RESILIENT CULTURAL DIVERSITY IN A GLOBALISING WORLD – AN AUSTRALIAN MULTICULTURAL PERSPECTIVE

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Culture, Ethnicity and the State

Under the impact of economic, political and cultural globalisation one could expect that the whole world would tend to become more and more culturally homogeneous until a convergence of cultures eventuated. Such homogenising forces have impinged upon nation-states causing them to lose some of their traditional omnipotence and charisma. The rising significance of international organisations has eroded some of the states' powers, as has the increasing acceptance of dual citizenship and the virtually uncontrollable migratory flows across the globe.

An example taken from Australia illustrates the dimensions of the latter problem facing many states, even one such as Australia that was formerly proud of its ability to control immigration inflow, with immigrants carefully classified as 'skilled', 'family reunion', 'refugees' and 'humanitarian need' cases. Australia has no official category for asylum seekers who arrive without official papers by boat, by air or inside cargo containers. This 'illegal' migration flow is no longer a minor problem. In 2000, 4,174 asylum seekers were washed up on Australian shores, arriving in 75 boats (a substantial increase from the 157 people who came in 1997-98) (Hugo, 2001: 188). A further 5000 have arrived in the first nine months of this year and Department of Immigration and Multicultural Affairs (DIMA) has been powerless in its efforts to stem the tide of mostly Middle Eastern people converging upon Australia from South-East Asia where they wait for 'illegal' passages. Since many are from Afghanistan, with which Australia has no diplomatic relations, it is virtually impossible to repatriate them, even when their refugee status has been denied. The state is then placed in a dilemma of balancing humanitarian

concerns against the discharge of its function as regulatory authority in upholding the sovereignty of the state. As the Australian Prime Minister, John Howard (2001a: 11), has put it, "there is a concern inside the Government...that we are fast reaching a stage where we are losing...our absolute rights to decide who comes to this country." Subsequently, he asserted that it was "in the national interest that we have the power to prevent, beyond any argument, people infringing the sovereignty of this country..." (Howard, 2001b:1). But just as the Australian Government was moving to protect its 'sovereignty' by tightening the laws governing the processing of the asylum seekers, the current Afghan crisis obliged the Australian Minister for Immigration and Multicultural Affairs, Philip Ruddock (2001) to lift the Australia's immigration program's 12,000-strong humanitarian component as part of "the international response", in the face of the appeals of the Secretary General of UN who warned of the exodus of up to 1.5 million Afghans.

The weakening authority of the nation-state in the face of such crises has paradoxically generated forces that counteract the homogenising effects of globalisation. As control slips out of its grasp, the state faces the rising demands of its local, regional and various other minority groups which are gaining confidence and demanding their 'place in the sun'. We are witnessing round the world a renaissance, a resurgence, of ethnicity (Huntington, 1996). While political boundaries are tending to become more permeable, especially in places like Western Europe, cultural boundaries are becoming accentuated *within* countries. In this context, it is important to realise that the cultural and political boundaries between states do not necessarily coincide and that very few countries in the world today are culturally homogeneous: most are multi-ethnic.

Different countries have responded in different ways to this ethnic challenge. Not every state recognises its growing cultural and ethnic diversity. Some try to deny its existence, as in the case of the Turks, who have refused to accept the existence of the Kurds, whom they call Mountain Turks. Some think that their plurality is temporary, as in the case of Germans who have long regarded resident Turks as temporary 'guest workers', even though many of them have been resident for three generations, with grand-children who speak more German than Turkish. In fact, Germany provides an example of a country where membership of the nation

has been based on the assumption of common blood, and, therefore until very recently, people of non-German ancestry had no entry to the nation, and hence, no ready access to citizenship of the German state. That is one of the reasons why so few Turks have acquired German citizenship. Although this is changing slowly, the German nation-state still remains, basically 'closed' to those who do not satisfy the ancestry criterion. There are countries in Asia which share a similar belief in the ideal of monocultural nation-state based on common descent.

