a shared identity.

These assertions are simply wrong.

Multiculturalism has not created diversity but is an intelligent and necessary response to its existence and persistence.

And multiculturalism has never been without limits.

As Malcolm Fraser stated in the 1981 speech which I cited earlier:

Multiculturalism is about diversity not division – it is about interaction not isolation. It is about cultural and ethnic differences set within a framework of shared fundamental values which enables them to co-exist on a complementary rather than competitive basis. It involves respect for the law and for our democratic institutions and processes. Insisting upon a core area of common values is no threat to multiculturalism but its guarantee, for it provides the minimal conditions on which the well-being of all is ensured.

Nor – contrary to critics of the left – was multiculturalism indifferent to social and economic discrimination and disadvantage, a ploy to split the migrant working class along ethnic lines.

Equality of opportunity and equality of access to general services were among the fundamental principles of the Galbally report of 1978, whose

comprehensive acceptance by the government institutionalized the commitment to multiculturalism.

While specific aspects of multicultural policies have been modified since 1981, the central principles that multiculturalism is about interaction not isolation; that a common core of values must be respected; that equality of opportunity must be promoted – these have been adhered to by successive governments.

So the idea that Australian multiculturalism is a precursor or facilitator of terrorism in this country is wrong.

Abolishing SBS, stopping the teaching of languages other than English and banning burkas is not going to make us safer.

On the contrary, I believe that our response to the threat of terrorism demands a strong commitment to multiculturalism in principle and practice.

To begin with, we need to recognise that all Australians have had their sense of security shaken, and there have been additional consequences for Arab and Muslim Australians.

They have become vulnerable to suspicion, victimisation and prejudice and their loyalty to Australia has been publicly questioned.

The effects were documented in a research published last year by the Human Rights and Equal Opportunity Commission, following national consultations with more than 1400 people.

“The biggest impacts,” it found, “are a substantial increase in fear, a growing sense of alienation from the wider community and an increasing distrust of authority.”

Interviewees said they were reluctant to complain to police or to government organisations because of fear of victimisation and lack of trust in authority, among other reasons.

Similarly, recent research on Muslim attitudes by Monash University scholar Dr David Wright-Neville has found that :

“segments of the Victorian community are feeling set upon, are feeling very much under siege and ...feel they are being unfairly targeted by the sorts of counter-terrorist measures that the Government has put in place.”

One of the consequences, Dr Wright-Neville suggests, is a growing reluctance to report suspicious activity to authorities because Muslim youth fear that they or their communities might be punished.

These findings are significant for legislators and for the police and security agencies which have operational responsibility for counter-terrorism.

As you are no doubt aware, new legislation is being drafted which Parliament will need to scrutinize very closely to ensure that in the course of defending the democratic values which terrorism attacks we do not inadvertently betray them.

I am concerned about some of the proposals, and particularly preventative detention and control orders, and will be looking to ensure that effective safeguards against inappropriate and abusive use of new powers are prescribed.

As well as considering the impact of the legislation on fundamental rights such as liberty and fair trial, we must take care that the substance of law and its implementation do not impact unfairly on Muslim and Arab Australians.

One concern is that laws which are non-discriminatory on their face might be applied in a discriminatory way, that the security and police agencies will use their powers against people who are suspect because of their actual or presumed religion or ethnic background, not on the basis of information about behaviour of particular individuals.

Such discriminatory practice is commonly referred to as racial or religious profiling.

The Prime Minister, the Attorney-General and the chief of the federal police have all recently explicitly ruled out the use of profiling to identify and act against people who may be involved in terrorism.

Those assurances are very welcome.

The objections to profiling are matters of both principle and of efficacy.

The US experience of profiling African Americans and Latinos in law enforcement efforts against drugs and other crimes is salutary. Using race and ethnic appearance turned out to be not only an ineffective method of predicting criminal conduct, according to the research of Professor David Harris, and others, but seriously counter-productive.

According to Harris:

The results of this misguided effort have been disastrous for law enforcement: constant efforts to stop, question and search people who “look like” suspects, the vast majority of whom are hard working, tax paying citizens. This treatment has alienated African Americans, Latinos and other minorities from the police – a critical strategic loss in the fight against crime, since police can only win this fight if they have the full cooperation and support of those they serve. And it is precisely this lesson we ought to think about now, as the cry goes up to use profiling and intensive searches against people who look Middle Eastern or Muslim.