In other countries multi-ethnicity has resulted in territorial separatism imposed by the dominant group, often as the only alternative to insurgency and warfare. In still other cases there is no separation, but every effort has been made to assimilate the minorities out of existence. This occurs in France with respect to its historic regions, as well as to its new migrant groups. In contrast to the Germans, the French nation-state is 'open', in the sense that it has been possible to gain entry to the French state through naturalisation, as many North Africans have already shown. Once one enters the French state, one is assumed to have become part of the French nation, and hence required to assimilate totally to French culture. The official French assumption is that admission to French citizenship automatically brings with it the complete obliteration of one's original culture, even if does not necessarily translate into social acceptance or job market equality. France is by no means the only country which believes in the 'republican ideal' that equality can best be achieved in a culturally homogeneous society in which all cultural alternatives have been eliminated. There are Asian countries which also share similar beliefs, without necessarily being republics.

As the American political scientist, Safran (1995:2) has asserted, in the world today, most states "cannot cope 'neatly' with ethnic reality short of disposing of it by expulsion, extermination, ghettoisation, forceable assimilation and other methods now widely considered to be oppressive, undemocratic, or at least 'inelegant'". Safran maintains that there is a consensus about the existence of ethnic pluralist dilemmas and the danger which they may pose to the stability of the state - "but there is consensus about little else". Against this background, Australia has gradually evolved into a society that espouses multiculturalism. The present day Australian nation-state is very different from both its 'closed', descent-based and 'open', yet assimilative, counterparts.

Australia and Assimilation

As it celebrates the centenary of its federation, Australia finds itself a great distance from the image of the 'founding fathers' of the nation who drafted its constitution in 1901. The ideology of the newly emerging state was somewhat like that of Germany, in its assumption of a homogenous British character. In fact, 'real' Australians regarded themselves as some kind of regional Britons. A former Prime Minister and one of the founders of Australian Federation, Alfred Deakin, was described by Paul Kelly (1999) in the "Great Australians" series as "having correctly grasped the character of the new nation as that of Australian-Britons".

The assumed purity of the ancestral stock was preserved (not always successfully) by a discriminatory migration policy. The Aboriginal people, who were basically "out of sight, out of mind", were deemed to be disappearing or assimilating, partly through the policy of removing children of mixed descent. Thus, while in 1788, the year of European settlement, Aborigines constituted 100% of the population, this proportion declined rapidly to 13% in 1861, and down to 0.8% in 1947. This decline was eventually arrested, with the numbers stabilising at 1% by 1981, and rising (through increased identification, as well as natural growth) to 1.5% by 1986 and 2% in 1996 (Price, 1989:62; Hugo, 2001: 134, 197).

After the Second World War came the massive immigration of Eastern Europeans, such as Ukrainians, Poles, Lithuanians, Latvians and Estonians, then Northern Europeans, mainly Dutch and Germans, and later the immigrants from Southern Europe, followed by Lebanese and Vietnamese, South Americans, and still later by Bosnians and Timorese and many other groups. Under the impact of such an inflow of diverse peoples, it became impossible to regard the Australian population as originating solely from British stock. While at the end of World War II, only 10% of the population were born overseas (mostly in Britain), by 1999 24% were overseas born. And the composition of the new arrivals also altered dramatically. While in 1947, 81% of the settlers came from English speaking countries, by 1999 only 39% came from this source. During the 1960's Britain still supplied 51% of the settlers, with others coming mainly from Greece, Italy, Yugoslavia, Germany and Malta. By 1990's no more than 12% came from Britain itself, with the other main source countries being New Zealand, China (including

Hong Kong), Vietnam, Philippines, South Africa and the countries of former Yugoslavia. The 'migrant' nature of the Australian population ("the greatest migrant nation in the world" according to former Prime Minister Robert Hawke) is also shown by the fact that as many as 27% of persons born in Australia had at least one parent born overseas, so that, when taken together, these first and second generation migrant Australians now account for one half of the population (51%) (Trewin, 2001: 153).

Initially, this multitude of peoples were expected to conform to the country's assimilation policy. If all the people could not be of British stock, then they should at least behave like British-Australians. This supposition was built on the idea that all cultures, other than British, were to be abandoned. People of other backgrounds would have their former cultures thoroughly washed out of them. Such cultural assimilation did not necessarily herald structural assimilation (either at primary or secondary level), since the individual's loss of native culture did not guarantee social or occupational acceptance; certainly not in the case of Aboriginal people, and often not of other "New Australians" either.