But the possibility that the laws will impact on some groups disproportionately remains.

A couple of weeks ago, Mark Burgess, the chief executive of the Police Federation of Australia spoke of police wanting legal protection against being sued for unlawful discrimination with respect to their use of proposed new stop-and-search powers.

Mr Burgess said that “it is inevitable that there will be unintended consequences of this legislation, and we just want to make sure there is some protection for police officers.”

These remarks confirm the view that I have expressed elsewhere, that one of the criteria the Parliament should apply in assessing the new counter-terrorism legislation is that we have the means to monitor its implementation so as to identify and promptly rectify any unintended adverse consequences.

The courts and other institutions like the ombudsman deal with individual complaints, but not everyone who is aggrieved makes a complaint – they may not be aware that they can take action; they may not want to spend time and perhaps money to pursue the matter.

The government will get ad hoc feedback from the Muslim community reference group which has been set up, but its members do not have the responsibility or resources to inquire into the situation.

Under the proposed new laws, the Attorney-General will provide annual reports on the operations of control orders and preventative detention orders.

This will provide a limited amount of data on only some of the provisions.

I believe that MPs should receive regular, detailed authoritative reports on the outcomes.

One approach is review by parliamentary committee.

Another is that in the UK where the terrorism legislation has for some 20 years provided for the appointment of an independent reviewer – currently Lord Carlile, a QC.

Under his broad terms of reference, the reviewer is able to conduct a broad assessment of the operation of the various laws relating to terrorism, whether they are effective and whether they have been used fairly.

Lord Carlile states in a recent report, “I take it as part of my role to make recommendations...if it were to be my view that a particular section or part of the Act is otiose, redundant, unnecessary or counter-productive.”

In preparing his reports, the reviewer obtains information from official and other sources, from the people who use and are affected by the legislation, and may see sensitive material.

The UK approach has a significant advantage over inquiries by MPs, whose members may be - or be seen to be - influenced by partisan considerations.

There is also an Australian model which is very pertinent. The Attorney-General is required by the Security Legislation Amendment (Terrorism) Act of 2002 to establish a public and independent review of the operation of a number of counter-terrorism laws that have been in place since mid 2002.

The legislation requires him to appoint a review committee headed by a retired judge and with members including the Inspector-General of Intelligence, the Human Rights Commissioner and two lawyers nominated by the Law Council of Australia.

The review committee must allow for public submission and public hearings and its report will be tabled in Parliament.

The Attorney-General has recently appointed the committee members to undertake the review and they will report some time in 2006.

The model is excellent but this is a one-off review – once it has done this review the committee disbands and will not review the proposed new laws.

The Council of Australian Governments will not be reviewing the new laws for five years.

It seems to me that in view of the concerns about the potential impact of the legislation which have been expressed from a number of sources, the idea of an independent, statutory monitor, reporting regularly to the parliament, has much to commend it.

I would like to conclude with the following observations.

The threat of terrorism is real.

The tools we use to prevent attacks and to find and punish perpetrators must be both effective and carefully crafted so as not to infringe or unduly curtail fundamental rights and freedoms.

As a response to challenge confronting us, abandoning multiculturalism would be irrelevant and potentially highly counter-productive.

The fight against terrorism requires reliable and timely intelligence, it depends on confidence in the police and security services so people report when crimes are being planned and testify in court against those who have committed offences.

I believe that a commitment to multiculturalism, to respecting diversity, is vital to achieving and maintaining the highest level of community cooperation and participation in the fight against terrorism.

US experience of the value of community partnerships in the fight against domestic terror threats is instructive in this regard. According to Ralph Boyd, a senior US Justice Department official, the prosecution of post September 11 hate crimes against Arab Americans “unexpectedly resulted in a significant amount of useful intelligence about terrorists...[O]nce the community members developed a relationship with his office and began to trust law enforcement, they began to supply valuable information. The information provided by Boyd was incredibly useful to the FBI in their ongoing terrorist investigations.”

Ladies and gentlemen - the commitment to multiculturalism has been a demonstrably successful response to the diversity of our population.

In the war against terrorism, multiculturalism is an ally and not an enemy.