The policy of assimilation did not prove a great success. Some people did not wish to assimilate, and clung tenaciously to their cultures and languages. Others could not assimilate because they were unable to 'disappear' and sink into oblivion within the 'mainstream'. They possessed various physical, linguistic and cultural markers that prevented their total absorption. The most sustained effort made to assimilate these 'cultural others' was through their children's schooling. The school became the agency of assimilation by excluding from the curriculum all material which did not conform to Anglo-conformist norms. This process was carried further through the devaluation of other cultures and languages. The school not only chose to withhold any information about Polish, Greek or Italian or Chinese cultures but was often derogatory towards the teaching of those cultures and languages which the children received from 'ethnic schools' run by the immigrant communities out of school hours, and from their own meagre resources.

There is an accumulation of research data which show the difficulties experienced by 'migrant children' as they tried to balance out their parents' emphasis on maintaining the language and culture of the 'home' country and the school's

policy of uncompromising enforcement of the mainstream Anglo-Australian ways (Clyne, 1991; Smolicz, 1999). Although many of the cultural groups began to shrink under the impact of the assimilationist pressures (Clyne and Kipp, 1997), there was also a growing resistance to assimilation and refusal to disappear into the Anglo-dominated mainstream (Smolicz and Secombe, 1989).

Emergence of Australian Multiculturalism

In the era of assimilation, Australian policy resembled that of present day France, in that it upheld the principles of a political democracy for all those granted permanent residence the new arrivals were encouraged to apply for citizenship, and gained civic equity by becoming part of the electorate in a parliamentary democracy. But there was no cultural equity. This began to change over the 1970s with the gradual adoption of the policy of multiculturalism (Smolicz, 1997). These changes were precipitated by the 1967 referendum which gave the Aboriginal population full civic rights, and brought the Aboriginal issue onto the agenda. Multiculturalism arrived through the work of the Fraser government, following its initial advocacy by Grassby in the Whitlam government. The arrival, in 1972, of substantial numbers of Asian immigrants, mainly Vietnamese, finally broke the White Australia Policy, the barrier that hindered the full implementation of multicultural policy in Australia.

The Australian conceptualisation of multiculturalism has assumed the existence of an over-arching framework of shared values within which different cultures co-existed and interacted with one another. The various ethnic groups were permitted, even encouraged, to activate their own core cultural values, provided they were within the framework of shared values, such as political democracy, rule of law, market economy and English as a shared language.

Debate still persists, however, about the degree of change that the framework can sustain. Interpretations have varied according to the degree of multiculturalism that the people concerned have been prepared to accept. Some have perceived the shared cultural framework to be essentially dynamic in its capacity to adjust to existing, as well as future, complexities in the population. They have pointed to the fact that the framework has already proved its flexibility through the belated

political incorporation of Aboriginal-Australians, and the abolition of the White Australian Policy, sealed by the acceptance of the Vietnamese refugees (Jupp, 2001), even if much remains to be achieved in the sphere of 'reconciliation' between the descendants of immigrants and the indigenous population. 'Multicultural sceptics', afraid of fragmentation, have argued for a much more limited notion of plurality and have preferred the framework to be grounded mainly in Anglo-Celtic core values (Bullivant, 1981; Blainey, 1984). Minority cultures were then expected to contribute only peripherally, chiefly in relation to food and the celebration of colourful customs and festivals. In spite of such doubts, the multicultural model has been sustained and officially affirmed by formal resolutions passed in the Houses of Parliament and by statements of the Governor-General of Australia (Deane, 1997).

Australian Cultural Diversity

In its current form, multiculturalism recognises the reality of cultural differences, exemplified by the fact that Australians are not all of one ancestry or all of the same religion. While people of British descent are still in a clear majority, there is a growing recognition of the presence of the indigenous inhabitants and the increasing proportion of Australians of non-British, and particularly of Asian backgrounds.

Charles Price (1989:62) has calculated the 'ethnic strength' of Australian population according to descent or ancestry. The overall proportion of British descent has declined from 90% in 1947 to 75% in 1987 and 70% in 1999 (approximately 45% English, 15% Irish and under 10% Scottish, with smaller proportions of Welsh and Cornish). At the same time the proportion of other Europeans went up from 7.5% in 1947 to over 18% in 1999, while 'Asian' increased from 0.3% to 6.4%, with an additional 2.5% of West Asian (Middle Eastern) origin (Hugo, 2001:181). The Asian ethnic strength has grown under the impact of an increased number of Asian-born new arrivals which has fluctuated markedly, peaking over 1988-89 (55,700) and 1990-91 (60,900). In 1998-99, 21,800 settlers (26% of the total) arrived from Asia. [It is of interest to note that during the same time the number of long-term visitor arrivals from Asia has also been increasing,

with some 72% of them being students. Their number reached 53,500 in 1998, or 45% of the total arrivals, nine times as high as in 1978-79 and three times as high as in 1988-89 (Trewin, 2001:151).]

The change in ancestry is paralleled by a greater diversification of Australians' religious beliefs, with the adherents of Anglican Church falling from 40% of the proportion in 1901 to 22% in 1996, while Catholics increased their proportion from 23% to 27%. Over the last twenty years there has also been a growth of non-Christian religions (3.5% in 1996), with Hinduism increasing by 55%, Buddhism by 43% and Islam by 36%. The most remarkable, however, has been the growth of those who stated that they had no religion (from 0.4% in 1901 to 17% in 1996) or those who indicated no affiliation with any religion (an increase from 2% to 9% in the same period). Overall almost one quarter of the current population are not affiliated with any religion, showing the growing secularisation and diversification of the Australian people.

Diversity of ancestry and religion is matched by Australia's linguistic pluralism. English became dominant colonial language from the time of European settlement in 1788, but it was implanted upon an Aboriginal society which was itself multilingual. It has been estimated that before European settlement there existed some 250 Australian indigenous languages, as well as some 600 dialects. By 1900, about 100,000 Indigenous people still spoke their own language, but by 1996, there remained no more than 44,000 people (14% of the total Aboriginal population) who spoke either an Australian indigenous language or an Australian creole (a language derived from pidgin English). Multicultural policies have altered the climate of values in Australia, making it much more positive to preserving indigenous languages, with 48 of them listed in the 1996 census. The downward slide in the use of these 'Languages of Australia' (a term currently preferred by the Indigenous Australians) has not been arrested, however, so that even the most widely spoken language, Arrente, had no more than 3,500 speakers in 1996.

While no data on language use were collected until 1976, information on 'race and nationality' suggests that Chinese languages and German were the most commonly spoken immigrant languages other than English before federation in 1901. A number of private Lutheran schools, with German as the language of

instruction, were established over the 19th century, but these were either closed down or obliged to change to English at the time of World War I in 1915 (Selleck, 1980; Clyne, 1985). There was rapid expansion in the number of languages spoken in Australia following the massive European and Asian migration after World War II. It was not until end of 1970's, however, that most state parliaments repealed laws that forbade the use of languages other than English as medium of instruction in non-government schools. In 1996 about 2.5 million people (16% of the population five years and over) spoke a language other than English at home (an increase from 14% in 1986). In all, over 200 languages were spoken with the leading five, Italian, Greek, Chinese, Arabic and Vietnamese, each having over 100,000 speakers (Tables 1 and 2). These "languages other than English" (LOTE), are mainly spoken by first generation Australians (i.e. those born overseas) (74%), while 26% are Australian-born speakers, showing a growing tendency to maintain LOTE over more than one generation.

Acceptance of multiculturalism as the official policy has enabled Australia to take the lead and become one of the first countries to launch a National Policy on Languages. Recognising that different ethnic identities are often rooted in their specific languages, the Lo Bianco Report (1987) proposed that the education system should provide for students to learn English and at least one other language, which could be either a minority ethnic language, often labelled as "community language other than English", or a foreign language. Under this policy, students at school would be encouraged (indeed, in South Australia, required up to year 10 from 2007) to study a language other than English. Minority young people were thus being given the opportunity to participate in the mainstream of Australian life, while acquiring literacy in other tongues, some of which they already spoke in their homes, but which they could also use in businesses in Australia and with trading partners overseas. This approach has given rise to a more positive image of Australian bilinguals in the role of cultural bridges that can link different communities within Australia with those overseas, thus conferring important economic as well as socio-cultural benefits upon the country. Such possibilities have put paid to objections about the continued existence of languages other than English on the ground that they would supplant English. In fact, research

evidence points to the fact that English has been accepted unquestioningly as the shared language for all Australians, with over 80% of LOTE speakers claiming to know English "well" or "very well" in the 1996 census (Trewin, 2001:165).

Core Values in a Multicultural Nation-State

By rejecting both the German and French-type monistic nation-state models, Australia has embraced a level of political and cultural co-existence, whereby people are accepted from different backgrounds on their own cultural terms. One of the indications of the sustainability of Australian multiculturalism has been the extent to which Australian citizens can at present retain aspects of their non-British cultural heritage and descent and be accepted as fully Australian, i.e. as authentic members of the Australian nation and state. One issue which has been causing some concern is the fact that there are certain British 'markers' which have been almost invariably accepted as simply 'normal', whereas markers from other origins have tended to be used as labels that single out and differentiate minorities. An obvious one is that of physical appearance. Apprehension has long persisted as to the danger that Australians of Aboriginal or Asian origin, for example, could be subject to racial labelling or even discrimination.

There is also the danger of other forms of discrimination which are not based on physical appearance but may exist on the grounds of difference in culture, language, religion, family structure, the clothes worn, or the food eaten. In the past incidents were reported concerning, for example, the difficulties experienced at school by children of Southern or Eastern European background on account of such apparently innocuous items as the "smelly" lunches which they brought to school. A number of adults have recalled how, as children, they threw their lunches in the bin, despite their mother's efforts to give the 'best' their home cultures taught them. This was in response to other children making them feel ashamed of being different. Although those are stories from the past assimilationist era, there still remains a degree of sensitivity about 'labelling' on the grounds of culture, which can be referred to as *cultural racism, ethnicism* or *linguism*.

The danger of such possible pitfalls has become more widely understood in Australia, with the education system devising programs that demonstrate to the

students that, in order to survive and develop as a nation along multicultural lines, the country needs more than the common political machinery of the democratic state. It requires also the cultivation and sustained growth of cultural values that extend beyond political structures and not only reflect the majority group's values, but also take account of the minority group's aspirations to maintain their cultural identity.

Different ethnic groups experience a diverse range of values which they regard as essential for their continuity and integrity. Some groups are language-centred and, in the absence of their native tongue, their cultural vitality is endangered; they become residualised and lose their powers of creativity and development. Polish, Greek, French and Baltic groups can be regarded as belonging to this category. Others are clearly linked to religion, as in the particular case of Malays' allegiance to Islam, so that its loss endangers the individuals' membership of the group concerned. Other cultures are centred around family or clan structure and the concern to perpetuate the group's descent. Some groups are fortunate in having a multiple set of core values, for example, an ethno-specific language, religion and a supporting collectivist family structure to maintain their identity (Smolicz, Secombe and Hudson, 2001).

The maintenance of such values in a multicultural setting presupposes cultural interaction among the groups, involving an exchange process, rather than simply one way traffic favouring one group to the detriment of another. Such a dynamic process, which proceeds through a degree of cultural synthesis, diffusion and co-existence, takes place within the framework of the shared overarching values to which all groups are entitled to make their particular contribution. In such a setting, minority groups have no fear of losing their essential cultural elements and hence cease to have any inclination towards fragmentation and separatism. The mutual confidence in a sustainable multicultural structure permits all groups to direct their creative power to constructive pursuits and ensure the resilience of the state.

From a comparative perspective, the achievement of Australia can be judged best on the extent to which it has been able to engage in a process of reshaping itself by attempting to recognise its own plurality and by demonstrating that

tolerance of diversity and gradually emerging pluralist policies in languages and culture education are a better guarantee of stability than enforced rapid assimilation to one dominant language and culture.

An idealised multicultural model, to which Australia aspires, is free from the divisions that are most difficult to bridge, as when one particular religion is made mandatory or when racial or ancestral characteristics are regarded as exclusion markers that set the limits of nationhood. In order to reinforce these multicultural goals, Australia has established an array of anti-discriminatory State and Federal legislation, with an active role assigned to the ombudsmen. Such structures have been augmented by sustained educational efforts to propagate school curriculum which condemned all forms of racism, whether based upon appearance, language, customs or religion. Australian states have developed programs of "Countering Racism through Developing Cultural Understanding", which demonstrate that while it will never be possible for all Australians to look alike, practise the same religion, live in the same type of family household or relish the same kind of food, all these practices need to be understood and accepted as compatible with the Australian nationhood and requiring the same respect and protection. The affirmation of this principle by successive governments is reassuring - always with the proviso that the cultural practices concerned are carried out within the Australian constitution and legal system and within the dynamic overarching framework of shared values.

Cultural Diversity and Human Rights

To what extent has Australia succeeded in resolving some of the essential contradictions within its idealised multicultural model? The difficulties in reconciling cultural diversity with good governance arise out of the paradox that a democratic Australia generates both the 'policies of difference' and the 'policies of universality'. The balance between these two facets of contemporary Australian society must take into account differences in ethnicity, religion and other aspects of culture, within its legal and constitutional structures which are based on belief in the universality and indivisibility of common human rights.

A recent disturbing incident in an otherwise generally harmonious Australian society demonstrates one of the dilemmas of multiculturalism. Sometime ago a 'pack' or 'gang' of boys raped some girls in a Sydney neighbourhood. The

press reported and condemned the 'pack' by labelling the ethnic group to which they apparently belonged. It was reported that the need for such labelling was on the ground that it was necessary to help the police in identifying the criminals. The leaders of the ethnic community in question registered their protest because of the danger of singling out an ethnic religious groups whose members have subsequently faced discriminatory remarks and deeds upon the city streets. The quandary of how to preserve the 'good name' of a cultural group, while at the same time applying the commonly upheld law with the objective of tracking down criminals, will always present difficulties. But, while assenting to legalities enshrined in the shared values, it was obviously most inadvisable to label the group by its religious adherence. Religion *per se* has no physical markers. Hence there is a consensus that it is wrong to label a particular ethnic group, particularly when it shares the same visual appearance with several others.

Such dilemmas at the heart of Australian multiculturalism persist, and they find their reflection in most culturally plural countries. In Australia, they are subjected to a democratic debate in the press and in parliament with the objective of finding the balance of minority rights and shared values - of particularity and universality. It is a dilemma which extends well beyond the borders of Australia, up to the seeming contradiction between the universality of individual human rights and the diversity of cultures and civilisations.

In the context of Australia, Justice Michael Kirby (1998) of the High Court has helped towards the resolution of some of these issues by insisting on the inter-dependence of political, economic, social, cultural and linguistic rights. He has pointed out that Western perceptions of human rights have changed over time. For example, the notion of political suffrage in Western countries did not extend to women or to some ethnic and racial minorities until quite recently. What is more, many minority groups throughout the world, particularly those of indigenous origin, are still denied access to the full range of human rights. Kirby concluded that in the matter of human rights, "the Voyage of Discovery, which the United Nations' *Universal Declaration of Human Rights* (1950) initiated is far from complete".

Since 1967, when Indigenous inhabitants received equal civil rights, all citizens can exercise full political and legal rights as Australians, irrespective of their cultural background, descent or length of lineage in this country. The granting

of political rights to Aboriginal Australians did not, however, on its own, make adequate recompense for the past, nor provide any acknowledgement of the Aboriginal people's unique cultural heritage. Only over recent years, and in the climate of world-wide concern with indigenous rights on the part of international organisations, has Australia become actively involved in the process of 'Reconciliation' with Aboriginal Australians. There has been a rising consciousness of the need to make amends for the past appropriation of the land and destruction of so many aspects of indigenous culture.

For many Aboriginal people, assimilation to the point of vanishing into the 'mainstream' has not been a practical proposition. What is more, some of them did not wish to 'vanish'. Their lack of gratitude to the assimilation offer, that was extended after years of separation and domination, astounded many Australians, as many Aboriginal people persisted in their quest for Australianness in their own particular Aboriginal way, including the activation of their languages and cultural heritage, which directly involved their ancestral land.

The High Court rulings that legally dismantled the notion of 'terra nullius', or the view of Australia as an 'empty' land that Europeans could occupy and use at will; the refusal to extinguish Aboriginal rights to their ancestral land which was currently leased to pastoralists; the setting up of the Aboriginal and Torres Strait Islander Commission enabling Aboriginal Australians to have a voice in their own affairs; and finally the setting up of Council for Aboriginal Reconciliation, have opened the way to achieving the sought for Reconciliation. Central to this process has been the recognition that human rights for Aboriginal Australians cannot be achieved without full appreciation of indigenous cultural heritage and tradition. In this sense, Reconciliation is intimately linked with the UN *Universal Declaration of Human Rights.*

On the occasion of the 50th anniversary of the Universal Declaration, Justice Kirby spoke of the need for its update, without diminishing the universality of fundamental human rights that it enshrined. When applied to Australia, these are embodied in parliamentary democracy and equal civic rights for all citizens. The acknowledgement by the Asia-Pacific NGO for World Conference on Human Rights (1992) that "universal human rights standards are rooted in many cultures", makes

it possible to develop a model of Human Rights for Australia which links both Multiculturalism and Reconciliation. In the *Tree Model* (see diagram), the tree trunk represents the civic and political rights portrayed as the indivisible and universal aspects of Australian democracy. The branches of the 'tree' illustrate the different cultural rights of all the diverse groups that make up Australian society, including Aboriginal Australians. The model shows the linkage between respect for religious human rights with those involving the rights to land because of the Aboriginal spirituality that connects the two. Similarly, it demonstrates how respect for the family collectivism in Aboriginal life highlights the grief currently being expressed by the elderly people who were victims of the policy of removing children of European fathers from their Aboriginal mothers and transferring them to orphanages or foster families.

The successful outcome of the Reconciliation process with Indigenous Australians through the recognition of their human rights, shared with all Australians in their civic and political aspects, while permitting diversity in their cultural manifestations, has implication for Australian multiculturalism as it applies to all groups. The model demonstrates particularly well the need for flexibility and dynamic nature of the overarching framework if it is to accomodate the needs of all Australians, including the Aboriginal people. Their previous exclusion has impoverished the nation. Their current inclusion enriches it and broadens the dimensions of permitted particularities within the framework of universal human rights.

The same type of framework could be adopted by other culturally plural countries, including those in Central and Eastern Europe, as they strive to harmonise their cultural diversity with a stable and resilient nation-state that adheres to the principles of universal human rights. As the 'Tree Model' indicates, some rights are indeed indispensable in a democratic state. These include civic, political and cultural rights, as indicated by the 'trunk' in the 'tree diagram'. The cultural rights, however need not conform to a single pattern, with the 'crown' of the tree assuming different configurations, depending on the cultural traditions of the groups that make the nation and their members' current aspirations. The ultimate success of the Australian multicultural achievement lies in the fact that the various cultural

branches can grow freely, while ensuring that no single one can crowd out the others and that their development occurs harmoniously within a unifying and flexible framework underpinned by the UN *Universal Declaration of Human Rights*.

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HUMAN RIGHTS TREE

Multiculturalism and Reconciliation unified

Parliamentary
Democracy
Gender Equality
A Fair Go For All

SHARED
VALUES

Rule of Law
Freedom of the
individual
Free Economy

Indigenous
Autonomy

PLURALIST
DEMOCRATIC
NATION

Family H. Rts

Land Rights,
Reconciliation
Charter

English
As a
shared
Language

Age
H. Rts

Respect for
Aboriginal
Family

Spiritual and
Religious H. Rts

Removed
Children
issue

Aboriginal
Languages

CULTURAL
HUMAN
RIGHTS

Gender and
sexuality
H. Rts

Linguistic
H. Rts

Languages
Community;
Foreign

CITIZENSHIP

POLITICAL
RIGHTS

Asylum
Seekers and
Illegal
Immigrants

RESIDENT
RIGHTS

Legal Migrants:
Humanitarian
Refugees
Skills and Business

Human Rights: Individual and Universal
(as defined by the UN Covenant of 1948 and Charter)